

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/11
Date: 20 November 2014

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Single Judge

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

Public

**Order on the notification of confidential filings to the Legal Representative of
victims**

Order 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 Laurent Gbagbo

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**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**

Others

Judge Geoffrey Henderson, acting as Single Judge on behalf of Trial Chamber I ('Single Judge') of the International Criminal Court, in the case of *The Prosecutor v. Laurent Gbagbo*, having regard to Regulation 23 *bis* of the Regulations of the Court, issues this 'Order on the notification of confidential filings to the Legal Representative of victims'.

1. During the status conference held on 4 November 2014, the Chamber provided, *inter alia*, instructions to the parties and participants on the notification of confidential filings in the current proceedings. In particular, while acknowledging the approach taken during the pre-trial phase by Pre-Trial Chamber I, it directed the Office of the Prosecutor ('Prosecution'), the defence for Mr Gbagbo ('Defence') and the Legal Representative of victims ('LRV') to, from that date, always notify the parties and the participants of their confidential filings. It added that where the party or participant filing the document has a good reason not to do so, it should indicate pursuant to Regulation 23 *bis* of the Regulations of the Court the status of the filings as 'confidential and *ex parte*' and the reason for the said classification in the filing itself to enable the Chamber to make its ultimate decision.¹
2. On 5 November 2014, the Registry informed the Chamber that a number of confidential documents filed before the abovementioned instructions were not notified to the LRV.²
3. With regard to two of these documents, Defence submissions ICC-02/11-01/11-707-Conf and ICC-02/11-01/11-709-Conf-Red, the Single Judge recalls that on 28 October 2014, the LRV submitted a request for access to the confidential versions of these documents (or in the alternative, concerning the latter only, to a lesser redacted version).³ On 29 October 2014,

¹ Transcript of hearing on 4 November 2014, ICC-02/11-01/11-T-25-CONF-ENG CT, p. 4-5.

² Email from Registry to the Chamber, 5 November 2014, 15.56 and 17.22.

³ Email from LRV to the Chamber, 28 October 2014, 18.07.

the Defence responded, opposing the request and mainly referring to the approach adopted by Pre-Trial Chamber I.⁴ On 30 October 2014, the Chamber instructed the Registry to notify to the LRV filing ICC-02/11-01/11-707-Red-Conf,⁵ and decided 'not to modify the redaction, the classification or the notification of the different versions of filing 709, subject to further indication'.⁶

4. In light of the Chamber's instructions concerning notification of confidential filings in the current proceedings set out during the status conference of 4 November 2014, and considering that they should apply to all documents filed in the record of the case, the Registry is instructed to notify the documents listed below to the LRV, unless the parties provide reasons pursuant to Regulation 23 *bis* of the Regulations for their respective filing not to be notified to the LRV.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE

DIRECTS the Registry to notify the documents listed below to the LRV, unless the Prosecution and the Defence provide reasons for the chosen classification pursuant to Regulation 23 *bis* of the Regulations, by Friday 21 November 2014:

- ICC-02/11-01/11-683-Conf-AnxA
- ICC-02/11-01/11-683-Conf-AnxB
- ICC-02/11-01/11-683-Conf-AnxC
- ICC-02/11-01/11-694-Conf-AnxA
- ICC-02/11-01/11-697-Conf
- ICC-02/11-01/11-697-Conf-Anx

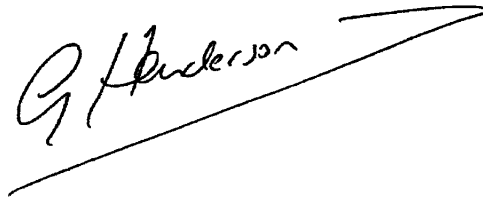
⁴ Email from Defence to the Chamber, 29 October 2014, 14.23.

⁵ Email from a Legal Officer of the Chamber to the Registry, 30 October 2014, 17.10.

⁶ Email from a Legal Officer of the Chamber to the parties and participants, 30 October 2014, 17.12.

- ICC-02/11-01/11-707-Conf
- ICC-02/11-01/11-709-Conf-Red
- ICC-02/11-01/11-710-Conf

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

A handwritten signature in black ink, appearing to read 'G. Henderson', is written above a horizontal line.

Judge Geoffrey Henderson

Single Judge

Dated 20 November 2014

At The Hague, The Netherlands