



Original: English

No.: ICC-02/11-02/11
Date: 12 December 2014

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Ekaterina Trendafilova
Judge Christine Van den Wyngaert

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. CHARLES BLÉ GOUDÉ

Public

Prosecution's response to "Defence application for variation of the time limit for seeking leave to appeal the Decision on the Confirmation of Charges"

Source: Office of the Prosecutor

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Defence's request ("Request")¹ that the five-day period for the Accused to present an application for leave to appeal in accordance with Rule 155(1) start to run from the date of notification of the French translation of the Confirmation Decision ("Decision")² should be rejected. However, the Prosecution does not oppose a limited extension of the time period under Rule 155 until a *partial* translation of the Decision into French is provided to the Defence.

2. As some of the video evidence reviewed by the Chamber demonstrates, the Accused is able to competently express himself in English on complex political and social issues. However, in view of the Defence's submissions that he is unable to "analyse and discuss the legal technicalities" of the Decision,³ the Prosecution does not oppose that the official notification of the Decision, and therefore the commencement of the time limit under Rule 155, is delayed until a French translation of the legal and technical portions of the Decision, as well as the Chamber's main findings, are provided to the Accused. Such a translation could cover paragraphs 10-16, 114-194 of the Decision, which do not include the procedural history of this case and the Chamber's analysis of the evidence.⁴ The latter portions of the Decision may be translated or paraphrased for the Accused or fully explained to him by the Defence team, as it has been the practice with other filings and decisions that were in English.⁵ This process could be facilitated by referring to the Document Containing the Charges, which identifies both the matters addressed in the Decision, as well as the evidence relied upon by the Decision and which was provided to the Accused in French.⁶

3. The above approach would fully respect the rights of the Accused, including his right to expeditious proceedings.

¹ ICC-02/11-01/11-187.

² ICC-02/11-01/11-186.

³ Request, para.13.

⁴ There will also not be a need to translate footnotes.

⁵ Request, para.12.

⁶ Request, para.12.

4. As a separate consideration, the Prosecution notes that, if the case against the Accused is transferred to a Trial Chamber, the Prosecution will request that the case be joined with the case against Mr Gbagbo. To facilitate such a potential joinder, and to ensure the expediency and efficiency of the proceedings, it is submitted that the process of translating the Confirmation Decision, any request for leave to appeal that Decision, and a ruling on that matter, should all be expedited. Although at this stage it is not certain that the cases will be joined, the Pre-Trial Chamber must ensure that the rights of the Accused are protected if such a joinder may be decided by the Trial Chamber in the future.



Fatou Bensouda, Prosecutor

Dated this 12th day of December 2014

At The Hague, The Netherlands