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

PRE-TRIAL CHAMBER I

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

SITUATION IN THE REPUBLIC OF COTE D'IVOIRE

**IN THE CASE OF
*THE PROSECUTOR v. SIMONE GBAGBO***

Public Document

**Request pursuant to Regulation 35 for the extension of time to
submit observations on the Admissibility Challenge**

Source: Office of Public Counsel for Victims

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

The Office of the Prosecutor

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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
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REGISTRY

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Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. PROCEDURAL BACKGROUND

1. On 21 December 2011, Pre-Trial Chamber III issued a sealed warrant of arrest against Mr Charles Blé Goudé.¹
2. On 29 February 2012, Pre-Trial Chamber III issued a sealed warrant of arrest against Ms Simone Gbagbo.²
3. On 15 March 2012, the Presidency decided to dissolve Pre-Trial Chamber III and assigned the situation in Côte d'Ivoire to Pre-Trial Chamber I.³
4. Pre-Trial Chamber I lifted the seal on the warrant of arrest against Ms Gbagbo on 22 November 2012.
5. On 30 September 2013, the Single Judge of Pre-Trial Chamber I lifted the seal on the warrant of arrest against Mr Blé Goudé.⁴ On the same day, Côte d'Ivoire filed a challenge to the admissibility of the case against Ms Gbagbo (the "Admissibility Challenge").⁵
6. On 15 November 2013, Pre-Trial Chamber I rendered its "Decision on the conduct of the proceedings following Côte d'Ivoire's challenge to the admissibility of

¹ See the "Warrant of Arrest for Charles Blé Goudé" (Pre-Trial Chamber III), No. ICC-02/11-02/11-1, 21 December 2011.

² See the "Warrant of Arrest for Simone Gbagbo" (Pre-Trial Chamber III), No. ICC-02/11-01/12-1, 29 February 2012.

³ See the "Decision on the constitution of Pre-Trial Chambers and on the assignment of the Democratic Republic of the Congo, Darfur, Sudan and Côte d'Ivoire situations" (Presidency), No. ICC-02/11-02/11-7, 15 March 2012, p. 4.

⁴ See the "Decision reclassifying the warrant of arrest against Charles Blé Goudé and other documents" (Pre-Trial Chamber I), No. ICC-02/11-02/11-30, 30 September 2013 (notified on 1 October 2013), p. 4.

⁵ See 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", No. ICC-02/11-01/12-11-Red, 30 September 2013 (notified on 1 October 2013) (the "Admissibility Challenge").

the case against Simone Gbagbo”,⁶ whereby it decided *inter alia* to appoint Paolina Massidda from the Office of Public Counsel for Victims (the “OPCV”) as legal representative of the victims who have already communicated with the Court in relation to the case against Ms Gbagbo for the purposes of the proceedings following the Admissibility Challenge (the “Decision dated 15 November 2013”).⁷

7. On 12 December 2013, the Defence filed an extension of time requesting the Pre-Trial Chamber to extend the original deadline for the filing of its observations on the Admissibility Challenge by 6 weeks (the “Defence Request”).⁸

8. On 17 December 2013, the Chamber issued its “Decision on the ‘Defence Request for an Extension of Time’” (the “Decision dated 17 December 2013”), granting the Defence an extension of time until 24 February 2014 to submit its observations on the Admissibility Challenge⁹.

9. On 18 December 2013, the Prosecution filed a request pursuant to Regulation 35 of the Regulations of the Court for the extension of time to submit observations on the Admissibility Challenge¹⁰.

II. REQUEST FOR EXTENSION OF TIME

10. Pursuant to the Decision dated 15 November 2013, the OPCV shall submit its observations on the Admissibility Challenge on behalf of victims having communicated with the Court in relation to the case on 13 January 2014.

⁶ See the “Decision on the conduct of the proceedings following Côte d’Ivoire’s challenge to the admissibility of the case against Simone Gbagbo” (Pre-Trial Chamber I), No. ICC-02/11-01/12-15, 15 November 2013.

⁷ *Idem*, p. 9.

⁸ See the “Defence Request for an Extension of Time”, No. ICC-02/11-01/12-22, 12 December 2013.

⁹ See the “Decision on the ‘Defence Request for an Extension of Time’” (Pre-Trial Chamber I), No. ICC-02/11-01/12-24, 17 December 2013.

¹⁰ See the “Prosecution’s request pursuant to Regulation 35 for the extension of time to submit observations on the Admissibility Challenge”, No. ICC-02/11-01/12-26, 18 December 2013.

11. To date, the Office has been able to contact the majority of the victims concerned by the proceedings. Indeed, the Office was able to plan a mission in the field beginning of December, to explain to the victims the grounds on which the admissibility of the case has been challenged. However, it is still in the process of collecting the views and concerns of its clients who have asked for some time to revert to the Office on the matter.

12. Considering that the legal issue *sub-judice* is of paramount importance to the victims represented by the Office, particularly because said issue could potentially halt all proceedings before the Court in this case, the Office submits that it should be given further time to finalise the collection of the views and concerns of victims it has been appointed to represent before the Chamber.

13. Moreover, the Office notes that on 16 December 2013, following the Appeals Chamber's decision in the case of the *Prosecutor v. Laurent Gbagbo*¹¹, Pre-Trial Chamber I has established a new calendar for further proceedings in relation to the confirmation of the charges hearing in that case. In said case, the OPCV has been appointed as common legal representatives of victims and is currently in the process of reviewing the new evidence collected by the Prosecutor for the purpose of redacting the final submissions due on 27 February 2014.¹²

14. Moreover, on 2 December 2013, two counsel from the Office have been appointed as common legal representative of victims in the case of *The Prosecutor v. Bosco Ntaganda* for the purpose of the confirmation of the charges hearing scheduled to start on 10 February 2014¹³ and the Office is completing the arrangements for the

¹¹ See the "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'" (Appeals Chamber), No. ICC-02/11-01/11-572 OA5, 16 December 2013.

¹² See the "Decision establishing a calendar for further proceedings" (Pre-Trial Chamber I), No. ICC-02/11-01/11-576, 17 December 2013.

¹³ See the "Decision Concerning the Organisation of Common Legal Representation of Victims" (Pre-Trial Chamber II), No. ICC-01/04-02/06-160, 2 December 2013.

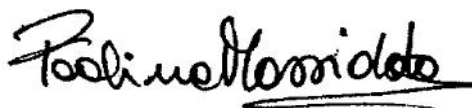
organisation of the common legal representation with two external lawyers who will integrate the Office's team.

15. Considering the limited resources of the Office and the fact that some of its staff members will be away from the Court for the period of the Court recess, the Principal Counsel requests an extension of time limit to submit the observations of victims on the Admissibility Challenge.

16. Pursuant to regulation 35(1) of the Regulations of the Court, "[a]pplications to extend or reduce any time limit [...] ordered by the Chamber shall be made in writing or orally to the Chamber seized of the matter setting out the grounds on which the variation is sought." Sub-paragraph (2) of the said regulation further states that "[t]he Chamber may extend or reduce a time limit if good cause is shown [...]."

17. The Principal Counsel considers that the reasons identified *supra* constitute good cause for the extension of the time limit for the submission of the observations on behalf of victims on the Admissibility Challenge. In addition it will not induce any delay in the proceedings to the detriment of the suspect or the Prosecution since both parties requested a similar extension and the Chamber already granted the Defence Request.

FOR THE FOREGOING REASONS, the Principal Counsel respectfully requests the Pre-Trial Chamber to grant an extension of time for the OPCV to submit observations on the Admissibility Challenge at the same date as decided for the Defence and requested by the Prosecution, namely until 24 February 2014.



Paolina Massidda
Principal Counsel

Dated this 18th day of December 2013

At The Hague, The Netherlands