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

Date: 27 June 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 "Defence request for the variation of a time limit pursuant to regulation 35(2) of the Regulations of the Court"

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 Defence request for the variation of a time limit pursuant to regulation 35(2) of the Regulations of the Court (the “Regulations”):

1. On 27 March 2014, Charles Blé Goudé (“Mr Blé Goudé”) made his initial appearance before the Single Judge.² During that hearing, the Single Judge set the date of the commencement of the confirmation of charges hearing at 18 August 2014.³

2. On 14 April 2014, the Single Judge ordered the Prosecutor to complete the disclosure of evidence and file in the record of the case the document containing the charges (the “DCC”) and the list of evidence which she intends to present at the hearing by 18 July 2014.⁴

3. On 16 June 2014, the Defence submitted the “Defence request for the variation of a time limit pursuant to regulation 35(2) of the Regulations of the Court” (the “Request”).⁵ It requests the Single Judge to shorten the time limit for the submission of the Prosecutor’s DCC and list of evidence. The Defence argues that the right of the suspect to an expeditious procedure has primacy over the right of the Prosecutor to continue her investigations.⁶ Furthermore, the Defence suggests that the workload of the Prosecutor has been “substantially reduced” since issues relevant to the present case have been

¹ ICC-02/11-02/11-9.

² 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.

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

⁴ Decision establishing a system for disclosure of evidence, 14 April 2014, ICC-02/11-02/11-57.

⁵ ICC-02/11-02/11-84-Corr.

⁶ Request, para. 5.

settled by the Chamber in the “Decision on the confirmation of charges against Laurent Gbagbo”.⁷

4. On 24 June 2014, the Prosecutor responded to the Request, arguing that the Single Judge should reject it.⁸ The Prosecutor considers that the Request is not legally permissible and that “good cause” is not demonstrated.⁹ It further informs the Chamber that it recently collected information which was currently “in the process of being transcribed, registered and disclosed”¹⁰ and that, consequently, the DCC is not yet finalised.¹¹

5. The Single Judge notes articles 21(1), 61(3) and 67(1) of the Rome Statute (the “Statute”), rules 101 and 121(3) of the Rules of Procedure and Evidence (the “Rules”), and regulation 35(2) of the Regulations.

6. Contrary to the argument put forward by the Prosecutor, the Single Judge considers that, under article 61(3) of the Statute and rule 121(3) of the Rules, the Chamber has the power to require the Prosecutor to submit the DCC and the list of evidence earlier than 30 days before the commencement of the confirmation of charges hearing should the particular circumstances of the case so require. In the present case, however, the time limit provided for by the Rules has been maintained. The question before the Single Judge is therefore whether this time limit should be modified.

⁷ Request, para. 7 referring to *The Prosecutor v. Laurent Gbagbo*, PTC I, Decision on the confirmation of charges against Laurent Gbagbo, 12 June 2014, ICC-02/11-01/11-656-Red.

⁸ Prosecutor, Prosecution Response to Defence request for the variation of a time limit pursuant to Regulation 35(2) of the Regulations of the Court, 24 June 2014, ICC-02/11-02/11-90-Conf (the “Response”).

⁹ Response, para. 1.

¹⁰ Response, para. 10.

¹¹ Response, para. 11.

7. The Single Judge recalls that modification of time limit may be granted, under regulation 35(2), if “good cause is shown”. In the present case, the Single Judge finds that good cause has not been shown.

8. The Single Judge is of the view that the Defence has not presented any circumstances which would justify a departure in this particular case from the generally applicable time limit for the submission of the DCC and the list of evidence. Contrary to the submission of the Defence, the Single Judge is of the view that the issuance of the “Decision on the confirmation of charges against Laurent Gbagbo” has no bearing on the matter. The Single Judge also considers that the Defence has raised no reasons to prevent the Prosecutor from relying, for the purpose of the hearing, on material obtained during recent or current investigations.¹²

9. In addition, the Single Judge considers that the current 30 days period, from the filing of the DCC and the list of evidence until the commencement of the confirmation of charges hearing, is adequate for the preparation of Mr Blé Goudé’s defence.

FOR THESE REASONS, THE SINGLE JUDGE

REJECTS the Request.

¹² See Response, paras 8-10.

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



Judge Silvia Fernández de Gurmendi
Single Judge

Dated this Friday, 27 June 2014

At The Hague, The Netherlands