



Original: English

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

Date: 4 June 2014

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

Decision on a request for leave to submit *amicus curiae* observations

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

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

Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

G.G.J. Knoops

T. Zwart

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 the decision on the “Request for Leave to Submit *Amicus Curiae* observations pursuant to Rule 103 of the Rules of Procedure and Evidence” (the “Request”), submitted by the professors G.G.J. Knoops and T. Zwart (the “Applicants”) on 8 May 2014.²

1. The Applicants propose to make submissions on the following questions:

- Does the Pre-Trial Chamber have the authority to require from the Prosecution a higher standard of proof at a continued confirmation hearing of charges?
- Does the Pre-Trial Chamber have the power to apply a more strict interpretation of the threshold of ‘substantial grounds to believe’ that the person committed each of the crimes charged, as opposed to the level of ‘substantiality’ at the prolonged confirmation of charges hearing compared to the initial confirmation of charges hearing?
- What is the interpretative meaning of the axiom “further evidence” as envisioned by article 61 (7) (c) (i) of the Rome Statute within the context of a continued confirmation hearing?
- Can the Pre-Trial Chamber impose a higher quality of the evidence at a prolonged confirmation hearing?³

2. The Single Judge notes rule 103(1) of the Rules of Procedure and Evidence (the “Rules”), according to which “a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate”. The application of rule 103(1) of the Rules is discretionary, and subject to the consideration of

¹ “*Décision portant désignation d’un juge unique*”, 16 March 2012, ICC-02/11-01/11-61.

² ICC-02/11-01/11-648 and Annex I.

³ Request, para. 11; see also paras 12-34.

whether the proposed observations are of assistance in the determination of any issues pending before the Chamber.⁴

3. Upon review of the Request, the Single Judge considers that obtaining *amicus curiae* observations from the Applicants on the subject-matter identified in the Request would not be of assistance to the Chamber in the exercise of its functions at the present stage of the proceedings.

FOR THESE REASONS, THE SINGLE JUDGE

REJECTS the Request.

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



Judge Silvia Fernández de Gurmendi
Single Judge

Dated this Wednesday, 4 June 2014

At The Hague, The Netherlands

⁴ See Pre-Trial Chamber I, “Decision on the ‘Urgent Request to Leave to Submit Amicus Curiae observations pursuant to Rule 103 of the Rules of Procedure and Evidence’”, 14 February 2013, ICC-02/11-01/11-402, para. 4.