

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/11-01/15**

Date: **22 June 2018**

**TRIAL CHAMBER I**

**Before: Judge Cuno Tarfusser, Single Judge**

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE  
IN THE CASE OF  
*THE PROSECUTOR v. LAURENT GBAGBO and CHARLES BLÉ GOUDÉ***

**Public**

**Decision extending the time limit for responses to Defence submissions and  
rescheduling the hearing to be held on 10 September 2018**

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

**The Office of the Prosecutor**

Ms Fatou Bensouda

Mr James Stewart

Mr Eric MacDonald

**Counsel for Laurent Gbagbo**

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

**Counsel for Mr Charles Blé Goudé**

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

**Legal Representatives of Victims**

Ms Paolina Massidda

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

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

**States' Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

Mr Pieter Vanaverbeke

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**Judge Cuno Tarfusser**, acting as Single Judge on behalf of Trial Chamber I of the International Criminal Court, in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to article 64(6)(f) of the Rome Statute and regulation 35 of the Regulations of the Court, issues this decision on the Prosecutor's and the LRV's request to postpone the time limit for their responses to the submissions of the Defence due in accordance with the Chamber's "Second Order on the further conduct of the proceedings" ("Second Order").<sup>1</sup>

1. On 4 June 2018, the Chamber issued the Second Order, (i) ordering the Defence "to file, no later than 20 July 2018, submissions addressing the issues for which, in their view, the evidence presented by the Prosecutor is not sufficient to sustain a conviction"; (ii) ordering the Prosecutor and the LRV to file their responses, no later than 27 August 2018, "in accordance with the same modalities" and (iii) deciding "to hold a hearing, starting on 10 September 2018 and extending as required, during which the parties and participants will be allowed to further illustrate or complete their submissions, as well as to respond to each other's submissions and to any questions the Chamber may have".

2. On 20 June 2018, by email,<sup>2</sup> the Prosecutor requested the Chamber to extend the time limit for her response to Monday 10 September 2018. The Prosecutor submitted (i) that the 27 August 2018 time limit "include[d] the three weeks of the court recess"; (ii) that "the Prosecution trial team had no insight into the court schedule or when the hearings would resume after it filed its Trial Brief" and, accordingly, its members were encouraged to take their annual leave during the summer recess; (iii) that room for amendments of arrangements at a late stage is limited; (iv) that, in light of the importance of the submissions due in accordance with the Second Order and of the subsequent hearing, the current timeline would

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<sup>1</sup> ICC-02/11-01/15-1174.

<sup>2</sup> Email sent by OTP Senior Trial Lawyer to the Chamber, parties and participants on 20 June 2018 at 12:06 hours.

impact the Prosecutor's "capabilities and ability to submit the best response"; (v) that, accordingly, an extension of the 27 August 2018 time limit until 10 September 2018 was warranted; and (v) that this would also make necessary to reschedule the starting of the hearing, currently set for the same day.

3. Also on 20 June 2018, the LRV indicated by email<sup>3</sup> that she supported and joined the Prosecutor's Request, referring to difficulties of the same nature as those detailed by the Prosecutor as well as highlighting the need for her to be able to adequately gather and convey the views of the victims (the Prosecutor's and the LRV's requests, jointly, "Request").

4. On 21 June 2018, also by email, both the Defence for Mr Gbagbo<sup>4</sup> and the Defence for Mr Blé Goudé<sup>5</sup> responded. The Defence for Mr Gbagbo, while stating it would not oppose the Request as a matter of principle, stressed the importance that any extension of the time limit for the Prosecutor's response would also result in the postponement of the date for the commencement of the hearing. The Defence for Mr Blé Goudé stated that it did not oppose the Request and would leave the matter to the discretion of the Chamber.

5. The Single Judge takes the view that the Prosecutor and the LRV have shown good cause for an extension of the time limit for their responses: it is indeed plausible that, by the time the Second Order was issued, arrangements in respect of the recess period had already been made and that little or no flexibility may exist in respect of such arrangements. The Single Judge also takes the view that it is appropriate to preserve an interval between the filing of the responses and the

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<sup>3</sup> Email sent by OPCV Principal Counsel to the Chamber, parties and participants on 20 June 2018 at 15:28 hours.

<sup>4</sup> Email sent by Counsel for Mr Gbagbo to the Chamber, parties and participants on 21 June 2018 at 11:07 hours.

<sup>5</sup> Email sent by Counsel for Mr Blé Goudé to the Chamber, parties and participants on 21 June 2018 at 12:00 hours.

beginning of the hearing as originally envisaged and that, accordingly, a postponement of the hearing is likewise warranted.

**FOR THE FOREGOING REASONS, THE SINGLE JUDGE, HEREBY**

**GRANTS** the Prosecutor's and the LRV's Request;

**DECIDES** that the Prosecutor's and the LRV's responses to the Defence submissions due in accordance with the Second Order shall be filed no later than Monday 10 September 2018;

**DECIDES** that the hearing to be held in accordance with the Second Order shall start on Monday 1 October 2018 and extend as required.

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



**Judge Cuno Tarfusser, Single Judge**

Dated 22 June 2018

At The Hague, The Netherlands