



Original: English

**No. ICC-02/11-01/15 A
Date: 19 July 2019**

THE APPEALS CHAMBER

Before:
Judge Chile Eboe-Osuji, Presiding
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

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

Public

**Decision on the Prosecutor's request for time extension for the
notice of appeal and the appeal brief**

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 Laurent Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Legal Representatives of Victims

Ms Paolina Massidda

Counsel for Charles Blé Goudé

Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

REGISTRY

Registrar

Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

Having before it the ‘Prosecution’s urgent request for extension of time limits under rule 150(1) and regulation 58(1)’ of 16 July 2019 (ICC-02/11-01/15-1264 (A)),

Pursuant to rule 150(2) of the Rules of Procedure and Evidence and regulation 35(2) of the Regulations of the Court,

Renders the following

DECISION

- 1) The time limit for the filing of the Prosecutor’s notice of appeal against the oral decision of Trial Chamber I issued on 15 January 2019, with ‘Reasons for oral decision of 15 January 2019 on the *Requête de la Défense de Laurent Gbagbo afin qu’un jugement d’acquittement portant sur toutes les charges soit prononcé en faveur de Laurent Gbagbo et que sa mise en liberté immédiate soit ordonnée*, and on the Blé Goudé Defence no case to answer motion’ issued on 16 July 2019 (ICC-02/11-01/15-1263), is extended by 30 days.
- 2) The Prosecutor’s request for an extension of the time limit for the filing of the appeal brief is rejected.

REASONS

1. On 15 January 2019, Trial Chamber I issued, by majority, Judge Olga Herrera Carbuccion dissenting, an oral decision, acquitting Mr Laurent Gbagbo and Mr Charles Blé Goudé of all charges and indicating that the full reasons for the acquittal would be filed as soon as possible.¹

2. On 16 July 2019, the Trial Chamber issued the ‘Reasons for oral decision of 15 January 2019 on the *Requête de la Défense de Laurent Gbagbo afin qu’un jugement d’acquittement portant sur toutes les charges soit prononcé en faveur de Laurent Gbagbo et que sa mise en liberté immédiate soit ordonnée*, and on the Blé

¹ [ICC-02/11-01/15-T-232-Eng](#), p. 1, line 15 to p. 5, line 7.

Goudé Defence no case to answer motion’, which includes the ‘Opinion of Judge Cuno Tarfusser’, the ‘Reasons of Judge Geoffrey Henderson’ and Judge Herrera Carbuca’s ‘Dissenting Opinion’.²

3. On the same day, the Prosecutor filed the ‘Prosecution’s urgent request for extension of time limits under rule 150(1) and regulation 58(1)’ (the ‘Request’).³ The Prosecutor requests that the Appeals Chamber extend by 55 calendar days the time limits for the notice of appeal and appeal brief that she intends to file against the acquittal of Mr Gbagbo and Mr Blé Goudé.⁴

4. In support of this request, the Prosecutor submits that the decision to acquit is particularly complex and that the reasons that were provided amount to 1366 pages.⁵ The Prosecutor avers that the period during which she would have to prepare the notice of appeal and appeal brief includes the three-week judicial recess from 20 July to 11 August 2019.⁶ She recalls that the reasons for the acquittal were filed without prior announcement four days before the commencement of the recess, for which members of her Office have already planned annual leave.⁷ She argues that it is not possible for her to comply with the deadlines in these circumstances, also noting that there is other work pending before her Office.⁸ The Prosecutor submits further that the requested extension by 55 days (the period of the court recess plus one month) is brief and is therefore unlikely to affect the expeditious conduct of the appeal proceedings.⁹ She adds that Mr Gbagbo and Mr Blé Goudé are not in detention (albeit subject to conditions).¹⁰

² [ICC-02/11-01/15-1263](#), with annex A ([ICC-02/11-01/15-1263-AnxA](#)), annex B (ICC-02/11-01/15-1263-Conf-AnxB), and annex C (ICC-02/11-01/15-1263-Conf-AnxC); a public redacted version of annexes B and C were registered on the same day ([ICC-02/11-01/15-1263-AnxB-Red](#); [ICC-02/11-01/15-1263-AnxC-Red](#))

³ [ICC-02/11-01/15-1264](#) (A).

⁴ [Request](#), paras 18, 20.

⁵ [Request](#), para. 4. *See also* para. 9.

⁶ [Request](#), paras 12, 14.

⁷ [Request](#), paras 4, 14.

⁸ [Request](#), paras 15-16.

⁹ [Request](#), paras 3, 18-19.

¹⁰ [Request](#), para. 19.

5. On 17 July 2019, the legal representative of the victims participating in the proceedings filed a response to the Request, indicating that she supports the Request.¹¹

6. On that same date, Mr Gbagbo responded that he does not oppose the Request.¹²

7. The Appeals Chamber notes that, under rule 150(2) of the Rules of Procedure and Evidence (the ‘Rules’) and regulation 35(2) of the Regulations of the Court respectively, it has the power to extend the time limits for the filing of a notice of appeal and an appeal brief. It may do so if ‘good cause’ has been shown.

8. The Appeals Chamber considers that the reasons advanced by the Prosecutor in support of her request, as summarised above, demonstrate ‘good cause’ for the purposes of rule 150(2) of the Rules, justifying a modest extension of the time limit for the filing of the notice of appeal. In this regard, the Appeals Chamber notes that, since the amendment to regulation 57 of the Regulations of the Court, which entered into force in July 2017, appellants are required to state in the notice ‘[t]he grounds of appeal [...], specifying the alleged errors and how they affect the appealed decision’. This requires a thorough analysis of the impugned decision, which, in the present case, is indeed both complex and lengthy.

9. As to the length of the extension sought, however, the Appeals Chamber considers that an extension by 55 days would be disproportionate, bearing in mind that the regular time limit for the submission of the notice of appeal, as per rule 150(1) of the Rules, is 30 days. Notwithstanding the judicial recess, the Appeals Chamber does not consider it appropriate to almost triple the time limit. Rather, the Appeals Chamber considers that an extension by 30 days is, in the circumstances, appropriate.

10. Turning to the request to extend the time limit for the filing of the appeal brief from 90 days after notification of the impugned decision to 145 days, the Appeals Chamber considers that the Prosecutor’s arguments do not demonstrate ‘good cause’

¹¹ [‘Response to the “Prosecution’s urgent request for extension of time limits under rule 150\(1\) and regulation 58\(1\)”’, ICC-02/11-01/15-1265 \(A\), para. 6. See also para. 11.](#)

¹² [‘Réponse de la Défense à la « Prosecution’s urgent request for extension of time limits under rule 150\(1\) and regulation 58\(1\) » \(ICC-02/11-01/15-1264\)’, ICC-02/11-01/15-1266 \(A\), para. 5. See also p. 4.](#)

in terms of regulation 35(2) of the Regulations of the Court. The Appeals Chamber notes in this regard that, while with regard to the notice of appeal, a large part of the time limit would fall within the judicial recess, this is not the case with regard to the appeal brief, where the regular time limit is significantly longer (90 days as opposed to 30 days). Accordingly, the Appeals Chamber rejects the request for an extension of the time limit for the submission of the appeal brief.

11. The Appeals Chamber notes that it issues this decision without having received a response from Mr Blé Goudé on the Request. It does so, bearing in mind the purely procedural nature of the matter, which, in addition, will not have any impact on the time limits for Mr Blé Goudé.

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



Judge Chile Eboe-Osuji
Presiding Judge

Dated this 19th day of July 2019

At The Hague, The Netherlands