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No.: ICC-02/11-02/11
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PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Ekaterina Trendafilova
Judge Christine Van den Wyngaert

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. CHARLES BLÉ GOUDÉ

Public

Prosecution's Response to "Defence request for a variation of a time limit"

Source: Office of the Prosecutor

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

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Other

Introduction

1. On 28 August 2014, the Defence filed a “request for a variation of a time limit” (“Request”) concerning the submission of its List of Evidence (“LoE”).¹ In principle the Prosecution has no objection to the Defence being granted additional time to submit its LoE. However, the Prosecution opposes the Request in so far that it does not include a concurrent request to postpone the date set for the beginning of the confirmation of charges hearing.

Submissions

2. Rule 121(6) of the Rules of Procedure and Evidence requires that the Defence LoE be submitted to the Pre-Trial Chamber “no later than 15 days before the date of the hearing.” When setting the date of the confirmation hearing to 22 September 2014, the Single Judge ordered the Defence to file its LoE by 5 September 2014,² in conformity with the minimum 15-day time limit.
3. The Prosecution recalls that Regulation 35 cannot be relied upon to modify deadlines prescribed by the Statute or the Rules, its applicability being limited to “[...] any time limit as prescribed in these Regulations or as ordered by the Chamber [...]”.³ The Appeals Chamber confirmed this interpretation of the limits of Regulation 35, noting that “*regulation 35 of the Regulations of the Court provides only for the extension of time limits ordered by a Chamber or prescribed in the Regulations of the Court.*”⁴ Therefore, it was incumbent on the Defence to submit a simultaneous request to postpone the confirmation of charges hearing to a date that would respect the time limits mandated by Rule 121(6).

¹ ICC-02/11-02/11-132.

² ICC-02/11-02/11-108-Red.

³ Regulation 35 of the Regulations of the Court.

⁴ *Prosecutor v. Laurent Gbagbo*, Decision on Defence Request to Suspend Time Limits, ICC-02/11-01/11-189 OA, 19 July 2012, para. 5.

4. Rule 121(6) provides a necessary time period for the Prosecution to review the Defence LoE in order to prepare for the confirmation of charges hearing.

Relief Requested

5. For the reasons set out above, the Prosecution submits that the Defence request should be rejected unless the Chamber simultaneously sets a new date for the beginning of the confirmation of charges hearing in accordance with Rule 121(6).



Fatou Bensouda, Prosecutor

Dated this 29th day of August 2014

At The Hague, The Netherlands