

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-02/11-01/11 OA 4

Date: 16 August 2013

THE APPEALS CHAMBER

Before:

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

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT KOUDOU GBAGBO

Public

**Decision on the “Requête aux fins d’augmentation du nombre de pages autorisé
que comprendra le document à l’appui de la ‘Third decision on the review of
Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute’ (ICC-
02/11-01/11- 459-Conf)”**

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
Mr Fabricio Guariglia

Counsel for the Defence
Mr Emmanuel Altit
Ms Agathe Bahi Baroan

REGISTRY

Registrar
Mr Herman von Hebel



The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I entitled “Third decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute” dated 11 July 2013 and registered on 12 July 2013 (ICC-02/11-01/11-454),

Having before it the “Requête aux fins d’augmentation du nombre de pages autorisé que comprendra le document à l’appui de la ‘Third decision on the review of Laurent Gbagbo's detention pursuant to article 60(3) of the Rome Statute’ (ICC-02/11-01/11-459-Conf)” of 14 August 2013 (ICC-02/11-01/11-477),

Renders unanimously the following

DECISION

The page limit for Mr Laurent Koudou Gbagbo’s document in support of the appeal and for the Prosecutor’s response to the document in support of the appeal is extended by 10 pages.

REASONS

1. On 12 July 2013, Pre-Trial Chamber I issued its “Third decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute”¹ (hereinafter: “Impugned Decision”), deciding that Mr Laurent Koudou Gbagbo (hereinafter: “Mr Gbagbo”) should remain in detention.
2. On 16 July 2013, Mr Gbagbo requested² and was granted an extension of the time limit for the submission of his document in support of the appeal until 19 August 2013.³

¹ ICC-02/11-01/11-454.

² See “Requête aux fins de prorogation des délais déterminés par la Norme 64(5) du Règlement, de façon à ce qu’ils courent à partir de la rentrée judiciaire, fixée au lundi 12 août 2013”, ICC-02/11-01/11-456-Conf-Exp (OA4) (hereinafter: “Request for Time Extension”). A confidential *inter partes* version of the Request for Time Extension was filed on 18 July 2013 as ICC-02/11-01/11-456-Conf (OA4).

3. On 19 July 2013, Mr Gbagbo filed the “Acte d’appel de la Défense relatif à ‘Third decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute’ de la Chambre préliminaire I décidant du maintien en détention du Président Gbagbo”.⁴

4. On 14 August 2013, Mr Gbagbo filed the “Requête aux fins d’augmentation du nombre de pages autorisé que comprendra le document à l’appui de la ‘Third decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute’ (ICC-02/11-01/11- 459-Conf)”⁵ (hereinafter: “Request”). Mr Gbagbo seeks an extension of the applicable page limit for his document in support of the appeal by a further 20 pages. He submits that the issues arising in this appeal are important as they concern his liberty which must be assessed in light of the adjournment of the confirmation of charges proceedings, which in his view, constitute a changed circumstance pursuant to article 60 (3) of the Statute.⁶ In addition, Mr Gbagbo argues that the novelty and complexity of the legal and factual issues necessitate a number of arguments to be made; therefore an extension of the pages is warranted.⁷

5. On 15 August 2013, following an order of the Appeals Chamber⁸ the Prosecutor filed the “Prosecution’s response to Mr Gbagbo’s request for an extension of the page limit”⁹ (hereinafter: “Response”). The Prosecutor does not object to the Request. However, she requests that should the Appeals Chamber grant Mr Gbagbo the extra pages then the Prosecutor should likewise be granted the same extension of the page limit to facilitate her comprehensive response to Mr Gbagbo’s document in support of the appeal.¹⁰

6. The Appeals Chamber considers that in light of the nature and complexity of the issues that may arise in the appeal, there are “exceptional circumstances” within the meaning of regulation 37 (2) of the Regulations of the Court, that justify an extension

³ See “Decision on the ‘Requête aux fins de prorogation des délais déterminés par la Norme 64(5) du Règlement, de façon à ce qu’ils courent à partir de la rentrée judiciaire, fixée au lundi 12 août 2013’”, 18 July 2013, ICC-02/11-01/11-458-Red (OA4).

⁴ ICC-02/11-01/11-459-Red (OA4).

⁵ ICC-02/11-01/11-477 (OA4).

⁶ Request, paras 8-17.

⁷ Request, paras 15-24.

⁸ See “Order on the filing of a response to Mr Gbagbo’s request for an extension of the page limit”, ICC-02/11-01/11-478 (OA4).

⁹ ICC-02/11-01/11-479 (OA4).

¹⁰ Response, para. 2.

of the page limit for the document in support of the appeal. However, the Appeals Chamber considers that the number of extra pages sought (20) is unreasonable in the circumstances and grants Mr Gbagbo a further 10 pages instead.

7. Consequently, the Appeals Chamber considers it appropriate, at this stage, to extend the page limit for the Prosecutor's response to the document in support of the appeal by 10 pages.

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



Judge Akua Kuenyehia
Presiding Judge

Dated this 16th day of August 2013

At The Hague, The Netherlands