

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 15 June 2012

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR V. LAURENT GBAGBO***

Public

**Decision on the conduct of the proceedings following the defence challenge to
the jurisdiction of the Court pursuant to article 19 of the Rome Statute**

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

The Office of the Prosecutor
Fatou Bensouda, Prosecutor

Counsel for the Defence
Emmanuel Altit
Agathe Bahi Baroan

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims
Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar
Silvana Arbia, Registrar
Didier Preira, Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Pre-Trial Chamber I of the International Criminal Court (“Chamber”) hereby issues the decision on the conduct of the proceedings following the Defence challenge to the jurisdiction of the Court pursuant to Article 19 of the Rome Statute.

1. On 23 November 2011, Pre-Trial Chamber III issued an arrest warrant for Laurent Gbagbo (“Mr Gbagbo”),¹ who was transferred to the Court on 30 November 2011. On 5 December 2011, the first appearance of Mr Gbagbo was held before the Court. During the hearing, Pre-Trial Chamber III scheduled the commencement of the confirmation of charges hearing for 18 June 2012.² On 11 June 2012, the Chamber decided to postpone the date of the confirmation hearing to 13 August 2012.³

2. On 25 May 2012, the Defence submitted the “*Requête en incompétence de la Cour Pénale Internationale fondée sur les articles 12(3), 19(2), 21(3), 55 et 59 Du Statut de Rome présentée par la défense du Président Gbagbo*” (“Challenge to jurisdiction”).⁴

3. On 4 June 2012, the Single Judge issued the “Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings” whereby the Office of public counsel for victims (“OPCV”) was designated as the common legal representative of the victims admitted to participate at the confirmation hearing and related proceedings.⁵

¹ Warrant Of Arrest For Laurent Gbagbo, 23 November 2011, ICC-02/11-01/11-1.

² ICC-02/11-01/11-T-1-ENG, p. 8.

³ Decision on the « *Requête de la Défense en report de l’audience de confirmation des charges prévue le 18 juin 2012* », ICC-02/11-01/11-152-Red.

⁴ ICC-02/11-01/11-129.

⁵ ICC-02/11-01/11-138.

4. The Chamber notes article 19 of the Rome Statute (“Statute”), rules 58 and 59 of the Rules of Procedure and Evidence (“Rules”) and regulations 80 and 81 of the Regulations of the Court (“Regulations”).

5. Rule 58 of the Rules, in particular, gives discretion to the Chamber in taking the appropriate measures for the proper conduct of the proceedings related to a challenge to jurisdiction.

6. The Chamber notes that, according to rule 58(3) of the Rules, the Prosecutor shall be allowed to submit observations on the Defence’s Challenge to jurisdiction.

7. In addition, in accordance with article 19(3) of the Statute and rule 59(3) of the Rules, the victims who have communicated with the Court in relation to the case – *i.e.* the victims admitted to participate in the proceedings related to the confirmation of charges hearing and those who submitted applications that have not yet been assessed by the Chamber – shall be allowed to submit written observations on the Challenge to jurisdiction within a time period determined by the Chamber. For the purposes of ensuring the proper and expeditious conduct of the article 19 proceedings and taking into account that the OPCV has already been appointed as the Common legal representative of victims admitted to participate in the present case, the Chamber is of the view that it is in the interest of justice to appoint the OPCV to also represent those victims who have submitted applications to participate in the proceedings in the present case and whose applications have not yet been assessed by the Chamber.

8. The Victims Participation and Reparations Section is thus instructed to provide to the OPCV the necessary information in relation to all victims related to this case whose applications for participation in the proceedings have not been communicated to the Chamber.

9. Finally, with the aim of expediting the proceedings and avoiding any unnecessary delay, the Chamber deems it appropriate to confine the intervention of the parties and participants in the article 19 proceedings to providing written submissions as envisaged by rules 58(3) and 59(3) of the Rules.

FOR THESE REASONS, THE CHAMBER

INVITES the Prosecutor and the OPCV to submit written observations on the Challenge to jurisdiction, no later than 27 June 2012;

DECIDES that the OPCV shall also represent, for the purposes of proceedings following the Challenge to jurisdiction, those victims who submitted applications to participate in the proceedings and whose applications have not yet been assessed by the Chamber.

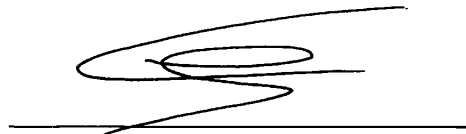
Done in both English and French, the English version being authoritative.



Judge Silvia Fernández de Gurmendi
Presiding Judge



Judge Hans-Peter Kaul



Judge Christine Van den Wyngaert

Dated this 15 June 2012

At The Hague, The Netherlands