

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-02/11
Date: 1 September 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 a variation of a time limit”

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 a variation of a time limit” (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 11 July 2014, at the request of the Prosecutor,⁵ the Single Judge postponed the commencement of the confirmation of charges hearing to 22 September 2014.⁶ The Single Judge ordered the Prosecutor to complete disclosure of the evidence she intended to rely on at the hearing and to submit the document containing the charges (the “DCC”) and her list of evidence by 22 August 2014, and ordered the Defence to complete the disclosure of any evidence on which it intended to rely at the hearing and to file any list of evidence by 5 September 2014.⁷

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

² ICC-02/11-02/11-132.

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

⁶ “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.

⁷ *Ibid.*, p. 7.

3. On 22 August 2014, the Prosecutor submitted the DCC⁸ and the list of evidence which she intends to present at the confirmation of charges hearing.⁹

4. On 28 August 2014, the Defence filed the Request, seeking that it be permitted to disclose evidence for the purpose of relying on it at the hearing and to file its list of evidence by 12 September 2014.¹⁰ In justification, the Defence states that it is “currently investigating various issues arising out of the DCC”, and submits that “in light of the sheer amount of material with which the Defence has been provided and the need to conduct an effective investigation to counter the new allegations contained [in the DCC], ‘good cause’ is shown for a modest variation of the time limit for filing the Defence list of evidence”.¹¹

5. On 29 August 2014, the Prosecutor responded to the Request, stating that “[i]n principle, the Prosecution has no objection to the Defence being granted additional time” but emphasising that an extension of time for the Defence would necessarily entail the postponement of the commencement of the confirmation of charges hearing by virtue of rule 121(6) of the Rules of Procedure and Evidence (the “Rules”).¹²

6. The Single Judge notes articles 61 and 67(1) of the Rome Statute (the “Statute”) and rule 121 of the Rules.

7. Rule 121(6) of the Rules provides for a mandatory 15-day period between the submission of the Defence list of evidence and the confirmation of charges hearing. Therefore, as argued by the Prosecutor, an extension of the time limit for the submission of the Defence list of evidence can only be

⁸ ICC-02/11-02/11-124-AnxI-Corr (public, without footnotes); ICC-02/11-02/11-124-Conf-Anx2-Corr (confidential, with footnotes).

⁹ ICC-02/11-02/11-124-Conf-Anx3-Corr.

¹⁰ Request, para. 7.

¹¹ *Ibid.*, paras 4-6.

¹² ICC-02/11-02/11-136.

granted if simultaneously the hearing is also postponed. As any argument to the contrary is absent from the Request, the Single Judge assumes that the Defence accepts that granting its request for extension of time will have this effect.

8. Under rule 121(7) of the Rules, the Chamber may postpone the date of the confirmation of charges hearing, *inter alia*, at the request of the Defence. In the present instance, the Defence states that it requires a modest postponement in order to complete its preparation for the hearing. Noting also that the Prosecutor does not raise any objection, the Single Judge considers that a postponement by one week is justified.

FOR THESE REASONS, THE SINGLE JUDGE

DECIDES that the hearing on the confirmation of charges shall commence on Monday, 29 September 2014;

ORDERS the Defence to complete the disclosure of any evidence on which it intends to rely at the confirmation of charges hearing and file any list of evidence which it intends to present at the confirmation of charges hearing by Friday, 12 September 2014.

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



Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 1 September 2014

At The Hague, The Netherlands