

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English.

No.: ICC-02/11-01/12

Date: 18-02-2014

PRE-TRIAL CHAMBER 1

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

**RESPONSE ON BEHALF OF SIMONE GBAGBO TO THE
“DEMANDE D'AUTORISATION DE LA RÉPUBLIQUE DE CÔTE D'IVOIRE
AUX FINS DE DEPOSER DES DOCUMENTS COMPLEMENTAIRES A L'APPUI
DE LA 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”**

Source: DEFENCE.

No. ICC-02/11-01/12

18 February 2014.

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Counsel for the Defence

Sylvia Geraghty.

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Jean-Pierre Mignard

Jean-Paul Benoit

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations

Other

No. ICC-02/11-01/12

18 February 2014

1. Application of Côte d'Ivoire

1. On 14 February 2014, the Republic of Côte d'Ivoire (hereinafter the 'National Jurisdiction') submitted to Pre-Trial Chamber 1, an Application to file supplemental documentation in support of its Challenge to the Admissibility of the case of The Prosecutor v Simone Gbagbo¹.
2. The National Jurisdiction submits that the supplemental documents number '*une quinzaine*' and cover the period from April 2012 to February 2014.²
3. In support of its request, the National Jurisdiction submits that Pre-Trial Chamber 1 has stressed that it '*may at any time request the Chamber to be authorised to complement its Admissibility Challenge and provide additional evidence, if it so wishes.*'³
4. Whilst this is correct in so far as it goes, the Chamber's attention is respectfully drawn to the more salient citation from the paragraph, overlooked by the National Jurisdiction. On the Prosecutor's request that the National Jurisdiction submit a (further) number of documents before receiving Observations on the Admissibility Challenge from the parties, the Chamber considered it '*more appropriate to receive observations from all parties and participants as required.....before determining whether or not it would be in the interest of justice, taking into account all prevailing interests, to request further information from Côte d'Ivoire in relation to the Admissibility Challenge.*'⁴

¹ Demande d'Autorisation de la République de Côte d'Ivoire aux fins de Deposer des Documents Complementaires a l'appui de la 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. 14 février 2014. No : ICC-02/11-01/12.

² Ibidem p.3, para 5

³ Pre-Trial Chamber 1, 'Decision on the conduct of the proceedings following Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo', 15 November 2013. ICC-02/11-01/12.p.4, para 6

⁴ Ibidem p.6, para 14 -continued to p.7

11. Defence Position

5. The Defence does not oppose the Application of the National Jurisdiction, per se.

6. However, the Defence endorses the above cited opinion of the Chamber, for the following practical reasons;

(i) Should the Chamber decide to grant the Application, the Defence submit that this would necessitate the filing date of 24 February 2014 granted to, *inter alia*, the Defence, being vacated.⁵

(ii) In that event, the Defence would require an extension of time of at least six weeks to allow sufficient time for Counsel to take instructions on the proposed new documentation, warranting travel to meet with Mme. Gbagbo in Odienné, Côte d'Ivoire.

(iii) As before, it is likely the ICC, in co-operation with the UN, would provide the necessary security and travel facilities to the Defence.

(iv) They require one month's notice to prepare any such engagement.

(v) On return, adequate time would be required to prepare the Defence Observations.

For all the above reasons the Defence respectfully submit that

-the filing date of 24 February 2014 granted to the Defence, Prosecution and Counsel for Victims be allowed to stand as heretofore.

-the Chamber adhere to it's earlier Decision as cited at paragraph 4 above.


Sylvia Geraghty.

Lead Counsel to Mme. Gbagbo.

Dated this 18th day of February 2014.

At Dublin. Ireland.

⁵ Pre-Trial Chamber 1. 'Decision on the Defence Request for Extension of Time', 17 December 2013. ICC-02/11-01/12-24