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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 Request for an Extension of the Page Limit for the Document
Containing the Charges**

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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Introduction

1. On 11 July 2014, Single Judge Silvia Fernández de Gurmendi, issued the “Decision on the Prosecution’s Request for Variation of Time Limits Pursuant to Regulation 35 concerning the Confirmation of Charges” (“Decision”). The Decision sets 22 September 2014 as the commencement date of the hearing on the confirmation of charges.¹ It requires the Prosecution to file its Document Containing the Charges (“DCC”) and complete disclosure of the evidence on which it intends to rely at the hearing by 22 August 2014.²
2. Pursuant to Regulation 37(2) of the Regulations of the Court (“RoC”), the Prosecution requests an extension of the page limit applicable to the DCC, to 135 pages excluding footnotes.
3. The complexity of the case, its close relation to the Gbagbo case, and the additional incident charged constitute exceptional circumstances justifying this request.

Submissions

Exclusion of Footnotes from Word Count

4. As a preliminary matter, the Prosecution notes that in her “Decision establishing a system for disclosure of evidence”, the Single Judge requested the Prosecution to file its DCC with footnotes that include hyperlinks to the evidence on the electronic record.³ To facilitate this, the decision excluded such footnotes from the DCC’s total page limit by stating that “any footnotes in the document containing the charges with references to evidence shall not count towards the page limit for

¹ ICC-02/11-02/11-108-Red.

² *Ibid.*

³ ICC-02/11-02/11-57, para. 13.

that document.”⁴ Correspondingly, the Prosecution files its request for an extension of the page limit with a proposed page count that is exclusive of footnotes.

Complexity of the Case

5. The Prosecution’s case against Charles Blé Goudé (“BLÉ GOUDÉ”) is complex. The DCC will contain five charged incidents, the context that led to BLÉ GOUDÉ’s involvement and specific role as a member of Gbagbo’s inner circle, his contributions to the common plan, and his contribution to the commission of the crimes through several modes of liability. His role, contributions and liability are all multi-faceted and require a detailed presentation in the DCC.

Close Contextual and Factual Nexus to the Gbagbo Case

6. As is already clear from his warrant of arrest, and as will become further apparent with the filing of the 22 August 2014 DCC, the case against BLÉ GOUDÉ shares to a large extent the same contextual and factual basis as the case against Laurent GBAGBO (“GBAGBO”).⁵ BLÉ GOUDÉ is alleged to be part of GBAGBO’s inner circle and to be engaged in the same common plan. Consequently, with few exceptions, all of the information included in the GBAGBO DCC is relevant and needs to be presented in the BLÉ GOUDÉ DCC, including in order to provide the Defence with detailed notice of the charges.
7. The Prosecution recalls that the Chamber granted an extension to the page limit for the submission of the Gbagbo DCC⁶ which, in the end, comprised 96 pages,

⁴ *Ibid.*

⁵ The Prosecution has previously made reference to the fifth charged incident, first in its “Response to Defence request for the variation of a time limit pursuant to Regulation 35(2) of the Regulations of the Court” (ICC-02/11-02/11-90-Conf) and again in the Prosecution’s Request for Variation of Time Limits Pursuant to Regulation 35 concerning the Confirmation of Charges (ICC-02/11-02/11-100-Conf. A public redacted version is also available, see ICC-02/11-02/11-100-Red).

⁶ ICC-02/11-01/11-582, p. 5.

excluding footnotes.⁷ Consequently, in order to add the facts specific to the BLÉ GOUDÉ case, the DCC will necessarily be longer than the GBAGBO DCC.

Additional Incident

8. While the four incidents forming the basis of the charges against GBAGBO are the same against BLÉ GOUDÉ, the Prosecution will be adding an additional charged incident against BLÉ GOUDÉ. The fifth charged incident pertains to the commission of multiple acts in the commune of Yopougon, Abidjan between 25 and 28 February 2011.⁸ Even though this fifth charged incident falls within the same course of conduct as the other four charged incidents and will refer to the same crimes, additional pages are required to provide the Defence with detailed notice of it.

Conclusion

9. For the reasons set out above, the Prosecution requests the Chamber to grant, pursuant to Regulation 37(2) of the RoC, an extension of the page limit applicable to the Document Containing the Charges to 135 pages, excluding footnotes.



Fatou Bensouda, Prosecutor

Dated this 13th day of August 2014

At The Hague, The Netherlands

⁷ ICC-02/11-01/11-592-Anx1.

⁸ See the GBAGBO Amended DCC, at ICC-02/11-01/11-592-Conf-Anx2-Corr2, paras. 66 and 68.