

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-02/11-01/12
Date: 18 December 2013

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. SIMONE GBAGBO

Public

**Prosecution's request pursuant to Regulation 35 for the extension of time to
submit observations on the Admissibility Challenge**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Other

Introduction

1. On 1 October 2013, Côte d'Ivoire filed the "*Requête de la République de Côte d'Ivoire sur la recevabilité de l'Affaire Le Procureur c. Simone Gbagbo, et demande de sursis à exécution en vertu des articles 17, 19 et 95 du Statut de Rome*" (the "Admissibility Challenge").¹
2. On 15 November 2013, the Chamber issued its "Decision on the conduct of the proceedings following Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo" (the "Decision of 15 November 2013"),² in which the Chamber, *inter alia*, set the deadline of 13 January 2014 for the Prosecution, the Defence and the Office of Public Counsel for victims ("OPCV") to submit their observations on the admissibility challenge, if any.
3. On 17 December 2013, the Chamber issued its "Decision on the 'Defence Request for an Extension of Time'" (the "Decision of 17 December 2013"), granting the Defence an extension of time until 24 February 2014 to submit its observations on the admissibility challenge.
4. The Prosecution hereby requests, pursuant to Regulation 35, an extension of the time limit, ordered by the Chamber in the Decision of 15 November 2013, for the Prosecution to submit its observations on the Admissibility Challenge, until 24 February 2014.

¹ ICC-02/11-01/12-11-Conf.

² ICC-02/11-01/12-15.

Submissions

5. Pursuant to the Decision of 15 November 2013, the Prosecution has until 13 January 2014 to file its observations on the Admissibility Challenge.

6. On 16 December 2013, in the related case against Laurent Gbagbo, the Appeals Chamber in its “Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I of 3 June 2013 entitled “Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute”,³ rejected the Prosecution’s appeal. On 17 November 2013, the Chamber issued its “Decision establishing a calendar for further proceedings”⁴ and ordered, *inter alia*, the Prosecution to file its Document containing the charges and related List of evidence by 13 January 2014. Consequently, all available Prosecution staff members currently assigned to the situation in the Republic of Côte d’Ivoire (the CIV team) will, for a period of a few weeks, need to focus their time and efforts exclusively on the Laurent Gbagbo case. This is necessary because at this time of the year many Prosecution staff members, including CIV team members, are already, or will be, away from the office for the period of the Court recess.

7. The Prosecution observes that it now has the same deadline of 13 January 2013 for important filings in this case and the Laurent Gbagbo case. Consequently, the CIV team now finds itself in the difficult position of trying to allocate the efforts of a limited number of CIV team members to accomplish the important submissions that need to be completed over the next few weeks in both of those cases.

³ ICC-02/11-01/11-572.

⁴ ICC-02/11-01/11-576.

8. The Prosecution submits that the foregoing submissions show good cause for the extension of the time limit for the submission of its observations on the Admissibility Challenge.
9. The Prosecution observes that in its decision of 15 November 2013 the Chamber imposed one deadline for observations on the Admissibility Challenge from the Prosecution, the Defence and the OPCV. The Prosecution submits that requiring all parties and participants to submit their observations on the Admissibility Challenge by the same date is equitable; and in the absence of any overriding considerations, such as some identifiable prejudice, that equity should be maintained. The Defence has now until 24 February 2014 to submit its observations on the admissibility challenge. The Prosecution therefore seeks permission to file its observations by that date.

No Prejudice

10. The Prosecution observes that the next substantive step or steps in the Admissibility Challenge will not occur until the Chamber has received observations from all those who intend to submit observations. As a result, the Prosecution submits that its request, if granted, will not cause any prejudice to the parties and participants, or the Republic of Côte d'Ivoire.

Conclusion

11. For the reasons set out above, the Prosecution requests the Chamber to grant, pursuant to Regulation 35, the extension of time for the Prosecution to submit observations on the admissibility challenge until 24 February 2014.



Fatou Bensouda, Prosecutor

Dated this 18th day of December 2013

At The Hague, The Netherlands