

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

**No. ICC-02/11-01/12 OA
Date: 23 December 2014**

THE APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sang-Hyun Song
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Anita Ušacka

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF THE PROSECUTOR v. SIMONE GBAGBO**

Public document

Decision on Côte d'Ivoire's request for time extension



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 the Defence
Ms Sylvia Geraghty

States Representatives
Mr Jean-Pierre Mignard
Mr Jean-Paul Benoit

REGISTRY

Registrar
Mr Herman von Hebel



The Appeals Chamber of the International Criminal Court,

In the appeal of the Republic of Côte d'Ivoire against the decision of Pre-Trial Chamber I entitled "Decision on Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo" of 11 December 2014 (ICC-02/11-01/12-47-Red),

Having before it the "Appel de la République de Côte d'Ivoire sur la décision de la Chambre préliminaire I « relative à l'exception d'irrecevabilité soulevée par la Côte d'Ivoire s'agissant de l'affaire concernant Simone Gbagbo »" of 17 December 2014 (ICC-02/11-01/12-48), in which, *inter alia*, a request for extension of time for the filing of the document in support of the appeal is made,

Renders unanimously the following

DECISION

The time limit for Côte d'Ivoire's document in support of the appeal is extended to 9 January 2015.

REASONS

I. PROCEDURAL HISTORY

1. On 11 December 2014, the Pre-Trial Chamber rendered the "Decision on Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo"¹ (hereinafter: "Impugned Decision"), in which it, *inter alia*, rejected the Republic of Côte d'Ivoire's (hereinafter: "Côte d'Ivoire") challenge to the admissibility of the case.²

2. On 17 December 2014, Côte d'Ivoire submitted the "Appel de la République de Côte d'Ivoire sur la décision de la Chambre préliminaire I « relative à l'exception d'irrecevabilité soulevée par la Côte d'Ivoire s'agissant de l'affaire concernant

¹ ICC-02/11-01/12-47-Red.

² Impugned Decision, p. 38.



Simone Gbagbo »³ (hereinafter: “Notice of Appeal”), in which it, *inter alia*, seeks an extension of the time limit for the filing of its document in support of the appeal.⁴

3. Côte d’Ivoire submits that the preparation of the document in support of the appeal against the Impugned Decision will be affected by the holiday season and, as of 26 December 2014, by domestic proceedings against Ms Simone Gbagbo (hereinafter: “Ms Gbagbo”), concerning charges of threat to national security.⁵ For those reasons, Côte d’Ivoire seeks an extension of the time limit until 9 January 2015.⁶

4. On 18 December 2014, the Appeals Chamber issued an “Order on the filing of responses to Côte d’Ivoire’s requests for suspensive effect and time extension”,⁷ in which it granted the Prosecutor and Ms Gbagbo until 12h00 on 22 December 2014 to respond to, *inter alia*, the request for time extension made in the Notice of Appeal.

5. On 18 December 2014, the Prosecutor submitted her “Response to the Republic of Côte d’Ivoire’s Requests for Suspensive Effect and Extension of Time (ICC-02/11-01/12-48)”,⁸ in which she, *inter alia*, states that she does not oppose the extension of time requested by Côte d’Ivoire.

6. On 22 December 2014, Ms Gbagbo submitted the “Response on behalf of Simone Gbagbo to the ‘Appel de la République de Côte d’Ivoire sur la décision de la Chambre préliminaire « relative à l’exception d’irrecevabilité soulevée par la Côte d’Ivoire s’agissant de l’affaire concernant Simone Gbagbo »’”,⁹ in which she submits that she supports the request for time extension made by Côte d’Ivoire.

II. MERITS

7. Pursuant to regulation 64 (2) of the Regulations of the Court, “the appellant shall file a document in support of the appeal [...] within 21 days of notification of the relevant decision”. Pursuant to regulation 35 (2) of the Regulations of the Court, the

³ ICC-02/11-01/12-48.

⁴ Notice of Appeal, paras 18-20.

⁵ Notice of Appeal, para. 19.

⁶ Notice of Appeal, para. 20.

⁷ ICC-02/11-01/12-51 (OA).

⁸ ICC-02/11-01/12-49 (OA).


⁹ ICC-02/11-01/12-52 (OA).

Appeals Chamber may extend a time limit stipulated in the Regulations of the Court “if good cause is shown”.

8. The Appeals Chamber notes the argument of Côte d’Ivoire that the time limit for the filing of the document in support of the appeal runs at the time of end-of-year festivities.¹⁰ Côte d’Ivoire also refers to domestic proceedings against Ms Gbagbo which are apparently scheduled to commence on 26 December 2014.¹¹ In the particular circumstances of the present case, the Appeals Chamber is satisfied that, in light of these submissions, “good cause” has been shown. The Appeals Chamber considers the requested extension to be reasonable.

9. Accordingly, the time limit for the filing of Côte d’Ivoire’s document in support of the appeal is extended to 9 January 2015.

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



Judge Sanji Mmasenono Monageng
Presiding Judge

Dated this 23rd December 2014

At The Hague, The Netherlands

¹⁰ Notice of Appeal, para. 19.

¹¹ Notice of Appeal, para. 19.