

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 21 July 2015

APPEALS CHAMBER

Before: Judge Piotr Hofmański, Presiding Judge
Judge Kuniko Ozaki
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Chang-ho Chung

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

***IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO and CHARLES
BLÉ GOUDÉ***

**Confidential *EX PARTE* – only available to the Prosecutor, Defence of Mr Laurent
Gbagbo and the Office of Public Counsel for Victims**

**Prosecution's request for reclassification pursuant to Appeals Chamber decision of
16 July 2015 (ICC-02/11-01/15-144-Conf-Exp)**

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

Ms Fatou Bensouda

Mr James Stewart

Ms Helen Brady

Counsel for Laurent Gbagbo

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

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

Ms Paolina Massidda

REGISTRY

Registrar

Mr Herman von Hebel

Submissions

1. On 15 July 2015, the Prosecution filed as Confidential *Ex parte* only available to the Registry, Prosecution and Defence of Mr Laurent Gbagbo its Response¹ to Laurent Gbagbo's Defence Notice of appeal² and Request for Extension of Pages of its Document in Support of Appeal.³ On 16 July 2015, the Prosecution filed a Confidential *Ex parte* redacted version of the same document making it also available to the Office of Public Counsel for Victims ("OPCV"), which acts as legal representative in these proceedings.⁴
2. The Prosecution's Responses were filed with such level of confidentiality because they referred to documents in the proceedings bearing the same confidentiality level.
3. On 16 July 2015, the Appeals Chamber rejected the Defence's Request for Extension of pages and instructed the Defence to file public redacted versions of its Notice of Appeal and its Request for Extension of Pages by Monday, 20 July 2015.⁵ The Appeals Chamber also instructed the Prosecution to file a public redacted version of its Response by Tuesday, 21 July 2015.⁶
4. Since the Defence has filed public redacted versions of the two documents,⁷ and in compliance with the Appeals Chamber's Decision,⁸ the Prosecution seeks to reclassify as public redacted its Response filed as Confidential *Ex parte* redacted (ICC-02/11-01/15-139-Conf-Exp-Red).

Confidentiality

5. Pursuant to regulation 23bis(2) of the Regulations of the Court ("RoC"), this application is filed Confidential *Ex parte* only available to the Prosecutor,

¹ ICC-02/11-01/15-139-Conf-Exp ("Prosecution's Response").

² ICC-02/11-01/15-134-Conf-Exp-Red ("Notice of Appeal").

³ ICC-02/11-01/15-136-Conf-Exp-Red-Corr ("Request for Extension of Pages").

⁴ ICC-02/11-01/15-139-Conf-Exp-Red ("Prosecution's Redacted Response").

⁵ ICC-02/11-01/15-144-Conf-Exp ("Decision"), para.2.

⁶ *Ibid.*, para.3.

⁷ ICC-02/11-01/15-134-Red3 and ICC-02/11-01/15-136-Corr-Red2.

⁸ Decision, para.3.

Defence of Mr Laurent Gbagbo and OPCV because it refers to the Decision, which bears this level of confidentiality. If the Appeals Chamber decides to grant this request, the Prosecution submits that this application should also be reclassified as public.

Relief sought

6. The Prosecution requests the Appeals Chamber to reclassify document ICC-02/11-01/15-139-Conf-Exp-Red from Confidential *Ex Parte* redacted to public redacted, pursuant to regulation 23bis(3) of the RoC.



Fatou Bensouda, Prosecutor

Dated this 21st day of July 2015

Word Count: 546⁹

At The Hague, The Netherlands

⁹ It is certified that this document contains the number of words specified and complies in all respects with the requirements of regulation 36 of the RoC. This statement (51 words), not itself included in the word count, follows the Appeals Chamber's direction to "all parties" appearing before it: ICC-01/11-01/11-565 OA6, para.32.