

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: *English*

No: ICC-02/11-01/15

Date: 10 February
2017

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera-Carbuccia
Judge Geoffrey Henderson

SITUATION IN COTE D'IVOIRE

**IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLE GOUDE***

Public

**Blé Goudé Defence submission of information pursuant to Order ICC-02/11-01/15-
787**

Source: Defence of Mr Charles Blé Goudé

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

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I. Introduction

1. On 23 January 2017, the Presiding Judge of Trial Chamber I (“Chamber”) issued an order requesting the parties and participants to provide certain information so as to ensure the fair and expeditious character of these proceedings with full respect of the rights of Mr. Blé Goudé (“Order”).¹
2. With regard to the Defence, the Chamber requested that it provide, *to the extent that it is feasible*, information pertaining to:
 - (i) an overall estimate of the number of the witnesses they envisage to call;
 - (ii) an indication whether they will be requesting a suspension of the proceedings before starting with the presentation of their own case, and, in the affirmative, an approximate estimate of the duration of such suspension.
3. The Defence for Charles Blé Goudé (“Defence”) hereby endeavours to accommodate the Chamber with the requested information in so far as this is possible at this stage. At this juncture, the Defence is not in a position to provide the Chamber with firm estimates, since the Prosecution has not presented its case in its entirety.

II. Submissions

- a. Information as to the overall estimate of the witnesses the Defence intends to call**

¹ ICC-02/11-01-15-787

4. The instant case is considerable with respect to the number of Prosecution witnesses. Despite reducing its total number of witnesses,² the Prosecution still intends to have a total of 117 witnesses testify against Mr. Blé Goudé and Mr. Laurent Gbagbo.³
5. At this juncture, the preliminary defence investigations have identified 15 potential defence witnesses,⁴ one of which is an expert witness.⁵ Based on a preliminary assessment it can be expected, in light of the stage of the Prosecution's case, that this number of witnesses might change. However, as previously mentioned, no precise indications can be given at this point in the proceedings.

b. Information as to a request for suspension after the close of the Prosecution case

6. In addition to having over 100 witnesses testify in this trial, the Prosecution also intends to rely on a considerable amount of documentary evidence. This is apparent from the Prosecution's list of evidence, which contains 5,669 items including 400 videos.⁶
7. Therefore, it is the position of the Defence that the sheer size and complexity of this case would justify a suspension(s) of a reasonable time to be determined once the Prosecution case is closer to its end. The Defence would suggest that time is required to first evaluate the Prosecution evidence and next to conduct and conclude defence investigations prior to the start of the Defence case. The Defence is not yet in a position to determine the time

² ICC-02/11-01/15-788

³ ICC-02/11-01/15-788, p. 19.

⁴ The potential Defence witnesses to date are: CIV-D25-P-001, CIV-D25-P-0002, CIV-D25-P-0003, CIV-D25-P-0004, CIV-D25-P-0005, CIV-D25-P-0006, CIV-D25-P-0007, CIV-D25-P-0008, CIV-D25-P-0009, CIV-D25-P-0010, CIV-D25-P-0011, CIV-D25-P-0012, CIV-D25-P-0013, CIV-D25-P-0014, CIV-D25-P-0015.

⁵ CIV-D25-P-0015 is an expert witness. The witness' report can be found on Ecourt. The ERN number is CIV-D25-0001-2503.

⁶ ICC-02/11-01/15-798-Conf, para. 8.

required as to any such suspension(s). However, seeing as the present case is much larger in size than all the completed cases at this Court,⁷ the Defence finds it reasonable that it request, at the appropriate moment a suspension(s) for a period of time that takes into account this element.

Respectfully submitted,



Mr. Knoop, Lead Counsel and Mr. N'Dry, Co-Counsel

Dated this 10 February 2017

At The Hague, the Netherlands

⁷ See for example *The Prosecution v. Lubanga* (where the Prosecution tendered 368 items into evidence and called 36 witnesses) ICC-01/04-01/06-2842 , para. 11; *The Prosecutor v. Ruto* (where the Prosecution tendered 335 exhibits into evidence and called 30 witnesses) ICC-01/09-01/11-2027-AnxA; *The Prosecutor v. Bemba* (where 773 items were tendered into evidence and called 40 witnesses) ICC-01/05-01/08-3343, para.17, *The Prosecutor v. Katanga* (where the Prosecution tendered 261 exhibits into evidence and called 24 witnesses) . ICC-01/04-01/07-3251-Corr-Red, para 18.