

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/11
Date: 17 December 2013

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 establishing a calendar for further proceedings

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
 Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section**

Other

Pre-Trial Chamber I (the “Chamber”) of the International Criminal Court (the “Court”) hereby issues the decision establishing a calendar for further proceedings

1. On 3 June 2013, the Chamber issued, by majority, Judge Silvia Fernández de Gurmendi dissenting, the “Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute” (the “Adjournment Decision”).¹ In the Adjournment Decision, the Chamber decided to adjourn the confirmation of charges hearing, requested the Prosecutor to consider providing further evidence or conducting further investigation with respect to all charges, and established a calendar for further proceedings.² In particular, the Chamber ordered the Prosecutor to “submit by no later than Friday, 15 November 2013 the Amended DCC, amended list of evidence and updated consolidated Element based Chart”.³

2. On 10 June 2013, the Prosecutor requested leave to appeal the Adjournment Decision.⁴ The Office of Public Counsel for victims (the “OPCV”) responded on 17 June 2013,⁵ and the Defence filed its response on 24 June 2013.⁶ On 25 June 2013, the Defence requested leave to appeal the Adjournment Decision.⁷ The OPCV⁸ and the Prosecutor⁹ responded on 1 July 2013.

3. On 31 July 2013, the Chamber issued, by majority, Judge Silvia Fernández de Gurmendi dissenting, the “Decision on the Prosecutor’s and Defence requests for leave to appeal the decision adjourning the hearing on the

¹ ICC-02/11-01/11-432.

² *Ibid.*, pp. 22-24.

³ *Ibid.*, p. 23.

⁴ ICC-02/11-01/11-435.

⁵ ICC-02/11-01/11-437.

⁶ ICC-02/11-01/11-438.

⁷ ICC-02/11-01/11-439.

⁸ ICC-02/11-01/11-442.

⁹ ICC-02/11-01/11-443.

confirmation of charges”,¹⁰ in which it rejected the Defence request for leave to appeal and partly granted the Prosecutor’s request for leave to appeal.¹¹

4. On 28 October 2013, the Prosecutor filed the “Prosecution’s request pursuant to Regulation 35 for variation of time limit to file updated document containing the charges, list of evidence and consolidated elements-based chart”,¹² seeking an extension of the time limit for the submission of the Amended Document Containing the Charges (the “Amended DCC”), amended list of evidence and updated consolidated element based chart “until two weeks after the Appeals Chamber has rendered its judgment on the Prosecution Appeal”.¹³ The OPCV¹⁴ and the Defence¹⁵ filed responses supporting the Prosecutor’s request on 31 October 2013 and on 5 November 2013 respectively.

5. On 8 November 2013, the Chamber issued the “Decision on the ‘Prosecution’s request pursuant to Regulation 35 for variation of time limit to file updated document containing the charges, list of evidence and consolidated elements-based chart’” (the “Decision of 8 November 2013”),¹⁶ granting the Prosecutor’s request for variation of time limit and suspending the calendar established by the Adjournment Decision pending “another calendar to be issued by the Chamber as soon as the date of the Appeals Chamber judgment on the Prosecutor’s Appeal against the Adjournment Decision is known”.

6. On 16 December 2013, the Appeal Chamber issued the “Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I of 3 June

¹⁰ ICC-02/11-01/11-464.

¹¹ *Ibid.*, p. 33.

¹² ICC-02/11-01/11-547.

¹³ Request, para. 11.

¹⁴ ICC-02/11-01/11-551.

¹⁵ ICC-02/11-01/11-553.

¹⁶ ICC-02/11-01/11-557.

2013 entitled ‘Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute’” and dismissed the appeal.¹⁷

7. The Chamber notes article 61 of the Rome Statute and rule 121 of the Rules of Procedure and Evidence (the “Rules”).

8. Considering that the proceedings on appeal are complete, the Chamber can now proceed to setting the calendar for further proceedings. The Chamber notes that the Prosecutor requested that the time limit for the submission of the Amended DCC, the amended list of evidence, and the amended consolidated element based chart be set at “two weeks after the Appeals Chamber has rendered its judgment on the Prosecution Appeal”,¹⁸ and that, in the Decision of 8 November 2013, this submission was accepted in principle.¹⁹ Nevertheless, the Chamber will also take into account the duration of the upcoming Winter Judicial Recess.

9. In setting further time limits, the Chamber is guided by the original calendar as established by the Adjournment Decision, while also recalling the Decision of 8 November 2013 where the Chamber stated:

[T]he Chamber will seek to mitigate the delaying impact of the extension of time granted in the present decision. In particular, the Chamber notes that in the Adjournment Decision, due to the timing of the Winter Judicial Recess, an unusually long period of five and a half weeks was accorded to the Prosecutor and the OPCV for the filing of the final written submissions. The Chamber intends to vary this time limit to two weeks, which is also the time limit that has already been set for the Defence final written submissions.²⁰

¹⁷ ICC-02/11-01/11-572.

¹⁸ Request, para. 11.

¹⁹ Decision of 8 November 2013, para. 12.

²⁰ Decision of 8 November 2013, para. 13.

FOR THESE REASONS, THE CHAMBER**a) ORDERS** the Prosecutor:

- (i) to disclose to the Defence by **Monday, 13 January 2014** the evidence on which she intends to rely for the purposes of confirmation of charges proceedings; and
- (ii) to submit by **Monday, 13 January 2014** the amended document containing the charges, the amended list of evidence and the updated consolidated Element Based Chart;

b) ORDERS the Defence:

- (i) to submit justified proposals for redactions, if any, pursuant to rule 81 of the Rules by **Monday, 13 January 2014**;
- (ii) to permit the inspection of any material within the meaning of rule 78 of the Rules by **Thursday, 6 February 2014**;
- (iii) to submit its observations on the Prosecutor's evidence and to disclose to the Prosecutor the evidence it intends to present, if any, and to file its amended list of evidence by **Thursday, 13 February 2014**;

c) DECIDES that the Prosecutor and the OPCV on behalf of the victims participating in the proceedings may file final written submissions in response to the Defence by **Thursday, 27 February 2014**; and

d) DECIDES that the Defence may submit final written submissions in response to the Prosecutor's and the victims' observations by **Thursday, 13 March 2014**.

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

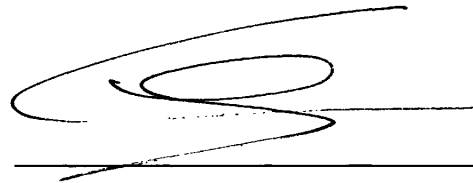


Judge Silvia Fernández de Gurmendi

Presiding Judge



Judge Hans-Peter Kaul



Judge Christine Van den Wyngaert

Dated this Tuesday, 17 December 2013

At The Hague, The Netherlands