

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/11

Date: 16 March 2012

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO***

Public

With confidential annex, *ex parte* Prosecutor and VWU only

Order convening an *ex parte* hearing on protective measures

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

Counsel for the Defence

Mr Emmanuel Altit

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Detention Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Others

**Victims Participation and
Reparations Section**

Judge Silvia Fernández de Gurmendi, Single Judge for Pre-Trial Chamber I of the International Criminal Court (“Chamber” and “Court”, respectively), responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Laurent Gbagbo* hereby issues this order convening an *ex parte* hearing on protective measures to be attended by representatives of the Office of the Prosecutor and of the Victims and Witnesses Unit (“VWU”).

1. On 5 December 2011, the first appearance of Mr Laurent Gbagbo was held before the Court. During the hearing, the Chamber scheduled the commencement of the confirmation hearing for 18 June 2012.¹

2. On 12 December 2012, the Prosecutor submitted the “Situation Threat and Risk Assessment” for the Situation in the Republic of Côte d’Ivoire which was prepared with the VWU.²

3. On 24 January 2012, the Single Judge issued the “*Decision establishing a disclosure system and a calendar for disclosure*” ruling that requests for redactions to evidence on which the Prosecutor intends to rely at the confirmation hearing should be submitted no later than (i) 10 February 2012, in relation to evidence collected before 25 October 2011, and (ii) 9 March 2012, in relation to evidence collected between 25 October 2011 and 15 February 2012.³ The Single Judge also ordered that *ex parte* applications for protective measures shall be made no later than 5 March 2012.⁴

4. On 10 February 2012, the Prosecutor submitted the “*First Prosecution’s request for redactions pursuant to Rule 81(2) and Rule 81(4) and update on other protective measures*” including 11 annexes.⁵ This First Request for Redactions

¹ ICC-02/11-01/11-T-1-ENG, p. 8.

² ICC-02/11-01/11-16-US-Exp-Anx1.

³ ICC-02/11-01/11-30, pages 29 and 30.

⁴ ICC-02/11-01/11-30, page 30.

⁵ ICC-02/11-01/11-38-Conf-Exp and ICC-02/11-01/11-38-Red.

relates to the interviews of witnesses 9, 10, 11, 44, 45, 46, 47, 48, 49 and 54 and further contains an update on protective measures other than redactions.

5. On 5 March 2012, the Prosecutor submitted the *ex parte* “Prosecution’s request for protective measures” (“Request for protective measures”).⁶

6. On 9 March 2012, the Prosecutor submitted his “Second Prosecution’s request for redactions pursuant to Rule 81(2) and Rule 81(4) and disclosure of identity of witnesses”.⁷

7. The Single Judge notes in particular Articles 54, 57(3), 67 and 68 of the Rome Statute (“Statute”) and Rules 76, 81 and 121 of the Rules of Procedure and Evidence (the “Rules”).

8. Having considered the information provided by the Prosecutor in his Requests for redactions and for protective measures, the Single Judge is of the view that an *ex parte* hearing to be attended by the Prosecutor and the representatives of the VWU is warranted.

9. In particular, the Single Judge considers that further information, as detailed in the annex to the present decision, is needed in order to enable the Single Judge to assess the Prosecutor’s requests for redactions as well as his Request for protective measures.

10. The Single Judge underlines that the annex to the present order is classified as *ex parte* and is only available to the Prosecutor and the VWU as it contains information which relates to requests for protective measures, disclosure of which would defeat the purpose of the requests. However, information which has been withheld from the Defence at this stage will be

⁶ ICC-02/11-01/11-48-Conf-Exp. On 6 March 2012, the Prosecutor filed a corrigendum of the original filing (ICC-02/11-01/11-48-Conf-Exp-Corr), and a confidential redacted version thereof (ICC-02/11-01/11-48-Conf-Corr-Red).

⁷ ICC-02/11-01/11-53 with confidential *ex parte* annexes.

kept under review and may be subsequently disclosed, should circumstances change.

FOR THESE REASONS THE SINGLE JUDGE HEREBY

DECIDES to convene an *ex parte* hearing on Tuesday 20 March 2012 at 14:00 in the Pre-Trial Courtroom to be attended by representatives of the Office of the Prosecutor and the VWU only;

ORDERS the Registrar to notify documents ICC-02/11-01/11-38-Conf-Exp, ICC-02/11-01/11-38-Red, ICC-02/11-01/11-48-Conf-Exp-Corr, ICC-02/11-01/11-48-Conf-Corr-Red to the VWU.

Done in both English and French, the English version being authoritative.



Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 16 March 2012

At The Hague, The Netherlands