

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **18 July 2022**

TRIAL CHAMBER VII

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

SITUATION IN THE CÔTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ

Public

Order in Respect of Proposed Redactions to the List of Email Decisions

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

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Detention Section

**Victims Participation and
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Other

TRIAL CHAMBER VII of the International Criminal Court, in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to Articles 64, 67 and 68 of the Rome Statute (the ‘Statute’), and Rule 81(4) of the Rules of Procedure and Evidence (the ‘Rules’), issues this ‘Order in Respect of Proposed Redactions to the List of Email Decisions’.

I. PROCEDURAL HISTORY

1. On 13 April 2022, the 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 on the Record of the Case’ (the ‘Decision’).¹ The Decision was filed together with Confidential Annex A which contained a list of email decisions (the ‘List of Email Decisions’).²

2. In the Decision, the Chamber instructed the Registry to ‘consult with the parties and participants with a view to generating a public version of the [List of Email Decisions], with any necessary redactions, which can be placed on the public record.’³

3. On 30 June 2022, the Registry filed ‘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)’ (the ‘Registry’s Submission’).⁴ Therein the Registry attached an updated version of the List of Email Decisions which reflected the redactions proposed by the parties, participants, CMS and the VWS (the ‘Updated List of Email Decisions’).⁵

¹ [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](#), 13 April 2022, ICC-02/11-01/15-1430 (the ‘Decision’).

² Confidential Annex A to the Decision, 13 April 2022, ICC-02/11-01/15-1430-Conf-AnxA (the ‘List of Email Decisions’).

³ [Decision](#), para. 22.

⁴ [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” \(ICC-02/11-01/15-1430\)](#), 30 June 2022, ICC-02/11-01/15-1431 (the ‘Registry’s Submission’).

⁵ Confidential Annex A to the Registry’s Submission, 30 June 2022, ICC-02/11-01/15-1431-Conf-AnxA VWS (the ‘Updated List of Email Decisions’).

II. ANALYSIS

4. Following its review of the Updated List of Email Decisions, the Chamber authorises the following proposed redactions for the public version of the List of Email Decisions:

- All CMS proposed redactions of the names of staff members of the Court.⁶

5. In respect of the remaining proposed redactions, the Chamber finds that no justification has been provided for these redactions, which in turn renders it difficult for the Chamber to rule on their merit. Specifically, the Chamber observes that a number of the remaining proposed redactions do not appear to identify protected witnesses or otherwise reveal confidential or sensitive information. In particular, the Chamber notes that several of the remaining proposed redactions are of witness numbers or pseudonyms,⁷ which by their very nature protect the identity of a witness, as well as the names of counsel⁸ which are already on in the public domain.

6. Nevertheless, pursuant to its obligations under Articles 64(6)(c), 64(6)(e), 67(1) and 68(1) of the Statute,⁹ the Chamber finds it necessary obtain further information as to the justification for the remaining proposed redactions.

7. Accordingly, the Chamber orders the parties, participants and relevant sections of the Registry to submit justifications for their proposed redactions. This process shall be coordinated by the Registry. In this regard, the parties, participants and relevant sections of the Registry must submit their justifications to the coordinating section of the Registry no later than 18 August 2022. Thereafter the Registry shall file a consolidated version of the justifications with the Chamber no later than 24 August 2022.

⁶ Specifically the proposed redactions in red in items 1-3, 5-26, 28-58, 59 (excluding the reference to the member of the Defence), 60-67, 68 (excluding the reference to a staff member of the Office of the Prosecutor), 69-95, 97-101 of the Updated List of Email Decisions.

⁷ See, for example proposed redactions in items 10, 19, 20, 21, 25, 29, 30, 36, 39, 40, 42, 51, 54, 56, 78, 87, 88, 97 of the Updated List of Email Decisions.

⁸ See, for example proposed redactions in items 27, 51, 59 of the Updated List of Email Decisions.

⁹ See also Rule 81(4) of the Rules.

FOR THESE REASONS, THE CHAMBER HEREBY

AUTHORISES the proposed redactions as specified in paragraph 4 above;

ORDERS the Registry and parties and participants to proceed in accordance with paragraph 7 above.

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



Judge Kimberly Prost
Presiding Judge



Judge Miatta Maria Samba



Judge Sergio Gerardo Ugalde Godínez

Dated 18 July 2022

At The Hague, The Netherlands