

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-02/11-01/12 OA
Date: 28 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 document

**Decision on Ms Simone Gbagbo's request for extension of time for the filing of a
response to the document in support of the appeal**

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

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for the Defence
Ms Sylvia Geraghty

States Representatives
Mr Jean-Pierre Mignard
Mr Jean-Paul Benoit

Office of Public Counsel for victims
Ms Paolina Massidda

REGISTRY

Registrar
Mr Herman von Hebel



The Appeals Chamber of the International Criminal Court,

In the appeal of the Republic of Côte d'Ivoire against the decision of Pre-Trial Chamber I entitled "Decision on Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo" of 11 December 2014 (ICC-02/11-01/12-47-Red),

Having before it the "Request for an extension of time" dated 20 January 2015 and registered on 21 January 2015 (ICC-02/11-01/12-57), in which Ms Simone Gbagbo requests an extension of time for the filing of her response to the document in support of the appeal,

Renders unanimously the following

DECISION

1. The time limit for the filing of Ms Simone Gbagbo's response to the document in support of the appeal is extended to 16h00 on 6 February 2015.
2. The victims who have communicated with the Court and are represented by Ms Paolina Massidda may submit observations on the document in support of the appeal and the responses thereto by 16h00 on 19 February 2015. The Republic of Côte d'Ivoire, Ms Simone Gbagbo and the Prosecutor may each file a response to the victims' observations by 16h00 on 5 March 2015.

REASONS

I. PROCEDURAL HISTORY

1. On 11 December 2014, Pre-Trial Chamber I rendered the "Decision on Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo", in which it, *inter alia*, rejected a challenge of the Republic of Côte d'Ivoire (hereinafter: "Côte d'Ivoire") to the admissibility of the case.¹

¹ ICC-02/11-01/12-47-Red.



2. On 17 December 2014, Côte d'Ivoire submitted the "Appel de la République de Côte d'Ivoire sur la décision de la Chambre préliminaire I « relative à l'exception d'irrecevabilité soulevée par la Côte d'Ivoire s'agissant de l'affaire concernant Simone Gbagbo »".²

3. On 9 January 2015, Côte d'Ivoire submitted the "Document à l'appui de l'appel de la République de Côte d'Ivoire sur la décision de la Chambre préliminaire I 'relative à l'exception d'irrecevabilité soulevée par la Côte d'Ivoire s'agissant de l'affaire concernant Simone Gbagbo (ICC-02/11-01/12)'" .³

4. On 20 January 2015, the Appeals Chamber issued the "Order in relation to the filing of victims' observations in the Republic of Côte d'Ivoire's appeal against the 'Decision on Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo' of 11 December 2014" (hereinafter: "Order of 20 January 2015") in which it ordered that the victims who have communicated with the Court and are represented by Ms Massidda may submit observations on the document in support of the appeal and the responses thereto by 16h00 on 16 February 2015, and that Côte d'Ivoire, Ms Simone Gbagbo and the Prosecutor may each file a response to the victims' observations by 16h00 on 2 March 2015.⁴

5. On 21 January 2015, Ms Simone Gbagbo's "Request for an extension of time" dated 20 January 2015 was registered (hereinafter: "Request").⁵ In the Request, counsel for Ms Simone Gbagbo seeks an extension of time until 6 February 2015, or as the Appeals Chamber may otherwise deem appropriate, for the filing of Ms Gbagbo's response to the document in support of the appeal.⁶ Counsel for Ms Gbagbo submits that, while she is aware that Ms Gbagbo wishes to make such a response, as of the time that the Request was filed, no permission had been granted by the relevant local authorities for her to visit Ms Gbagbo at the place of her detention. As a result, counsel will have insufficient time to take instructions and prepare Ms Gbagbo's response within the prescribed time limit.⁷

² ICC-02/11-01/12-48.

³ ICC-02/11-01/12-54-Red.

⁴ ICC-02/11-01/12-55.

⁵ ICC-02/11-01/12-57.

⁶ Request, para. 10.

⁷ Request, paras 6-9.



6. On 21 January 2015, the Appeals Chamber issued the “Order on the filing of responses to Ms Simone Gbagbo’s request for an extension of time”,⁸ in which it ordered that Côte d’Ivoire and the Prosecutor may respond to the Request by 12h00 on 26 January 2015.

7. On 22 January 2015, the Prosecutor submitted the “Prosecution’s Response to Simone Gbagbo’s Request for Extension of Time”, in which she states that she does not object to the extension of time until 6 February 2015.⁹

8. Côte d’Ivoire has not submitted any response within the time limit set by the Appeals Chamber.

II. MERITS

9. Pursuant to regulation 64 (4) of the Regulations of the Court, “a participant may file a response within 21 days of notification of the document in support of the appeal”. Pursuant to regulation 35 (2) of the Regulations of the Court, the Appeals Chamber may extend a time limit stipulated in the Regulations of the Court “if good cause is shown”.

10. The Appeals Chamber notes the submissions by counsel for Ms Gbagbo concerning the difficulties experienced in obtaining permission from the relevant authorities to enable counsel to visit Ms Gbagbo at the place where she is detained in order to take instructions.¹⁰ The Appeals Chamber is satisfied that, in light of these submissions, “good cause” has been shown to warrant the limited extension requested.

11. Accordingly, the time limit for the filing of Ms Simone Gbagbo’s response to the document in support of the appeal is extended from 2 February 2015 to 6 February 2015. Furthermore, and as correctly pointed out by the Prosecutor,¹¹ Ms Simone Gbagbo is reminded that her response should be limited to only responding to Côte d’Ivoire’s document in support of the appeal and not to the Prosecutor’s response thereto which is due on 2 February 2015.

⁸ ICC-02/11-01/12-58.


⁹ ICC-02/11-01/12-59.

¹⁰ Request, para. 7.

¹¹ ICC-02/11-01/12-59, para. 1.

12. As the time limit for the filing of Ms Simone Gbagbo's response to the document in support of the appeal has been extended, the Appeals Chamber considers it appropriate to modify the time limit set in its Order of 20 January 2015 for the filing of the victims' observations and the time limit for the responses to the victims' observations.

Done in both English and French, the English version being authoritative.



Judge Sanji Mmasenono Monageng
Presiding Judge

Dated this 28th day of January 2015

At The Hague, The Netherlands