

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-02/11-02/11
Date: **10 September 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

Confidential

***EX PARTE* - only available to the Prosecution and Defence**

Prosecution's Response to Defence Notice of Alibi

Source: Office of the Prosecutor

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

Mr Geert-Jan Alexander Knoops

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

Mr Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 9 September 2014, the Defence filed a Notice of Alibi ("Notice") in relation to the fifth incident.¹
2. The Prosecution informs the Chamber and the Defence that it will argue that the location of the suspect at the time of the fifth incident is not required to establish his individual criminal responsibility under any of the modes of liability as charged.
3. The Prosecution files this response as Confidential – *ex parte* only available to the Prosecution and Defence - because the Notice was filed with that confidentiality level. The Prosecution acknowledges that the Notice refers to a document that was disclosed to the Defence as confidential under Article 67(2).² Nevertheless, the Prosecution submits that the Notice should be reclassified as public since none of the information provided would put the source of the alleged alibi at risk.³ The Prosecution has no objection to the reclassification of this response as public if the Chamber deems it appropriate.



Fatou Bensouda, Prosecutor

Dated this 10th day of September 2014

At The Hague, The Netherlands

¹ ICC-02/11-02/11-146-Conf-Exp.

² CIV-OTP-0028-0023.

³ The Notice uses the code number of the witness and consequently revealing such information, in conjunction with the alleged details of the alibi, would not put that witness at greater risk.