



Original: English

No.: ICC-02/11-02/11
Date: 12 December 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

URGENT

Decision on the "Defence application for variation of the time limit for seeking leave to appeal the Decision on the Confirmation of 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

Others

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 (the “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 application for variation of the time limit for seeking leave to appeal the Decision on the Confirmation of Charges” (the “Request”).²

1. On 11 December 2014, the Chamber issued the “Decision on the confirmation of charges against Charles Blé Goudé” (the “Decision”).³

2. On 12 December 2014, the Request was notified to the Chamber. The Defence submits that Charles Blé Goudé does not fully understand and speak English but, instead, must rely on a French translation in order to give effect to his defence and fair trial rights as enshrined by article 67(1) of the Rome Statute (the “Statute”) and that therefore good cause exists to order the time limit for the Defence request for leave to appeal the Decision to run only as of notification to him of the French translation.⁴

3. On 12 December 2014, the Prosecutor responded to the Request, stating that the Request should be rejected, but that she does not oppose a limited extension of time until a partial translation (of the legal and technical portions of the Decision, as well as of the Chamber’s main findings) is provided to the Defence.⁵

4. On 12 December 2014, the Office of Public Counsel for victims responded to the Request on behalf of the victims participating in the

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

² ICC-02/11-02/11-187.

³ ICC-02/11-02/11-186 and Annex.

⁴ Request, para. 10, see also para. 28.

⁵ ICC-02/11-02/11-188, paras 1-2.

proceedings, submitting that the extension of time requested by the Defence should be rejected, or in the alternative, if the Chamber deems the translation necessary, should be granted to a limited extent.⁶

5. The Single Judge notes article 67(1)(a) and (f) of the Statute, rule 155(1) of the Rules of Procedure and Evidence (the “Rules”), and regulation 35(2) of the Regulations of the Court (the “Regulations”).

6. Under article 67(1)(a) and (f) of the Statute, Charles Blé Goudé has the right to be informed of the charges in a language which he fully understands and speaks, and the right to have “free of any cost, the assistance of a competent interpreter and such translations as are necessary to meet the requirements of fairness, if any of the proceedings of or documents presented to the Court are not in a language which [he] fully understands and speaks”.

7. Pursuant to regulation 35(2) of the Regulations, the Chamber may extend a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard.

8. At the outset, the Single Judge notes that Charles Blé Goudé indicated to the Chamber during his first appearance before the Court that he spoke the English language, although adding that he preferred to speak his native language.⁷ In addition, the Single Judge notes the fact that he benefits from French- and English-speaking legal assistance.

9. The Single Judge agrees with the Defence that the Decision constitutes an important step in the proceedings against Charles Blé Goudé. Indeed, an official translation of the Decision will be filed in the record of the case by the Registry in the second half of January 2015. Nevertheless, the Single Judge

⁶ ICC-02/11-02/11-189, p. 8.

⁷ See ICC-02/11-02/11-T-3-Red, p. 3, lines 19-25.

considers that Charles Blé Goudé is presently already in a position, bearing in mind the assistance of his counsel, to understand the main findings of the Chamber and to determine whether and to what extent to appeal the Decision. In addition, the Single Judge notes that the facts and circumstances confirmed by the Chamber are to a large extent already translated, since they derive from section 9 of the document containing the charges.⁸ This determination must be distinguished from the more detailed instructions that Charles Blé Goudé may have to give to his counsel for the purpose of the preparation of a document in support of appeal, should leave to appeal be granted by the Chamber. The Single Judge expects that before the need for any such detailed instructions may arise, the official French translation of the Decision will have been provided.

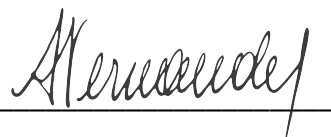
10. Accordingly, the Single Judge takes the view that the fairness of proceedings will not be affected if the Defence is required to submit any application for leave to appeal the Decision within the regular time limit provided for by rule 155(1) of the Rules, and that no good cause to extend the applicable time limit has been shown within the meaning of regulation 35(2) of the Regulations.

FOR THESE REASONS, THE SINGLE JUDGE

REJECTS the Request.

⁸ ICC-02/11-02/11-124-Conf-Anx2.

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



Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 12 December 2014

At The Hague, The Netherlands