



Original: English

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

Date: 28 April 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR

v. LAURENT GBAGBO and CHARLES BLÉ GOUDÉ

PUBLIC

**Prosecution's observations on access to confidential documents or material
on the Blé Goudé and Gbagbo case records by the Parties and participants**

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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Mr Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Submission

1. On 11 March 2015, Trial Chamber I (“the Chamber”) ordered the Parties, the Legal Representative of the Victims and the Registry to submit by 7 April 2015 “any objection to any party or participant being granted access to any confidential document or material on the *Blé Goudé* and *Gbagbo* case records” (“Order”).¹ On 13 April 2015, the Chamber reaffirmed its order and extended the deadline for the submission of observations to 28 April 2015.²
2. On 24 April 2015, by letter dated 22 April, the Office of the Prosecutor (“Prosecution” or “OTP”) was informed by the employer of witnesses P-0414 and P-0422 that their identities could now be disclosed to the *Blé Goudé* Defence team. Consequently, the Prosecution has no objection to the *Blé Goudé* Defence team being granted access to all confidential³ documents and material on the *Gbagbo* case record,⁴ including the submissions and a decision related to Witness P-0414.⁵
3. The Prosecution also submits that the *Gbagbo* Defence team should be granted access to the confidential documents and material in the *Blé Goudé* case record.
4. Further, the Prosecution submits that the Legal Representative of the Victims should continue to have the same level of access to confidential materials in the joint case file as they currently have within each of the two individual case files.

¹ ICC-02/11-01/15-1, p. 33.

² ICC-02/11-01/15-30, para. 9 and p. 9.

³ The Prosecution understands the term confidential to not include documents and material submitted or classified as *ex parte*. *Ex parte* documents or material should remain as such.

⁴ This is without prejudice to the position of the *Gbagbo* Defence team on access to submissions and decisions that relate to the health of Laurent Gbagbo or the identity of a possible host state if he was to benefit from pre-trial interim release.

⁵ See for instance submissions ICC-02/11-01/11-626-conf, ICC-02/11-01/11-631-Conf and decision ICC-02/11-01/11-632-Conf.

5. Finally, the Prosecution submits that all material previously uploaded in the two separate case eCourt databases should now be uploaded by the Parties in the combined eCourt database created to host the joint case.⁶

Conclusion

6. The Prosecution submits that both Defence teams should have access to all confidential documents and material in both case records and that the Legal Representative of the Victims should continue to have the same level of access to confidential material as they currently have.



Fatou Bensouda, Prosecutor

Dated this 28th day of April 2015

At The Hague, The Netherlands

⁶ The eCourt under the case code ICC-02/11-01/15.