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

Date: **16/06/2014**

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

**Public Document
Corrigendum**

**Defence request for the variation of a time limit
pursuant to regulation 35(2) of the Regulations of the Court**

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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James Stewart
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Counsel for the Defence

Nicholas Kaufman

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

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Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Other
Section**

The Defence for Charles Blé Goudé ("the Suspect") hereby requests that the Single Judge shorten the time limit for the submission of the Prosecutor's document containing the charges ("DCC") and list of evidence ("LoE").

1. Regulation 35(2) of the Regulations of the Court permits the Single Judge to reduce a time-limit if "good cause" is shown.
2. At present, the Prosecutor must file her DCC and LoE by 18 July 2014.¹
3. Rule 121(3) of the Rules of Procedure and Evidence sets the deadline for filing a DCC and LoE as follows:

*"The Prosecutor shall provide to the Pre-Trial Chamber and the person, **no later than 30 days before the date of the confirmation hearing**, a detailed description of the charges together with a list of the evidence which he or she intends to present at the hearing" [emphasis added].*

4. This, however, does not mean that it should be accepted practice of the Court to automatically fix the date for presenting the DCC and LoE at 30 days prior to the confirmation hearing. The flexibility provided by the wording of Rule 121(3) has to entail the existence of some occasions when it will, indeed, be justified to order the provision of the DCC and LoE at an earlier date.

5. The Single Judge is referred, in particular, to Rule 101(1) which gives primacy to the right of the Suspect to an expeditious procedure (as opposed to the right of the Prosecutor to continue her investigations after the surrender of a suspect to the Court):

"In making any order setting time limits regarding the conduct of any proceedings, the Court shall have regard to the need to facilitate fair and expeditious proceedings, bearing in mind in particular the rights of the defence and the victims".

¹ ICC-02/11-02/11-57 at p.9.

6. The Prosecutor has consistently asserted that there is virtually no difference between the case against Laurent Gbagbo and the case against the Suspect. The Suspect, moreover, recalls the assertion made by the Prosecutor's representative at the status conference held on 1 May 2014:

"I want to make this clear on record -- we believe that these cases are as if they were joint cases, although they're being prosecuted separately at the moment".²

7. The Suspect has taken good note of the *Decision on the confirmation of charges against Laurent Gbagbo* rendered on 12 June 2014³ and suggests that the Prosecutor's workload has now been substantially reduced given the confirmation of a number of issues common to both cases. Consequently, even less reason exists for the Prosecutor to be unready for confirmation on 18 August 2014.

8. The Suspect, for his part, will run a focused confirmation hearing and prove that the differences between his case and that of Laurent Gbagbo are precisely where his innocence is most apparent.

9. In light of all the aforementioned, the Single Judge is requested to find that good cause exists to shorten the time limit for the submission of the Prosecutor's DCC and LoE.



Nicholas Kaufman
Counsel for Charles Blé Goudé

Done in Jerusalem, Israel
Monday, June 16, 2014

² ICC-02/11-02/11-T-4-Red-ENG WT 01-05-2014 4/23

³ ICC-02/11-01/11-656-Red.