



**Original: English**

**No. ICC-02/11-01/15 A  
Date: 26 November 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 Mr Gbagbo's requests for extension of time, translations and  
correction of transcripts**

**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 Representative of Victims**  
Ms Paolina Massidda

**Counsel for Charles Blé Goudé**  
Mr Geert-Jan Alexander Knoops  
Mr Claver N'dry

**REGISTRY**

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**Registrar**  
Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber I of 15 January 2019 (ICC-02/11-01/15-T-232-ENG), with reasons issued on 16 July 2019 (ICC-02/11-01/15-1263 and its annexes),

Having before it the *‘Requête afin que le droit qu’a l’intéressé de recevoir en français le Jugement d’acquiescement, l’acte d’appel et le mémoire d’appel du Procureur avant de répondre au mémoire d’appel du Procureur soit respecté’* of 10 October 2019 (ICC-02/11-01/15-1273),

Having before it the *‘Requête de la Défense afin que soient portés au dossier de l’affaire dans les deux langues de travail de la Cour tous les documents importants et toutes les interventions des Parties, condition nécessaire à la conduite équitable de la procédure d’appel’* of 14 October 2019 (ICC-02/11-01/15-1275-Conf), and

Having also before it the *‘Requête de la Défense aux fins d’obtenir de la Chambre d’appel que, compte tenu de l’urgence, 1) elle ordonne au Greffe de communiquer à la Défense le plus rapidement possible la version officielle française de l’opinion du Juge Henderson datée du 16 juillet 2019, de l’opinion de la Juge Carbuccia datée du 16 juillet 2019 et du mémoire d’appel de l’Accusation du 15 octobre 2019; 2) elle confirme que la période dont dispose la Défense de Laurent Gbagbo pour répondre au mémoire d’appel du Procureur ne peut courir qu’à partir de la notification à la Défense de la version française officielle de ces documents’* of 22 November 2019 (ICC-02/11-01/15-1287-Conf),

Renders the following

## DECISION

- 1) The time limit for the filing of Mr Gbagbo and Mr Blé Goudé’s responses to the Prosecutor’s appeal brief is extended such that they shall be filed within 14 days of receipt of the full draft French translation of ICC-02/11-01/15-1263-Conf-AnxB.
- 2) The Registry shall transmit draft and revised versions of documents ICC-02/11-01/15-1263-Conf-AnxB, ICC-02/11-01/15-1263-Conf-AnxC and

ICC-02/11-01/15-1277-Conf, to the parties and the Appeals Chamber, as soon as they are available, and shall do its utmost to meet the translation timeframe which it communicated to the Appeals Chamber, as follows:

- a. A full draft French translation of ICC-02/11-01/15-1263-Conf-AnxB will be ready by the end of January 2020, with rolling drafts provided to the parties in the meantime; a revised French translation will be ready by July 2020.
- b. A revised French translation of ICC-02/11-01/15-1263-Conf-AnxC will be ready by mid-December 2019.
- c. A revised French translation of ICC-02/11-01/15-1277-Conf will be ready by the end of December 2019, at the latest.

Should the Registry anticipate not being able to meet this timeframe, it shall inform the Appeals Chamber immediately.

## REASONS

### I. PROCEDURAL BACKGROUND

1. On 15 January 2019, Trial Chamber I ('Trial Chamber') issued, by majority, Judge Olga Herrera Carbuccion dissenting, an oral decision<sup>1</sup> ('Trial Chamber's Oral Decision'), finding 'that the Prosecutor has failed to satisfy the burden of proof to the requisite standard as foreseen in Article 66 of the Rome Statute' and granting the motions for acquittal filed by Mr Laurent Gbagbo ('Mr Gbagbo') and Mr Charles Blé Goudé ('Mr Blé Goudé').<sup>2</sup> The Trial Chamber indicated that its full reasons would be filed as soon as possible.<sup>3</sup>

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'acquittal 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

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<sup>1</sup> [ICC-02/11-01/15-T-232-Eng.](#)

<sup>2</sup> [Trial Chamber's Oral Decision](#), p. 4, lines 15-18.

<sup>3</sup> [Trial Chamber's Oral Decision](#), p. 3, line 18.

Goudé Defence no case to answer motion<sup>4</sup> ('Trial Chamber's Reasons'), which included the 'Opinion of Judge Cuno Tarfusser'<sup>5</sup> ('Judge Tarfusser's Opinion'), the 'Reasons of Judge Geoffrey Henderson'<sup>6</sup> ('Judge Henderson's Reasons') and the 'Dissenting Opinion' of Judge Herrera Carbuccia<sup>7</sup> ('Judge Herrera Carbuccia's Dissenting Opinion').

3. On 16 September 2019, the Prosecutor filed a notice of appeal ('Prosecutor's Notice of Appeal')<sup>8</sup> against the entirety<sup>9</sup> of the Trial Chamber's Oral Decision and the Trial Chamber's Reasons ('Impugned Decision').

4. On 10 October 2019, Mr Gbagbo filed the '*Requête afin que le droit qu'à l'intéressé de recevoir en français le Jugement d'acquiescement, l'acte d'appel et le mémoire d'appel du Procureur avant de répondre au mémoire d'appel du Procureur soit respecté*' ('Mr Gbagbo's First Request').<sup>10</sup>

5. On 14 October 2019, Mr Gbagbo filed the '*Requête de la Défense afin que soient portés au dossier de l'affaire dans les deux langues de travail de la Cour tous les documents importants et toutes les interventions des Parties, condition nécessaire à la conduite équitable de la procédure d'appel*' ('Mr Gbagbo's Second Request').<sup>11</sup>

6. On the same day, Mr Blé Goudé sent an email to the Appeals Chamber stating that he would not be filing a response to Mr Gbagbo's First Request.

7. On 15 October 2019, the Prosecutor filed the 'Prosecution Document in Support of Appeal' ('Prosecutor's Appeal Brief').<sup>12</sup>

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<sup>4</sup> [ICC-02/11-01/15-1263](#).

<sup>5</sup> [ICC-02/11-01/15-1263-AnxA](#).

<sup>6</sup> ICC-02/11-01/15-1263-Conf-AnxB. A public redacted version was registered the same day (ICC-02/11-01/15-1263-AnxB-Red).

<sup>7</sup> ICC-02/11-01/15-1263-Conf-AnxC. A public redacted version was registered the same day (ICC-02/11-01/15-1263-AnxC-Red).

<sup>8</sup> [Prosecution Notice of Appeal](#), ICC-02/11-01/15-1270. A corrigendum was filed the next day ([ICC-02/11-01/15-1270-Corr](#)).

<sup>9</sup> [Prosecutor's Notice of Appeal](#), para. 2.

<sup>10</sup> [ICC-02/11-01/15-1273](#).

<sup>11</sup> ICC-02/11-01/15-1275-Conf.

<sup>12</sup> ICC-02/11-01/15-1277-Conf. A public redacted version was registered on 17 October 2019 ([ICC-02/11-01/15-1277-Red](#)).

8. On 16 October 2019, the Office of Public Council for victims ('Victims') filed the 'CLR V Consolidated Response to Defence's Requests No. ICC-02/11-01/15-1272-Conf, No. ICC-02/11-01/15-1273 and No. ICC-02/11-01/15-1275-Conf'<sup>13</sup> ('Victims' Response').

9. On 18 October 2019, the Prosecutor filed the 'Prosecution omnibus response to the Gbagbo Defence's translation requests (ICC-02/11-01/15-1273 and ICC-02/11-01/15-1275)'<sup>14</sup> ('Prosecutor's Response').

10. On 22 November 2019, Mr Gbagbo reiterated his first request ('Mr Gbagbo's Third Request').<sup>15</sup>

## II. MERITS

### A. Arguments of the parties and participants

11. In his first request, Mr Gbagbo prays the Appeals Chamber to order that the deadline for the filing of his response to the Prosecutor's Appeal Brief shall start to run from notification of full translations, from English into French, of the following four documents:<sup>16</sup> Judge Henderson's Reasons; Judge Herrera Carbuccia's Dissenting Opinion; the Prosecutor's Notice of Appeal; and the Prosecutor's Appeal Brief.

12. In his second request, Mr Gbagbo prays the Appeals Chamber to order the Registrar to file, without delay, official translations of the following three documents:<sup>17</sup> the Prosecutor's mid-trial brief<sup>18</sup> (from English into French), Mr

<sup>13</sup> ICC-02/11-01/15-1278-Conf. A public redacted version was registered on 28 October 2019 ([ICC-02/11-01/15-1278-Red](#)).

<sup>14</sup> ICC-02/11-01/15-1281-Conf. A public redacted version was registered on 21 October 2019 ([ICC-02/11-01/15-1281-Red](#)).

<sup>15</sup> Requête de la Défense aux fins d'obtenir de la Chambre d'appel que, compte tenu de l'urgence, 1) elle ordonne au Greffe de communiquer à la Défense le plus rapidement possible la version officielle française de l'opinion du Juge Henderson datée du 16 juillet 2019, de l'opinion de la Juge Carbuccia datée du 16 juillet 2019 et du mémoire d'appel de l'Accusation du 15 octobre 2019; 2) elle confirme que la période dont dispose la Défense de Laurent Gbagbo pour répondre au mémoire d'appel du Procureur ne peut courir qu'à partir de la notification à la Défense de la version française officielle de ces documents, ICC-02/11-01/15-1287-Conf. A public redacted version was registered on the same day ([ICC-02/11-01/15-1287-Red](#)).

<sup>16</sup> [Mr Gbagbo's First Request](#), p. 19. See also [Mr Gbagbo's First Request](#), para. 29. See further [Mr Gbagbo's Third Request](#), para. 29; p. 8.

<sup>17</sup> Mr Gbagbo's Second Request, p. 22.

<sup>18</sup> [Prosecution's Mid-Trial Brief submitted pursuant to Chamber's Order on the further conduct of the proceedings \(ICC-02/11-01/15-1124\)](#), 19 March 2018, ICC-02/11-01/15-1136 ('Prosecutor's Mid-Trial Brief').

Gbagbo's no case to answer motion<sup>19</sup> (from French into English) and the Prosecutor's response to the no case to answer motion<sup>20</sup> (from English into French). He also prays, in his second request, that the Appeals Chamber order the Registrar to correct the English versions of the transcripts of the hearings held before the Trial Chamber on the no case to answer motions on 12, 13 and 14 November 2018, in accordance with suggestions from counsel for Mr Gbagbo (the 'Defence').<sup>21</sup>

13. Mr Gbagbo would also appear to be requesting a translation into French of any forthcoming response to the appeal to be filed by the victims participating in the appeal.<sup>22</sup>

14. The first request is based on the argument that, in order to have a fair trial, an accused person has the right to be notified in his or her own language or in a language that he or she fully understands and speaks (namely French, in the case of Mr Gbagbo)<sup>23</sup> of the charges laid against him or her; a right extending to the provision of any significant document in the proceedings elucidating the case.<sup>24</sup> Mr Gbagbo argues that, if the timeline for the filing of a response were to run from the date of notification of the Prosecutor's Appeal Brief in English, it would seriously infringe upon his rights and ability to participate actively in his defence.<sup>25</sup> It would also compromise the ability of the Defence to fully apprise itself of the Prosecutor's arguments and respond fully to them, as its working language is French.<sup>26</sup> Mr Gbagbo requests full, as opposed to partial, translations of the documents in question, submitting that it is for the Defence to determine the relevancy or otherwise of the reasons for the Impugned Decision in responding to the appeal.<sup>27</sup> Mr Gbagbo also

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<sup>19</sup> That motion was registered on 23 July 2018. A corrected version was registered on 25 September 2018: [Version corrigée de la 'Requête de la Défense de Laurent Gbagbo afin qu'un jugement d'acquiescement portant sur toutes les charges soit prononcé en faveur de Laurent Gbagbo et que sa mise en liberté immédiate soit ordonnée'](#), ICC-02/11-01/15-1199-Corr ('Mr Gbagbo's No Case to Answer Motion').

<sup>20</sup> [Prosecution's Response to Defence No Case to Answer Motions](#), 10 September 2018, ICC-02/11-01/15-1207 ('Prosecutor's Response to No Case to Answer Motion').

<sup>21</sup> Mr Gbagbo's Second Request, paras 70-81.

<sup>22</sup> Reference to receiving a French translation of a forthcoming response of the Victims is alluded to at paragraph 26 of [Mr Gbagbo's First Request](#) and paragraph 53 of Mr Gbagbo's Second Request.

<sup>23</sup> [Mr Gbagbo's First Request](#), paras 8, 54.

<sup>24</sup> [Mr Gbagbo's First Request](#), paras 4-10, 14, 18, 26.

<sup>25</sup> [Mr Gbagbo's First Request](#), para. 35.

<sup>26</sup> [Mr Gbagbo's First Request](#), para. 35.

<sup>27</sup> [Mr Gbagbo's First Request](#), paras 27-32.

argues that the Defence should not be placed at an unfair disadvantage in its appeal preparations simply due to the fact that its working language is French – particularly given that French is one the two working languages of the Court as stipulated in the Statute.<sup>28</sup>

15. The second request is made on the basis that the absence of official translations into English or French, as appropriate, of the documents cited at paragraph 12 above, affects the fairness of the appeal proceedings, as they form part of the record of the no case to answer proceedings being adjudicated upon before the Appeals Chamber and, as such, are essential to the understanding of both the judges and the parties to those proceedings.<sup>29</sup> Mr Gbagbo adds that, whereas such understanding is equally assisted by the provision of accurate transcripts of the hearings on the no case to answer motions, he has raised outstanding queries with the Registry regarding whether the transcripts which are currently available faithfully represent the statements made during the hearings; he argues that the lack of accurate transcripts seriously infringes on the fairness of the proceedings if neither the judges nor the parties are aware of what was *actually* said at those hearings.<sup>30</sup> He appears to be querying the English translation of the transcripts<sup>31</sup> and asks that the Registry take into account the corrections he suggested on 6 December 2018.<sup>32</sup>

16. In relation to the relief sought in Mr Gbagbo's First Request, while the Prosecutor opposes his request to suspend the deadline to respond to her appeal brief until receipt of translations of the four documents listed at paragraph 11 above, she would not oppose a short postponement of the deadline, until the second week of January 2020 for both Mr Gbagbo, and also Mr Blé Goudé, so that they remain on the same schedule.<sup>33</sup> On the merits of Mr Gbagbo's First Request, the Prosecutor argues that, contrary to article 67(1)(a) of the Statute, and in accordance with previous jurisprudence at the Court, the concerned documents are not documents containing information about the 'nature, cause and content of the charges against Mr Gbagbo'.<sup>34</sup>

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<sup>28</sup> [Mr Gbagbo's First Request](#), paras 55-59.

<sup>29</sup> Mr Gbagbo's Second Request, paras 59, 63-64.

<sup>30</sup> Mr Gbagbo's Second Request, paras 70-74.

<sup>31</sup> Mr Gbagbo's Second Request, p. 19.

<sup>32</sup> Mr Gbagbo's Second Request, p. 22.

<sup>33</sup> Prosecutor's Response, paras 1, 20.

<sup>34</sup> Prosecutor's Response, para. 12.



The Prosecutor takes no position as to the relief sought in Mr Gbagbo's Second Request, stating that she 'does not possess all the necessary information'.<sup>35</sup> She notes, however, that the Trial Chamber has ordered the Registry to file an official French translation of the Prosecutor's Mid-Trial Brief and that the Defence has received a draft of the Prosecutor's Response to Mr Gbagbo's No Case to Answer Motion.<sup>36</sup>

17. The Victims argue that, contrary to the obligation to act with due diligence in exercising a right, Mr Gbagbo's First Request should be dismissed *in limine* for being out of time since the Impugned Decision (which was expected to be in English) was rendered on 15 January 2019, Mr Gbagbo had been on notice of the Prosecutor's intention to lodge an appeal against the Impugned Decision since 16 January 2019, and the written reasons for the Impugned Decision were filed on 15 July 2019.<sup>37</sup> On the merits of Mr Gbagbo's First Request, the Victims submit that the requested documents do not serve to inform him of the nature and content of the charges within the meaning of article 67(1)(a) of the Statute.<sup>38</sup> With regard to Mr Gbagbo's Second Request, the Victims submit that he has no right as such to be provided with official translations of the requested documents, nor is there a justified reason for the delay that would be associated with providing such translations.<sup>39</sup> With respect to the corrections to the transcripts, the Victims argue that the Registry is responsible for the provision of transcripts and deciding on the necessity of any corrections thereto.<sup>40</sup>

## **B. Determination**

18. The Appeals Chamber recalls that, in relation to appeals against acquittals, regulation 59(1) of the Regulations of the Court provides that '[a] participant may file a response within 60 days of notification of the appeal brief [...]'. Pursuant to regulation 35(2) of the Regulations of the Court, a 'Chamber may extend or reduce a time limit if good cause is shown'.

19. Mr Gbagbo requests that the deadline to file his response to the Prosecutor's Appeal Brief begins to run from notification of official French translations of the four

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<sup>35</sup> Prosecutor's Response, para. 2.

<sup>36</sup> Prosecutor's Response, paras 2, 16, 18.

<sup>37</sup> Victims' Response, paras 20-24.

<sup>38</sup> Victims' Response, paras 39-44.

<sup>39</sup> Victims' Response, paras 45-49.

<sup>40</sup> Victims' Response, paras 51-52.

documents referred to in paragraph 11 above. He also seeks the official translation of three other documents in the trial record (listed in paragraph 12 above) into either French or English.

20. The Appeals Chamber recalls that, pursuant to article 67(1)(f) of the Statute, in the determination of any charge, the accused shall be entitled:

[t]o have, free of any cost, the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness, if any of the proceedings or documents presented to the Court are not in a language which the accused fully understands and speaks.

21. Pursuant to rule 144(2) of the Rules of Procedure and Evidence, decisions of the Trial Chamber concerning the criminal responsibility of the accused ‘shall be provided as soon as possible’, in a working language of the Court, to those who participated in the proceedings and to the ‘accused, in a language he or she fully understands or speaks, if necessary to meet the requirements of fairness under article 67, paragraph 1 (f)’ of the Statute, as set out above. As concerns the instant case, the Appeals Chamber has previously found that French is the language that Mr Gbagbo fully understands and speaks.<sup>41</sup>

*1. Mr Gbagbo’s First Request*

22. With Mr Gbagbo’s First Request, he seeks an extension of the time limit for the submission of his response to the Prosecutor’s Appeal Brief.

23. The Appeals Chamber needs to ensure that these appellate proceedings advance both fairly and expeditiously. In this context, Mr Gbagbo needs to have the opportunity to provide meaningful input in relation to this appeal. With this framework in mind, and for the reasons that follow, the Appeals Chamber considers that good cause has been established for a modest extension of the time limit prescribed under regulation 59(1) of the Regulations of the Court, although not to the full extent requested by Mr Gbagbo. Rather, the Appeals Chamber considers it appropriate to order that the response shall be filed within 14 days of the provision of the full draft French translation of Judge Henderson’s Reasons.

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<sup>41</sup> [Decision on Mr Gbagbo's request for translation and an extension of time for the filing of a response to the document in support of the appeal](#), 22 August 2013, ICC-02/11-01/11-489 (‘Decision of 22 August 2013’), para. 16.

24. The Appeals Chamber considers that the timeframe provided to it by the Court's Language Services Section ('LSS'), for the provision of French translations of the four documents (noting that one of those four, the Prosecutor's Notice of Appeal, has since been filed on the record in French, on 19 November 2019), in both draft and revised form, ensures that proceedings will advance expeditiously, while providing Mr Gbagbo with adequate opportunity to review these documents in French, in order to provide input in relation to this appeal, in accordance with the extension granted by the Appeals Chamber in this decision. The Appeals Chamber's decision also takes account of the fact that Mr Gbagbo will receive draft French translations of Judge Henderson's Reasons on a rolling basis, that he will have received revised French versions of the remaining two documents (having already received drafts) by the end of this year and that Mr Gbagbo's defence team has presumably already begun working on its response based on the English versions of the Prosecutor's Appeal Brief and the various components of the Impugned Decision.<sup>42</sup> It also recalls that it has stated that "article 67(1)(a) and (f) of the Statute relates to the language ability and knowledge of the suspect and/or accused, not of his/her [c]ounsel and/or defence team".<sup>43</sup>

25. In these circumstances, the Appeals Chamber considers that, in order to provide Mr Gbagbo with adequate time to prepare his response, while also ensuring the expeditious conduct of these proceedings and timely consideration of the appeal, it is appropriate in this case to grant a modest extension of time such that Mr Gbagbo's response shall be filed within 14 days of the provision of the full draft French translation of Judge Henderson's Reasons, which is expected by the end of January 2020. On receipt of the revised French translation of this document, which is expected in July 2020, Mr Gbagbo may file a request to supplement his response to the Prosecutor's Appeal Brief, if necessary. In contrast, the Appeals Chamber rejects Mr Gbagbo's request that the time limit for filing his response should begin to run as of notification of the official French translations of the four documents referred to in

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<sup>42</sup> [Mr Gbagbo's First Request](#), paras 56, 59.

<sup>43</sup> [Decision of 22 August 2013](#), para. 11, referring to *Prosecutor v. Callixte Mbarushimana*, [Decision on the 'Requête urgente aux fins de reconsidération de la décision n° ICC-01/04-01/10 OA4, de protestation et de réserve'](#), 23 March 2012, ICC-01/04-01/10-505 (OA4), para. 10.

paragraph 11 above. In the circumstances, such an extension does not appear to be justified and would unnecessarily prolong the proceedings.

26. The above decision is based on LSS meeting the timeframe it provided to the Appeals Chamber for the translation of the three remaining documents, as set out more fully in the disposition above. LSS is, therefore, requested to do its utmost to meet this timeframe and to inform the Appeals Chamber immediately should it anticipate difficulty in doing so.

27. Although Mr Blé Goudé has not requested an extension of time, the Appeals Chamber has decided to extend the time limit for his response also, placing both he and Mr Gbagbo on the same schedule.<sup>44</sup>

## 2. *Mr Gbagbo's Second Request*

28. In his second request, Mr Gbagbo seeks revised translations of three documents, without delay.

29. Mr Gbagbo seeks a revised English translation of Mr Gbagbo's No Case to Answer Motion, based on broad arguments related to, for example, the fairness of the proceedings, the need for a complete record in both languages, for the benefit of the Defence, so that it has access to the document in the language used by the trial judges, and for the benefit of the parties and the Appeals Chamber judges. Should the Appeals Chamber require part, or all, of this document in revised English form, it will notify the Registry as such. Otherwise, the Appeals Chamber finds no merit in the Defence's very broad submissions, bearing in mind that the document in question originates from the Defence which has made no convincing argument as to why it should be translated in revised form into English. If the Defence wishes to receive the English draft of this document which has already been prepared, it may request that the Registry provide it.

30. Regarding the request for revised French translations of the Prosecutor's Mid-Trial Brief and the Prosecutor's Response to Mr Gbagbo's No Case to Answer

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<sup>44</sup> See para. 16 above. The Prosecutor, while requesting that the Appeals Chamber deny the request, stated that 'if it deems appropriate' the Appeals Chamber could 'allow the Defence [of Mr Gbagbo] a maximum of one month extension [...] and allow the Defence of Mr Blé Goudé to do the same so that they are on the same schedule', Prosecutor's Response, para. 20.

Motion, the Appeals Chamber understands from LSS that the Defence has received draft French translations of both documents (although the footnotes in the latter have not been translated). The Appeals Chamber sees no need to make any further order as to the translation of these documents.

31. In respect of the corrections sought to the November 2018 transcripts, the Appeals Chamber notes that, in accordance with regulation 27 of the Regulations,

1. Real time transcripts of hearings shall be provided in at least one of the working languages of the Court to the extent technically possible. [...]
2. The transcripts constitute an integral part of the record of the proceedings. The electronic version of transcripts shall be authoritative.

32. Redacted and confidential versions, in English and French, of the transcripts of the hearings in question, have already been filed in the record of the case.<sup>45</sup> Mr Gbagbo challenges the accuracy of the English versions. Regulation 21(2) of the Regulations of the Registry provides that the ‘situation or case record shall be a full and accurate record of all proceedings’, including, in (k), ‘transcripts and indexes to the transcripts’. Regulation 50 of the Regulations of the Registry provides that the Registry may produce several versions of the same transcript, including ‘[a] corrected version of the confidential and/or the public version’. In terms of translations/interpretation from the original language, revised versions of transcripts (for example correcting errors in translation) are ‘prepared by the interpretation and translation service within the Registry’ in accordance with regulation 65(5) of the Regulations of the Registry.

33. The Appeals Chamber was advised by LSS that Mr Gbagbo had submitted three requests for correction of the transcripts (in December 2018 and on 5 July 2019 and 26 September 2019), and that LSS responded to the Defence with explanations in a table on 26 September 2019. The Appeals Chamber considers that any remaining concerns as to the accuracy of the transcripts should be directed to the Registry, which is the responsible organ in this respect. If the Defence remains unconvinced that the transcripts are correct, and if it considers that this has an impact on issues related to

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<sup>45</sup> Status Conference, 12 November 2018, ICC-02/11-01/15-T-224; Status Hearing, 13 November 2018, ICC-02/11-01/15-T-225; Status Hearing, 14 November 2018, ICC-02/11-01/15-T-226.

this appeal, it may indicate the relevant parts to the Appeals Chamber in its response to the Prosecutor's Appeals Brief.

34. The Appeals Chamber notes that Mr Gbagbo seems to also request translation of any observations that the Victims may file in this appeal. As this request is currently speculative, since it is not yet known whether these observations will be filed in English or French, or both, this matter is not addressed further.

35. Finally, the Appeals Chamber notes that the Victims have filed a response in relation to the matters addressed in the present decision. In the circumstances, the Appeals Chamber decided to take those submissions into account. However, a decision regulating the timing and manner of victims' participation in the appeals proceedings will also be issued. The appropriate time and page limit for the victims' legal representatives' submissions on the appeal briefs will be addressed in that particular decision.

36. Although Mr Gbagbo's Second Request was filed confidentially, because it referred to communication between the Defence and the Registry,<sup>46</sup> the Appeals Chamber files this decision publicly, noting that it sees no need for the information contained within this decision to remain confidential. In addition, and noting that the Prosecutor and the Victims have already filed public redacted versions of their responses, Mr Gbagbo is requested to file, as soon as possible, a public redacted version of his second request.

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



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**Judge Chile Eboe-Osuji**  
**Presiding**

Dated this 26<sup>th</sup> day of November 2019

At The Hague, The Netherlands

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<sup>46</sup> Mr Gbagbo's Second Request, para. 1.