

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/12 OA

Date: 20 January 2015.

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
THE PROSECUTOR v. SIMONE GBAGBO**

PUBLIC

REQUEST FOR AN EXTENSION OF TIME

Source: DEFENCE.

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Counsel for the Defence

Sylvia Geraghty

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Jean-Pierre Mignard

Jean-Paul Benoit

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations

Other

1. Introduction

1. On 11 December 2014, Pre-Trial Chamber 1 rendered its Decision on the Côte d'Ivoire's challenge to the admissibility of the case against Ms. Simone Gbagbo.¹

2. On 17 December 2014, the Republic of Côte d'Ivoire filed an Appeal pursuant to Article 82, paragraph 1, (a) of the Statute of Rome against the aforesaid Decision² and included a request for suspensive effect pursuant to Article 82, paragraph 3 of the Statute of Rome and a request for an extension of time in which to file a supporting document.³

3. On 23 December 2014, the Appeals Chamber rendered its 'Decision on the Côte d'Ivoire's request for time extension' granting until the 9 January 2015 'to file document in support of the appeal'.⁴

4. On 9 January 2015, the Côte d'Ivoire filed document in support of appeal.

5. Regulation 64 (4) of the Court permits a participant to file a Response to the said document within 21 days of notification of the document in support. The estimated due date for filing such a Response is 2nd February 2015.

¹ ICC-02/11-01/12-47-Red, dated 11 December 2014.

² ICC-02/11-01/12, dated 17 December 2014.

³ *ibid.*, at page 8 -conclusion.

⁴ ICC-02/11-01/12 OA, Decision, dated 23 December 2014.

2. Background to Request for time extension

6. Lead Counsel is aware that Simone Gbagbo is desirous of exercising her right to make a Response. For the purpose of taking instructions and pursuant to the Registrars permission, Lead Counsel travelled to Côte d'Ivoire on 17th January 2015, where Mme Gbagbo is detained.

7. Certain difficulties have now arisen whereby, as of the time of writing, no permission to visit Mme. Gbagbo has been granted by the relevant local authorities. Neither is it known when or if such permission will be granted. However, after travelling this distance and ever mindful of judicial economy, Lead Counsel submits it would be most wise to allow some time for a decision on the permission to be made by the relevant authorities and for the permission to ensue in due course.

8. Further, when access is granted, it is expected that Mme. Gbagbo may be somewhat debilitated from the cumulative hardship of almost four years in detention and the stress of the ongoing local trial. This of itself, may further slow matters.

9. In addition to those foreseeable but unexpected delays and allowing for an estimated two days of travel time to home, Lead Counsel submits that there will be insufficient time to take instructions in Côte d'Ivoire, collate the aforesaid instructions, carry out research, formulate and draft the Response and file the document by 2nd February 2015.

3. Relief Requested

10. Pursuant to regulation 35 (2) of the Regulations of the Court which provides that the Chamber may extend a time limit if good cause is shown, Counsel hereby applies for an extension of time by four days, in which to submit a Response to the document in support of appeal of Côte d'Ivoire. That is to say, to Friday 6th February 2015 or as the Chamber may otherwise deem appropriate. May it please the Court.


Sylvia Geraghty.

Lead Counsel to Mme. Simone GBAGBO

Dated at Abidjan, Côte d'Ivoire, this 20th January 2015.