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No.: ICC-02/11-02/11
Date: 19 September 2014

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

SITUATION IN CÔTE D'IVOIRE

**IN THE CASE OF
*THE PROSECUTOR v. CHARLES BLÉ GOUDÉ***

Public Document

Observations on the schedule of the confirmation of charges hearing

Source: Office of Public Counsel for Victims

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Mr Eric MacDonald

Counsel for the Defence

Mr Nicholas Kaufman

Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Mr Enrique Carnero Rojo
Ms Ludovica Vetrucchio

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. PROCEDURAL BACKGROUND

1. On 22 March 2014, Mr. Blé Goudé was surrendered to the Court.
2. On 11 June 2014, the Single Judge of Pre-Trial Chamber I (the “Chamber”) decided to admit 199 applicants as victims at the confirmation of charges hearing and in the related proceedings, appointed the Office of Public Counsel for Victims (the “OPCV” or the “Office”) as the Common Legal Representative of said victims, and specified the manner of their participation in the proceedings (the “First Decision on Participation”).¹
3. On 1 August 2014, the Chamber decided to admit further 271 applicants as victims at the confirmation of charges hearing and in the related proceedings, confirmed the appointment of the OPCV as the Common Legal Representative of said victims, and specified the manner of their participation in the proceedings (the “Second Decision on Participation”).²
4. On 1 September 2014, the Chamber decided to postpone the confirmation of charges hearing to 29 September 2014.³
5. On 15 September 2014, the Legal Officer of the Chamber informed the parties and participants, by-email, that the Single Judge instructed to file their submissions on the schedule of the confirmation of the charges hearing by 19 September 2014.⁴

¹ See the “Decision on victims’ participation in the pre-trial proceedings and related issues” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-02/11-83, 11 June 2014, pp. 19-21, (the “First Decision on Participation”).

² See the “Second Decision on victims’ participation in the pre-trial proceedings and related issues” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-02/11-111, 1 August 2014, pp. 13-15, (the “Second Decision on Participation”).

³ See the “Decision on the “Defence request for a variation of a time limit”” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-02/11-139, 1 September 2014.

⁴ See the e-mail communication by the Legal Officer of the Chamber dated 19 September 2014 sent at 17:53.

II. OBSERVATIONS ON THE SCHEDULE OF THE CONFIRMATION OF THE CHARGES HEARING

6. Pursuant to rule 89(1) of the Rules of Procedure and Evidence and in accordance with the First and Second Decisions on Participation, the Common Legal Representative is entitled to make opening and closing statements at the confirmation of the charges hearing.⁵

7. In this regard, the Common Legal Representative respectfully requests the Chamber to be entitled to a maximum of 30 minutes for the presentation of her opening statements and to a maximum of 30 minutes for the presentation of her closing statements.

8. Should arguments challenging the jurisdiction of the Court or the admissibility of the case be advanced, the Common Legal Representatives requests to be entitled to respond in a time limit decided by the Chamber. Indeed, in accordance with article 19(3) of the Rome Statute, *“in proceedings with respect to the jurisdiction or admissibility [...], victims may submit observations to the Court”*. This right has always been granted by the practice of the Court in the matter.⁶

9. Should objections and observations concerning an issue related to the proper conduct of the proceedings prior to the confirmation hearing be advanced, the Common Legal Representatives requests to be entitled to respond in a time limit decided by the Chamber, provided that said issue has an impact on the personal interests of the victims she represents.

⁵ See the First Decision on Participation, *supra* note 1, par. 30; see also the Second Decision on Participation, *supra* note 2, par. 20.

⁶ See, *inter alia*, the “Decision on the Set of Procedural Rights for Victims” (Single Judge, Pre-Trial Chamber I), No. ICC-01/04-01/07-474, 13 May 2008, and the “Decision on the Schedule for the Confirmation Hearing” (Single Judge, Pre-Trial Chamber I), No. ICC-01/04-01/07-587, 13 June 2008 and n° ICC-01/04-01/07-587-AnxI, p. 2.

10. Should the Parties lodge submissions on points of fact and on law, including concerning the existence of an alibi or grounds for excluding criminal responsibility, the Common Legal Representative requests to be entitled to respond in a time limit decided by the Chamber.⁷

11. In this regard, the Single Judge has already ruled in the First and Second Decisions on Participation, that “[...] *the common legal representative may be authorised to make oral submissions during the confirmation of charges hearing*”⁸ when the personal interests of the victims are affected by the issues concerned.

12. Finally, the Common Legal Representative would like to indicate that should the Parties exchange by e-mail on issues related to the conduct of the proceedings and/or on matters which overall impact on the victims’ interests, she should be copied in said correspondence in order to be able to represent the interests of her clients and decide whether to request to be heard in the matter. Otherwise, the ruling of the Single Judge in relation to the possibility for the Common Legal Representative to make submission at the confirmation of the charges hearing will be rendered moot.

Respectfully submitted.



Paolina Massidda
Principal Counsel

Dated this 19th of September 2014

At The Hague, The Netherlands

⁷ The Common Legal Representative recalls her previous submissions, see “Submissions of the Common Legal Representative of Victims on the Notice of Alibi (ICC-02/11-02/11-146) and the Defence Communication of Evidence (ICC-02/11-02/11-152 and ICC-02/11-02/11-153)”, No. ICC-02/11-02/11-155, 18 September 2014.

⁸ See the First Decision on Participation, *supra* note 1, par. 31. See also the Second Decision on Participation, *supra* note 2, par. 21.