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No.: ICC-02/11-01/11
Date: 6 February 2014

PRE-TRIAL CHAMBER I

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

SITUATION IN CÔTE D'IVOIRE

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

Public

Response to the Defence's

**« Demande de prorogation des délais fixés par la Chambre préliminaire le 17
décembre 2013 afin de permettre à la défense de déposer des observations écrites
sur la preuve du Procureur »**

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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Other

I. PROCEDURAL BACKGROUND

1. On 13 January 2014, after the adjournment of the confirmation of the charges hearing,¹ the Prosecution filed its *Document amendé de notification des charges*, the *Inventaire amendé des éléments de preuve à charge*, and the *Tableau amendé des éléments constitutifs des crimes*.² The Prosecution filed *corrigenda* for some of these documents one day later.³ On 20 January 2014, the Prosecutor filed a second corrected version of the *Document amendé de notification des charges*, with footnotes (the “Amended DCC”).⁴

2. On 27 January 2014, the Single Judge rejected the Defence’s request to declare inadmissible the Amended DCC on formal grounds.⁵

3. On 30 January 2014, the Defence filed a request to hold a status conference to urgently discuss a number of issues related to the adjournment of the confirmation hearing, the rights of the Defence and the Amended DCC (the “Status Conference

¹ See the “Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute” (Pre-Trial Chamber I), No. ICC-02/11-01/11-432, 3 June 2013 (the “Adjournment Decision”), p. 22.

² See the “Prosecution’s Submission of *Document amendé de notification des charges*, *l’Inventaire amendé des éléments de preuve à charge*, and *le Tableau amendé des éléments constitutifs des crimes*, and Response to issues raised by Pre-Trial Chamber I”, No. ICC-02/11-01/11-592, 13 January 2014, with eight annexes, including “Annexe 1 : Document amendé de notification des charges”, No. ICC-02/11-01/11-592-Anx1, 13 January 2014.

³ See the « Annexe 2 - Correction de ICC-02/11-01/11-592-Conf-Anx2 : Document amendé de notification des charges avec notes de bas de page », No. ICC-02/11-01/11-592-Conf-Anx2-Corr, 14 January 2014; the « Annexe 3 - Correction de ICC-02/11-01/11-592-Conf-Anx3 : Inventaire amendé des éléments de preuve à charge », No. ICC-02/11-01/11-592-Conf-Anx3-Corr, 14 January 2014; the « Annexe 4 - Correction de ICC-02/11-01/11-592-Conf-Anx4 : Tableau amendé des éléments constitutifs des crimes », No. ICC-02/11-01/11-592-Conf-Anx4-Corr, 14 January 2014; and the « Annexe 6 - Correction de ICC-02/11-01/11-592-Conf-Anx6 : Rapport sur des groupes rebelles actifs à Abidjan durant la violence post-électorale », No. ICC-02/11-01/11-592-Conf-Anx6-Corr, 14 January 2014.

⁴ See the « Annexe 2 - Correction de la correction de ICC-02/11-01/11-592-Conf-Anx2 : Document amendé de notification des charges avec notes de bas de page », No. ICC-02/11-01/11-592-Conf-Anx2-Corr2, 20 January 2014 (the “Amended DCC”).

⁵ See the “Decision on the ‘Requête afin que le « Document amendé de notification des charges » déposé par le Procureur le 13 janvier 2014 et les documents afférents soient déclarés irrecevables et écartés par la Chambre préliminaire.” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-01/11-595, 27 January 2014.

Request”).⁶ The Prosecution responded to the Status Conference Request on 3 February 2014.⁷ On 5 February 2014, the Chamber rejected the Request.⁸

4. On 3 February 2014, the Defence filed a “Demande afin que soit organisée la continuation de l’audience orale de confirmation des charges”.⁹ The Prosecution responded on 5 February 2014.¹⁰

5. On 4 February 2014, the Defence filed the “Demande de prorogation des délais fixés par la Chambre préliminaire le 17 décembre 2013 afin de permettre à la défense de déposer des observations écrites sur la preuve du Procureur ”.¹¹

6. The Principal Counsel of the OPCV, acting as Common Legal Representative of Victims (the “Common Legal Representative”),¹² submits the following response to the Defence’s Request for extension of time to file its written final submissions.

II. SUBMISSIONS

7. The Common Legal Representative preliminary observes that the majority of the arguments put forward by the Defence in its Request reiterate observations

⁶ See the “Corrigendum de la « Requête urgente aux fins d’organisation d’une Conférence de mise en état », No. ICC-02/11-01/11-597-Corr, 30 January 2014 (the “Status Conference Request”).

⁷ See the “Prosecution’s response to the Defence ‘Corrigendum de la « Requête urgente aux fins d’organisation d’une Conférence de mise en état »’”, No. ICC-02/11-01/11-601, 3 February 2014.

⁸ See the “Decision on a Defence request for a status conference”, No. ICC-02/11-01/11-604, 5 February 2014.

⁹ See the “Demande afin que soit organisée la continuation de l’audience orale de confirmation des charges”, No. ICC-02/11-01/11-599, 3 February 2014.

¹⁰ See the « Prosecution Response to the Defence « Demande afin que soit organisée la continuation de l’audience orale de confirmation des charges », No. ICC-02/11-01/11-606, 5 February 2014.

¹¹ See the « Demande de prorogation des délais fixés par la Chambre préliminaire le 17 décembre 2013 afin de permettre à la défense de déposer des observations écrites sur la preuve du Procureur », No. ICC-02/11-01/11-603, 4 February 2014.

¹² See the “Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-01/11-138, 4 June 2012, pp. 25-26. See also the “Second decision on victims’ participation at the confirmation of charges hearing and in the related proceedings” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-01/11-384-Corr, 6 February 2013, pp. 22-23.

already presented in different forms to the Chamber and do not *stricto sensu* analyse the requirements which justify a request for extension of time.

8. The Common Legal Representative also notes that, as recently stated by the Single Judge, the Defence has been aware of the facts and circumstances of the case, as well as of the charges, for more than one year,¹³ and that in the practice of Chambers the time-limit for the submissions by the Defence of observations on a Document Containing the Charges has normally been limited to few weeks. The Defence's Request of six more weeks to file its final written observations is therefore disproportionate.

9. However, the Common Legal Representative does not oppose a limited extension of the deadline to be determined by the Chamber.

Respectfully submitted.

A handwritten signature in black ink, which appears to read 'Paolina Massidda', is written over a horizontal line.

Paolina Massidda
Principal Counsel

Dated this 6th day of February 2014

At The Hague, The Netherlands

¹³ See the "Decision on the Defence request for extension of time" (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-01/11-589, 10 January 2014, par. 12.