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

Date: **05/05/2014**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
*THE PROSECUTOR v. CHARLES BLE GOUDE***

Public

Defence response to the requests for victim participation submitted by OPCV

Source: The Defence for Charles Blé Goudé

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

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Unrepresented Victims

**Unrepresented Applicants
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**Victims Participation and Reparations Other
Section**

The Defence for Charles Blé Goudé ("the Suspect") hereby files its response to the *Requête aux fins d'admission dans l'affaire Le Procureur c. Charles Blé Goudé des victimes qui participent aux procédures dans l'affaire Le Procureur c. Laurent Gbagbo*¹ and the *Deuxième Requête aux fins d'admission dans l'affaire Le Procureur c. Charles Blé Goudé des victimes qui participent aux procédures dans l'affaire Le Procureur c. Laurent Gbagbo*² filed by the Office of the Public Counsel for Victims ("OPCV") on 16 April 2014 and 22 April 2014 respectively ("the OPCV Requests").

Submission

1. At his initial appearance the Suspect stated as follows:

*" Pour le respect que j'ai pour les victimes, mais de toutes les victimes, la crise qui a secoué mon pays, je suis content d'être là, dans l'affaire qui m'oppose au Procureur, pour que la vérité soit sue, afin que cessent les murmures".*³

2. With this in mind, the Suspect welcomes and encourages the participation of victims in the whole of the Côte d'Ivoire situation⁴ supposedly being investigated by the Prosecutor at the International Criminal Court.

3. It should not be forgotten, however, that the pursuit of justice both in Côte d'Ivoire and in the Office of the Prosecutor is presently both selective and biased. The simple fact of the matter remains that the Prosecutor, to date, has sought three arrest warrants against members of the former regime in Côte d'Ivoire and has left untouched the incumbent president and his associates, past and present, who, themselves, so it is submitted, are more than tainted by the suspicion of criminality. As a result, the victims of the crimes of one party to the post electoral violence have been ignored by the Prosecutor.

4. The Office of the Public Counsel for Victims (OPCV) is presently without standing in the case against the Suspect and, as a consequence, its submission

¹ ICC-02/11-02/11-62-AnxI.

² ICC-02/11-02/11-64-AnxI.

³ ICC-02/11-02/11-T-3-Red-FRA WT 27-03-2014 7/15 at line 19.

⁴ ICC-02/11.

was presented to the Single Judge by way of Registry transmission. Assuming, however, that the Single Judge is minded to entertain the OPCV Requests, the Suspect notes that the applications for victim participation in question were accepted after Laurent Gbagbo had, no doubt, made his observations through his learned counsel. The Defence has not seen those applications and cannot thus make an informed submission on whether they meet the criteria for participation in the case against the Suspect. OPCV failed to attach the applications (even appropriately redacted) to its two requests.

5. The Defence also submits that the OPCV Requests are not timely. The warrant for the arrest of the Suspect was made public on 30 September 2013.⁵ Given that it has presently demonstrated its ability to initiate the process of participation without waiting for a judicial invitation, OPCV could, equally, have engineered the same process for participation in the fall of 2013. The OPCV Requests now place an unfair burden on the Defence which is focussing its energy on readying itself for the confirmation hearing on 18 August 2014.

6. According to the Prosecutor, the cases against the Suspect and Laurent Gbagbo are almost identical. The victims have already presented their concerns in the confirmation proceedings against Laurent Gbagbo. Judicial note may be taken of those observations without the need for participation at this stage.

Conclusion

7. The OPCV Requests should be rejected.



Nicholas Kaufman

Counsel for Charles Blé Goudé

Jerusalem, Israel
May 5, 2014

⁵ ICC-02/11-02/11-30.