

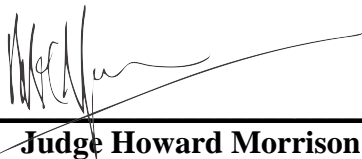
DISSENTING OPINION OF JUDGE HOWARD MORRISON

1. I respectfully dissent from the decision of the majority to dismiss *in limine* the “Defence Notice of Appeal against Trial Chamber I’s ‘Decision on Mr Gbagbo’s detention’ (ICC-02/11-01/15-1038) to continue Laurent Gbagbo’s detention”¹ (“Notice of Appeal”). The Majority decision is plainly one that has its own merits.

2. While I agree that the Notice of Appeal falls short of full compliance with regulation 64 of the Court’s Regulations as amended, in my view the broader interests of justice could have been better served by condoning the non-compliance with a strong caution to Mr Gbagbo and his Counsel to be more attentive in the future to amendments to the applicable law before the Court.

3. This is especially so when the liberty of an individual is at stake and the failure to be able to take advantage of appellate procedure is purely the result of avoidable errors by an accused’s Counsel.

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



Judge Howard Morrison

Dated this 5th day of October 2017

At The Hague, The Netherlands

¹ ICC-02/11-01/15-1042-Conf-tENG dated 2 October and registered on 4 October 2017; original French version, dated 2 October 2017 (ICC-02/11-01/15-1042-Conf).