

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/11
Date: 26 September 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

**Order scheduling a hearing pursuant to rule 118(3) of the Rules of Procedure
and Evidence**

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy 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

Herman von Hebel, Registrar

Didier Preira, Deputy Registrar

Defence Support Section

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 this order scheduling a hearing.

1. On 23 November 2011, Pre-Trial Chamber III issued an arrest warrant for Laurent Gbagbo (“Mr Gbagbo”),² who was transferred to the Court on 30 November 2011. On 30 November 2011, Pre-Trial Chamber III issued the “Decision on the Prosecutor’s Application Pursuant to Article 58 for a warrant of arrest against Laurent Koudou Gbagbo”.³

2. On 1 May 2012, the Defence submitted the *“Requête de la Défense demandant la mise en liberté provisoire du Président Gbagbo”*.⁴

3. On 13 July 2012, the Single Judge issued the “Decision on the ‘*Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo*’”, rejecting the Defence request for interim release.⁵ The appeal of the Defence⁶ was dismissed by the Appeals Chamber on 26 October 2012.⁷

¹ ICC-02/11-01/11-61.

² ICC-02/11-01/11-1.

³ ICC-02/11-01/11-9-US-Exp. A public redacted version is also available (ICC-02/11-01/11-9-Red).

⁴ ICC-02/11-01/11-105-Conf-Red-Corr, p. 39.

⁵ ICC-02/11-01/11-180-Conf, p. 26. A public redacted version is also available (ICC-02/11-01/11-180-Red).

⁶ ICC-02/11-01/11-193-Conf OA. A public redacted version is also available (ICC-02/11-01/11-193-Red OA).

⁷ Appeals Chamber, “Judgment on the appeal of Mr Laurent Koudou Gbagbo against the decision of Pre-Trial Chamber I of 13 July 2012 entitled ‘*Decision on the Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo*’”, 26 October 2012, ICC-02/11-01/11-278-Conf OA. A public redacted version is also available (ICC-02/11-01/11-278-Red OA).

4. On 30 October 2012, the first hearing under rule 118(3) of the Rules of Procedure and Evidence (the “Rules”) was held.⁸

5. On 12 November 2012, the Single Judge issued the “Decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute”, deciding that Mr Gbagbo should remain in detention.⁹

6. On 18 January 2013, the Single Judge issued the “Decision on the request for the conditional release of Laurent Gbagbo and on his medical treatment”, wherein the request for conditional release made by the Defence was rejected.¹⁰

7. On 12 March 2013, the Single Judge issued the “Second decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute”, deciding that Mr Gbagbo should remain in detention.¹¹

8. On 11 July 2013, the Chamber issued the “Third decision on the review of Laurent Gbagbo’s detention pursuant to article 60(3) of the Rome Statute”, deciding that Mr Gbagbo should remain in detention.¹²

9. The Single Judge notes article 60(3) of the Rome Statute (the “Statute”) and rule 118(2) of the Rules, according to which the Chamber shall review its ruling on the release or detention of a person at least every 120 days. In addition, rule 118(3) of the Rules provides that the Chamber may decide to hold a hearing, at the request of the parties or *proprio motu*, and that a hearing shall be held “at least once every year”.

⁸ Transcript of Hearing on 30 October 2012, ICC-02/11-01/11-T-9-ENG; Transcript of Hearing on 30 October 2012, ICC-02/11-01/11-T-10-CONF-EXP-ENG. A public redacted version is also available (ICC-02/11-01/11-T-10-Red-ENG).

⁹ ICC-02/11-01/11-291, para. 61, p. 25.

¹⁰ ICC-02/11-01/11-362-Conf, p. 15. A public redacted version is also available (ICC-02/11-01/11-362-Red).

¹¹ ICC-02/11-01/11-417-Conf. A public redacted version is also available (ICC-02/11-01/11-417-Red).

¹² ICC-02/11-01/11-454.

10. Accordingly, the Single Judge considers it appropriate to convene a hearing under rule 118(3) of the Rules on Wednesday, 9 October 2013. The Chamber will issue its decision under article 60(3) of the Statute and rule 118(2) of the Rules on the basis of the oral submissions received during the hearing.

11. The hearing shall be held before the full Chamber, in the presence of the Prosecutor and the Defence. In addition, pursuant to article 68(3) of the Statute and rule 91(2) of the Rules, the Single Judge is of the view that the personal interests of the victims admitted to participate in the present case could be affected by the issue at stake and that their participation in the hearing would not be prejudicial to or inconsistent with the rights of the suspect and a fair and impartial trial. Therefore, the Single Judge considers it appropriate to allow the attendance of the Office of Public Counsel for victims ("OPCV").

12. The Single Judge also informs the parties and participants that the hearing shall be public. Should it exceptionally become necessary, discrete portions of the hearing may be held in private session.

13. In order to ensure the proper conduct of the hearing, the Single Judge considers it necessary to set Monday, 7 October 2013, as the time-limit for the filing in the record of the case of any material that the parties or participants intend to discuss at the hearing.

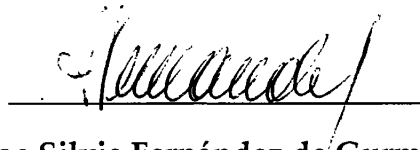
FOR THESE REASONS, THE SINGLE JUDGE

DECIDES to hold a hearing in open session on **Wednesday, 9 October 2013, at 9.30 hours**, in the presence of the Prosecutor, Mr Gbagbo and his Defence,

and the OPCV to receive observations on the issue of release or detention of Mr Gbagbo; and

ORDERS the parties and participants to file in the record of the case, by **Monday, 7 October 2013**, any material that they wish to discuss at the hearing.

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



Judge Silvia Fernández de Gurmendi

Single Judge

Dated this Thursday, 26 September 2013

At The Hague, The Netherlands