

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-02/11
Date: 14 August 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. *CHARLES BLÉ GOUDÉ***

Public

**Decision on the "Prosecution's Request for an Extension of the Page Limit
for the Document Containing the Charges"**

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

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Counsel for the Defence

Nicholas Kaufman

Legal Representatives of Victims

Legal Representatives of 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

Detention Section

Victims and Witnesses Unit

Others

**Victims Participation and Reparations
Section**

Judge Silvia Fernández de Gurmendi, Single Judge for Pre-Trial Chamber I (the “Chamber”) of the International Criminal 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 issues the following decision on the “Prosecution’s Request for an Extension of the Page Limit for the Document Containing the Charges” (the “Request”).²

1. On 27 March 2014, Charles Blé Goudé made his initial appearance before the Single Judge.³ During that hearing, the Single Judge set the date of the commencement of the confirmation of charges hearing at 18 August 2014.⁴

2. On 14 April 2014, the Single Judge issued the “Decision establishing a system for disclosure of evidence” (the “Decision on Disclosure”), wherein she, *inter alia*, decided that “any footnotes in the document containing the charges with references to evidence shall not count towards the page limit”.⁵ In the same decision, the Single Judge also stated that she expected the Prosecutor to ensure that in the DCC, “the material facts underlying the charges on which the Prosecutor seeks to bring the person to trial [are] clearly and comprehensively identified and distinguished from those facts of a mere subsidiary nature”.⁶

3. On 11 July 2014, the Single Judge, on request of the Prosecutor,⁷ postponed the commencement of the confirmation of charges hearing to 22

¹ “*Décision portant désignation d’un juge unique*”, ICC-02/11-02/11-9.

² ICC-02/11-02/11-116.

³ ICC-02/11-02/11-T-3-CONF-ENG. A public redacted version is also available, see ICC-02/11-02/11-T-3-Red-ENG.

⁴ ICC-02/11-02/11-T-3-Red-ENG, p. 12, lines 9-16.

⁵ ICC-02/11-02/11-57, p. 9.

⁶ *Ibid.*, paras 11-12.

⁷ ICC-02/11-02/11-100-Conf. A public redacted version is also available, see ICC-02/11-02/11-100-Red.

September 2014 and ordered the Prosecutor to file in the record of the case the document containing the charges (the “DCC”) by 22 August 2014.⁸

4. On 13 August 2014, the Prosecutor filed the Request, seeking an extension of the page limit applicable to the DCC to “135 pages, excluding footnotes”.⁹ In support of this request, the Prosecutor refers to the complexity of the case against Charles Blé Goudé, to the fact that the present case shares to a large extent the same contextual and factual basis as the case against Laurent Gbagbo, meaning that “with few exceptions, all of the information included in the Gbagbo DCC is relevant and needs to be presented in the Blé Goudé DCC”, and to the addition of a “fifth charged incident pertain[ing] to the commission of multiple acts in the commune of Yopougon, Abidjan between 25 and 28 February 2011”.¹⁰

5. On 13 August 2014, the Defence responded to the Request, stating that it opposes to it.¹¹

6. The Single Judge notes regulation 37(2) of the Regulations of the Court, according to which “[t]he Chamber may, at the request of a participant, extend the page limit in exceptional circumstances”.

7. The Single Judge considers that the circumstances as described by the Prosecutor, *i.e.* the complexity of the case, the need for the Prosecutor to properly incorporate the factual allegations which were previously made in the document containing the charges in the related Laurent Gbagbo case, and

⁸ “Decision on the ‘Prosecution’s Request for Variation of Time Limits Pursuant to Regulation 35 concerning the Confirmation of Charges’”, ICC-02/11-02/11-108-Conf. A public redacted version is also available, see ICC-02/11-02/11-108-Red.

⁹ Request, para. 9.

¹⁰ *Ibid.*, paras 5-8.

¹¹ ICC-02/11-02/11-118.

the inclusion of a "fifth incident",¹² which increases the volume of submissions when compared to the document containing the charges filed in the Laurent Gbagbo case, are exceptional within the meaning of regulation 37(2) of the Regulations, and that therefore the requested extension of page limit can be granted.

8. The Single Judge notes the Defence submission that the Prosecutor should refine her case "for the sake of the Suspect who is liable to be swamped in a morass of potentially irrelevant details".¹³ In this respect, the Single Judge reiterates the expectation, as expressed in the Decision on Disclosure, that the DCC will include a discrete and compact section clearly laying out the material facts of the case, which will provide to Mr Blé Goudé proper notice of the charges brought against him. The Single Judge is of the view that the inclusion by the Prosecutor in the same document of additional factual submissions concerning subsidiary facts may assist the Defence in the preparation for the confirmation of charges hearing.

FOR THESE REASONS, THE SINGLE JUDGE

GRANTS the Prosecutor up to 135 pages, excluding footnotes, for the document containing the charges.

¹² The Single Judge notes that the Defence opposes an extension of page limits for this purpose essentially on the argument that Charles Blé Goudé is not linked to any acts of violence in the context of the "fifth incident" (ICC-02/11-02/11-118, p. 3). The Single Judge, however, considers that Defence disagreement with the merits of the charges is not a relevant consideration for the determination of the appropriate page limit applicable to the DCC.

¹³ *Ibid.*, p. 3.

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



Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 14 August 2014

At The Hague, The Netherlands