



Original: English

No.: ICC-02/11-02/11  
Date: 22 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 to add recently disclosed material to its list of evidence"**

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

**The Office of the Prosecutor**  
 Fatou Bensouda, Prosecutor  
 James Stewart, Deputy Prosecutor

**Counsel for the Defence**  
 Nicholas Kaufman

**Legal Representatives of the Victims**

**Legal Representatives of the 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**

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**Registrar**  
 Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
 Section**

**Other**

**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,<sup>1</sup> hereby issues the decision on the “Defence request to add recently disclosed material to its list of evidence” (the “Request”).<sup>2</sup>

1. On 1 September 2014, the Single Judge, upon request of the Defence,<sup>3</sup> postponed the commencement of the confirmation of charges hearing scheduled for 22 September 2014<sup>4</sup> to 29 September 2014 and ordered the Defence to file any list of evidence which it intends to present at the confirmation of charges hearing by 12 September 2014.<sup>5</sup>
2. On 12 September 2014, the Defence filed the list of evidence which it intends to present at the confirmation of charges hearing.<sup>6</sup>
3. On 17 September 2014, the Prosecutor disclosed to the Defence five documents under rule 77 of the Rules of Procedure and Evidence (the “Rules”).<sup>7</sup>
4. On 19 September 2014, the Defence filed the Request in which it asks the Chamber to permit the Defence to amend its list of evidence in order to include the five documents disclosed on 17 September 2014.<sup>8</sup>

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<sup>1</sup> “*Décision portant désignation d’un juge unique*”, 16 March 2012, ICC-02/11-02/11-9.

<sup>2</sup> ICC-02/11-02/11-157.

<sup>3</sup> ICC-02/11-02/11-132.

<sup>4</sup> “Decision on the ‘Prosecution’s Request for Variation of Time Limits Pursuant to Regulation 35 concerning the Confirmation of Charges’”, 11 July 2014, ICC-02/11-02/11-108-Red, p.7.

<sup>5</sup> “Decision on the ‘Defence request for a variation of a time limit’”, 1 September 2014, ICC-02/11-02/11-139, p. 5.

<sup>6</sup> ICC-02/11-02/11-152 with confidential annexes A and B.

<sup>7</sup> ICC-02/11-02/11-154 with confidential annex A.

<sup>8</sup> Request, para. 7.

5. The Single Judge notes that according to rule 121(6) of the Rules, the Defence shall provide a list of evidence it intends to present under article 61(6) of the Rome Statute, if any, no later than 15 days before the commencement of the confirmation of charges hearing. The purpose of this rule is to enable adequate preparation of the opposing party and proper organisation of the hearing by the Chamber.

6. The Single Judge notes that the Request was filed one week after expiration of the relevant time limit. However, the Single Judge also notes that according to the Request, the Prosecutor has expressed her agreement to the Request during a meeting held with the Defence.<sup>9</sup> In these circumstances, the Single Judge is of the view that no prejudice arises for the Prosecutor if the Defence is authorised to rely on the five documents in question at the confirmation of charges hearing. The documents shall be immediately communicated to the Chamber in accordance with rule 121(2)(c) of the Rules.

#### **FOR THESE REASONS, THE SINGLE JUDGE**

**AUTHORISES** the Defence to rely on items CIV-OTP-0064-0116, CIV-OTP-0067-0003, CIV-OTP-0067-0402, CIV-OTP-0067-0643, and CIV-OTP-0670-0740 at the confirmation of charges hearing.

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<sup>9</sup> *Ibid.*, para. 6.

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



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**Judge Silvia Fernández de Gurmendi**

**Single Judge**

Dated this 22 September 2014

At The Hague, The Netherlands