

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 17 August 2012

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 Document

***Decision on the Defence "Demande de prorogation du délai relatif au dépôt
d'observations sur l'état de santé du Président Gbagbo, son aptitude à être
jugé et sur la suite de la procédure"***

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, 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 renders the decision on the Defence “*Demande de prorogation du délai relatif au dépôt d’observations sur l’état de santé du Président Gbagbo, son aptitude à être jugé et sur la suite de la procédure*” (the “Request”).²

1. On 26 June 2012, the Single Judge issued the “Order to conduct a medical examination” whereby she appointed three medical experts to proceed with the medical evaluation of Mr Gbagbo, with a view to determining whether he is fit to take part in the proceedings against him.³

2. On 19 July 2012, the Registry filed in the record of the case the medical reports of the three experts appointed by the Single Judge (the “Expert Reports”).⁴

3. On 2 August 2012, the Single Judge issued the “Decision on issues related to the proceedings under rule 135 of the Rules of Procedure and Evidence and postponing the date of the confirmation hearing” whereby she, *inter alia*, ordered the Prosecutor and the Defence to file observations on the Expert Reports and on the subsequent procedure to be followed, if any, by 13 and 21 August 2012 respectively.⁵

4. On 13 August 2012, following a request to this effect,⁶ the Single Judge extended the time limit for the filing of the Prosecutor’s observations on the

¹ ICC-02/11-01/11-61.

² ICC-02/11-01/11-215-Conf.

³ ICC-02/11-01/11-164-Conf-tENG.

⁴ ICC-02/11-01/11-190-Conf.

⁵ ICC-02/11-01/11-201.

⁶ ICC-02/11-01/11-204-Conf-Exp.

Expert Reports and the subsequent procedure to be followed to 16 August 2012.⁷

5. On 15 August 2012, the Single Judge, following a request to this effect,⁸ authorised the Office of Public Counsel for victims (the “OPCV”) to submit observations on the legal principles applicable to the determination of a suspect’s fitness to stand trial and the procedure to be adopted following the submission of the Expert Reports by 24 August 2012.⁹

6. On 16 August 2012, the Prosecutor filed the “Prosecution’s observations on the Expert Reports”, which were notified on 17 August 2012.¹⁰

7. On 17 August 2012, the Defence filed its Request, seeking an extension of time until 27 August 2012 to file its observations on the Expert Reports and on the subsequent procedure to be followed.¹¹ The Defence submits that good cause for the extension is established: (i) by the need to accord the Defence sufficient opportunity to analyse and respond to the Prosecutor’s observations, which were filed only on 16 August 2012; (ii) by the right of the Defence to have the last word, which means that the time limit should be set after the time limit set for the observations of the OPCV; and (iii) by the current workload of the Defence.¹²

8. The Single Judge notes regulation 35(2) of the Regulations of the Court, which states that the Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard.

⁷ ICC-02/11-01/11-208-Conf.

⁸ ICC-02/01-01/11-203.

⁹ ICC-02/11-01/11-211, p. 6.

¹⁰ ICC-02/11-01/11-214-Conf and annex.

¹¹ Request, p. 9.

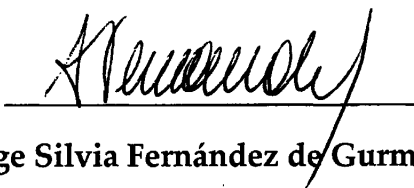
¹² Request, paras 20-32.

9. The Single Judge considers that good cause for the requested extension of time is constituted by the extension of time for the filing of the Prosecutor's observations and by the authorisation for the OPCV to submit observations on the matter, also in light of the current workload of the Defence in relation to other matters arising in the case. At the same time, the Single Judge is of the view that the extension of time as hereby granted will not adversely affect the interests of the Prosecutor or the participating victims.

FOR THESE REASONS, THE SINGLE JUDGE

GRANTS the Defence until 27 August 2012 to submit its observations on the Expert Reports and on the subsequent procedure to be followed.

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



Judge Silvia Fernández de Gurmendi
Single Judge

Dated this 17 August 2012

At The Hague, The Netherlands