



Original: English

**No. ICC-02/11-01/15 A
Date: 2 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 the Prosecutor's request to set a time limit for any request by
counsel for Mr Gbagbo for leave to supplement his response to the appeal brief**

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 ‘Prosecution request regarding Mr Gbagbo’s potential request for leave to supplement his response to the Prosecution’s Appeal Brief’ of 24 July 2020 (ICC-02/11-01/15-1368),

Issues the following

DECISION

1. The Prosecutor’s request is granted.
2. Any request by counsel for Mr Gbagbo for leave to supplement his response to the Prosecutor’s appeal brief shall be filed by 16h00 on 17 September 2020.

REASONS

A. Background and Submissions

1. On 26 November 2019, the Appeals Chamber allowed counsel for Mr Gbagbo to file a request for leave to supplement his response to the Prosecutor’s Appeal Brief (the ‘Response’), if necessary, on receipt of the revised French translation of Judge Henderson’s Reasons.¹
2. The revised French translation of Judge Henderson’s Reasons was notified to the parties and the victims participating in the proceedings (the ‘Victims’) on 24 July 2020.²

¹ [Decision on Mr Gbagbo’s requests for extension of time, translations and correction of transcripts](#), 26 November 2019, ICC-02/11-01/15-1289, para. 25.

² Email from Court Management-Court Records, 24 July 2020, at 17:40.

3. Earlier on the same day, the Prosecutor filed the ‘Prosecution request regarding Mr Gbagbo’s potential request for leave to supplement his response to the Prosecution’s Appeal Brief’ (the ‘Prosecutor’s Request’).³

4. The Prosecutor requests that the Appeals Chamber fix ‘a reasonable date’ by which counsel for Mr Gbagbo should file any request for leave to supplement his Response.⁴ The Prosecutor further requests that the Appeals Chamber direct counsel for Mr Gbagbo to ‘concretely identify and explain why’ the arguments in his Response may require to be supplemented, if at all, in light of the revised French translation.⁵ She further notes that should counsel for Mr Gbagbo not intend to supplement his Response, he should inform the Chamber, the parties and the Victims accordingly at the earliest opportunity, so that his written submissions can be considered finalised.⁶

5. In his observations filed in response to the Prosecutor’s Request on 6 August 2020,⁷ counsel for Mr Gbagbo submits that in order to determine what needs to be amended, if anything, in his Response, he needs to carefully analyse the revised version of the French translation of Judge Henderson’s Reasons.⁸ This involves comparing the draft and revised versions of the translation, including footnotes, in order to identify any changes and any consequences that such changes may entail.⁹ He argues that this work can be done in the most efficient way when all members of Mr Gbagbo’s defence team will be back after the judicial recess.¹⁰

B. MERITS

6. Noting that the revised version of the French translation of Judge Henderson’s Reasons was notified on 24 July 2020, and that the judicial recess ended on 10 August 2020, the Appeals Chamber considers it appropriate, in order to avoid any

³ [Prosecution request regarding Mr Gbagbo’s potential request for leave to supplement his response to the Prosecution’s Appeal Brief](#), 24 July 2020, ICC-02/11-01/15-1368.

⁴ [Prosecutor’s Request](#), paras 2 and 4.

⁵ [Prosecutor’s Request](#), paras 3 and 4.

⁶ [Prosecutor’s Request](#), para. 3.

⁷ Observations de la Défense relatives à la « Prosecution request regarding Mr Gbagbo’s potential request for leave to supplement his response to the Prosecution’s Appeal Brief», 6 August 2020, ICC-02/11-01/15-1374-Conf (‘Mr Gbagbo’s Observations’).

⁸ Mr Gbagbo’s Observations, paras 10-11.

⁹ Mr Gbagbo’s Observations, paras 10-11.

¹⁰ Mr Gbagbo’s Observations, para. 12.

unnecessary delays in the proceedings, to set a deadline for counsel for Mr Gbagbo to file any request for leave to supplement his Response. The request, if any, should be filed by 17 September 2020, and it should identify which arguments of his Response specifically need to be supplemented in light of the revised French translation, and explain why. Should counsel for Mr Gbagbo not intend to file any such request, it should inform the Chamber, the parties and the Victims accordingly at the earliest opportunity.

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



Judge Chile Eboe-Osuji
Presiding

Dated this 2nd day of September 2020

At The Hague, The Netherlands