

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-02/11-01/15 OA

Date: 16 July 2015

THE APPEALS CHAMBER

Before:

Judge Piotr Hofma ski, Presiding Judge

Judge Kuniko Ozaki

Judge Sanji Mmasenono Monageng

Judge Howard Morrison

Judge Chang-ho Chung

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO
AND CHARLES BLÉ GOUDÉ**

**Confidential *ex parte*, available to the Prosecutor, Mr Laurent Gbagbo and the
Office of Public Counsel for victims only**

**Decision on the request of Mr Gbagbo for extension of page limit for his
document in support of appeal**

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 Mr Laurent Gbagbo
Mr Emmanuel Altit
Ms Agathe Bahi Baroan

The Office of Public Counsel for victims
Ms Paolina Massidda

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Laurent Gbagbo against the decision of Trial Chamber I entitled “Ninth decision on the review of Mr Laurent Gbagbo’s detention pursuant to Article 60(3) of the Statute” of 8 July 2015 (ICC-02/11-01/15-127-Red),

Having before it the “Corrigendum de la requête aux fins d’augmentation du nombre de pages autorisé que comprendra le document à l’appui de l’appel de la «Ninth decision on the review of Mr Laurent Gbagbo’s detention pursuant to Article 60(3) of the Statute» (ICC-02/11-01/15-127-Conf)” of 14 July 2015 (ICC-02/11-01/15-136-Conf-Exp-Red-Corr),

Renders pursuant to regulation 37 (2) of the Regulations of the Court the following

DECISION

1. The “Corrigendum de la requête aux fins d’augmentation du nombre de pages autorisé que comprendra le document à l’appui de l’appel de la «Ninth decision on the review of Mr Laurent Gbagbo’s detention pursuant to Article 60(3) of the Statute» (ICC-02/11-01/15-127-Conf)” is rejected.
2. Mr Laurent Gbagbo shall file public redacted versions of the following documents: ICC-02/11-01/15-134-Conf-Exp and ICC-02/11-01/15-136-Conf-Exp-Corr by 16h00 on Monday, 20 July 2015.
3. The Prosecutor shall file a public redacted version of document ICC-02/11-01/15-139-Conf-Exp by 16h00 on Tuesday, 21 July 2015.

REASONS

1. On 8 July 2015, Trial Chamber I (hereinafter: “Trial Chamber”) issued the “Ninth decision on the review of Mr Laurent Gbagbo’s detention pursuant to Article 60(3) of the Statute”¹ (hereinafter: “Impugned Decision”).

¹ ICC-02/11-01/15-127-Conf; a public redacted version was registered on the same day (ICC-02/11-01/15-127-Red).

2. On 14 July 2015, Mr Laurent Gbagbo (hereinafter: "Mr Gbagbo") filed a notice of appeal against the Impugned Decision² (hereinafter: "Notice of Appeal").
3. On 14 July 2015, Mr Gbagbo filed a request for an extension of page limit for his document in support of his appeal³ (hereinafter: "Mr Gbagbo's Request"), in which he seeks an extension by 25 pages.⁴ The Prosecutor responded to Mr Gbagbo's Request on 15 July 2015⁵ (hereinafter: "Prosecutor's Response").
4. In his request Mr Gbagbo submits that his appeal concerns his fundamental rights, most importantly his right to liberty, and arises in a novel context: the periodic review of his detention at trial.⁶ Mr Gbagbo indicates that he will argue that the Trial Chamber erred in law in asserting that it had not been seized of his request for conditional release on the basis of his health and erred in fact in disregarding circumstances related to the situation in the Republic of Côte d'Ivoire.⁷ Mr Gbagbo avers that he will refer, *inter alia*, to international treaties of human rights law and related jurisprudence, as well as the jurisprudence of the Court to demonstrate errors in the Impugned Decision.⁸ He maintains that his arguments will be numerous and extremely complex.⁹ Finally, Mr Gbagbo submits that a well-argued, coherent and comprehensible presentation of its analysis requires a sufficient number of pages.¹⁰

² "Acte d'appel de la Défense relatif à la «ninth decision on the review of Mr Laurent Gbagbo's detention pursuant to Article 60(3) of the Statute» (ICC-02/11-01/15-127-Conf) de la Chambre de première instance I décidant du maintien en détention de Laurent Gbagbo", ICC-02/11-01/15-134-Conf-Exp; a confidential redacted *ex parte* version available to the Registrar, the Prosecutor and the Defence was registered on the same day (ICC-02/11-01/15-134-Conf-Exp-Red) and a confidential redacted *ex parte* version available to the Registrar, the Prosecutor, the Defence and the Legal Representative of Victims was also registered on the same day (ICC-02/11-01/15-134-Conf-Exp-Red2).

³ "Requête aux fins d'augmentation du nombre de pages autorisé que comprendra le document à l'appui de l'appel de la «Ninth decision on the review of Mr Laurent Gbagbo's detention pursuant to Article 60(3) of the Statute» (ICC-02/11-01/15-127-Conf)", ICC-02/11-01/15-136-Conf-Exp; a confidential redacted *ex parte* version available to the Registrar, the Prosecutor, the Defence and the Legal Representative of Victims was registered on the same day (ICC-02/11-01/15-136-Conf-Exp-Red); corrigenda of the confidential *ex parte* version and confidential redacted *ex parte* version were registered on 15 July 2015 (ICC-02/11-01/15-136-Conf-Exp-Corr and ICC-02/11-01/15-136-Conf-Exp-Red-Corr).

⁴ Mr Gbagbo's Request, para. 29.

⁵ "Prosecution's Response to Laurent Gbagbo's Defence notice of appeal (ICC-02/11-01/15-134-Conf-Exp-Red) and request for extension of pages of the document in support of appeal (ICC-02/11-01/15-136-Conf-Exp-Red-Corr)", ICC-02/11-01/15-139-Conf-Exp.

⁶ Mr Gbagbo's Request, paras 8, 10. *See also* Mr Gbagbo's Request, para. 28.

⁷ Mr Gbagbo's Request, paras 17-19.

⁸ Mr Gbagbo's Request, paras 20-22.

⁹ Mr Gbagbo's Request, paras 23-25.


¹⁰ Mr Gbagbo's Request, paras 26-27.

5. In her response, the Prosecutor, *inter alia*, requests the Appeals Chamber to reject Mr Gbagbo's Request, arguing that there are no "exceptional circumstances that merit the extension".¹¹ The Prosecutor submits that there is no 'new context' and that Mr Gbagbo "fails to explain why his appeal is more complex than other appeal proceedings on similar decisions".¹²

6. Pursuant to regulation 37 (2) of the Regulations of the Court, a Chamber may grant an extension of the page limit "in exceptional circumstances". Having considered Mr Gbagbo's arguments, the Appeals Chamber is not persuaded that the nature, purported complexity and novelty of the issues that Mr Gbagbo intends to raise in his appeal constitute exceptional circumstances warranting an extension of the applicable page limit of the document in support of the appeal in this instance.

7. The Appeals Chamber notes that the Notice of Appeal and Mr Gbagbo's Request have been filed on a confidential *ex parte* basis, together with confidential versions redacted to varying degrees.¹³ Although justification has been provided for maintaining the confidentiality of certain information contained in these documents, there does not appear to be any justification for maintaining the confidentiality of the documents in their entirety.¹⁴ Accordingly, Mr Gbagbo is ordered to file public redacted versions of the Notice of Appeal and Mr Gbagbo's Request by 16h00 on Monday, 20 July 2015. The Prosecutor shall file a public redacted version of the Prosecutor's Response by 16h00 on Tuesday, 21 July 2015.

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



Judge Piotr Hofma ski
Presiding Judge

Dated this 16th day of July 2015

At The Hague, The Netherlands

¹¹ Prosecutor's Response, para. 9.

¹² Prosecutor's Response, para. 9.

¹³ See *supra* footnotes 2-3.

¹⁴ Notice of Appeal, para. 1; Mr Gbagbo's Request, para. 1.