

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/11
Date: 20 December 2013

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 "Prosecution's request for an extension of the page limit for the Amended Document Containing the Charges"

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

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy 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

Herman von Hebel

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 (the “Chamber”) of the International Criminal Court (the “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 therefrom,¹ hereby issues the decision on the “Prosecution’s request for an extension of the page limit for the Amended Document Containing the Charges” (the “Request”).²

1. On 3 June 2013, the Chamber issued, by majority, Judge Silvia Fernández de Gurmendi dissenting, the “Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute” (the “Adjournment Decision”).³ In the Adjournment Decision, the Chamber decided to adjourn the confirmation of charges hearing, requested the Prosecutor to consider providing further evidence or conducting further investigation with respect to all charges, and established a calendar for further proceedings.⁴ In particular, the Chamber ordered the Prosecutor to “submit by no later than Friday, 15 November 2013 the Amended DCC, amended list of evidence and updated consolidated Element based Chart”.⁵ This time limit was subsequently extended to 13 January 2014.⁶

2. On 19 December 2013, the Prosecutor filed the Request, seeking “an extension of the page limit, applicable to the Amended DCC with footnotes to 245 pages or in the alternative, to 100 pages if it is submitted without footnotes”.⁷ According to the Prosecutor, this case continues to be very complex and that complexity has increased substantially in light of the

¹ ICC-02/11-01/11-61.

² ICC-02/11-01/11-579.

³ ICC-02/11-01/11-432.

⁴ *Ibid.*, pp. 22-24.

⁵ *Ibid.*, p. 23.

⁶ Pre-Trial Chamber I, “Decision establishing a calendar for further proceedings”, 17 December 2013, ICC-02/11-01/11-574, p. 6.

⁷ Request, para. 15.

Adjournment Decision, the continuing investigation and the further evidence obtained.⁸ The Prosecutor submits that in the anticipated amended document containing the charges (the “Amended DCC”), she endeavours to respond to the issues and questions raised by the Chamber in the Adjournment Decision, and that, consequently, the requested extension of page limit is required “to describe, in detail, the relevant facts and circumstances, and to thus provide the Defence with detailed notice of the charges”.⁹

3. The Prosecutor further informs the Chamber that she is able to file the Amended DCC with footnotes, but that taking into account the numerous footnotes, the word count would then be well in excess of the limit of 300 words per page as required by regulation 36 of the Regulations of the Court (the “Regulations”).¹⁰ Thus, the Prosecutor’s request to be allowed to submit an Amended DCC of up to 245 pages is based on a calculation taking into account these format requirements.¹¹

4. The Single Judge notes regulation 37(2) of the Regulations, according to which, “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”.

5. The Single Judge considers that the circumstances as described by the Prosecutor, *i.e.* the complexity of the case and the need to respond adequately to the issues raised in the Adjournment Decision, are exceptional within the meaning of regulation 37(2) of the Regulations, and that therefore the requested extension of page limit can be granted. The Single Judge grants an extension of up to 245 pages on the understanding that this number is based

⁸ *Ibid.*, para. 5.

⁹ *Ibid.*, para. 7.

¹⁰ *Ibid.*, para. 9.

¹¹ *Ibid.*, para. 10.

on a calculation taking into account the maximum average number of words per page as imposed by regulation 36(3) of the Regulations.

FOR THESE REASONS, THE SINGLE JUDGE

GRANTS the Prosecutor up to 245 pages for the Amended DCC with footnotes.

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



Judge Silvia Fernández de Gurmendi
Single Judge

Dated this Friday, 20 December 2013

At The Hague, The Netherlands