

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No: *ICC-02/11-01/15*

Date: **14 March 2017**

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera-Carbuccia
Judge Geoffrey Henderson

SITUATION IN COTE D'IVOIRE

IN THE CASE OF
THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLE GOUDE

Public

**Defence Request for an extension of the page limit for its response to the
Prosecution's consolidated application under Rule 68 and Paragraph 43 and 44 of
the Conduct of Proceedings**

Source: Defence of Mr Charles Blé Goudé

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Eric MacDonald

Counsel for the Defence of Mr Blé Goudé

Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

Counsel for the Defence of Mr Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

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
Mr. Enrique Carnero Rojo

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On 28 February 2017, after having been granted its request for an extension of page limit, the Prosecution filed its “consolidated application to conditionally admit the prior recorded statements and related documents of various witnesses under rule 68 and Prosecution’s application for the introduction of documentary evidence under paragraph 43 of the directions on the conduct of proceedings relating to the evidence of Witnesses P-0087 and P-0088” (the “Consolidated Rule 68 Application”)¹
2. In granting the Prosecution’s request for an extension of page limit for the Consolidated Rule 68 Application, the Chamber reasoned that “the consolidated nature of such application, considered in light of the information submitted by the Prosecutor as regards the number of her forthcoming witnesses, warrants *per se* the requested extension pursuant to regulation 37(2) of the Regulations of the Court.”² The Chamber further noted that the parties would be allowed to request an extension of time and page limit for their respective responses.³
3. Pursuant to regulation 37(2) of the Regulations of the Court, the Defence for Charles Blé Goudé (the “Defence”) hereby requests that the page limit be extended to a maximum of 50 pages for its response to the Consolidated Rule 68 Application.

¹ ICC-02/11-01/15-829-Conf.

² ICC-02/11-01/15-829-Conf, para. 3.

³ *Ibid*, para.4.

II. Submissions

4. The Defence submits that given the number of the witnesses concerned and the different types of requests contained in the Prosecution's application, the requested page extension is warranted. In this single application, the Prosecution requests that the prior recorded statements and related documents of 16 witnesses be conditionally introduced under Rule 68(2)(b). The Prosecution further seeks the application of Rule 68(3) with regard to 23 witnesses, and the admission of 75 items under paragraphs 43 and 44 of the Conduct of Proceedings. Thus, the Consolidated Rule 68 Application subsumes three different requests, for whose adjudication different legal tests must be applied. Therefore, the Defence must have the necessary pages to develop and apply the distinct legal tests to each of the witnesses for which Rule 68(2)(b), (3), or paragraph 43 is requested.

5. The Defence's request to be allowed to respond in 50 pages is not excessive. In *The Prosecutor v. Ongwen*, the Prosecutor made its consolidated application under Rule 68(2)(b) for 38 witnesses in no less than 60 pages, and the Defence responded in 55 pages.⁴ Here, the Prosecution makes its application with respect to 38 witnesses, under different provisions of Rule 68 and includes a request for the submission of documentary material. Given the similar number of witnesses involved in the consolidated Rule 68 application in *Ongwen* and in the instant case, the Defence submits that its request for 50 pages is not unreasonable.

⁴ ICC-02/04-01/15-465, ICC-02/04-01/15-509-Corr-Red3.

RELIEF SOUGHT

6. In light of the foregoing, the Defence respectfully requests the Chamber, to **GRANT** its request for an extension of page limit to its response to the Consolidated Rule 68 Application to a maximum of 50 pages.

Respectfully submitted,




Mr. Knoop, Lead Counsel and Mr. N'Dry, Co-Counsel

Dated this
14 March 2017
At The Hague, the Netherlands