



Original: **English**

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

Date: **11/03/2014**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE MATTER OF**

The Prosecutor v. Charles Blé Goudé

Public

Defence request for an urgent status conference

Source: Counsel 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

Fatou Bensouda

Eric Macdonald

Counsel for the Defence

Nicholas Kaufman

Legal Representatives of the Victims

Legal Representative/s of the Applicant/s

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for the Victims

The Office of Public Counsel for the Defence

States' Representatives

Jean-Pierre Mignard

Jean-Paul Benoit

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

Counsel for the Defence hereby requests that the learned Single Judge schedule an urgent status conference so that Côte d'Ivoire may clarify its proposed course of action with respect to the warrant issued for the arrest of Charles Blé Goudé ("the Suspect") and explain why it should not be referred to the Assembly of State Parties for non-cooperation.

Relevant Procedural Background

1. On 13 January 2014, through its legal representatives, Côte d'Ivoire requested that it be permitted to delay the execution of the aforementioned arrest warrant until 13 April 2014 in order to allow it to continue its investigation of the Suspect's alleged involvement in crimes not related to the charges before the International Criminal Court ("the Court").¹

2. On 14 January 2014, Counsel for the Defence responded to the aforementioned application arguing that it was based on an erroneous interpretation of article 94(1) of the Rome Statute.²

3. On 3 March 2014, the learned Single Judge accepted herein undersigned Counsel's submission and rejected Côte d'Ivoire's request to postpone the surrender of the Suspect to the Court.³

Submission

4. Côte d'Ivoire ratified the Rome Statute on 15 February 2013 and, at the 12th Assembly of State Parties, professed sincere commitment to the activities of the Court. The Minister of Justice – H.E. Gnénéma Coulibaly had the following to say:

"Mon pays continuera inlassablement à prendre sa part de responsabilité dans le combat pour la justice pour tous".⁴

¹ ICC-02/11-02/11-37-Conf.

² ICC-02/11-02/11-38.

³ ICC-02/11-02/11-41.

5. Such a noble sentiment is singularly lacking in the way that Côte d'Ivoire is currently dealing with the Suspect. On the one hand, Côte d'Ivoire has wholeheartedly engaged with the Court in the matter of Simone Gbagbo; initiating an admissibility challenge and facilitating a visit by her Counsel to the gilded cage in which she is detained in the farthest-flung reaches of the country. By contrast, the Suspect, according to photographs circulated in the social media,⁵ languishes, in legal *limbo*, in the insalubrious cells of the *Direction de la Surveillance du Territoire* (DST) denied access both to his lawyers and, apparently, a court of law.

6. The Registrar's numerous requests directed to the Côte d'Ivoire authorities seeking a legally privileged meeting have fallen on deaf ears.⁶

7. This situation cannot be permitted to continue.

8. The Single Judge is respectfully requested to convene an urgent status conference in the context of which Côte d'Ivoire should be requested to state its intentions with respect to the warrant for the Suspect's arrest and to explain why the Single Judge should not make a finding of non-cooperation thereby referring the matter to the Assembly of States Parties pursuant to article 87(7) of the Rome Statute.



Nicholas Kaufman

Counsel for Charles Blé Goudé

Jerusalem, Israel
March 11, 2014

⁴ http://www.icc-cpi.int/iccdocs/asp_docs/ASP12/GenDeba/ICC-ASP12-GenDeba-CoteDIvoire-FRA.pdf

⁵ <http://news.abidjan.net/h/491379.html>.

⁶ ICC-02/11-02/11-39 and ICC-02/11-02/11-40.