

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-02/11
Date: 11 February 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Cuno Tarfusser
Judge Olga Herrera Carbuca

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

Public

Decision on the status conference of 13 February 2015

Decision 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 Mr Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Others

Trial Chamber I ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Charles Blé Goudé* ('Blé Goudé case'), having regard to Article 64(3) of the Rome Statute ('Statute'), Rule 132(1) of the Rules of Procedure and Evidence ('Rules') and Regulation 54 of the Regulations of the Court, issues the following 'Decision on the status conference of 13 February 2015'.

1. On 23 January 2015, the Chamber issued an order scheduling a status conference on 13 February 2015 and setting a provisional agenda. The Chamber instructed the parties and participants to file their observations on the issues mentioned in the provisional agenda and to indicate whether they wished to add any items to the agenda.¹
2. On 26 January 2015, the defence for Mr Blé Goudé ('Defence') filed an urgent request seeking: (i) additional time and facilities to prepare for trial; (ii) an extension of time to respond to the request made by the Office of the Prosecutor ('Prosecution') to join the case of *The Prosecutor v. Laurent Gbagbo* ('Gbagbo case') with the *Blé Goudé* case ('Joinder Request'),² and (iii) the translation into French of all relevant documents ('First Defence Request').³
3. On 28 January 2015, the Chamber ordered that any responses to the request for extension of time in relation to the Joinder Request contained in the First Defence Request be filed by 2 February 2015. The Chamber ordered further that any responses to the remainder of the First Defence Request be made in the context of the submissions prior to and during the status conference scheduled on 13 February 2015.⁴

¹ Order scheduling a status conference and setting a provisional agenda, 23 January 2015, ICC-02/11-02/11-200.

² Prosecution's Request to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé*, 22 December 2014, ICC-02/11-02/11-194.

³ Urgent Defence submissions on the need to have adequate time and facilities to prepare for trial and extension of time to respond to joinder request, 26 January 2015, ICC-02/11-02/11-201, with confidential annexes 1-4, paras 37-44 and 47 (b).

⁴ Order reducing the time limit to file responses to ICC-02/11-02/11-201, 28 January 2015, ICC-02/11-02/11-202 ('Order of 28 January 2015'), page 5.

4. On 29 January 2015, the Prosecution, alleging, *inter alia*, competing deadlines in the *Gbagbo* case, requested an extension of time to file submissions in relation to: (i) the request for extension of time in relation to the Joinder Request contained in the First Defence Request, to 4 February 2015; and (ii) the agenda for the status conference and remainder of the First Defence Request, to 9 February 2015 ('Prosecution request for an extension of time').⁵
5. On the same date, the Defence filed its submissions pertaining to the status conference, in which it requested, *inter alia*, to adjourn the status conference until the resolution of: (i) the issues outlined in the First Defence Request; and (ii) a Defence request to the Registry concerning additional resources. In the alternative, the Defence requested that the issues contained in the First Defence Request be added to the agenda items for the status conference ('Second Defence Request').⁶
6. On 30 January 2015, the Single Judge granted the Prosecution request for an extension of time.⁷ With regard to the Second Defence Request, the Single Judge considered that the alternative relief requested by the Defence had already been granted in that his Order of 28 January 2015 directed that 'responses to the remainder of the Defence Request shall be made in the context of the submissions prior to and during the status conference scheduled on 13 February 2015'.⁸ Concerning the primary relief sought in the

⁵ Prosecution's urgent Request for an extension of time to file its response to Defence Request ICC-02/11-02/11-201 and Chamber's orders ICC-02/11-02/11-200 and ICC-02/11-02/11-202, 29 January 2015, ICC-02/11-02/11-203.

⁶ Defence Submissions on "Order scheduling a status conference and setting a provisional agenda", 29 January 2015, ICC-02/11-02/11-204, page 5.

⁷ Decision on Prosecution request for extension of time and on the response deadline for ICC-02/11-02/11-204, 30 January 2015, ICC-02/11-02/11-205. Parties and participants were informed of this disposition by way of email in advance, after having indicated that no responses would be forthcoming – see Email communications from Legal Officer of the Trial Chamber to parties and participants on 29 January 2015 at 15.48 and 17.15; Email communication from Legal Representative of Victims ('LRV') on 29 January 2015 at 15.53; Email communication from Defence on 29 January 2015 at 15.56.

⁸ Order of 28 January 2015, ICC-02/11-02/11-202, page 5.

Second Defence Request, the Single Judge ordered that any responses should be filed by 4 February 2015.⁹

7. On 4 February 2015, the Prosecution¹⁰ and the LRV¹¹ filed their responses, both opposing the adjournment of the status conference sought in the Second Defence Request.
8. With regard to this request, the Chamber notes the Defence claims that 'at the moment, it is not able to comment on the substance of the items on the provisional agenda due to its need for adequate time to become acquainted with the case'.¹² The Defence requests an adjournment until the issues outlined in the First Defence Request have been addressed by the Chamber.¹³ In addition to the arguments raised in the First Defence Request, it also refers to a letter addressed to the Registry seeking the allocation of additional resources for the appointment of two additional case managers and two additional legal assistants.¹⁴ In this regard, the Chamber notes that according to the Registry's filing of 5 February 2015, it appears that the Defence team as currently constituted is composed of seven members.¹⁵
9. The Chamber recalls that according to Rule 132(1) of the Rules, '[p]romptly after it is constituted, the Trial Chamber shall hold a status conference in order to set the date of the trial'. The purpose of the status conference

⁹ Decision on Prosecution request for extension of time and on the response deadline for ICC-02/11-02/11-204, 30 January 2015, ICC-02/11-02/11-205. In an Email from Legal Officer of the Chamber to the parties, participants and Registry on 30 January 2015 at 18.16, it was stated that the extension of time to 9 February 2015 for the submissions pertaining to the status conference extended to the Registry and LRV as well as the Prosecution.

¹⁰ Prosecution's consolidated response to the Defence application for an extension of time to respond to the Prosecution's request for a joinder of proceedings and to the Defence request to adjourn the status conference scheduled on 13 February 2015, 4 February 2015, ICC-02/11-02/11-207.

¹¹ Consolidated response to the Defence's submission requesting an extension of time to file a response to the Prosecution's joinder request (ICC-02/11-02/11-201) and to the Defence's request to postpone the status conference schedule for 13 February 2015 (ICC-02/11-02/11-204), 4 February 2015, ICC-02/11-02/11-206.

¹² Second Defence Request, ICC-02/11-02/11-204, page 1.

¹³ Second Defence Request, ICC-02/11-02/11-204, page 1.

¹⁴ Second Defence Request, ICC-02/11-02/11-204, para. 3.

¹⁵ Information on appointment of defence team members and provision of technical assistance, 4 February 2015, ICC-02/11-02/11-208, with one confidential annex and two public annexes, para. 4.

scheduled on 13 February 2015 is to hear submissions on the different items of the agenda from the Prosecution, the Defence, as well as the LRV and Registry where appropriate, and to discuss therefore with parties and participants steps which must be taken before the trial can commence. As recalled above, the alternative relief in the Second Defence Request has already been granted.¹⁶ The Chamber considers therefore that the status conference scheduled for 13 February 2015 should not be postponed as the Defence shall have the opportunity to address the concerns outlined in the First Defence Request at the commencement of the status conference. The Defence request is therefore rejected.¹⁷

10. On 9 February 2015, the Prosecution, the LRV and the Registry filed their submissions pertaining to the agenda of the status conference.¹⁸ The Defence also filed some additional material.¹⁹

11. Taking into account these submissions, the Chamber hereby issues a final agenda for the status conference:

- a) Time and facilities for the Defence to prepare for trial;²⁰
- b) Timing, volume and modalities of disclosure of evidence pursuant to Rule 76 of the Rules;
- c) Whether the Prosecution anticipates issues concerning the protection of witnesses and other persons (including the need for redactions), the

¹⁶ Order of 28 January 2015, ICC-02/11-02/11-202, page 5.

¹⁷ Parties and participants were informed of this disposition by way of email in advance; Email communication from Legal Officer of the Trial Chamber to parties and participants on 5 February 2015 at 17.34.

¹⁸ Prosecution's submissions on agenda items for the status conference of 13 February 2015, 9 February 2015, ICC-02/11-02/11-212-Conf; Registry's Observations on the "Order scheduling a status conference and setting a provisional agenda", 9 February 2015, ICC-02/11-02/11-211; Submissions in accordance with the "Order scheduling a status conference and setting a provisional agenda" issued on 23 January 2015, 9 February 2015, ICC-02/11-02/11-210.

¹⁹ Defence exhibit for the status conference of 13 February 2015, 9 February 2015, ICC-02/11-02/11-213, with two public annexes.

²⁰ See First Defence Request, ICC-02/11-02/11-201, para. 47(a).

disclosure of identities of witnesses, as well as referrals to the Court's witness protection program;

- d) Material already disclosed and intended to be disclosed by the Prosecution pursuant to Article 67(2) of the Statute and Rule 77 of the Rules;
- e) Update on victims' applications and the procedure for allowing victims to participate in the trial proceedings;
- f) Transmission to the Defence of lesser redacted versions of victims applications;
- g) Languages to be used in the proceedings, in particular, the languages spoken by the witnesses the parties intend to call and victims the legal representatives may seek authorisation to call;
- h) Translation of relevant documents into French;²¹
- i) Commencement date of the trial; and
- j) Any issues related to Mr Blé Goudé's detention.

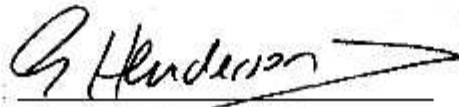
²¹ See First Defence Request, ICC-02/11-02/11-201, para. 47(c).

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

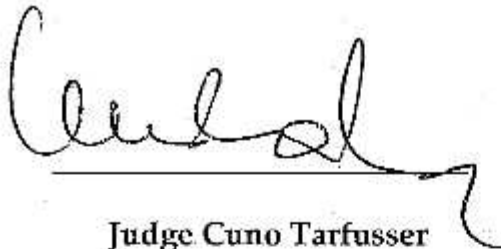
REJECTS the request for adjournment of the status conference sought in the Second Defence Request; and

SETS the agenda for the status conference of 13 February 2015, as provided in paragraph 11.

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



Judge Geoffrey Henderson, Presiding Judge



Judge Cuno Tarfusser



Judge Olga Herrera Carbuca

Dated 11 February 2015

At The Hague, The Netherlands