



Original: English

**No. ICC-02/11-01/15 A
Date: 22 September 2020**

THE APPEALS CHAMBER

Before:
Judge Chile Eboe-Osuji, Presiding
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO AND
CHARLES BLÉ GOUDÉ**

Public

Decision on counsel for Mr Gbagbo's request for transmission of draft English translations of his documents

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 Laurent Gbagbo
Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Legal Representative of Victims
Ms Paolina Massidda

Counsel for Charles Blé Goudé
Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

REGISTRY

Registrar
Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber I of 15 January 2019 (ICC-02/11-01/15-T-232-ENG), with reasons issued on 16 July 2019 (ICC-02/11-01/15-1263 and its annexes),

Having before it the ‘Requête de la Défense visant à obtenir transmission par le Greffe des traductions en anglais non-définitives des écritures de la Défense.’ of 6 July 2020 (ICC-02/11-01/15-1365-Conf),

Renders the following

DECISION

Counsel for Mr Gbagbo’s request for transmission of draft English translations of his documents (ICC-02/11-01/15-1365-Conf) is dismissed.

REASONS

1. Counsel for Mr Gbagbo requests that the Appeals Chamber direct the Registry to transmit to him draft English translations of his own documents, both those which have already been provided and those which will be provided by the Language Services Section (‘LSS’) of the Registry.¹ In his request, counsel for Mr Gbagbo notes that the Appeals Chamber stated, in its decision on 26 November 2019,² that if the Defence wished to receive the English draft translation of his ‘no case to answer’ motion which had already been prepared, it may request the Registry to provide it.³ On the basis of this ‘precedent’, counsel for Mr Gbagbo therefore requests to receive draft English translations of his documents.⁴

¹ Requête de la Défense visant à obtenir transmission par le Greffe des traductions en anglais non-définitives des écritures de la Défense., 6 July 2020, ICC-02/11-01/15-1365-Conf (‘Mr Gbagbo’s Request’), para. 10 and p. 6.

² [Decision on Mr Gbagbo’s requests for extension of time, translations and correction of transcripts](#), ICC-02/11-01/15-1289 (the ‘Decision of 26 November 2019’), para. 29.

³ Mr Gbagbo’s Request, para. 11.

⁴ Mr Gbagbo’s Request, para. 12.

2. At the outset, the Appeals Chamber notes that counsel for Mr Gbagbo requested the CSS for information about the translation into English of six documents. As noted by counsel for Mr Gbagbo,⁵ official English translations of two of these documents (ICC-02/11-01/15-1344-Conf-tENG and ICC-02/11-01/15-1350-tENG) were notified to the parties, on 23 and 24 June 2020, respectively. It is further noted that document ICC-02/11-01/15-1314-Conf-tENG was notified on 13 August 2020.⁶ Counsel for Mr Gbagbo's request, in so far as it relates to any of these documents, can therefore be considered moot.

3. The Appeals Chamber finds that counsel for Mr Gbagbo made no convincing argument as to why he should be granted a blanket permission for the provision of draft English translations of his own documents, both those which have already been provided and those which will be provided by the LSS of the Registry. The Appeals Chamber's decision of 26 November 2019 does not support the claim of 'precedent' that counsel for Mr Gbagbo makes. In term, the relevant passage says as follows:

29. Mr Gbagbo seeks a revised English translation of Mr Gbagbo's No Case to Answer Motion, based on broad arguments related to, for example, the fairness of the proceedings, the need for a complete record in both languages, for the benefit of the Defence, so that it has access to the document in the language used by the trial judges, and for the benefit of the parties and the Appeals Chamber judges. Should the Appeals Chamber require part, or all, of this document in revised English form, it will notify the Registry as such. Otherwise, the Appeals Chamber finds no merit in the Defence's very broad submissions, bearing in mind that the document in question originates from the Defence which has made no convincing argument as to why it should be translated in revised form into English. If the Defence wishes to receive the English draft of this document which has already been prepared, it may request that the Registry provide it.⁷

4. It suggests no obligation upon the Registrar for the reasons indicated in the very passage. The fact that the Defence may always make a request does not create an obligation upon the recipient of the request to honour it. Paragraph 29 of the Decision of 26 November 2019 found no basis for any such obligation. Such an absence of

⁵ Mr Gbagbo's Request, paras 8 and 9.

⁶ Mr Gbagbo's Request, para. 2. Official English translation of translations of two documents ([ICC-02/11-01/15-1344-Conf-tENG](#) and [ICC-02/11-01/15-1350-tENG](#)) were notified to the parties, on 23 and 24 June 2020, respectively. Document [ICC-02/11-01/15-1314-Conf-tENG](#) was notified on 13 August 2020.

⁷ Decision of 26 November 2019, para. 29.

obligation may not be converted into an obligation by the Defence through the backdoor of urging the Appeals Chamber to ‘direct’ that the request be honoured.

5. Therefore, the Appeals Chamber dismisses counsel for Mr Gbagbo’s request.

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



Judge Chile Eboe-Osuji
Presiding

Dated this 22nd September 2020

At The Hague, The Netherlands