



Original: **English**

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

Date: **30/03/2014**

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 Redacted Document

Defence request for reclassification of documents

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

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Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Pursuant to Regulation 23*bis*(3) of the Regulations of the Court, the Defence for Charles Blé Goudé ("the Suspect") hereby requests that the learned Single Judge reclassify certain documents in the confidential record of the case and in the Côte d'Ivoire situation.¹

1. [REDACTED].
2. On 27 March 2014, the Single Judge convened a hearing in the course of which the Suspect made his initial appearance before the International Criminal Court ("the Court"). The transcript for this hearing bears the document number: ICC-02/11-02/11-T-3 which suggests that there have been two earlier confidential status conferences in the same case.
3. Experience has taught Counsel that many *ex parte* documents generated before a suspect's surrender to the Court are often of relevance to jurisdiction and admissibility. Indeed, perusal of the record of the case and the situation, as a whole, reveals that a substantial proportion of the registered documents are presently not accessible to the Defence.
4. The Suspect has now been surrendered to the Court. As a consequence, the need to ensure the smooth execution of the arrest warrant can no longer serve as justification for the *ex parte* classification of legal pleadings and decisions.
5. It is submitted that all of the documents annexed to [REDACTED] should be released to the Suspect.
6. Furthermore, there is no reason to deny the Suspect [REDACTED], however, these items should be released *ex parte* Registry and Defence only.

¹ ICC-02/11.

Relief Sought

7. In light of the aforementioned and in the absence of any justifiable reason to the contrary, the learned Single Judge is respectfully requested to reclassify all *ex parte* materials in the confidential record of the case and the situation so that they are made available to the Defence.

Regulation 35(2) of the Regulations of the Court

8. The ability to request interim release and to challenge the admissibility of the case are rights under the Rome Statute which accrue immediately to the Suspect and their proper exercise should not be stymied by a drawn-out process of discovery. Additionally, a need may arise for the Defence to petition the Court for an order mandating certain national authorities to provide additional documentation pertinent to the aforementioned issues. In the circumstances, and in order to expedite the proceedings, the Suspect submits that "good cause" is shown to reduce the time limit for a Prosecution response should such a response even be necessary.



Nicholas Kaufman

Counsel for Charles Blé Goudé

Done in Jerusalem, Israel
Sunday, March 30, 2014