

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 July 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

***Decision on the “Requête de la Défense du Président Gbagbo relative à la
prorogation du délai accordé par la Chambre pour demander des mesures de
protection”***

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

The Office of the Prosecutor
Fatou Bensouda, 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 & Deputy Registrar
Silvana Arbia, Registrar
Didier Preira, Deputy Registrar

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 (“Chamber”) of the International Criminal Court (“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 therefrom¹ hereby issues the decision on the “*Requête de la Défense du Président Gbagbo relative à la prorogation du délai accordé par la Chambre pour demander des mesures de protection*”, filed on 5 July 2012 (“Request”).²

1. On 5 December 2011, during the first appearance of Mr Gbagbo before the Court, Pre-Trial Chamber III scheduled the commencement of the confirmation of charges hearing for 18 June 2012.³

2. On 12 June 2012, the Single Judge issued the “Decision on the ‘*Requête de la Défense en report de l’audience de confirmation des charges prévue le 18 juin 2012*’”, whereby she, *inter alia*, (i) postponed the commencement of the confirmation of charges hearing to 13 August 2012; (ii) ordered the Defence to make *ex parte* applications for protective measures other than redactions as expeditiously as possible but no later than 5 July 2012; and (iii) ordered the Defence to file its List of Evidence, if any, no later than 27 July 2012.

3. On 5 July, the Defence submitted the Request, requesting an extension of the time until 24 July 2012 to apply for protective measures in respect of its witnesses. It submits that because it has not yet received the Prosecutor’s amended document containing the charges, and because its investigation is presently ongoing, it is not in position, at this stage, to take the definitive decision concerning the evidence to be included in its List of Evidence. The Defence mentions in particular that it may have to request the use of

¹ ICC-02/11-01/11-61.

² ICC-02/11-01/11-172.

³ ICC-02/11-01/11-T-1-ENG, p. 8.

pseudonyms to protect the identity of its witnesses. This, in the submission of the Defence, constitutes good cause for the requested extension of time limit.⁴

4. The Single Judge notes regulation 35(2) of the Regulations of the Court, which states that “[t]he 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”.

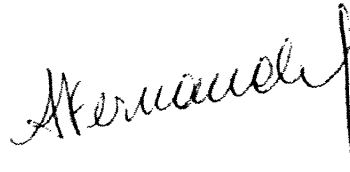
5. Having reviewed the submission of the Defence as to the current status of its investigation, the Single Judge considers that there is good cause for an extension of time for Defence *ex parte* applications for protective measures other than redactions. However, in light of the upcoming confirmation of charges hearing and the need for timely resolution of any Defence application for protective measures, the Single Judge is of the view that it is appropriate to grant the extension of time only in part, and to set 20 July 2012 as the new time limit.

FOR THESE REASONS, THE SINGLE JUDGE

GRANTS the Defence until 20 July 2012 to make *ex parte* applications for protective measures other than redactions.

⁴ Request, paras 9-18.

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



Judge Silvia Fernández de Gurmendi
Single Judge

Dated this 12 July 2012

At The Hague, The Netherlands