

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

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 the schedule for the confirmation of charges hearing

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 the decision on the schedule for the confirmation of charges hearing.

1. On 14 December 2012, the Chamber issued the "Decision on the date of the confirmation of charges hearing and proceedings leading thereto", whereby the Chamber, *inter alia*, set the commencement of the confirmation of charges hearing for Tuesday, 19 February 2013 and ordered the Registry to liaise with the Defence in order to discuss the practical arrangements for Mr Gbagbo's attendance of the hearing.²

2. On 21 January 2013, the Registry filed the "*Rapport du Greffe soumis en vertu de la Décision ICC-02/11-01/11-325*", in relation to the practical arrangements for Mr Gbagbo's attendance at the hearing.³

3. On 8 February 2013, the Chamber received observations on the schedule of the hearing from the Defence⁴ and the Prosecutor.⁵

4. The Single Judge notes articles 61 and 67 of the Rome Statute and rules 121 and 122 of the Rules of Procedure and Evidence.

5. In establishing the schedule annexed to the present decision, the Single Judge has been guided primarily by the parties' observations and the Registry's report on the practical arrangements for Mr Gbagbo's attendance. The Single Judge has also taken into account the object and purpose of the confirmation of charges hearing, and the workload of the Court.

¹ ICC-02/11-01/11-61.

² ICC-02/11-01/11-325.

³ ICC-02/11-01/11-369-Conf and annexes.

⁴ ICC-02/11-01/11-391.

⁵ ICC-02/11-01/11-392.

6. In line with the decisions on victim participation,⁶ the Single Judge has allotted time for opening and closing statements on behalf of the victims admitted to participate in the proceedings. The Single Judge notes that the Defence requests that half an hour be accorded to it in order to respond to the opening statement on behalf of the victims. However, the Single Judge considers that the parties will be able to respond to any arguments on behalf of the victims as part of their presentations on the merits, or as part of their closing statements, and that therefore no time needs to be set aside specially for such responses.

7. The Single Judge clarifies that the parties and the common legal representative of the victims need to be prepared at any time to proceed to the next item on the schedule, should any participant not exhaust the allocated time.

8. Further, the Single Judge reminds the parties that they need to liaise with the Registry for the purpose of presentation of evidence in court. In particular, the parties are expected to provide to the Registry by the end of each day a list of any evidence intended for presentation on the following day.

9. The Single Judge is satisfied that the scheduling of three hours of court time per day, during the afternoons, and in individual sessions not exceeding one hour, will be sufficient to address any health related problems of Mr Gbagbo, and will enable him to fully participate at the hearing. Therefore, while specific arrangements have been made by the Registry to permit Mr Gbagbo to rest outside of the courtroom, or to follow the hearing from the detention centre by way of video-link, the Single Judge emphasises the importance of the personal attendance of Mr Gbagbo at the confirmation of

⁶ ICC-02/11-01/11-138, ICC-02/11-01/11-384-Corr.

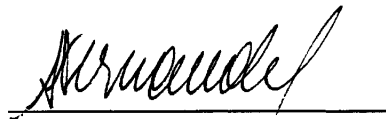
charges hearing and expects that he will be present throughout the sessions, unless exceptional circumstances arise.

10. Finally, the Single Judge informs the parties and the common legal representative of the victims that, in addition to their oral presentations, they will be allowed to submit, after the conclusion of the hearing, and within a time limit to be set in due course, written submissions in relation to issues discussed during the hearing.

FOR THESE REASONS, THE SINGLE JUDGE

DECIDES that the confirmation of charges hearing shall take place according to the schedule annexed to the present decision, and paragraphs 6 to 9 above.

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



Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 12 February 2013

At The Hague, The Netherlands