



Original: **English**

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

Date: **8 May 2012**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

Public

**Prosecution's justification for redaction to the metadata of a document pursuant to
Rule 81(2)**

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

Counsel for the Defence

Mr Emmanuel Altit

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

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 24 January 2012, the Single Judge of Pre-Trial Chamber III ("Single Judge") issued the "Decision establishing a disclosure system and a calendar for disclosure" ("Disclosure Decision").¹ In the Disclosure Decision the Single Judge ruled, among others, that "requests for redactions to incriminating evidence collected after 15 February 2012 shall be submitted to the Chamber no later than 60 days prior to the date of the confirmation hearing".²
2. On 2 May 2012, the Single Judge of Pre-Trial Chamber I authorised the Prosecution in its "Second decision on the Prosecutor's requests for redactions" to disclose to the Defence the evidence collected after 19 April 2012 with redactions of names of investigators in the metadata and to justify such redactions to the Chamber within 3 days following its disclosure.³
3. The Prosecution hereby notifies the Chamber that pursuant to Rule 81(2), it redacted the name of an investigator involved in witness interviews from the metadata of 1 document collected after 19 April 2012 and disclosed to the Defence on 7 May 2012.⁴ The document in question is the final report of the UN Group of Experts on Côte d'Ivoire. The investigator downloaded the document from the Internet and registered it in the Ringtail system to facilitate its disclosure to the Defence. Since this UN report is publicly available⁵, the Prosecution submits that there is no issue in relation to its chain of custody and therefore Defence will not suffer any prejudice from the redaction sought.

¹ ICC-02/11-01/11-30.

² Disclosure Decision, para.52 and p.30.

³ ICC-02/11-01/11-106, paras.17-18 and pp.8-9.

⁴ CIV-OTP-0021-0125.

⁵ See http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/196&referer=http://www.un.org/sc/committees/1572/CI_poe_ENG.shtml&Lang=F.

4. The Prosecution redacted the name of the investigator in compliance with the criteria adopted by the Single Judge in its first decision on redactions.⁶



Luis Moreno-Ocampo, Prosecutor

Dated this 8th day of May 2012

At The Hague, The Netherlands

⁶ ICC-02/11-01/11-74-Red, paras.84-92.