

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/11-01/15  
Date: 27 February 2020

## THE APPEALS CHAMBER

**Before:** Judge Chile Eboe-Osuji, Presiding Judge  
Judge Howard Morrison  
Judge Piotr Hofmański  
Judge Luz del Carmen Ibáñez Carranza  
Judge Solomy Balungi Bossa

## SITUATION IN CÔTE D'IVOIRE

IN THE CASE OF  
*THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ*

**Public**

CLRV Response to the “Requête de la Défense afin d’obtenir  
des pages additionnelles pour pouvoir répondre au mémoire  
d’appel de l’Accusation déposé le 15 octobre 2019”

**Source:** Office of Public Counsel for Victims

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

**The Office of the Prosecutor**

Ms Fatou Bensouda  
Ms Helen Brady

**Counsel for Mr Laurent Gbagbo**

Mr Emmanuel Altit  
Ms Jennifer Naouri

**Counsel for Mr Blé Goudé**

Mr Geert-Jan Alexander Knoops  
Mr Claver N'dry

**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

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

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. BACKGROUND

1. On 26 February 2020, the Defence for Mr Gbagbo filed a request seeking a page extension to 130 pages for its response to the Prosecution's appeal brief (the "Defence Request").<sup>1</sup>
2. On the same day, the Appeals Chamber issued an Order providing that any response to the Defence Request shall be filed by 28 February 2020.<sup>2</sup>
3. On 27 February 2020, the Prosecution filed its Response to the Defence Request.<sup>3</sup>

## II. SUBMISSIONS

4. The Common Legal Representative concurs with the arguments raised by the Prosecution in its Response. Accordingly, without repeating said arguments, she submits that none of the reasons identified by the Defence demonstrate exceptional circumstances justifying the requested extension of pages, as required by regulation 37(2) of the Regulations of the Court.
5. In this regard, the Common Legal Representative also agrees with the Prosecution that the Defence's interpretation of regulation 63(3) of the Regulations of the Court is incorrect.<sup>4</sup>

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<sup>1</sup> See the "Requête de la Défense afin d'obtenir des pages additionnelles pour pouvoir répondre au mémoire d'appel de l'Accusation déposé le 15 octobre 2019 (ICC-02/11-01/15-1277-Conf)" [No. ICC-02/11-01/15-1309](#), 26 February 2020 (the "Defence Request").

<sup>2</sup> See the "Order in relation to Mr Laurent Gbagbo's request for an extension of the page limit of his response to the Prosecutor's appeal brief" (Appeals Chamber), [No. ICC-02/11-01/15-1310](#), 26 February 2020.

<sup>3</sup> See the "Prosecution Response to the Requête de la Défense afin d'obtenir des pages additionnelles pour pouvoir répondre au mémoire d'appel de l'Accusation déposé le 15 octobre 2019", [No. ICC-02/11-01/15-1311](#), 27 February 2020.

<sup>4</sup> *Idem*, para. 3.

6. Moreover, the Common Legal Representative notes that the reasons identified in the Defence Request – namely, the challenge to certain factual finding of the Trial Chamber and the novel questions raised by the appeal – are not exceptional in nature. On the contrary, they are clearly foreseeable when dealing with appeal proceedings before the Court.

**FOR THE FOREGOING REASONS**, the Common Legal Representative respectfully requests the Appeals Chamber to reject the Defence Request. Should the Chamber nevertheless grant the Request, she respectfully asks that the number of pages for her subsequent submissions be equally extended to 90. Indeed, in accordance with the instruction of the Chamber, the filing of said submissions will constitute the only opportunity for the Common Legal Representative to address the interests of the victims she represents, while the parties will be able to file further observations subsequently.

A handwritten signature in black ink, reading 'Paolina Massidda', with a horizontal line drawn underneath the name.

**Paolina Massidda**  
**Principal Counsel**

Dated this 27<sup>th</sup> day of February 2020

At The Hague, The Netherlands