

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 March 2014

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR V. LAURENT GBAGBO***

Public

**Decision on the "Prosecution's request for an extension of the page limit for the
its final written submissions"**

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Counsel for the Defence

Emmanuel Altit
Agathe Bahi Baroan

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Silvia Fernández de Gurmendi, Single Judge for Pre-Trial Chamber I (the “Chamber”) of the International Criminal Court (the “Court”), responsible for carrying out the functions of the Chamber in relation to the situation in the Republic of Côte d’Ivoire and the cases emanating therefrom,¹ hereby issues the decision on the “Prosecution’s request for an extension of the page limit for its final written submissions” (the “Request”).²

1. On 3 June 2013, the Chamber issued, by majority, Judge Silvia Fernández de Gurmendi dissenting, the “Decision adjourning the hearing on the confirmation of charges pursuant to article 61(7)(c)(i) of the Rome Statute”, whereby the Chamber decided to adjourn the confirmation of charges hearing, requested the Prosecutor to consider providing further evidence or conducting further investigation with respect to all charges, and established a calendar for further proceedings.³ The calendar for the continuation of the confirmation proceedings was ultimately amended on 14 February 2014, when the Chamber, *inter alia*, extended to Monday, 17 March 2014 the time limit for the Defence to submit its observations on the Prosecutor’s evidence, and set the time limit for the Prosecutor’s final written submissions in response to the Defence at Monday, 31 March 2014.⁴

2. On 24 March 2014, the Prosecutor filed the Request, seeking “a 40 page extension of the page limit, applicable to [her] final written submissions, to a total of 60 pages”.⁵ According to the Prosecutor, “the complexity of the case and the length of the written observations on the Prosecutor’s evidence recently filed by the Defence constitute exceptional circumstances under Regulation 37(2)” and “the filing of final submissions following an

¹ ICC-02/11-01/11-61.

² ICC-02/11-01/11-640.

³ ICC-02/11-01/11-432.

⁴ ICC-02/11-01/11-619.

⁵ Request, para. 8.

adjournment of a confirmation hearing pursuant to Article 61(7)(c)(i) is unique and indeed exceptional".⁶

3. According to regulation 37(1) of the Regulations of the Court (the "Regulations"), "[a] document filed with the Registry shall not exceed 20 pages". Regulation 37(2) of the Regulations states that "[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances".

4. The Single Judge observes that the Defence was granted up to 400 pages for its observations on the Prosecutor's evidence,⁷ and has eventually filed substantive submissions amounting to 330 pages.⁸ Given the length of the Defence submissions, to which the Prosecutor will respond in her final written observations, and considering that, in the present case, the hearing has been adjourned under article 61(7)(c)(i) of the Statute and is currently unfolding by way of written submissions, the Single Judge is of the view that the present circumstances are "exceptional" within the meaning of regulation 37(2) of the Regulations and that, therefore, the limited extension of page limit requested by the Prosecutor can be granted.

FOR THESE REASONS, THE SINGLE JUDGE

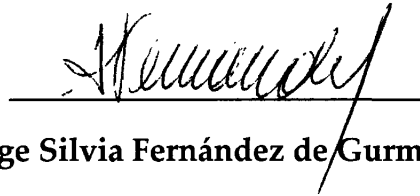
GRANTS the Prosecutor up to 60 pages for her final written submissions in response to the Defence observations on the Prosecutor's evidence.

⁶ *Ibid.*, para. 5.

⁷ ICC-02/11-01/11-636.

⁸ ICC-02/11-01/11-637-Conf-Anx2-Corr 2.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, appearing to read 'Silvia Fernández de Gurmendi', is written over a horizontal line. The signature is fluid and cursive.

Judge Silvia Fernández de Gurmendi
Single Judge

Dated this Wednesday, 26 March 2014

At The Hague, The Netherlands