

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/11-01/15**

Date: **31 May 2017**

**TRIAL CHAMBER I**

**Before: Judge Cuno Tarfusser, Single Judge**

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE  
IN THE CASE OF  
*THE PROSECUTOR v. LAURENT GBAGBO and CHARLES BLÉ GOUDÉ***

**Public**

**Decision on the request for postponement of the appearance of Witness P-583  
submitted by the Defence for Mr Gbagbo**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda  
Mr James Stewart  
Mr Eric MacDonald

**Counsel for Laurent Gbagbo**

Mr Emmanuel Altit  
Ms Agathe Bahi Baroan

**Counsel for Mr Charles Blé Goudé**

Mr Geert-Jan Alexander Knoops  
Mr Claver N'dry

**Legal Representatives of Victims**

Ms Paolina Massidda

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for  
Victims**

**The Office of Public Counsel for the  
Defence**

**States' Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**Judge Cuno Tarfusser**, acting as Single Judge on behalf of Trial Chamber I of the International Criminal Court, in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to rule 140(1) of the Rules on Procedure and Evidence of the Court, issues this decision on the '*Demande de report de la venue du témoin P-583*' until after the summer recess, submitted by the Defence for Mr Gbagbo on 30 May 2017 ('Request').<sup>1</sup>

1. On 29 May 2017,<sup>2</sup> following developments requiring amendments to the scheduled appearance of witnesses and with a view to preserving the efficiency of the proceedings, the Presiding Judge indicated that Witness P-583 would take the stand on Wednesday 31 May 2017. The indication was based both on information relating to the nature and content of P-583's testimony, and in particular the relationship between his testimony and some of the testimonies recently heard in the courtroom, and to his availability. Both Defence teams objected to this amendment, submitting they would not be in a position to adequately prepare in light of the short notice. The Prosecutor, whilst not objecting to the advancement of P-583's testimony and confirming the witness' availability, requested a postponement until Thursday 1 June 2017. The postponement was granted.

2. On 30 May 2017,<sup>3</sup> the Presiding Judge indicated that, with a view to accommodating the defence request to be given sufficient time for preparing, the questioning of Witness P-583 by the Defence teams would be postponed to Monday and Tuesday, 5 and 6 June 2017.

3. On the same day, the Defence for Mr Gbagbo filed its Request. The Prosecutor responded by email, confirming her availability to start with the questioning on 1 June. The LRV also responded by email, opposing the Request. The Defence for Mr Blé Goudé responded by email, associating itself with the Request.

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<sup>1</sup> ICC-02/11-01/15-943-Conf.

<sup>2</sup> ICC--02/11-01/15-T-162.

<sup>3</sup> ICC--02/11-01/15-T-163.

4. Following an additional filing by the Defence for Mr Gbagbo,<sup>4</sup> the LRV filed her 'Response to the "Demande de report de la venue du témoin P-0583',<sup>5</sup> simply mirroring what she had already stated by email.

5. The Single Judge regrets the lack of flexibility shown by the Defence teams and the ensuing missed opportunity to implement an amendment to the schedule which would have allowed to at least partially address the scheduling challenges recently encountered and would have been therefore instrumental to expediting the proceedings. The Single Judge is also surprised that, while complaining about their limited resources and the time constraints affecting their preparation, the Defence for Mr Gbagbo did find the time and resources to prepare, at very short notice (less than three hours), an additional eight-page filing requesting the Chamber to disregard the objection to the Request initially submitted by the LRV by email. Nevertheless, the Single Judge notes the nature of the objections raised by the Defence teams and in particular the serious assertion that the implementation of this amendment to the schedule would result in adversely affecting the fundamental rights of the Defence; in their words, the assertion that '*Pour économiser quelques jours d'audience aujourd'hui, c'est l'équité du procès dans son ensemble qui serait remise en question*'.

6. The Single Judge remains persuaded that the amendment at stake would not have entailed any violation of the rights of the Defence, even less compromise '*l'équité du procès dans son ensemble*', in particular in light of the fact that the relevant documents have been in the possession of the Defence for a long time and of the fact that the Defence would have still had almost a week to prepare before starting their questioning of the witness. Nevertheless, the Single Judge notes that, at this stage, it will still be possible to arrange the testimony of Witness P-583 at such a time so as not to adversely affect the fundamental right of the accused to an expeditious trial; therefore, and with a view to avoiding that any doubt as to the full preservation of

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<sup>4</sup> ICC-02/11-01/15-945-Conf.

<sup>5</sup> ICC-02/11-01/15-946-Conf.

the rights of the Defence might cast any shadow on these proceedings, the Single Judge decides to grant the Request.

**FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY**

**GRANTS** the Request;

**DECIDES** that no hearing shall take place on Thursday 1 June 2017, nor in the week 5-9 June 2017, and that the trial will resume on 19 June 2017 at 9:15 hours;

**ORDERS** the parties to file public redacted versions of their respective filings, or to indicate that they can be reclassified as public, by Friday 2 June 2017.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

**Judge Cuno Tarfusser, Single Judge**

Dated 31 May 2017

At The Hague, The Netherlands