

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-02/11
Date: 30 January 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Single Judge

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

Public

**Decision on Prosecution request for extension of time and on the response
deadline for ICC-02/11-02/11-204**

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

Detention Section

**Victims Participation and Reparations
Section**

Others

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Judge Geoffrey Henderson, acting as Single Judge on behalf of Trial Chamber I (respectively, 'Single Judge' and 'Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Charles Blé Goudé* ('Blé Goudé case'), having regard to Regulations 24, 34 and 35 of the Regulations of the Court ('Regulations'), issues the following 'Decision on Prosecution request for extension of time and on the response deadline for ICC-02/11-02/11-204'.

1. On 22 December 2014, the Office of the Prosecutor ('Prosecution') requested the Chamber to join *The Prosecutor v. Laurent Gbagbo* ('Gbagbo case') and the *Blé Goudé case* ('Joinder Request').¹
2. On 6 January 2015, the Single Judge in the *Gbagbo* case extended the deadline for any response to the Prosecution's request for joinder to 21 days from notification of its French translation, as well as the French translation of the Decision on the confirmation of charges against Charles Blé Goudé.² On the same day, the Chamber also extended the deadline for any responses to the Joinder Request in the present case to the same date.³
3. On 20⁴ and 21⁵ January 2015, the relevant translations were notified, rendering 12 February 2015 the due date for responses to the Joinder Request.

¹ 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, with public annex. *See also* *The Prosecutor v. Laurent Gbagbo*, Prosecution's Request to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé*, 16 December 2014, ICC-02/11-01/11-738, with public annex.

² Pre-Trial Chamber I, Decision on the confirmation of charges against Charles Blé Goudé, 11 December 2014, ICC-02/11-02/11-186. *See also* partly dissenting opinion of Judge Van den Wyngaert, ICC-02/11-02/11-186-Anx.

³ Decision on 'Counsel's request to withdraw pursuant to Regulation 78(1) of the Regulations of the Court' and extension of deadline for response, 6 January 2015, ICC-02/11-02/11-197. *See also*, *Gbagbo* case, Decision on the Defence challenge to the Chamber's competence to hear the Prosecution's Joinder Request and on its request for a variation of the response deadline, 6 January 2015, ICC-02/11-01/11-744.

⁴ *Décision relative à la confirmation des charges portées contre Charles Blé Goudé*, ICC-02/11-02/11-186-tFRA.

⁵ *Demande de jonction des affaires Le Procureur c. Laurent Gbagbo et Le Procureur c. Charles Blé Goudé*, ICC-02/11-01/11-738-tFRA.

4. 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 by 2 February 2015.⁶
5. On 26 January 2015, the defence for Mr Blé Goudé ('Defence') filed an urgent request seeking, *inter alia*, an extension of time to respond to the Joinder Request ('First Defence Request').⁷
6. 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 2015.⁸
7. On 29 January 2015, the Prosecution filed an urgent request for 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').⁹ The Prosecution submitted that, *inter alia*, competing deadlines in the *Gbagbo* case, 'which significantly impact on the trial team's ability to meet [its 6 February 2015] deadlines', necessitate the extensions requested.¹⁰

⁶ Order scheduling a status conference and setting a provisional agenda, 23 January 2015, ICC-02/11-02/11-200.

⁷ 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).

⁸ Order reducing the time limit to file responses to ICC-02/11-02/11-201, ICC-02/11-02/11-202 ('Order of 28 January 2015'), page 5.

⁹ 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, ICC-02/11-02/11-203.

¹⁰ Prosecution Request, ICC-02/11-02/11-203, para. 2.

8. Also on 29 January 2015, the Defence filed a request 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 requests that the issues contained in the First Defence Request be added to the agenda items for the status conference ('Second Defence Request').¹¹
9. Pursuant to Regulation 35 of the Regulations, and in light of the reasons provided in the Prosecution Request and the limited nature of the relief requested, the Single Judge is satisfied that good cause has been shown for granting the Prosecution Request.¹²
10. Turning to the Second Defence Request, the Single Judge notes that he has already decided 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'.¹³ Accordingly, the Single Judge considers that the alternative relief requested by the Defence outlined above at paragraph 8 has already been granted and need not be the subject of further order.
11. The Single Judge orders that any responses to the primary relief sought in the Second Defence Request must be filed by 16:00 on 4 February 2015.

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

¹² The Chamber notes that parties and participants were informed of this disposition by way of email in advance of the present decision, 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.

¹³ Order of 28 January 2015, ICC-02/11-02/11-202, page 5.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

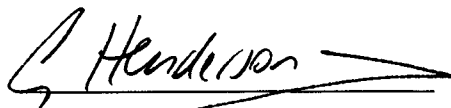
GRANTS the Prosecution Request;

DECIDES that the any responses to the request for extension of time in relation to the Joinder Request contained in the First Defence Request be filed by 16:00 on 4 February 2015;

DECIDES that any submissions in relation to the agenda for the status conference and the remainder of the First Defence Request be filed by 16:00 on 9 February 2015; and

ORDERS the Prosecution and the Legal Representative of Victims to file responses, if any, to the primary relief sought in the Second Defence Request by 16:00 on 4 February 2015.

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

A handwritten signature in black ink, appearing to read 'G. Henderson', with a long horizontal stroke extending to the right.

Judge Geoffrey Henderson, Single Judge

Dated 30 January 2015

At The Hague, The Netherlands