

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-02/11

Date: 6 January 2015

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser
Judge Olga Herrera Carbuccion
Judge Geoffrey Henderson

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

Public

**Decision on 'Counsel's request to withdraw pursuant to Regulation 78(1) of the
Regulations of the Court' and extension of deadline for response**

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

Counsel for Mr Blé Goudé

Nicholas Kaufman

Mr Geert-Jan Alexander Knoops

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

Mr Esteban Peralta-Losilla

Juliet Adyel

Abdoul Aziz Mbaye

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Others

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Trial Chamber I ('Chamber') of the International Criminal Court, in the case of *The Prosecutor v. Charles Blé Goudé* ('Blé Goudé case'), having regard to Articles 61(11), 64(6)(f) Article 67(1)(d) of the Rome Statute ('Statute'), Rules 20-22 of the Rules of Procedure and Evidence ('Rules'), Regulations 34-35 and 78 of the Regulations of the Court ('Regulations'), and Articles 8, 15(2), 17(2), 18 and 19 of the Code of Professional Conduct for Counsel ('Code of Conduct'), issues the following 'Decision on "Counsel's request to withdraw pursuant to Regulation 78(1) of the Regulations of the Court" and extension of deadline for response'.

I. Procedural History

1. On 11 December 2014, Pre-Trial Chamber I ('Pre-Trial Chamber') issued the 'Decision on the confirmation of charges against Charles Blé Goudé' ('Confirmation Decision').¹
2. On 19 December 2014, counsel for Mr Blé Goudé, Mr Nicholas Kaufman, filed a request before the Pre-Trial Chamber to withdraw as counsel, pursuant to Regulation 78(1) of the Regulations ('Request').² In light of the fact that the Registry had filed the 'Transmission to the Presidency of the Decision on the Confirmation of Charges And of the Record of the Proceedings'³ on 18 December 2014, the Request was transferred to the Presidency pending referral of the *Blé Goudé* case to a trial chamber.⁴

¹ ICC-02/11-02/11-186. *See also* partly dissenting opinion of Judge Christine Van den Wyngaert, ICC-02/11-02/11-186-Anx.

² Counsel's request to withdraw pursuant to Regulation 78(1) of the Regulations of the Court, submitted on 18 December 2014 and transmitted by the Registry on 19 December 2014, ICC-02/11-02/11-192-Anx.

³ ICC-02/11-02/11-191 + US-Exp-Anxs.

⁴ Registry's Transmission of the Public Filing entitled 'Counsel's request to withdraw pursuant to Regulation 78(1) of the Regulations of the Court', 19 December 2014, ICC-02/11-02/11-192.

3. On 20 December 2014, the Presidency referred the *Blé Goudé* case to Trial Chamber I and transmitted to it the full record of the proceedings, including the Confirmation Decision.⁵
4. On 22 December 2014, the Registry indicated that new counsel would be ready to be appointed upon the excusal of Mr Kaufman, and that there would be no gap in the legal representation of Mr Blé Goudé.⁶
5. On 16⁷ and 22 December 2014,⁸ the Prosecution requested to join the *Blé Goudé* case with the case of *The Prosecutor v. Laurent Gbagbo* ('Joinder Application').
6. On 22 December 2014, Defence counsel for Mr Gbagbo ('Gbagbo Defence') requested, *inter alia*, for the time limits for its response to the Joinder Request to run from the date of the French translation of the Joinder Request (ICC-02/11-01/11-738) and of the Confirmation Decision.⁹
7. On 24 December 2014, the Pre-Trial Chamber was informed by Mr Kaufman that he and Mr Blé Goudé have ceased communication. Notwithstanding, Mr Kaufman requested that the time limit for the response to the Joinder Application commence from the date of the formal appointment of new counsel 'lest [Mr Blé Goudé's] rights be irreversibly prejudiced'.¹⁰

⁵ Corrigendum to the "Decision referring the case of The Prosecutor v. Charles Blé Goudé to Trial Chamber I", ICC-02/11-02/11-193, 20 December 2014 (registered on 22 December 2014), 22 December 2014, ICC-02/11-02/11-193-Corr.

⁶ Email communication from Legal Officer of the Registry to Trial Chamber I on 22 December 2014 at 12:38.

⁷ *The Prosecutor v. Laurent Gbagbo*, Prosecution's Request to join the cases of *The Prosecutor v. Laurent GBAGBO* and *The Prosecutor v. Charles BLE GOUDÉ* [sic], ICC-02/11-01/11-738 + Anx.

⁸ Prosecution's Request to join the cases of *The Prosecutor v. Laurent GBAGBO* and *The Prosecutor v. Charles BLE GOUDÉ* [sic], ICC-02/11-02/11-194 + Anx.

⁹ *The Prosecutor v. Laurent Gbagbo*, 1. *Requête afin que la Chambre de première instance I se déclare incompétente pour statuer sur la demande de jonction des affaires Gbagbo et Blé Goudé présentée par le Procureur* (ICC-02/11-01/11-738) 2. *Dans l'hypothèse où la Chambre se déclarerait compétente, requête portant sur la détermination de la date à partir de laquelle courent les délais fixés pour que la Défense puisse déposer une éventuelle réponse à la demande de jonction du Procureur*, 19 December 2014 (registered on 22 December 2014), ICC-02/11-01/11-742, page 18.

¹⁰ Email communication from Mr Kaufman transmitted by a Legal Officer of the Registry to Trial Chamber I on 24 December 2014 at 15:32.

II. Analysis and conclusions

i. Withdrawal of counsel

8. The Chamber notes that the reasons cited by Mr Kaufman for wishing to withdraw as counsel include that his relationship with Mr Blé Goudé has, 'at times, been tempestuous and latterly marred by [Mr Blé Goudé's] insistence on the appointment of defence staff against Counsel's judgment'. Mr Kaufman indicates that, accordingly, he and Mr Blé Goudé agreed that Mr Kaufman would represent him only 'for the duration of the confirmation proceedings'.¹¹
9. The Chamber has considered the reasons that motivated the Request and of the fact that Mr Kaufman and Mr Blé Goudé have ceased communication, and authorises Mr Kaufman to withdraw from the present case as lead counsel. The Chamber reminds Mr Kaufman that, notwithstanding his withdrawal, he remains bound by the obligations of professional secrecy, confidentiality, conservation of case-related files and transmission of the same to the replacement counsel, in accordance with Articles 8, 18(2) and (5) and 19 of the Code of Conduct.
10. The Chamber considers it necessary that the Registrar take immediate steps, pursuant to Rules 20-22 of the Rules, to facilitate the appointment of counsel for Mr Blé Goudé, in order to ensure the accused will continue to enjoy the rights entrenched in Article 67 of the Statute. The Chamber notes that the Registry has stated that it is already in a position to do so,¹² or to take any interim measures necessary to ensure the accused is represented by counsel at all times.

¹¹ Request, ICC-02/11-02/11-192-Anx1, paras 1-2.

¹² Email communication from Legal Officer of the Registry to Trial Chamber I on 22 December 2014 at 12:38.

ii. Deadline for response to Joinder Application

11. The Chamber notes that the new counsel for Mr Blé Goudé, once appointed, will have a limited period, if any, in which to prepare a response to the Joinder Application before the expiry of the response deadline under Regulation 24 of the Regulations. The Chamber considers that an extension of this response deadline is therefore in the interests of justice.
12. The Chamber notes further that, today, it issued a decision extending the deadline for the Gbagbo Defence to respond to the Joinder Application to 21 days from the notification of the French translation of the Joinder Application (ICC-02/11-01/11-738) and of the Confirmation Decision. Accordingly, the Chamber decides to extend the response deadline for the new counsel of Mr Blé Goudé in relation to the Joinder Application filed in the *Blé Goudé* case (ICC-02/11-02/11-194) to the same date.

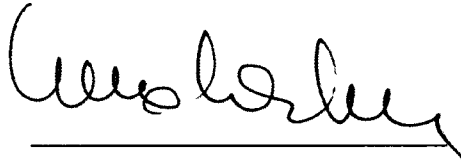
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

AUTHORISES Mr Kaufman to withdraw from the present case as lead counsel of Mr Blé Goudé;

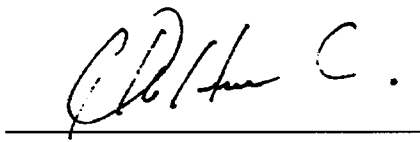
ORDERS the Registrar to take immediate steps to facilitate the appointment of new counsel for Mr Blé Goudé; and

EXTENDS the deadline for any response to the Joinder Application filed in the *Blé Goudé* case (ICC-02/11-02/11-194) to 21 days from the notification of the French translation of ICC-02/11-01/11-738 and ICC-02/11-02/11-186.

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



Judge Cuno Tarfusser



Judge Olga Herrera Carbuccion



Judge Geoffrey Henderson

Dated 6 January 2015

At The Hague, The Netherlands