



Original: **English**

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

Date: **21 May 2015**

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera-Carbuccia
Judge Bertram Schmitt

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

Public

With confidential *EX PARTE* Annex A only available to the Prosecution and VWU

Public redacted version of "Prosecution's request for authorisation to redact two documents related to P-0114", 27 February 2015, ICC-02/11-01/11-787-Conf-Exp

Source: Office of the Prosecutor

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

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1. The Office of the Prosecutor (“Prosecution” or “OTP”) respectfully requests from Trial Chamber I (“Chamber”) the authorisation to apply redactions falling under Category D (“Non-standard redactions”) of the Protocol establishing a redaction regime (“Redaction Protocol”) on two documents related to witness P-0114. These two documents in unredacted form, as well as the chart for redactions, are contained in Annex A.

Procedural History

2. On 15 December 2014, the Single Judge issued the 'Decision on the Protocol establishing a redaction regime' (“Decision on the Redaction Protocol”), deciding that the parties shall apply the Redaction protocol set out in Annex A.¹
3. On 6 February 2015, the Prosecution requested the Chamber to grant, pursuant to regulation 35 of the Regulations of the Court (“RoC”), an extension of the time limit for the disclosure of the documents related to P-0114.²
4. From [REDACTED], P-0114 was interviewed by the Prosecution.
5. On the same day of the present request, the Prosecution is disclosing the statement of witness P-0114 and its annex,³ as well as the screening notes of P-0114.⁴

Confidentiality level

6. This request and its annex A are classified as “Confidential, EX PARTE, only available to the Prosecution and the VWU” pursuant to regulation 23bis(1) of the RoC because they contain information relevant to the security situation of witness P-0114. Revealing this information would undermine the requested relief and

¹ ICC-02/11-01/11-737 and Annex A.

² ICC-02/11-01/11-760-Conf-Exp, p. 6-7.

³ CIV-OTP-0076-0951 and CIV-OTP-0076-0966 disclosed in Pre-Trial Incrim package 39.

⁴ CIV-OTP-0014-0095 disclosed in Pre-Trial Rule 77 package 37.

create security risks to P-0114. The Prosecution also files a confidential redacted version of this request.

Request for authorisation to apply redaction

7. The proposed redactions are necessary in order to protect the safety and well-being of [REDACTED]. They are also necessary in order to protect the safety and wellbeing of the witness himself, pursuant to articles 54(3)(f), 64(2) and (6)(e), and 68(1) of the Statute, and rule 81(4) of the Rules. For the reasons outlined below, granting the request will strike the appropriate balance between the Accused's rights and the Court's protection obligations.
8. Witness P-0114 is [REDACTED],⁵ [REDACTED].⁶ [REDACTED].
9. [REDACTED].
10. The Prosecution submits that there is a tangible and objective risk i) [REDACTED]; and ii) to the safety of the witness himself [REDACTED].
11. In [REDACTED], P-0114 informed the OTP of the following:
 - [REDACTED].
 - [REDACTED].
12. On [REDACTED], P-0114 informed the OTP that [REDACTED].
13. On [REDACTED], P-0114 informed the OTP that on [REDACTED].
14. [REDACTED].
15. During his interview in [REDACTED], P-0114 recounted that [REDACTED].
16. [REDACTED].
17. From the foregoing list of incidents, it is apparent that [REDACTED].

⁵ ICC-02/11-01/11-760, para.14.

⁶ ICC-02/11-01/11-759-Conf-AnxB, p.22.

18. The Prosecution therefore submits that disclosing precise information on [REDACTED]. On the other hand, the limited redaction of this information is not prejudicial to or inconsistent with the rights of the accused, as the fact that [REDACTED] is not redacted from the statement.

19. Finally, the Prosecution submits that, if any, the prejudice to the defence is limited since the crux of the testimony of witness P-0114 [REDACTED].

Conclusion

20. The Prosecution therefore requests the Chamber to authorise the redactions as set out in Annex A.



Fatou Bensouda, Prosecutor

Dated this 21st day of May 2015

At The Hague, The Netherlands