

1 International Criminal Court
2 Pre-Trial Chamber I - Courtroom 1
3 Situation: Republic of Côte d'Ivoire
4 In the case of The Prosecutor v. Charles Blé Goudé - ICC-02/11-02/11
5 Single Judge Silvia Fernández de Gurmendi
6 Initial Appearance
7 Thursday, 27 March 2014
8 (The hearing starts in open session at 10.02 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Good morning.
13 I would like to welcome you all, all of those who are here in the courtroom and those
14 in the public as well in the gallery, and I would also like to ask the court officer to
15 call the case.
16 THE COURT OFFICER: (Interpretation) Thank you, your Honour. The Situation
17 in the Côte d'Ivoire, The Prosecutor versus Charles Blé Goudé, ICC-02/11-02/11.
18 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you very
19 much.
20 I would now ask the parties and the Registry to introduce themselves.
21 I would like to remind you please to speak slowly, to have pauses before answering
22 questions to make it possible for the interpreters to carry out their work.
23 Prosecutor, could I ask you to introduce your team please. The floor is now yours.
24 MS BENSOUDA: Thank you. Madam President, the Office of the Prosecutor is
25 represented today by Mr James Stewart, Mr Eric Macdonald, Mr Lloyd Stang,

1 Ms Krisztina Varga, Maria Berdennikova, Florie Huck and Andrea Furger, and I am
2 Fatou Bensouda, Prosecutor.

3 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you very
4 much, Madam Bensouda.

5 I would now like to turn to the Defence team, Mr Blé Goudé's team. I would ask
6 you to be so kind as to have your client introduce himself later, but you have the
7 floor now, please, to introduce yourself if you would be so kind.

8 MR KAUFMAN: Good morning, your Honour. My name is Nicolas Kaufman.
9 I'm a member of the Bar of Israel and of England and Wales and I represent Mr Blé
10 Goudé. At my side is the person with whom we're all familiar, without whose
11 support many Defence teams could not function in this Court, Maître Xavier-Jean
12 Keïta, the head of OPCD. Behind me is Ms Vedrana Residovic - she's our case
13 manager today, also from OPCD - and of course most importantly Mr Blé Goudé
14 who will introduce himself later.

15 And with your Honour's permission, I would like to mention four other names who
16 have been working fearlessly and tirelessly in Côte d'Ivoire for Mr Blé Goudé during
17 his imprisonment there: Maître Hervé Gouamené, Maître Claver N'dri, Maître
18 Serge Gbougnon and Maître Félix Bodré. Thank you.

19 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Microphone not activated)

20 THE INTERPRETER: Microphone.

21 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) I'm sorry, I
22 forgot to put on my microphone.

23 Please could you introduce your team.

24 MR DUBUISSON: (Interpretation) Thank you very much, your Honour. For the
25 Registry, Vera Wang, who is a lawyer within our office; Dahirou Sant-Anna, who is

1 a legal officer in the detention centre; and myself, Marc Dubuisson, Director of Court
2 Services, on behalf of the Registrar, Herman von Hebel.

3 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you very
4 much. I am Silvia Fernández and the Presiding Judge of the Pre-Trial Chamber I, as
5 well as the Single Judge in this case, and I am accompanied by Mr Gilbert Bitti,
6 Silvestro Stazzone, Simon Grabrovec, Thomas Hamilton and Lucia Schwochow.

7 Now, I would like to turn to Mr Blé Goudé and I would like to ask him if he would
8 be so kind as to introduce himself.

9 Please could you rise, Mr Blé Goudé. I would like to ask you your name as well as
10 your date and place of birth as well as your current profession. Thank you.

11 MR BLÉ GOUDÉ: (Interpretation) Thank you, your Honour. I am Charles Blé
12 Goudé, born on 1 January '72 in Niagbrahio in Guibéroua in the department of
13 Gagnoa, and I am a consultant in political communication. Thank you.

14 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you very
15 much. I note that you speak French and -- understand and speak French perfectly.
16 Is that your native language, your mother tongue?

17 MR BLÉ GOUDÉ: (Interpretation) Indeed it is. I come from a country which was
18 colonised by the French. Therefore, I speak French.

19 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) I understand
20 that you also speak English. You were at the University of Manchester.

21 MR BLÉ GOUDÉ: (Interpretation) That is correct.

22 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) You understand
23 it perfectly?

24 MR BLÉ GOUDÉ: (Speaks English) Yeah, I speak English, but I would prefer we
25 speak in French.

1 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Speaks English) You prefer --
2 MR BLÉ GOUDÉ: (Speaks English) It's better.
3 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Speaks English) -- to speak
4 French, but --
5 MR BLÉ GOUDÉ: (Speaks English) Yeah, because of --
6 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Speaks English) -- you can also --
7 MR BLÉ GOUDÉ: (Overlapping speakers)
8 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Speaks English) -- understand
9 English very well.
10 MR BLÉ GOUDÉ: (Speaks English) Yeah, it's better. Yeah.
11 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Speaks English) Thank you
12 very much.
13 MR BLÉ GOUDÉ: (Speaks English) Welcome, madam.
14 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) You may be
15 seated, Mr Blé Goudé.
16 I think that it's useful to shed light on the scope and nature of this hearing. It's
17 important to recall that here today it is not a trial nor is it a confirmation hearing.
18 No evidence shall be taken nor shall it be presented. Neither will there be issues of
19 guilt or innocence of Mr Blé Goudé.
20 The scope of this initial appearance is limited to three objectives in accordance with
21 Article 60(1) of the Rome Statute and Rule 121(1) of the Rules of Procedure and
22 Evidence.
23 Firstly, this hearing has the aim of making it possible for the Pre-Trial Chamber to
24 ensure itself that the -- assure itself that the person subject to the arrest warrant was
25 informed of the charges against him.

1 Secondly, the hearing has the aim of enabling the Pre-Trial Chamber to assure itself
2 that the person was informed of the rights accorded to him under the Rome Statute.
3 And finally, the Pre-Trial Chamber must set a date upon which it intends to hold a
4 confirmation hearing in order to confirm or reject the charges against the person
5 concerned.

6 As such, I shall deal with these three objectives of today's hearing in a consecutive
7 way.

8 Firstly, I would like to know under Article 60 of the Rome Statute if Mr Blé Goudé
9 was informed.

10 Were you informed of the charges against you, Mr Blé Goudé?

11 MR BLÉ GOUDÉ: (Interpretation) Yes, your Honour. I have been informed of
12 them.

13 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Microphone not activated)

14 THE INTERPRETER: Microphone.

15 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Would you like
16 the arrest warrant to be read out to you?

17 MR BLÉ GOUDÉ: (Interpretation) I think we don't have to have that read out. I
18 think we can do without that, your Honour.

19 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Mr Blé Goudé,
20 the Chamber secondly has to ensure itself that you were informed of all of your
21 rights as envisaged by the Rome Statute, in particular, Article 67 of the Statute.

22 Were you informed of these rights?

23 MR BLÉ GOUDÉ: (Interpretation) Yes, your Honour. My lawyer has informed
24 me thereof.

25 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you.

1 Without trying to be exhaustive, I would like to recapitulate, I would like to
2 summarise some of your rights which are of particular importance at this stage in
3 the proceedings.

4 Mr Blé Goudé, among other rights, you have the following rights: You have the
5 right to be informed at the shortest timeframe and in a detailed way of the nature of
6 the case and the charges -- scope of the charges against you in a language that you
7 speak and understand perfectly. At this stage you have been informed of the
8 charges against you as contained in the arrest warrant.

9 You can also have the free assistance of an interpreter if you have need for that and
10 have necessary translation to meet the requirements of equity and fairness.

11 You also have the right to have time and the necessary facilities to prepare your
12 defence and to freely communicate in a confidential manner with the counsel of your
13 choice. I also note that the Chamber yesterday received notification by the Registry
14 of your choice concerning Mr Kaufman.

15 You also have the right to remain silent and you cannot be forced to testify against
16 yourself or to have to plead guilty.

17 You can -- you can also make statements within the framework of your defence
18 without having to swear the oath.

19 All other communication envisaged by the Statute, for that the Prosecutor must
20 communicate this to you as soon as he has evidence in his possession which are
21 exonerating or tend to be exonerating or at least attenuate your guilt or could harm
22 the credibility of the charges.

23 You also have the right at the confirmation stage to challenge the charges as well as
24 the evidence presented by the Office of the Prosecutor and to present your own
25 evidence.

1 You also have the right to renounce your right to be present at the confirmation
2 hearing, although the Chamber can require your appearance if it does consider that
3 to be necessary.

4 You also have the right to renounce your right to participate in any status conference
5 which is held following this initial appearance with a view to having an efficient
6 disclosure of evidence.

7 You also have time and the necessary facilities to make it possible to prepare your
8 defence. And in particular, you will have the possibility to question or to have
9 questioned Prosecution witnesses and to have Defence witnesses also testify in order
10 to present other evidence.

11 You can also make statements within the framework of your Defence without
12 having to swear an oath.

13 Finally, you also have the right to recall certain decisions in accordance with Article
14 81 of the Statute and relevant provisions of the Rules of Procedure and Evidence.

15 Mr Blé Goudé, I would like to turn to you again to ask you if you have any
16 comments that you would like to make with regards to your transfer to the court as
17 well as the conditions in detention since your arrival in The Hague. Do you have
18 any comments that you would like to make in that regard?

19 MR BLÉ GOUDÉ: (No interpretation)

20 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (No interpretation)

21 MR BLÉ GOUDÉ: (Interpretation) First of all, I'd like to say that I'm pleased to be
22 here because of the respect that I have for victims, for all the victims in the crisis that
23 has affected by country. For all those reasons, I'm very pleased to be here. And it
24 is very important that the truth be known such that the current situation finishes.

25 Your Honour, I don't want to be free in terms of physical movement while my

1 conscience is innocent. I'm wrongly accused of being the base of everything that is
2 wrong and the harm. Those all supposedly come from me.

3 Your Honour, unlike certain opinion who consider, rightly or wrongly, that
4 travelling to the ICC is a one-trip journey, I personally think that a citizen who is
5 suspected by the ICC can be subject to a trial. And if that person is innocent, that
6 person can go. But what I do know is that I will go back to my home, and I do
7 know that I will go back to my home.

8 Your Honour, I was not transferred to the ICC under the regulations. I would like it
9 to be said that I was arrested in an -- while I was asleep in a callous manner. It was
10 the office of national investigations who carried it out, and I was put in a vehicle
11 without even being told where I was going to go. And it was when we were going
12 that I was being -- seen that I was taken out of -- being taken out of the Ivory Coast.
13 And as such, things can be -- should be done according to the rules. I wasn't even
14 allowed to speak to a lawyer. My fundamental rights were not granted. I want
15 that to be recognised, your Honour.

16 In my country, before a person is handed over to the ICC -- during 14 months I was
17 abducted, and I can't see anybody and nobody could see me, your Honour. I spent
18 ten months locked up, naked. I wasn't well fed. Each evening, your Honour, I had
19 to find a small bit of meat by myself and in a pot abusively called soup.

20 Your Honour, every time that I had to travel, I had my eyes bound with a blindfold.
21 And I spent nine and a half months in a place that I was subject to. And the other
22 places where I was detained, I always had my -- a blindfold on me, and I never knew
23 where I was, your Honour.

24 And it was only quite recently that somebody came into my cell with some cases and
25 I was taken to a cellar and my hair was cut. And when we came back up, that I

1 noticed that the -- everywhere was very tidy. They had tidied up all the books.
2 They had done everything. They even had a camera and they started taking photos.
3 And you have to -- they said, "You have to smile." I smiled. And they said, "Make
4 it look as though you're reading something." So I read. And it was only later that I
5 noted that this -- this was some setting that had been set up.
6 Your Honour, I was woken up on 21 March midnight. I was blindfolded and I was
7 put into a vehicle. From midnight to the morning I was seated in a chair with a
8 blindfold on and my -- I had a hood on as well. And it was only later that I
9 managed to see that I was once again in the DST.
10 And I was put in a vehicle and I was taken to the Prosecutor, your Honour, and it
11 was there that I was notified of your arrest warrant. On the same day the
12 authorities of my country got the Trial Chamber to sit which had to approve my
13 transfer, your Honour, and that is how I was handed over the next day to the ICC.
14 And I consider that one can carry out politics with elegance and wisdom but that it
15 should not be an instrument in order to break the will of political adversaries.
16 Prisons should not be used for that. Somebody who was accused, that person
17 should have all the rights. That person can be put in prison, but people are
18 convicted.
19 And I can tell you in this court that I'm in at the moment, if I am recognised guilty,
20 may the law be applied with all its vigour. But if I am judged for what I have done
21 and not for what I am, then I should be recognised innocent and should be allowed
22 to go home.
23 And I know that I will be going home, because in my country my family have
24 followed this political blackmail that's carried out. My doctor's in prison. All my
25 collaborators are in prison. Not because of what I've done because of what I am

1 because I have to be prosecuted in Côte d'Ivoire for what I've done.

2 There are lots of people who could not look me in the face, your Honour. I don't
3 want to be a disgrace to my generation. I don't want to be a disgrace for my family
4 and children. I have come here and I consider myself here to be there to show the
5 truth and I'm proud of that.

6 I was here yesterday and today as well. I have learnt with Gbagbo dialogue
7 reconciliation that you have not to defeat but to talk to the opponent, and this is why
8 this is done. Your Honour, Côte d'Ivoire must progress.

9 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you. Do
10 you have any additional comments you would like to make with regards to your
11 comments in The Hague?

12 MR BLÉ GOUDÉ: (Interpretation) Yes, I came to The Hague and I learnt that an
13 individual can have rights that are recognised to them and I would like to thank you
14 for that. I have been well treated here.

15 And I have a double feeling because when I was taken to The Hague here, a lot of
16 people cried. And at the same time in Côte d'Ivoire it was like Calvary. I was
17 always afraid. Every day was a fight. I was like an object that people did what
18 they wanted with, political blackmail. I was ashamed for my country and my
19 continent.

20 And it was only when I came here that I saw that an individual could have rights. I
21 was accommodated as a prisoner. I'm not asking to be put in a four star hotel. A
22 prisoner is a prisoner. In all cases, I am prepared for that. I am ready, but I have
23 certain comments that I would like to make with my lawyer, but I -- due to the
24 respect that I have for the Court, I would like to ask -- say that in closed session.

25 Thank you, your Honour.

1 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you,
2 Mr Blé Goudé.

3 I would also like to remind you that among your rights under Article 60 of the Rome
4 Statute you also have the possibility to make a request for provisional release while
5 awaiting trial.

6 Mr Blé Goudé, I would like to know if you would like to make such a request for
7 provisional release now. If you don't do it now, then you can still do that in writing
8 after this hearing. And whatever the case, a decision of the Chamber will be issued,
9 having obtained the relevant observations from the Prosecutor and other
10 participants as envisaged by the Statute, the Rules of Procedure and Evidence and
11 the regulations of the Court.

12 Counsel Kaufman.

13 MR KAUFMAN: Yes, your Honour. If I may perhaps give the answer to this
14 question? We will of course in due course make an application for interim release,
15 and in order to do that we are searching various State Parties which might be
16 prepared to receive Mr Blé Goudé on their territory.

17 Since the initial appearance is often used as an opportunity to raise irregularities
18 with respect to the transfer to the court, I would beg the Court's indulgence just to
19 raise one issue which was mentioned by Mr Blé Goudé and also is of relevance to the
20 issue of interim release, and this is with respect to his arrest in Ghana.

21 Ghana is a State Party. It's a member of -- it signed the Statute of Rome and it had
22 an obligation to execute the arrest warrant before this Court. It did not do so.

23 Now, I believe that the Court has a duty, and I would respectfully request that the
24 Court invites Ghana to submit its observations as to why it did not enforce its duty
25 under Article 89(1) of the Rome Statute.

1 I would ask that the Court also invite Côte d'Ivoire, which is also a State Party to the
2 Rome Statute, to similarly submit its observations in the same fashion, why it did not
3 observe its duty to enforce the arrest warrant according to Article 89(1) of the Rome
4 Statute.

5 These questions are of extreme relevance, not just to interim release but also to any
6 possible admissibility challenge which we might consider in the future. Thank you.

7 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you very
8 much.

9 I am now going to set the date for the confirmation hearing. That's the third point
10 on our agenda in accordance with Rule 121(1) of the Rules of Procedure and
11 Evidence.

12 The Chamber must of course give sufficient time for the parties to be able to prepare
13 themselves so they can participate in an effective way in the confirmation hearing.

14 Taking into account the prior experience of this Court in this area and the particular
15 circumstances in this case, the Chamber has decided to set the date of 18 August
16 2014 to hold the confirmation hearing, 18 August.

17 This date could be put back depending on the proceedings and the requests of
18 parties. However, this time must be sufficiently long to allow for the disclosure of
19 evidence and exhibits and to allow the parties to prepare themselves in the most
20 effective way.

21 I would also like to add that Rule 121(2) of the Rules of Procedure and Evidence
22 provides that the Chamber has to hold status conferences so that exchanges of
23 evidence can take place between the parties in good conditions. The date of the first
24 status conference will be communicated to the parties via a written order.

25 In the coming days a decision will also be rendered on the disclosure system for

1 evidence.

2 I would now like to give you the floor to ask if you've got any additional comments
3 or observations that you would like to make at this stage of the proceedings.

4 MR MACDONALD: (Interpretation) The only observations we'd like to make are
5 in closed session. Perhaps they go in the same direction as the discussions or the
6 comments that the Defence also wants to make. I had discussions with my
7 colleague previously to invite -- we'd also like to invite the Chamber to hear us in
8 closed session.

9 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you very
10 much. Is there anybody who would like to take the floor now or shall we go into
11 the private session part of the hearing? Would anybody else have anything to add
12 now?

13 MR KAUFMAN: (Microphone not activated)

14 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) Thank you. If
15 there are no other observations to be made, I would ask the court officer to take us
16 into private session if you would be so kind.

17 (Private session at 10.29 a.m.)

18 (Redacted)

19 (Redacted)

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Initial Appearance

(Private Session)

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13 (Open session at 10.33 a.m.)
14 THE COURT OFFICER: (Interpretation) Your Honour, we are in public session.
15 SINGLE JUDGE FERNÁNDEZ DE GURMENDI: (Interpretation) We are now
16 back in open session and I would like to extend my apologies to the public that had
17 to wait for a while while deliberations continued in private session.
18 We have now come to the end of this initial appearance hearing in the matter of the
19 Prosecutor versus Charles Blé Goudé.
20 I would like to avail myself of this opportunity to thank all parties and participants
21 at this hearing as well as the interpreters and court reporters.
22 I will now ask the security officers to wait for me to go out before Mr Blé Goudé is
23 taken out of the courtroom.
24 The sitting is adjourned. Thank you.
25 (The hearing ends in open session at 10.34 a.m.)