

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **27/06/2014**

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

Confidential Document

Ex parte Prosecution and Defence only

Defence request for a status conference

Source: Defence for Charles Blé Goudé

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented

Applicants

(Participation/Reparation)

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Other
Section**

Pursuant to Rule 122(3) of the Rules of Procedure and Evidence, the Defence for Charles Blé Goudé ("the Suspect") hereby requests that the Single Judge set a date for a status conference as soon as possible after the filing of the Prosecutor's document containing the charges ("DCC") on 18 July 2014.

Submission

1. Rule 122(3) provides as follows:

"Before hearing the matter on the merits, the Presiding Judge of the Pre-Trial Chamber shall ask the Prosecutor and the person whether they intend to raise objections or make observations concerning an issue related to the proper conduct of the proceedings prior to the confirmation hearing".

2. The Suspect believes that valuable court time will be saved if agreements are reached on issues which need not be litigated in light of the Pre-Trial Chamber's findings in the *Gbagbo* confirmation decision. For this reason, a status conference held several weeks before the confirmation hearing in the present case will allow the parties and the Court to streamline and focus their preparation.

3. The Prosecutor has indicated that *"in the course of [her] further investigation, [she] has collected evidence "involving the multiple commission of acts" that will form the basis of a fifth charged incident as part of the charges against [the Suspect] which will be described in the DCC to be filed on 18 July 2014".*¹

4. The Defence will argue that the Prosecutor's proposed strategy offends the rule of speciality set out in Article 101(1) of the Rome Statute and will, in due course, request that any incident not contained in the warrant for the Suspect's arrest be ignored. The Suspect submits that this issue requires early

¹ ICC-02/11-02/11-90-Conf-

resolution in order that his preparation for the confirmation hearing not be sidetracked by a "fifth charged incident" which will not be litigated.

5. Finally, the Suspect will, at the proposed confirmation hearing, raise an alibi pursuant to Rule 79(1)(a) in relation to the fourth incident with which he is charged – namely the so-called "Yopougon massacre" of 11-12 April 2011. The Suspect will inform the Court that on the dates that these tragic deaths occurred, he was in Ghana having left Abidjan almost two weeks earlier. An early status conference where further alibi details will be provided will give the Prosecution, as envisaged under Rule 79(2), the necessary time required to examine such an alibi and avoid the need for any adjournment.

Classification

6. This document is filed confidentially in light of the matters discussed in paragraphs 3 and 4 hereinabove.

Relief Sought

7. In light of all the aforementioned, the Suspect respectfully requests that the Single Judge set a date for a status conference as soon as possible after the filing of the DCC on 18 July 2014.



Nicholas Kaufman

Counsel for Charles Blé Goudé

Done in Jerusalem, Israel
Friday, June 27, 2014