

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/15
Date: 17 December 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

Order instructing the parties and participants to file public versions of their respective filings related to the 'Decision on the fitness of Laurent Gbagbo to stand trial'

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 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**

**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

Mr Patrick Craig

**Victims Participation and Reparations
Section**

Others

Judge Geoffrey Henderson, acting as Single Judge on behalf of Trial Chamber I ('Single Judge' and 'Chamber', respectively) of the International Criminal Court, in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to Articles 64(2) and 67 of the Rome Statute and Regulation 23 *bis* of the Regulations of the Court, issues the following 'Order instructing the parties and participants to file public versions of their respective filings related to the "Decision on the fitness of Laurent Gbagbo to stand trial"'.

1. On 27 November 2015, the Chamber issued the 'Decision on the fitness of Laurent Gbagbo to stand trial',¹ in which it noted that 'numerous [related] filings within the record have been classified as confidential' and indicated it would issue an order setting a timetable for the parties and participants to file public redacted versions thereof.
2. To ensure that the record of the present case is public to the extent possible, and in accordance with the principle of publicity of the proceedings, the parties and participants are instructed to file or propose public versions, with redactions if necessary, of their respective filings, in accordance with the directions set out below.
3. In relation to the confidential, *ex parte* (Defence and Registry only) annex to the Registry's 'Transmission of the Detention Centre Medical Officer's assessment of the health condition of Mr. Laurent Gbagbo'² filed on 6 October 2015, the Single Judge notes the response of the defence for Mr Laurent Gbagbo ('Gbagbo Defence' and 'Mr Gbagbo', respectively) of 22 October 2105 submitting that Mr Gbagbo had not provided his written consent to the Medical Officer for the

¹ ICC-02/11-01/15-349.

² Annex to 'Transmission of the Detention Centre Medical Officer's assessment of the health condition of Mr. Laurent Gbagbo with reference to ICC-02/11-01/15-214', 6 October 2015, ICC-02/11-01/15-270-Conf-Exp-Anx.

purposes of this filing.³ The Single Judge also notes the observations of the Registry⁴ in which it indicated that the Detention Centre Medical Officer had reported to the Registry that Mr Laurent Gbagbo ('Mr Gbagbo') gave his consent to release his medical records, but that the Registry understood that to mean that the Medical Officer had received his *written* consent. In light of these circumstances and of Regulation 156(2) of the Regulations of the Registry, the Single Judge considers that an *ex parte*, confidential version of this annex need not be filed.⁵

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

ORDERS the Gbagbo Defence to **file** by 15 January 2016 public versions of the following filings, with redactions, if necessary:

- ICC-02/11-01/15-133-Conf-Exp
- ICC-02/11-01/15-221-Conf-Exp
- ICC-02/11-01/15-221-Conf-Exp-Anx2
- ICC-02/11-01/15-221-Conf-Exp-Anx3
- ICC-02/11-01/15-221-Conf-Exp-Anx4
- ICC-02/11-01/15-266-Conf
- ICC-02/11-01/15-266-Conf-Exp-Anx1
- ICC-02/11-01/15-266-Conf-Exp-Anx2
- ICC-02/11-01/15-274-Conf-Exp
- ICC-02/11-01/15-280-Conf-Exp
- ICC-02/11-01/15-285-Conf
- ICC-02/11-01/15-308-Conf-Exp
- ICC-02/11-01/15-308-Conf-Exp-Anx1
- ICC-02/11-01/15-308-Conf-Exp-Anx2
- ICC-02/11-01/15-315-Conf-Exp

³ *Notification à la Chambre de la réponse de la Défense à la «transmission of the Detention Centre Medical Officer's assessment of the health condition of Mr Laurent Gbagbo with reference to ICC-02/11-01/15-214» (ICC-02/11-01/15-270-ConfExp) déposée par le Greffe le 5 octobre 2015, 22 October 2015, ICC-02/11-01/15-308-Conf-Exp with two confidential, ex parte (Gbagbo Defence and Registry only) annexes.*

⁴ Observations by the Registry on "*Demande de la Défense afin que la lettre de Monsieur Falke annexée au dépôt du Greffe du 5 octobre 2015 (ICC-02/11-01/15-270-Conf-Exp) ne soit pas communiqué à l'Accusation*" ICC-02/11-01/15-324 dated 29 October 2015, 16 November 2015, ICC-02/11-01/15-345-Conf-Exp.

⁵ Order to provide Appointed Expert with access to Mr Gbagbo's medical record, 20 October 2015, ICC-02/11-01/15-302-Conf, page 13.

- ICC-02/11-01/15-318-Conf
- ICC-02/11-01/15-327-Conf-Exp
- ICC-02/11-01/15-330-Conf
- ICC-02/11-01/15-336-Conf
- ICC-02/11-01/15-338-Conf
- ICC-02/11-01/15-338-Conf-Anx
- ICC-02/11-01/15-341-Conf-Exp
- ICC-02/11-01/15-341-Conf-Exp-Anx4
- ICC-02/11-01/15-341-Conf-Exp-Anx5

ORDERS the Gbagbo Defence to **propose** a public version of the following filing by 15 January 2016, with redactions, as necessary:

- ICC-02/11-01/15-84-Conf-Exp-Anx1

ORDERS the Gbagbo Defence to **propose**, by 15 January 2016, public versions of the following transcripts, with redactions, as necessary:

- ICC-02/11-01/15-T-2-Conf-Exp-ENG ET
- ICC-02/11-01/15-T-2-Conf-Exp-FRA ET
- ICC-02/11-01/15-T-7-CONF-ENG ET (from page 33, line 17)
- ICC-02/11-01/15-T-7-CONF-FRA ET (from page 38, line 19)

ORDERS the Registry – should there be no objections within 21 days of the Gbagbo Defence’s filing of proposed public versions of the transcripts listed above – to file the Gbagbo Defence’s proposed versions as public on 9 February 2016;

ORDERS the Prosecution to file, by 1 February 2016, public versions of the following filings, with redactions, if necessary:

- ICC-02/11-01/15-94-Conf-Exp-AnxA
- ICC-02/11-01/15-219-Conf-Exp
- ICC-02/11-01/15-219-Conf-AnxA
- ICC-02/11-01/15-219-Conf-AnxB
- ICC-02/11-01/15-219-Conf-AnxC
- ICC-02/11-01/15-269-Conf

- ICC-02/11-01/15-286-Conf-Exp
- ICC-02/11-01/15-287-Conf
- ICC-02/11-01/15-321-Conf
- ICC-02/11-01/15-326-Conf-Exp
- ICC-02/11-01/15-334-Conf
- ICC-02/11-01/15-337-Conf
- ICC-02/11-01/15-342-Conf

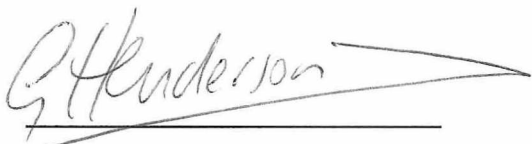
ORDERS the Registry to file, by 1 February 2016, public versions of the following filings, with redactions, if necessary:

- ICC-02/11-01/15-84-Conf-Exp
- ICC-02/11-01/15-270-Conf
- ICC-02/11-01/15-325-Conf
- ICC-02/11-01/15-345-Conf-Exp

ORDERS the Legal Representative of victims to file by 1 February 2016 public versions of the following filings, with redactions, if necessary:

- ICC-02/11-01/15-335-Conf
- ICC-02/11-01/15-339-Conf

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



Judge Geoffrey Henderson, Single Judge

Dated 17 December 2015

At The Hague, The Netherlands