

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **18 March 2016**

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

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

Public

Third order on public redacted versions of 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 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

**Victims Participation and Reparations
Section**

Others

Judge Cuno Tarfusser, acting as Single Judge on behalf of Trial Chamber I ('Single Judge' and 'Chamber', respectively) of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to Article 64(7) of the Rome Statute, and Regulation 23 *bis* of the Regulations of the Court, issues the following 'Third order on public redacted versions of 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
2. On 18 December 2015, the Chamber issued an order instructing the parties and participants to file public redacted versions of certain filings related to the fitness proceedings ("First Order").²
3. On 15 January 2016, in accordance with the First Order, the defence team for Mr Gbagbo ("Gbagbo Defence") filed public redacted versions of its filings.
4. On 26 January 2016, having reviewed the redactions applied thereto, the Single Judge issued an order instructing the Gbagbo Defence to refile certain filings after having lifted certain redactions identified by the Single Judge ("Second Order"). It further ordered the Registrar to reclassify Chamber's decisions related to the fitness proceedings.³
5. On 1 February 2016, in accordance with the First Order, the Office of the Prosecutor ("Prosecutor") filed public redacted versions of its filings. Upon

¹ ICC-02/11-01/15-349.

² 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', ICC-02/11-01/15-368.

³ Second order on public redacted versions of filings related to the 'Decision on the fitness of Laurent Gbagbo to stand trial', ICC-02/11-01/15-398.

Prosecutor's request,⁴ the Single Judge ordered the Registrar to reclassify some of them as public.⁵

6. Also on 1 February 2016, the Prosecutor filed a response to the Gbagbo Defence proposed redactions to the French version of the transcripts of hearing held on 16 June 2015 ("T-2") and 19 November 2015 ("T-7"), arguing that some of the suggested redactions are not necessary.⁶ The Legal Representative of Victims also filed a response to the Gbagbo Defence proposed redactions to the hearing held on 19 November 2015.⁷
7. On 3 February 2016, the Registrar filed proposed public redacted versions of its filings.
8. With regard to the Prosecutor's filings, the Single Judge recalls that it had ordered the Prosecutor to file a public redacted version of ICC-02/11-01/15-219-Conf-AnxA, redacting the personal contact details of the experts.⁸ The Prosecutor shall do so forthwith.
9. Having reviewed the remainder of the redactions proposed by the Prosecutor and the Registrar, the Single Judge finds that they are appropriate.
10. Turning now to the disputes as to the redactions to be applied to T-2, the Single Judge decides that the Registrar shall produce a public redacted version thereof, redacting the following portions only: page 11, lines 6-10; page 17, lines 14-21, page 23, lines 4-16, page 25, lines 20-22, page 33, lines 3-4. In reaching this decision, the Single Judge has considered that information pertaining directly to

⁴ Email from Prosecution's team to Chamber, 1 February 2016, 16:51.

⁵ Email from Single Judge to parties and participants, 4 February 2016, 12:17.

⁶ Prosecution's response to ICC-02/11-01/15-392, ICC-02/11-01/15-407.

⁷ Response to Mr Gbagbo's proposed redactions to transcript ICC-02/11-01/15-T-7-CONF-FRA ET (ICC-02/11-01/15-392-Conf-Anx2), ICC-02/11-01/15-406-Conf.

⁸ Email from Single Judge to parties and participants, 4 February 2016, 12:17.

Mr Gbagbo's current health state or that could be interpreted as disclosing private medical information⁹ shall be redacted.

11. With regard to the disputes as to redactions to be applied to T-7, the Single Judge decides that the Registrar shall produce a public redacted version thereof, redacting the following portions only: page 1, line 13 to page 38, line 19;¹⁰ page 47, lines 26-28, from after the word "*sociale*" until before the words "*Plus précisément*"; page 48, lines 8-10; page 48, line 15 to page 49, line 13; page 50, line 19 to page 51, line 2; page 54, lines 19-26; page 59, line 8, after the words "*qui sont venus après*" and lines 10-15; page 60, line 5; page 61, the two first words on line 2 and the same information on line 19; page 62, lines 15-17; page 63, line 7 to page 65, line 17; page 65, line 19 from after "*la question de*" until before "*est-ce que cela a trait*" on line 20; page 65, line 27 from after "*Donc, naturellement,*"; page 66, line 4 to page 68, line 14; page 72, line 13 to page 73, line 6; page 73, lines 16-24; page 74, lines 5-10; page 76, lines 2 and 4; on page 76, lines 13-15, the words immediately preceding "*des trois experts nommés par la Chambre, août 2012*"¹¹ and immediately following them until "*et même des trois derniers experts*"; page 76, lines 17-18 and page 77, lines 3-4 and line 13. In reaching this decision, the Single Judge has had due regard to parties' agreements and to the approach adopted in the First Order and the Second Order.

12. Finally, the Single Judge finds that the redactions proposed by the Gbagbo Defence to ICC-02/11-01/15-84-Conf-Exp-Anx1¹² are appropriate.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE HEREBY

ORDERS the Gbagbo Defence to file a public redacted version of ICC-02/11-01/15-84-Conf-Exp-Anx1 in accordance with paragraph 12 above;

⁹ See for Example, T-2, page 33, lines 3-4.

¹⁰ In accordance with the First Order, ICC-02/11-01/15-368, page 5.

¹¹ As suggested by the Defence and agreed by the Prosecutor (ICC-02/11-01/15-407-Conf-AnxB)

¹² See ICC-02/11-01/15-392-Conf-Anx3.

DIRECTS the Registrar to file public redacted versions of T-2 and T-7 in accordance with paragraphs 10-11 above, as well as their corresponding English versions, by 1 April 2016.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser, Single Judge

Dated 18 March 2016

At The Hague, The Netherlands