

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/11
Date: 19 October 2012

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR V. LAURENT GBAGBO***

Public

**Order scheduling a hearing pursuant to rule 118(3) of the Rules of Procedure
and Evidence**

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda

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 & Deputy Registrar

Silvana Arbia

Didier Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Silvia Fernández de Gurmendi, Single Judge for Pre-Trial Chamber I (the “Chamber”) of the International Criminal Court (the “Court”), responsible for carrying out the functions of the Chamber in relation to the situation in the Republic of Côte d’Ivoire and the cases emanating therefrom,¹ hereby issues this order scheduling a hearing.

1. On 23 November 2011, the Pre-Trial Chamber III issued an arrest warrant for Laurent Gbagbo (“Mr Gbagbo”),² who was transferred to the Court on 30 November 2011. On 30 November 2011, Pre-Trial Chamber III issued the “Decision on the Prosecutor’s Application Pursuant to Article 58 for a warrant of arrest against Laurent Koudou Gbagbo”.³

2. On 5 December 2011, the first appearance of Mr Gbagbo before the Court took place.⁴

3. On 1 May 2012, the Defence submitted the “*Requête de la Défense demandant la mise en liberté provisoire du Président Gbagbo*”, wherein it requested the interim release of Mr Gbagbo pursuant to article 60(2) of the Rome Statute (the “Statute”).⁵

4. On 13 July 2012, the Single Judge issued the “Decision on the ‘*Requête de la Défense demandant la mise en liberté provisoire du président Gbagbo*’”, in which the request for interim release advanced by the defence was rejected.⁶

5. The Single Judge notes article 60(3) of the Statute and rule 118(2) of the Rules of Procedure and Evidence (the “Rules”), according to which the

¹ ICC-02/11-01/11-61.

² ICC-02/11-01/11-1.

³ ICC-02/11-01/11-9-US-Exp. A public redacted version is available (ICC-02/11-01/11-9-Red).

⁴ ICC-02/11-01/11-T-1-ENG.

⁵ ICC-02/11-01/11-105-Conf-Red-Corr, p. 39.

⁶ ICC-02/11-01/11-180-Red, p. 26.

Chamber shall review its ruling on the release or detention of a person at least every 120 days. In addition, rule 118(3) of the Rules provides that the Chamber may decide to hold a hearing, at the request of the parties or *proprio motu*, and that a hearing shall be held “at least once every year”.

6. The Single Judge notes that the 120-day time limit will expire on 13 November 2012. At the same time, the Single Judge notes that a hearing on the necessity of detention of Mr Gbagbo has not been held since his initial appearance before the Court. Accordingly, the Single Judge considers it appropriate to convene a hearing in order to receive observations for the purpose of a decision on continued detention or release in accordance with article 60(2) in conjunction with article 58(1) of the Statute. The hearing shall be held before the Single Judge, in public session, in the presence of the Prosecutor and the Defence. In addition, pursuant to article 68(3) of the Statute and rule 91(2) of the Rules, the Single Judge is of the view that the interests of the victims admitted to participate in the present case could be affected by the issue at stake and that their participation in the hearing would not be prejudicial to or inconsistent with the rights of the suspect and a fair and impartial trial. Therefore, the Single Judge considers it appropriate to allow the attendance of the Office of Public Counsel for Victims (“OPCV”).

7. The Single Judge will hear submissions from the Prosecutor (30 minutes), the OPCV (20 minutes) and, lastly, from the Defence (30 minutes). Should the Single Judge consider it necessary, the parties and participants will be allowed to submit final oral observations in the same order as specified above and within a timeframe to be decided at the hearing. The Single Judge also considers that the oral observations of the parties and participants will be sufficient to exhaust the matter. Therefore, it is not necessary to receive further submissions in writing.

FOR THESE REASONS, THE SINGLE JUDGE

DECIDES to hold a hearing in open session on Tuesday 30 October 2012 at 14.30, in the presence of the Prosecutor, the Defence of Mr Gbagbo and the OPCV to receive observations on the issue of continued detention or release of Mr Gbagbo.

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



Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 19 October 2012

At The Hague, The Netherlands