



Original: English

**No. ICC-02/11-01/15 A
Date: 23 April 2020**

THE APPEALS CHAMBER

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

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO AND
CHARLES BLÉ GOUDÉ**

Public

**Corrected version of 'Decision on Mr Gbagbo's request for translation,
extension of time limit, and extension of page limit' dated 20 April 2020 (ICC-
02/11-01/15-1333)**

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for Laurent Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Legal Representative of Victims

Ms Paolina Massidda

Counsel for Charles Blé Goudé

Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

REGISTRY

Registrar

Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Trial Chamber I of 15 January 2019 (ICC-02/11-01/15-T-232-ENG), with reasons issued on 16 July 2019 (ICC-02/11-01/15-1263 and its annexes),

Having before it 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 »*' (ICC02/11-01/15-1326-Conf)' of 9 April 2020 (ICC-02/11-01/15-1327-Conf),

Renders the following

DECISION

- 1) The request of counsel for Mr Gbagbo for an extension of time limit for the filing of his response to the 'Victim's Observations on the issues on appeal affecting their personal interests' (ICC-02/11-01/15-1326-Conf) is rejected.
- 2) The Registry shall transmit draft and revised version of ICC-02/11-01/15-1326-Conf to the parties and the Appeals Chamber as soon as they are available, and shall do its utmost to meet the translation timeframe it communicated to the Appeals Chamber: a full draft French translation by 24 April 2020 and a revised French translation by the end of May 2020. Should the Registry anticipate not being able to meet this timeframe, it shall inform the Appeals Chamber immediately.
- 3) The page limit for the filing of Mr Gbagbo's and Mr Blé Goudé's responses to ICC-02/11-01/15-1326-Conf is extended by 15 pages.
- 4) Counsel for Mr Gbagbo is directed to file a public redacted version, or request reclassification as public of his request within two weeks from notification of the present decision.
- 5) The Registry is directed to reclassify ICC-02/11-01/15-1328-Conf as public.

REASONS

I. PROCEDURAL BACKGROUND

1. On 15 January 2019, Trial Chamber I (the ‘Trial Chamber’) issued, by majority, Judge Olga Herrera Carbuccion dissenting, an oral decision, acquitting Mr Gbagbo and Mr Blé Goudé of all charges.¹ On 16 July 2019, the Trial Chamber issued its reasons for the acquittal.²

2. On 16 September 2019, the Prosecutor filed her notice of appeal against the acquittal of Mr Gbagbo and Mr Blé Goudé,³ and on 15 October 2019, she filed her appeal brief (the ‘Prosecutor’s Appeal Brief’).⁴

3. On 26 November 2019, the Appeals Chamber set a time limit of 14 days from receipt of the full draft French translation of the ‘Reasons of Judge Geoffrey Henderson’⁵ for the filing of responses to the Prosecutor’s Appeal Brief.⁶ On the same day, the Appeals Chamber issued a decision permitting the victims, who participated in the trial proceedings in the present case (the ‘Victims’), to participate in this appeal, also setting the time and page limits in respect of their submissions and responses thereto.⁷

4. On 5 February 2020, the Appeals Chamber granted counsel for Mr Gbagbo’s request⁸ and extended the time limit to 6 March 2020 for his and Mr Blé Goudé’s responses to the Prosecutor’s Appeal Brief.⁹

¹ See Trial Chamber I, [Transcript of hearing, 15 January 2019](#), ICC-02/11-01/15-T-232-Eng, p.1, line 15, to p.5, line 7.

² [Reasons for oral decision of 15 January 2019 on the *Requête de la Défense de Laurent Gbagbo afin qu’un jugement d’acquittal portant sur toutes les charges soit prononcé en faveur de Laurent Gbagbo et que sa mise en liberté immédiate soit ordonnée*, and on the Blé Goudé Defence no case to answer motion](#), ICC-02/11-01/15-1263.

³ See [Prosecution Notice of Appeal](#), ICC-02/11-01/15-1270 (A corrigendum was filed the next day, [ICC-02/11-01/15-1270-Corr](#)).

⁴ See [Prosecution Document in Support of Appeal](#), ICC-02/11-01/15-1277-Conf (A public redacted version was filed on 17 October 2019, ICC-02/11-01/15-1277-Red).

⁵ ICC-02/11-01/15-1263-Conf-AnxB.

⁶ [Decision on Mr Gbagbo’s requests for extension of time, translations and correction of transcripts](#), ICC-02/11-01/15-1289 (‘Decision of 26 November 2019’).

⁷ [Decision on victim participation](#), ICC-02/11-01/15-1290.

⁸ On 30 January 2020, counsel for Mr Gbagbo filed a request for extension of the time limit to file his response, arguing that he had not received, prior to 29 January 2020, rolling draft translations of Judge Henderson’s Reasons. See [Requête de la Défense afin de voir fixée par la Chambre d’appel la date du](#)

5. On 2 March 2020, the Appeals Chamber, also on counsel for Mr Gbagbo's request,¹⁰ issued a decision extending the page limit for counsel for Mr Gbagbo's and Mr Blé Goudé's responses to the Prosecutor's Appeals Brief by 30 pages and for the Victims' observations by eight pages.¹¹
6. On 6 March 2020, counsel for Mr Gbagbo and Mr Blé Goudé filed their respective responses to the Prosecutor's Appeal Brief.¹²
7. On 20 March 2020, the Appeals Chamber issued an order scheduling a hearing from 11 March 2020 to 13 March 2020 to hear submissions and observations by the parties and participants on this appeal.¹³
8. On 27 March 2020, the Victims filed a request for extension of page limit to file their observations on the Prosecutor's Appeal Brief,¹⁴ and on 4 April 2020, the Appeals Chamber granted the request and extended the page limit by seven pages.¹⁵
9. On 8 April 2020, the Victims filed their observations to the Prosecutor's Appeal Brief (the 'Victims' Observations').¹⁶

[dépôt de sa réponse au mémoire d'appel du Procureur au 6 mars 2020 du fait du non-respect par le service de traduction de la décision de la Chambre d'appel du 26 novembre 2019](#), ICC-02/11-01/15-1300. On 31 January 2020, the Prosecutor filed her response to Mr Gbagbo's request: [Prosecution Response to Requête de la Défense afin de voir fixée par la Chambre d'appel la date du dépôt de sa réponse au mémoire d'appel du Procureur au 6 mars 2020 du fait du non-respect par le service de traduction de la décision de la Chambre d'appel du 26 novembre 2019](#), ICC-02/11-01/15-1301.

⁹ [Decision on Mr Gbagbo's request for extension of time to file a response to the Prosecutor's appeal brief](#), ICC-02/11-01/15-1304.

¹⁰ [Requête de la Défense afin d'obtenir des pages additionnelles pour pouvoir répondre au mémoire d'appel de l'Accusation déposé le 15 octobre 2019 \(ICC-02/11-01/15-1277-Conf\)](#), ICC-02/11-01/15-1309.

¹¹ [Decision on Mr Laurent Gbagbo's request for an extension of page limit for his response to the Prosecutor's appeal brief](#), ICC-02/11-01/15-1313.

¹² [Réponse de la Défense de Laurent Gbagbo au « Mémoire d'appel de l'Accusation » \(ICC-02/11-01/15-1277-Conf-tFRA\) déposé le 15 octobre 2019](#), ICC-02/11-01/15-1314-Conf (A public redacted version was filed on 13 March 2020, ICC-02/11-01/15-1314-Red); [Defence Response to the 'Prosecution Document in Support of Appeal](#), ICC-02/11-01/15-1315-Conf (A public redacted version was filed on 9 March 2020, ICC-02/11-01/15-1315-Red).

¹³ [Order scheduling a hearing before the Appeals Chamber and setting a time limit for any request for leave to reply](#), ICC-02/11-01/15-1318.

¹⁴ [CLRv Request for extension of page limit to file her submissions in the appeal](#), ICC-02/11-01/15-1320.

¹⁵ [Decision on the OPCV's request for an extension of page limit for its observations](#), ICC-02/11-01/15-1323.

¹⁶ Victim's Observations on the issues on appeal affecting their personal interests, ICC-02/11-01/15-1326-Conf.

10. On 9 April 2020, Mr Gbagbo requested the Appeals Chamber (i) that the time limit for the filing of his response to the Victims' Observations shall start to run from the notification of the translation into French of the Victims' Observations, and also (ii) that the page limit for his response to the Victims' Observations be extended by 15 pages ('Mr Gbagbo's Request').¹⁷

11. On 14 April 2020, the Victims filed their responses to Mr Gbagbo's Request, seeking dismissal of the part seeking that the deadline to file his response start running from notification of the French translation of Victims' Observations.¹⁸ As for the request for extension of page limit, the Victims submitted that they left it to the discretion of the Appeals Chamber.¹⁹

12. On the same day, the Prosecutor informed the Appeals Chamber that she would not file a response to the Victims' Observations, and that 'takes no position on Mr Gbagbo's Request and will therefore not be filing a written response to it'.²⁰

13. On 15 April 2020, the Language Services Section (the 'LSS') of the Registry informed the Appeals Chamber that a full draft French translation will be ready by 24 April 2020 and a revised translation by the end of May 2020.²¹

II. MERITS

A. Mr Gbagbo's request for translation and extension of time limit

14. Pursuant to regulation 35(2) of the Regulations of the Court (the 'Regulations'), a 'Chamber may extend or reduce a time limit if good cause is shown'.

15. The Appeals Chamber recalls that it granted the Prosecutor and counsel for Mr Gbagbo and Mr Blé Goudé to each file responses of no more than 60 pages on the

¹⁷ 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 » (ICC02/11-01/15-1326-Conf), ICC02/11-01/15-1327-Conf.

¹⁸ 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)", ICC-02/11-01/15-1328-Conf ('Victims' Response'), paras 4-8.

¹⁹ Victims' Response, para. 9.

²⁰ Prosecution's provision of information in relation to further written submissions, ICC-02/11-01/15-1329. A corrigendum was registered the next day (ICC-02/11-01/15-1329-Conf-Corr).

²¹ Email sent by LSS to a legal officer of the Appeals Division, 15 April 2020, at 16:32.

Victims' observations within 30 days of notification thereof.²² As the Victims' Observations were filed on 8 April 2020, responses are due on 11 May 2020. The Appeals Chamber further recalls that it has stated that, in order to ensure that the 'appellate proceedings advance both fairly and expeditiously', Mr Gbagbo should be given 'the opportunity to provide meaningful input in relation to this appeal'.²³

16. As noted in paragraph 12 above, a full draft French translation of the Victims' Observations should be provided to the parties by 24 April 2020, sufficiently in advance of the time limit for the filing of Mr Gbagbo's response, 11 May 2020. The Appeals Chamber considers that this timeframe ensures that Mr Gbagbo will be afforded an adequate time to provide any input in relation to his response to the Victims' Observations. The Appeals Chamber also takes account of the fact that counsel for Mr Gbagbo has presumably already started working on his response based on English version of the Victims' Observations. On receipt of the revised French translation of this document, which is expected by the end of May 2020, Mr Gbagbo may file a request to supplement his response to the to the Victims' Observations, if necessary.

17. In the circumstances, the Appeals Chamber finds that no good cause has been shown for the extension of time limit sought by counsel for Mr Gbagbo, and therefore rejects his request on this point.

18. The above decision is based on the LSS meeting the timeframe it communicated to the Appeals Chamber for the translation of the Victims' Observations. The Appeals Chamber requests that LSS shall do its utmost to meet the timeframe and to inform the Appeals Chamber immediately should it anticipate difficulty in doing so.

B. Mr Gbagbo's request for extension of page limit

19. Counsel for Mr Gbagbo requests that the page limit for his response to the Victims' Observations be extended from 60 to 75 pages, which is the total number of pages granted to Victims to file their observations.²⁴ He submits that, in light of the principle of equality of arms and the fairness of the proceedings, it is appropriate

²² [Decision on Victim Participation](#).

²³ [Decision of 26 November 2019](#), para. 23; *see also* para. 24.

²⁴ Mr Gbagbo's Request, para. 11.

for him to have the same number of pages to respond to the Victims' Observations.²⁵

20. Pursuant to regulation 37(2) of the Regulations, a Chamber may grant an extension of page limit 'in exceptional circumstances'.

21. The Appeals Chamber considers that, in the specific circumstances of the case, where it granted the Victims an extension of page limit allowing for a total of 75 pages, as noted in paragraphs 5 and 8 above, and noting the novelty and complexity of the issues on appeal, there are 'exceptional circumstances' within the meaning of regulation 37(2) of the Regulation. The Appeals Chamber therefore decides that the page limit for the filing of Mr Gbagbo's response to the Victims' Observations is extended by 15 pages. Consequently, the page limit for Mr Blé Goudé's response is also extended by 15 pages.

22. Counsel for Mr Gbagbo is directed to file a public redacted version, or request reclassification as public of his request within two weeks from notification of the present decision. The Appeals Chamber further notes that the Victims indicate that their response contains no confidential information and can be reclassified as public.²⁶ The Registry is therefore directed to reclassify the Victims' Response as public.

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



Judge Chile Eboe-Osuji
Presiding

Dated this 23rd day of April 2020

At The Hague, The Netherlands

²⁵ Mr Gbagbo's Request, para. 11.

²⁶ Victims' Response, para. 3.