

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/11-01/15

Date: 14 April 2020

THE APPEALS CHAMBER

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Howard Morrison
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN CÔTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ

Confidential

CLRV Response to the “Demandes de la Défense à la suite du dépôt le 8 avril 2020 par la RLV de ses ‘Observations on the issues on appeal affecting their personal interests’ (ICC-02/11-01/15-1326-Conf)”

Source: Office of Public Counsel for Victims

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

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Unrepresented Victims

**Unrepresented Applicants
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**Victims Participation and Reparations
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Other

I. BACKGROUND

1. On 8 April 2020, the Common Legal Representative of the Victims (the “CLRVR”)¹ filed her Observations on the issues on appeal affecting the personal interests of the Victims she represents (the “CLRVR Observations”).²

2. On 9 April 2020, the Defence for Mr Gbagbo filed a request for responding to the CLRVR Observations after receiving their translation into French and for extension of page-limit.³

II. CONFIDENTIALITY

3. Pursuant to regulation 23bis(2) of the Regulations of the Court, the present submission is filed “confidential” following the classification chosen by the Defence. However, the CLRVR indicates that it does not contain confidential information and can be re-classified as “public”.

III. SUBMISSIONS

4. The Common Legal Representative opposes the Defence’s Request to file its response to her Observations after reception of the French translation.

5. The Common Legal Representative recalls that the Appeals Chamber already ruled that there is no general requirement that filings of parties and participants submitted in English be translated into French, or *vice versa*; and that this principle is

¹ See the “Decision on victim participation” (Appeals Chamber), No. [ICC-02/11-01/15-1290 A](#), 26 November 2019.

² See the “Victims’ Observations on the issues on appeal affecting their personal interests”, [No. ICC-02/11-01/15-1326-Conf](#), 8 April 2020 (the “CLRVR Observations”).

³ See the “Demandes de la Défense à la suite du dépôt le 8 avril 2020 par la RLV de ses ‘Observations on the issues on appeal affecting their personal interests’ (ICC-02/11-01/15-1326-Conf)”, [No. ICC-02/11-01/15-1327-Conf](#), 9 April 2020.

also confirmed by the wording of regulation 40(6) of the Regulations of the Court, which provides that "[t]he Registrar shall ensure translation into the language of the [suspect], if he or she does not fully understand or speak any of the working languages, of all decisions or orders in his or her case. Counsel shall be responsible for informing that person of the other documents in his or her case".⁴

6. Moreover, the translation sought in the Request does not relate to documents which would serve to inform the Defendants within the meaning of article 67(1)(a) of the Statute,⁵ and Mr Gbagbo can rely on counsel able to work effectively in both working languages of the Court.

7. The Common Legal Representative also recalls that, in its previous ruling on a similar matter, this Chamber did not grant translation into French of the Prosecution's Notice of Appeal and Appeal Brief in this proceeding, considering it unjustified.⁶ The same reasoning applies to the current Request.

8. Finally, Victims consider that appellate proceedings should proceed expeditiously. In this regard, as also stated by the Appeals Chamber, the proposed course of events "*would unnecessarily prolong the proceedings*",⁷ particularly considering that the Appeals Chamber has scheduled a hearing between 11 until 13 May 2020 to hear submissions in the present appeal.

9. As far as the request for extension of page-limit is concerned, the Common Legal Representative leaves it to the discretion of the Chamber.

⁴ See the "Decision on Mr Gbagbo's request for translation and an extension of time for the filing of a response to the document in support of the appeal" (Appeals Chamber), [No. ICC-02/11-01/11-489 OA5](#), 22 August 2013, para. 10.

⁵ *Idem*, paras. 11-13. See also the arguments presented in the "CLRV Consolidated Response to Defence's Requests No. ICC-02/11-01/15-1272-Conf, No. ICC-02/11-01/15-1273 and No. ICC-02/11-01/15-1275-Conf", [No. ICC-02/11-01/11-1278-Conf](#), 16 October 2019, paras. 42-44.

⁶ See the "Decision on Mr Gbagbo's requests for extension of time, translations and correction of transcripts" (Appeals Chamber), [No. ICC-02/11-01/11-1289 A](#), 26 November 2019, para. 27.

⁷ *Ibid.* See also para. 23.

FOR THE FOREGOING REASONS, the Common Legal Representative respectfully requests the Appeals Chamber to reject the Defence's Request in the part asking to submit its response after reception of the French translation of her Observations. She leaves to the discretion of the Chamber the further request for extension of page-limit.

A handwritten signature in black ink, reading "Paolina Massidda", with a horizontal line underneath.

Paolina Massidda
Principal Counsel

Dated this 14th day of April 2020

At The Hague, The Netherlands