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No.: ICC-02/11-02/11
Date: 22 September 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

Decision on the schedule for the confirmation of charges hearing

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

Amicus Curiae

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 schedule for the confirmation of charges hearing.

1. The confirmation of charges hearing is set to commence on 29 September 2014.²

2. On 19 September 2014, the Chamber received submissions on the schedule for the hearing by the Defence,³ the Office of Public Counsel for victims (the “OPCV”) as the common legal representative of the victims admitted to participate in the proceedings,⁴ and by the Prosecutor.⁵ In addition, the Defence filed on the same day the “Defence notice of its intention to raise a plea pursuant to Articles 17(1)(d) and 19 of the Rome Statute”⁶ and the “Defence notice of its intention to make use of audio-visual materials during the confirmation hearing”.⁷

3. The Single Judge notes articles 61 and 67 of the Rome Statute and rules 58, 121 and 122 of the Rules of Procedure and Evidence (the “Rules”).

4. In establishing the schedule annexed to the present decision, the Single Judge has taken into account the submissions of the parties. In line with the

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

² Pre-Trial Chamber I, “*Decision on the Defence request for a variation of a time limit*”, 1 September 2014, ICC-02/11-02/11-139.

³ ICC-02/11-02/11-156.

⁴ ICC-02/11-02/11-157.

⁵ ICC-02/11-02/11-159.

⁶ ICC-02/11-02/11-160.

⁷ ICC-02/11-02/11-161.

decisions on victim participation,⁸ the Single Judge has also – as requested – allotted time for opening and closing statements on behalf of the victims admitted to participate in the proceedings.

5. The Defence has stated first in its observations in the schedule⁹ and later specifically in the “Defence notice of its intention to raise a plea pursuant to Articles 17(1)(d) and 19 of the Rome Statute”¹⁰ that it intended to raise at the hearing the issue of the admissibility of the case, in particular under article 17(1)(d) of the Statute.

6. Under rule 122(2) of the Rules, if a question or challenge concerning jurisdiction or admissibility arises, rule 58 of the Rules applies. That rule, in turn, states in paragraph 1 that “[a] request or application made under article 19 shall be in writing and contain the basis for it”. Paragraph 2 of the same rule then permits the Chamber to join, if appropriate, the challenge to a confirmation proceeding as long as this does not cause undue delay.

7. At present, no admissibility challenge has been made as required by rule 58 of the Rules. In spite of the Defence submission to the contrary,¹¹ the Single Judge takes the view that the “Defence notice of its intention to raise a plea pursuant to Articles 17(1)(d) and 19 of the Rome Statute” does not constitute an admissibility challenge as it does not contain the basis for it. Accordingly, absent an admissibility challenge in compliance with rule 58 of the Rules and a subsequent decision joining the consideration of the challenge to the confirmation of charges hearing, the issue of admissibility will not be

⁸ Pre-Trial Chamber I, “Decision on victims’ participation in the pre-trial proceedings and related issues”, 11 June 2014, ICC-02/11-02/11-83; Pre-Trial Chamber I, “Second Decision on victims’ participation in the pre-trial proceedings and related issues”, 1 August 2014, ICC-02/11-02/11-111 and confidential Annex.

⁹ ICC-02/11-02/11-156, para. 6.

¹⁰ ICC-02/11-02/11-160.

¹¹ *Ibid.*, para. 6.

discussed at the hearing. The Defence is expected to use the time allotted to it to discussing of the merits of the case.

8. The Single Judge clarifies that the times indicated in the schedule are tentative and that the parties and the common legal representative of the victims need to be prepared at any time to proceed to the next item on the schedule, should any participant not exhaust the allocated time. The Chamber has reserved time in the schedule for follow up questions, if necessary.

9. Further, the Single Judge reminds the parties that they need to liaise with the Registry for the purpose of presentation of evidence in court. In particular, the parties are expected to provide the Registry one day in advance with a list of any evidence intended for presentation.

FOR THESE REASONS, THE SINGLE JUDGE

DECIDES that the confirmation of charges hearing take place according to the schedule annexed to the present decision, and paragraphs 5 to 9 above.

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



Judge Silvia Fernández de Gurmendi
Single Judge

Dated this 22 September 2014

At The Hague, The Netherlands