

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/11-01/11  
Date: 9 December 2011

**PRE-TRIAL CHAMBER III**

**Before: Judge Silvia Fernández de Gurmendi, Single Judge**

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE  
IN THE CASE OF  
*THE PROSECUTOR v. LAURENT KOUDOU GBAGBO***

**Public document**

**Decision Convening Status Conferences**

**Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:**

**The Office of the Prosecutor**  
Mr Luis Moreno-Ocampo  
Ms Fatou Bensouda

**Counsel for the Defence**  
Mr Emmanuel Altit

**Legal Representatives of Victims**

**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**

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**Registrar**

Ms Silvana Arbia

**Detention Section**

**Victims and Witnesses Unit**

**Others**

**Victims Participation and  
Reparations Section**

**I, Judge Silvia Fernández de Gurmendi**, Single Judge for Pre-Trial Chamber III of the International Criminal Court (“Chamber” and “Court” respectively) responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Laurent Koudou Gbagbo*,<sup>1</sup> hereby renders this decision convening Status conferences.

1. On 5 December 2011, the first appearance of Mr Laurent Koudou Gbagbo was held before the Court. At the hearing the Chamber scheduled the commencement of the confirmation of charges hearing for 18 June 2012.<sup>2</sup>
2. The Single Judge notes Articles 54(1)(a) and (3)(e), 57(3)(c), 61(3), 67(2), 68(1) of the Rome Statute (“Statute”) and Rules 76 to 83, and 121 of the Rules of Procedure and Evidence (“Rules”) and, in particular, Rule 121(2)(b) of the Rules, pursuant to which status conferences shall be held in order to ensure that disclosure takes place under satisfactory conditions.
3. The Single Judge considers that, with a view to ensuring that disclosure takes place in a manner which is transparent, efficient and expeditious, it is necessary to schedule a hearing in order to discuss all matters which might be relevant to the disclosure process, which must take place between the parties in advance of the confirmation of charges hearing.

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<sup>1</sup> Oral Decision of the Chamber, 5 December 2011, ICC-02/11-01/11-T-1-ENG, page 8.

<sup>2</sup> ICC-02/11-01/11-T-1-ENG, page 8.

4. In particular, and without prejudice to other issues that could be addressed, the Single Judge considers it necessary for the parties to provide their views on the modalities of the disclosure regime to be applied by the Chamber.
  
5. Furthermore, the Single Judge considers it is necessary that information be provided by the Prosecutor on the following:
  - (i) estimate of the overall number of documents intended to be used as evidence at the confirmation of charges hearing;
  - (ii) number of live witnesses, if any, for the confirmation of charges hearing, number of witness statements pursuant to Rule 76 of the Rules and number of pages of the statements;
  - (iii) an indication as to whether the Prosecutor requests that certain documents and witness statements be disclosed to the Defence in redacted form pursuant to Rule 81(2) or (4) of the Rules, and if so, an estimate, to the greatest degree of precision possible, of the number of documents and witness statements and the number of pages of those documents and witness statements;
  - (iv) an indication as to whether the Prosecutor obtained documents pursuant to Article 54(3)(e) of the Statute, which contain exculpatory or Rule 77 material and, if so, whether he has tried to obtain the consent of the information provider and details of the responses received, if any;
  - (v) an indication of the overall amount of materials already identified as covered by Article 67(2) of the Statute and Rule 77 of the Rules and for which, in the Prosecutor's views, redactions are needed.

6. In addition, the Single Judge considers it necessary that information be provided by the Defence on the following:
  - (i) whether the Defence anticipates presenting evidence at the confirmation of charges hearing and, if so, an estimate of the overall number of documents and witness statements;
  - (ii) whether the Defence intends to present live witnesses and foresees the need for protective measures.
  
7. Finally, the Single Judge considers it necessary, before the public status conference, to hold an *in camera* and *ex parte* status conference, Prosecutor, Division of Court Services (“DCS”) and Victims and Witnesses Unit (“VWU”) only, to obtain information on security matters and protective measures, if necessary, to be put in place.

**FOR THESE REASONS, THE SINGLE JUDGE HEREBY**

**DECIDES** to convene a status conference *ex parte* and *in camera*, on 14 December 2011, at 14:00 hours, to be attended by the Prosecutor, the DCS and the VWU;

**DECIDES** to convene a status conference to be held in an open session, on 14 December 2011, at 16:00 hours, to be attended by the Prosecutor, the Defence and the DCS and VWU.

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



**Judge Silvia Fernández de Gurmendi**

**Single Judge**

Dated this 9 December 2011

At The Hague, The Netherlands