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

Date: **24 March 2014**

**PRE-TRIAL CHAMBER I**

**Before:** Judge Silvia Fernández de Gurmendi, Presiding Judge  
Judge Hans-Peter Kaul  
Judge Christine Van den Wyngaert

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE**

***IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO***

**Public**

**Prosecution's request for an extension of the page limit for its final written submissions**

**Source:** Office of the Prosecutor

**Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:****The Office of the Prosecutor**

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## Introduction

1. On 3 June 2013, the Chamber adjourned the hearing on the confirmation of charges, requested the Prosecution to provide further evidence or conduct further investigations and adopted for that purpose a new calendar for the continuation of the confirmation proceedings (the “Decision of 3 June 2013”).<sup>1</sup> The calendar included, *inter alia*, a time limit of 24 January 2014 for the Prosecution to file final written submissions in response to the Defence.
2. The calendar for the continuation of the confirmation proceedings was subsequently amended, and the current time limit for the Prosecution to file final written submissions is 31 March 2014.<sup>2</sup>
3. Pursuant to Regulation 37(2) of the Regulations of the Court, the Prosecution requests an extension of 40 pages to the page limit applicable to the final written submissions of the Prosecution; thus permitting the Prosecution to file final written submissions of up to 60 pages.

## Submissions

4. The case continues to be very complex. On 17 March 2014, the Defence submitted its amended List of Evidence,<sup>3</sup> which lists 249 documents that were previously disclosed by the Prosecution to the Defence under Rule 77 or Article 67(2), and a further 383 new documents that the Defence proposes to rely on for the continuation of the confirmation proceedings. On the same date, the Defence filed its 344 page written observations on the Prosecutor’s evidence (collectively the “Defence material”).<sup>4</sup>

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<sup>1</sup> ICC-02/11-01/11-432.

<sup>2</sup> ICC-02/11-01/11-576.

<sup>3</sup> ICC-02/11-01/11-637-Conf-Anx3.

<sup>4</sup> ICC-02/11-01/11-637-Conf-Anx1-Corr, ICC-02/11-01/11-637-Conf-Anx2-Corr and ICC-02/11-01/11-637-Conf-Anx3.

5. The Prosecution submits that the complexity of the case and the length of the written observations on the Prosecutor's evidence recently filed by the Defence constitute exceptional circumstances under Regulation 37(2). Additionally, the filing of final submissions following an adjournment of a confirmation hearing pursuant to Article 61(7)(c)(i) is unique and indeed exceptional.
  
6. The Prosecution is still in the process of reviewing the Defence material but is now at a point where an estimate can be made of the anticipated length of its final submissions. From the initial review of the Defence observations<sup>5</sup> it is clear that there are a significant number of misrepresentations of the Prosecution's evidence. To respond and address these misrepresentations, in order to meaningfully assist the Chamber in its assessment of the evidence, an increase to the page limit for the Prosecution's final submissions is required. The requested increase to the page limit is a result of the Prosecution's best estimate, based on the currently available information and circumstances, as to the highest number of pages that will be required to present appropriate final submissions. The Prosecution will still make every effort to provide final submissions that are focused and concise, which could thus result in a final written submission of fewer pages than the authorised limit.
  
7. Consequently, the requested extension of the applicable page limit is required to (a) respond to the evidence identified and disclosed by the Defence; (b) respond to the 344 page written observations of the Defence; and, (c) provide appropriate submissions on relevant legal issues.

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<sup>5</sup> ICC-02/11-01/11-637-Conf-Anx2-Corr.

### Conclusion

8. For the reasons set out above, the Prosecution requests the Chamber to grant, pursuant to Regulation 37(2), a 40 page extension of the page limit applicable to its final written submissions, to a total of 60 pages.



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Fatou Bensouda, Prosecutor

Dated this 24<sup>th</sup> day of March 2014

At The Hague, The Netherlands