

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **5 July 2013**

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 redacted version

Prosecution's request pursuant to Regulation 35 for variation of time limit to submit a request for redactions to the transcripts of interviews of two witnesses

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

Counsel for the Defence

Me Emmanuel Altit

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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

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Mr Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. On 3 June 2013, Pre-Trial Chamber I adjourned the hearing on the confirmation of charges and requested the Prosecution to provide further evidence or conduct further investigations and adopted for that purpose a new disclosure calendar ("the Decision").¹ The Chamber also requested the Prosecution to submit "as soon as practicable and no later than Friday, 5 July 2013 any requests for redactions with regards to the evidence which is in her possession and on which she intends to rely for the purposes of the confirmation of charges".²
2. Pursuant to Regulation 35 of the Regulations of the Court, the Prosecution hereby requests the Chamber for an extension of the time limit to file a request for redactions to the transcripts of interviews of two insider witnesses. Although the interviews of the witnesses were conducted prior to the Decision, the final version of the transcripts are not yet available for registration and consequently cannot be submitted to the Chamber for the approval of redactions. Consequently, the Prosecution seeks permission to file its request for redactions by 29 July 2013.

Confidentiality

3. Pursuant to Regulation 23*bis* of the Regulation of the Court, the Prosecution files the present submission as confidential, *ex parte*, only available to the Prosecution since some information provided in the filing is usually not disclosed to the defence. A public redacted version of this submission is also being filed.

¹ ICC-02/11-01/11-432, page 22.

² ICC-02/11-01/11-432, page 22, c)(ii).

Application to extend the time limit to file a request for redactions

4. The Prosecution recently interviewed two insider witnesses detained in Côte d'Ivoire. Witness P-0321 was interviewed from [REDACTED] 2013 and P-0324 from [REDACTED] 2013. The audio recordings were registered on [REDACTED] 2013 upon the return of one of the investigators. The interview of P-0321 consists of 28 transcripts and the interview of P-0324 of 12 transcripts. In light of the resources available, competing priorities and deadlines of the different cases, the transcripts could not be ready to be submitted for redactions by the 5 July deadline. It is anticipated that the final reviewed version of the transcripts will be available for registration by mid-July 2013. It is only once registered in the Ringtail disclosure database that highlights can be applied to the transcripts indicating each of the redaction requested. The Prosecution expects to be able to submit its request for redactions for both witnesses by 29 July 2013.
5. Regulation 35 of the Regulations of the Court provides that "[t]he Chamber may extend or reduce a time limit if good cause is shown". The extent of the preparation required by an applicant,³ especially where a short extension of time was requested,⁴ has previously been considered to constitute good cause for granting an extension of time.
6. The Prosecution respectfully submits that the Defence will not suffer any undue prejudice since the extension is limited in time and to the interviews of two witnesses. The redactions sought should be limited to the names of the investigators, the day, month and location of the interview (Rule 81(2)). Consequently, the Chamber should be in a position to issue its decision on the requested redactions in an expeditious manner.

³ ICC-01-04-01/06-190 OA3, paras.4-5; ICC-01/04-01/07-653 OA7, 27 June 2008, para.5.

⁴ ICC-01/04-01/06-562 OA3, para.5; ICC-01/04-01/06-190 OA3, paras.2, 4, 5; ICC-01/04-01/07-653 OA7, para.5.

Conclusion

7. For the reasons set out above, the Prosecution requests the Chamber to grant, pursuant to Regulation 35, an extension of time to 29 July in order to submit a request for redactions to the transcripts of the interviews of witnesses P-0321 and P-0324.



Fatou Bensouda, Prosecutor

Dated this 5th day of July 2012

At The Hague, The Netherlands