

LAURENT KOUDOU GBAGBO

INFORMAL SUMMARY

14 DECEMBER 2011



Situation Case	Situation in the Côte d'Ivoire 02/11-01/11 The Prosecutor vs. Laurent Koudou Gbagbo	Confirmation of Charges: Scheduled for 18 June 2012
Hearing Chamber	Pre Trial - Status Conference Pre-Trial Chamber III: Judge Silvia Fernandez de Gurmendi (Presiding Judge), Judge Elizabeth Odio Benito and Judge Adrian Fulford	<u>Mr Laurent Koudou Gbagbo</u> : born in 1945 in Mama, Gagnoa department, Côte d'Ivoire; National of the Côte d'Ivoire
Parties:	OTP: Mr. Eric Macdonald and team Defence: Mr Emmanuel Altit and team	Alleged crimes: <u>Laurent Koudou Gbagbo</u> is allegedly responsible, as indirect co-perpetrator, of: <ul style="list-style-type: none">o Crimes against humanity: Murder, rape and other sexual violence, persecution and other inhumane acts.
Warrant of Arrest:	Issued by PTC III on 23 November 2011	
Transfer to the ICC:	30 November 2011	

On Wednesday, 14 December 2011, Pre-Trial Chamber III convened a Status Conference to discuss disclosure issues and the preparation of the upcoming confirmation of charges hearing scheduled for 18 June 2012.

First Issue: System of Disclosure

Single Judge Fernandez de Gurmendi asked both the OTP and the Defence to comment on the system of disclosure to be adopted by the Chamber.

Mr. Macdonald, in behalf of the OTP, suggested

- The adoption of an *inter partes* disclosure approach, meaning that the Chamber would be informed of each disclosure, whether exonerating or incriminating. The OTP would provide a brief summary of exonerating documents;
- The production of tables with reference to the document containing the charges, enabling the Chamber to refer to the various items of evidence and crimes.

The OTP stated that 36 documents were already disclosed at the initial appearance of Mr Gbagbo and that 195 documents will be disclosed soon. The OTP will then proceed with a 'rolling disclosure'.

Maître Altit, Defence Counsel of Mr. Gbagbo, stated that he agrees to this direct exchange between the parties. The Defence asked the request from the Prosecution for an issuance of a warrant of arrest to be disclosed as soon as possible in order to enable the Defence to ascertain the legality of Mr. Gbagbo's detention.

Single Judge Fernandez de Gurmendi asked the OTP and the Defence to submit a joint proposal with regard to the disclosure procedure by 11 January 2012.

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Second issue: Preparation of the Confirmation of charges hearing

The Single Judge asked the OTP to give an approximate number of witnesses and documents it anticipates to present at the confirmation of charges hearing.

Mr. Macdonald, on behalf of the OTP, stated:

- That the Prosecution is not in a position to give an exact number of documents because the investigations are still ongoing. He then stated that the OTP should have a better idea of how many documents it is intending to use in early April;
- That the Prosecution will not call any witness to give testimony in person at the confirmation of charges hearing, but that it will rely on documentary evidence, including approximately ten witness statements.

Third Issue: Redactions

Mr. Macdonald, on behalf of the OTP, stated that at the present moment, the OTP does not have a redaction request for documents which contain exculpatory material. The Prosecution stated that any request for redaction will be made on a rolling basis

Maitre Altit then stated the Defence considers it fundamental that a third party monitors the redaction process, because disclosure is a principle and redaction an exception. For the Defence, a strict judicial control is indispensable in this regard.

Fourth Issue: Work conditions for the Defence team

Maitre Altit criticized the work conditions for the Defence team. To date, the Defence team does not have an office or access to the electronic system within the Court. In the interest of justice, the Defence team requests some assistance.

Final Comments:

Single Judge Fernandez de Gurmendi asked the OTP and the Defence to submit a joint proposal on the system of disclosure by 11 January 2012.

The Judge then asked the parties to continue discussing the system for the redactions, allowing an expeditious proceeding, without affecting fairness, and stated the possibility for another status conference in January to discuss the issue of redactions.