

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: *English*

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

Date: **04 August
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

URGENT

Defence Request for an extension of time for its response to the "Prosecution's application for the introduction of video evidence under paragraphs 43-44 of the directions on the conduct of the proceedings and notice that it will not call Witness P-0541 to testify"

Source: Defence of Mr Charles Blé Goudé

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

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I. Introduction

1. On 31 July 2017, the Prosecution filed the “Prosecution’s application for the introduction of video evidence under paragraphs 43-44 of the directions on the conduct of the proceedings and notice that it will not call Witness P-0541 to testify” (“the Application”).¹ After having twice received an extension of time, the Prosecution submitted the Application slightly more than five months after the original 28 February 2017 deadline set by Trial Chamber I (“the Chamber”).

2. Similar to the Prosecution, the Defence now respectfully requests the Chamber for an extension of time pursuant to Regulation 35 of the Regulations of the Court and Article 64(6)(f) of the Statute to respond to the Application. The Defence seeks an extension of time until 5 February 2018 to respond to the portion of the application that seeks to introduce documentary evidence under paragraph 43 and 44 of the Directions on the conduct of the proceedings. As to the portion of the application in which the Prosecution requests to add 16 new items to its list of evidence, the Defence seeks an extension of time until 28 August 2017. There is good cause to grant these two extensions for the following three reasons: (1) the Application refers to a massive amount of material, (2) the nature of the request requires that the Defence does an item by item analysis in order to respond to the Application, and (3) competing tasks at this stage of the proceedings militate in favour of granting the Defence the Request.

3. The Defence files the request urgently because the deadline to respond to the Application expires on 9 August 2017.

¹ ICC-02/11-01/15-998

II. Submissions

4. The Application requests the Chamber to allow the Prosecution to introduce video evidence under paragraphs 43 and 44 of the Conduct of the Proceedings. The Prosecution seeks to admit an unprecedented amount of audio-visual items, namely 125 RTI videos, 15 additional videos that are not on the Prosecution's list of evidence,² and 60 non RTI videos.³ Each video item contains between thirty and two hours of footage.⁴ Given this quantity of material, the Prosecution's annexes contain a vast amount of information. Annex A in which the Prosecution details the content of each RTI segment is 1,137 pages. Annexes B2, B3, C1 and D, in which the Prosecution provides for the relevance, authenticity and probative value of the videos, are collectively 661 pages. The nature of the request is such that the Defence must analyse the Prosecution's submissions as to the introduction of each individual item, and then in turn respond with any objections as to their admission onto the case record. Such a task will require months of work and numerous team members' participation.

5. Moreover, there are numerous competing tasks which are drawing on much of the defence team's resources. As the Prosecution's case may end before the long recess in December, the Defence must focus its resources on preparing for the examination of the remaining Prosecution witnesses, as well intensifying investigations as the Prosecution case draws to a close. Additionally, the Defence is also working on completing its response to the Prosecution's application to submit 984 items of documentary evidence under

² The Application, para 39; 43.

³These figures were taken from the Prosecution's request for an extension of time to submit the video evidence. ICC-02/11-01/15-939, para. 12. The Defence is aware that this number may have changed, but the Prosecution did not specify in the Application the number of videos it is wishing to introduce, save for those videos that were not included in its list of evidence.

⁴ ICC-02/11-01/15-939, para. 11.

paragraph 43 and 44 of the Directions on the conduct of the Proceedings. The Defence must submit its response to this application by 15 September 2017.

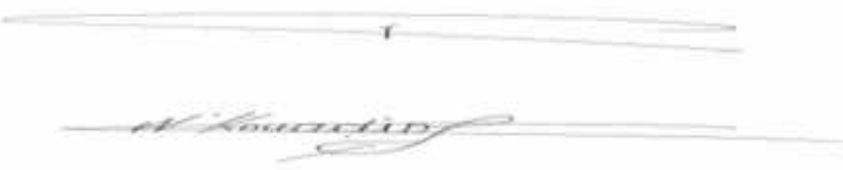
6. For the foregoing reasons, the Defence requests an extension of time until 5 February 2018 to file its response to the part of the Application that relates to the introduction of the videos onto the case record. With respect to Regulation 35(2) request contained in the Application, which seeks to reclassify and add 15 videos and one additional item to the Prosecution's list of evidence, the Defence requests an extension until 28 August 2017. The Defence seeks two different deadlines in an effort to be as efficient as possible, and submits that it is in a position to respond to the Regulation 35 portion of the request sooner seeing as it is a far smaller and simpler request, and only asks that the Chamber taken into account its reduced personnel during the summer recess. Granting these two extensions would allow the Defence to dedicate the resources it needs to respond to the Application while simultaneously being able to work on competing tasks.

RELIEF SOUGHT

For the foregoing reasons, the Defence respectfully requests the Chamber to:

- Grant the Defence request for an extension of time to file its response to the Prosecution's application until 28 August 2017 for the Prosecution's Regulation 35(2) request and until 5 February 2018 for the Prosecution's paragraph 43 and 44 request.

Respectfully submitted,



A handwritten signature in dark ink, appearing to read 'N'Dry', is centered within a rectangular box. The signature is written in a cursive style with a long horizontal stroke extending to the right.

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

Dated this 4 August 2017

At The Hague, the Netherlands