

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 June 2022

TRIAL CHAMBER VII

Before: Judge Kimberly Prost, Presiding Judge
Judge Miatta Maria Samba
Judge Sergio Gerardo Ugalde Godinez

SITUATION IN THE CÔTE D'IVOIRE

**IN THE CASE OF
THE PROSECUTOR *v.* LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ**

**Public
With Confidential Annex A**

Implementation of the "Decision on the Defence for Mr Gbagbo's Requests for the Record of the Case to be Made Public, the Creation of a Public Database and for Email Decisions to be Placed on the Record of the Case" (ICC-02/11-01/15-1430)

Source: Registrar

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
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States' Representatives

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REGISTRY

Registrar

M. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry submits with the present report and its confidential Annex A, the parties and participants' proposed redactions to apply to the e-mail decisions issued during the trial proceedings, with a view to generating a public version of the documents.

II. Procedural History

2. On 3 September 2021, the Defence for Mr Gbagbo filed the 'Request for the Decisions which the Judges Issued via Email to Be Placed on the Record of the Case'¹ ("Request"). In the Request, the Defence for Mr Gbagbo requested that "any decisions issued via email during the trial phase of the proceedings be formally filed onto the record".² The Defence for Mr. Gbagbo further requested that the parties, participants and the Registry be ordered "to embark on discussions to determine the appropriate level of classification for each decision".³
3. On 14 September 2021, the Prosecution, in its Response, did not oppose to the Defence's request, but indicated however that the process of registering e-mail Decisions should be a "structured one, led by the Registry, with Judicial oversight".⁴
4. On 13 April 2022, Trial Chamber VII ("Chamber") issued its "Decision on the Defence for Mr. Gbagbo's Requests for the Record of the Case to be Made Public, the Creation of a Public Database and for Email Decisions to be Placed

¹ Request for the Decisions which the Judges Issued via Email to Be Placed in the Record of the Case, 3 September 2021, ICC-02/11-01/15-1410-tENG

² *Ibid.*, para. 3.

³ *Ibid.*, para 9, p. 5.

⁴ Prosecution response to the 'Requête visant à ce que les décisions ayant été rendues par les Juges par voie d'email soient soumises au dossier de l'affaire', 14 September 2021, ICC-02/11-01/15-1412.

on the Record of the Case”⁵, together with its Annex A, containing a list of email decisions (“Decision”).

5. In its Decision, the Chamber instructed “the Registry to consult with the parties and participants with a view to generating a public version of the list, with any necessary redactions, which can be placed on the public record”.⁶

III. Classification

6. In accordance with regulation 23 *bis*(1) of the Regulations of the Court, Annex A to the present report is classified confidential as it contains the original version of internal communications between the Chamber, the parties and the participants with highlighted proposed redactions for the Chamber’s consideration.

IV. Applicable Law

7. For the purpose of the present submission, the Registry has considered articles 64(7), (10) and 67(1) of the Rome Statute and rule 140 of the Rules of Procedure and Evidence.

V. Submission

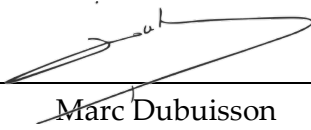
8. In order to enable the parties and participants to suggest redactions, the Registry followed the procedure that was adopted in other cases for the purpose of the registration of e-mail decisions into the case file. Accordingly, on 2 June 2022, the Registry initiated a consultation process with the parties, participants and relevant Sections of the Registry requesting them to provide the Court Management Section

⁵ Trial Chamber VII, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Decision on the Defence for Mr Gbagbo’s Requests for the Record of the Case to be Made Public, the Creation of a Public Database and for Email Decisions to be Placed on the Record of the Case, ICC-02/11-01/15-1430, 13 April 2022.

⁶ *Ibid* para. 22.

("CMS") with their proposed redactions by 23 June 2022.⁷ Their respective feedback was received by the CMS between 13 June and 23 June 2022.⁸

9. Thus, the Registry submit as Annex A to the present report , the proposed redacted version of the e-mail Decisions issued by Trial Chamber I during the trial proceedings in compliance with the Decision.⁹



Marc Dubuisson
Director Division of Judicial Services
On behalf of Peter Lewis, Registrar

Dated this 30 June 2022

At The Hague, The Netherlands

⁷ See e-mails sent by CMS to the Prosecution, the Legal Representative of Victims, CSS, ODDJS, VWS, the Defence for M. Gbagbo and the Defence for Mr Blé Goudé on 2nd June 2022.

⁸ E-mail received by CMS respectively from the Prosecution on 13 June 2022 at 16:44, from the LRV on 16 June 2022 at 9h28, from the Victims and Witnesses Unit on 17 June 2022 at 15h50, from the Defence for Mr Gbagbo on 21 June 2022 at 15h19 and, from the Defence for Mr Blé Goudé on 23 June 2022 at 10h05.

⁹ The redactions proposed by CMS are highlighted in red.

The redactions proposed by the Prosecution are highlighted in grey.

The redactions proposed by the Legal Representative of Victims are highlighted in blue.

The redactions proposed by the VWS are highlighted in light green.

The redactions proposed by the Defence for Mr Gbagbo are highlighted in green.

The redactions proposed by the Defence for Mr Blé Goudé are highlighted in yellow.

If a redaction has been suggested by more than one parties or participants, CMS has indicated it in a comment.