

Cour
Pénale
Internationale



International
Criminal
Court

Original: English

No.: ICC-02/11-01/15

Date: 26 May 2015

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 and CHARLES BLÉ GOUDÉ***

Public

**Decision on LRV Request to attend the 16 June 2015 status conference and to
access the Registry Report**

Decision 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 Mr Laurent Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

Legal Representatives of Victims

Ms Paolina Massidda

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 and Charles Blé Goudé*, having regard to Articles 64 and 67 of the Rome Statute ('Statute'), issues the following 'Decision on LRV Request to attend the 16 June 2015 status conference and to access the Registry Report'.

1. On 6 May 2015, the Single Judge issued an order convening an *ex parte* status conference on 16 June 2015, to be attended by the Defence team for Mr Gbagbo ('Gbagbo Defence'), the Office of the Prosecutor ('Prosecution') and the Registry, in order to discuss Mr Gbagbo's current health condition and the possible practical modalities to be put in place to facilitate his attendance at trial ('Order'). In the Order, the Single Judge further instructed the Registry to provide an *ex parte* report, available to the Defence and the Registry only, on the accused's health-related needs by 28 May 2015 ('Registry Report') and directed the Registry to provide the Prosecution of a redacted version of the Registry Report.¹
2. On 22 May 2015, the Legal Representative of Victims ('LRV') filed a motion whereby it requests the Single Judge to authorise the LRV's attendance at the status conference and to be notified of the redacted version of the Registry Report ('Request').² The LRV argues that the issue to be discussed during the status conference is of interest for the victims, in particular at this stage of the proceedings, and that the LRV's attendance at the hearing would not affect the accused's rights or the fairness of the proceedings.³ The LRV further submits that she should be notified of the redacted version of the Registry Report as she has a

¹ Order convening an *ex parte* status conference on 16 June 2015, ICC-12/11-01/15-57.

² Request to attend the *ex parte* hearing scheduled on 16 June 2015 and to access the Registry Report, ICC-02/11-01/15-79.

³ Request, ICC-02/11-01/15-79, paras 8-20.

general right to access the confidential case record and as she is bound by obligations of professional secrecy and confidentiality.⁴

3. The Single Judge recalls that in its 'Decision on Defence's requests seeking leave to appeal the "'Decision on the Legal Representative of Victims' access to certain confidential filings and to the case record' and seeking suspensive effect of it'", it indicated that the LRV's general right to have access to the confidential filings, transcripts and material does not amount to granting her with an automatic access to all documents covered by medical secrecy and privacy and that, when justified, said documents could be filed confidential and *ex parte*, thus excluding notification to the LRV.⁵ In the case at hand, the Single Judge has considered that the nature of the information to be discussed during the status conference as well as the information to be contained in the redacted version of the Registry Report was such that the LRV's presence at the status conference was not required on this occasion and that the LRV should not have access to the redacted version of the Registry Report.

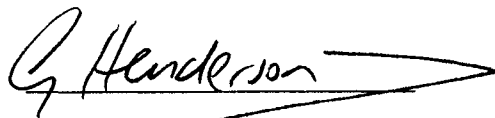
⁴ Request, ICC-02/11-01/15-79, paras 21-24.

⁵ 11 March 2015, ICC-02/11-01/11-809, para. 23.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

REJECTS the LRV Request.

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

A handwritten signature in black ink, appearing to read 'G. Henderson', with a long horizontal stroke extending to the right.

Judge ~~Geoffrey~~ Henderson, Single Judge

Dated 26 May 2015

At The Hague, The Netherlands