



Original: **English**

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

Date: 22 March 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

Prosecution's observation on Defence request for an extension of 40 pages to file their observations on issues discussed during the Confirmation Hearing

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

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Ms Natacha Fauveau Ivanovic

Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 18 March 2013, the Defence filed a request seeking an extension of 40 pages to file their observations on issues that were discussed during the Confirmation Hearing.¹
2. The Prosecution does not in principle object to a reasonable page extension, but in the present case the request for an additional 40 pages is excessive. The Prosecution recalls that during the Confirmation Hearing, it had seven hours (including the opening and closing statements) to presents its case and the Defence had a total of 13.5 hours, almost double the Prosecution's time, to respond to the Prosecution's case (including the opening and closing statements).² And since the Prosecution presented its arguments first, the Defence was able to use some of that time to respond at the hearing itself to the arguments of the Prosecution.
3. Additionally, the written observations as ordered by the Chamber are limited to *issues discussed during the Confirmation Hearing*.³ Consequently, the Prosecution's observations do not raise new arguments and the Defence cannot discuss new issues.

¹ ICC-02/11-01/11-422.

² ICC-02/11-01/11-397-Anx

³ ICC-02/11-01/11-T-21-ENG ET, p. 50-51.



Fatou Bensouda, Prosecutor

Dated this 22nd day of March 2013

At The Hague, The Netherlands