

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 June 2013

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

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

Public

Decision on the “Requête urgente de la défense portant sur la détermination de la date à partir de laquelle courent les délais fixés pour qu’elle puisse déposer une éventuelle demande d’autorisation d’interjeter appel de la décision « adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute » (ICC-02/11-01/11-432) et/ou pour qu’elle puisse déposer une éventuelle réponse à une éventuelle demande d’autorisation d’interjeter appel déposée par le Procureur”

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

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

Herman von Hebel

Deputy Registrar

Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Silvia Fernández de Gurmendi, Single Judge for Pre-Trial Chamber I (the "Chamber") of the International Criminal Court (the "Court"), responsible for carrying out the functions of the Chamber in relation to the situation in the Republic of Côte d'Ivoire and the cases emanating therefrom,¹ hereby issues the decision on the *"Requête urgente de la défense portant sur la détermination de la date à partir de laquelle courent les délais fixés pour qu'elle puisse déposer une éventuelle demande d'autorisation d'interjeter appel de la décision « adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute » (ICC-02/11-01/11-432) et/ou pour qu'elle puisse déposer une éventuelle réponse à une éventuelle demande d'autorisation d'interjeter appel déposée par le Procureur"* (the "Request").²

1. On 3 June 2013, the Chamber, by majority, issued the "Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute" (the "Decision").³
2. On 6 June 2013, the Defence filed the Request, requesting that the time limits for its application for leave to appeal the Decision, and for its response to any such application by the Prosecutor, be ordered to run from the notification of the French translation of the Decision.⁴
3. The Defence draws attention to Mr Gbagbo's right to be informed of the charges in French, the language which he fully understands and speaks, and to benefit from such translations which are necessary to meet the requirements of fairness. It emphasises the importance of the Decision and

¹ ICC-02/11-01/11-61.

² ICC-02/11-01/11-433-Conf.

³ ICC-02/11-01/11-432 and ICC-02/11-01/11-432-Anx-Corr (Dissenting opinion of Judge Silvia Fernández de Gurmendi).

⁴ Request, p. 16.

states that the Request is justified by the need for Mr Gbagbo to be fully informed of the details of the Decision in order to determine his strategy.⁵

4. In addition, the Defence draws attention to previous decisions of Pre-Trial Chambers suspending time limits for defence applications for leave to appeal against decisions on confirmation of charges, or for responses to such applications by the Prosecutor, until notification of the decisions in a language with the accused fully understands and speaks.⁶

5. The Single Judge notes article 67(1)(a) and (f) of the Rome Statute, rule 155(1) of the Rules of Procedure and Evidence, and regulations 23 *bis*, 35(2) and 65(3) of the Regulations of the Court (the “Regulations”).

6. Pursuant to regulation 35(2) of the Regulations, the Chamber may extend a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard.

7. In the present circumstances, the Single Judge is of the view, based on the previous course of proceedings in this case, that the unavailability at present of an official French translation of the Decision does not affect the ability of Mr Gbagbo’s Defence to properly represent his interests. The Single Judge is therefore confident that the Defence is already in position to analyse the Decision.

8. However, bearing in mind the importance of the Decision for the future proceedings in the case, the Single Judge accepts, exceptionally, that good cause is shown to permit the Defence, and Mr Gbagbo, to receive an official French translation of the Decision before having to submit any application for leave to appeal, or to respond to any such application by the Prosecutor.

⁵ *Ibid.*, paras 8-24; 36-43.

⁶ *Ibid.*, paras 25-35; 48-51.

9. The Single Judge has received confirmation from the Registry that the translation of the Decision will be filed in the record of the case within two weeks, and is of the view that a corresponding extension of the time limits for the Defence will not adversely affect the interests of the Prosecutor or the participating victims or unduly delay the proceedings.

10. The Single Judge notes that the Request has been filed as “confidential”, but considers that no reasons exist for maintaining that level of classification. Accordingly, it is appropriate to order its reclassification as “public”.

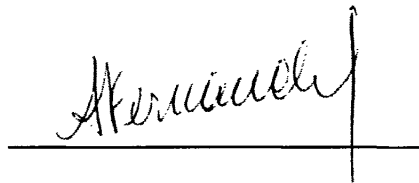
FOR THESE REASONS, THE SINGLE JUDGE

EXTENDS the time limit for the submission by the Defence of any application for leave to appeal the Decision until five days following notification of the official French translation of the Decision;

EXTENDS the time limit for the response by the Defence to any application by the Prosecutor for leave to appeal the Decision until three days following notification of the official French translation of the Decision; and

ORDERS the Registrar to reclassify as “public” document ICC-02/11-01/11-433-Conf.

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

A handwritten signature in black ink, appearing to read 'S. Fernández de Gurmendi', is written over a horizontal line. A vertical line extends downwards from the end of the signature.

Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 10 June 2013

At The Hague, The Netherlands