



Original: **English**

No.: **ICC-02/11-01/12**
Date: **17 October 2014**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Ekaterina Trendafilova
Judge Christine Van den Wyngaert

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. SIMONE GBAGBO

Public

**Prosecution's request for leave to file a response to Côte d'Ivoire's submission
ICC-02/11-01/12-45-Conf**

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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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Submissions

1. The Office of the Prosecutor ("Prosecution") requests leave to file a response to Côte d'Ivoire's further submissions and evidence.¹

2. On 28 August 2014, the Pre-Trial Chamber I ("Chamber") issued its Decision on further submissions on issues related to the admissibility of the case against Simone Gbagbo.² This decision provided Côte d'Ivoire with the opportunity to make further submissions and provide further evidence in support of its challenge to the admissibility of the case against Simone Gbagbo by 10 October 2014. The Chamber also provided the following direction: "The Chamber will determine the appropriateness of any response to such submissions upon request of the parties and participants, if any, after the filing by Côte d'Ivoire."³

3. On 10 October 2014, Côte d'Ivoire filed its further submissions and evidence.⁴

4. The Prosecution's response will provide the Chamber with submissions on why the evidence currently on record, including the additional evidence recently submitted by Côte d'Ivoire, is still insufficient to (i) properly identify the actual contours of the national case against Ms Gbagbo such that the scope of the domestic investigation could be said to cover the same case as that which is before the Court; or (ii) to discharge its burden to provide the Court with evidence with a sufficient degree of specificity and probative value that demonstrates that it is indeed investigating the case.

¹ ICC-02/11-01/12-45-Conf.

² ICC-02/11-01/12-44.

³ ICC-02/11-01/12-44, para.11.

⁴ ICC-02/11-01/12-45-Conf, ICC-02/11-01/12-45-Conf-Anx1, ICC-02/11-01/12-45-Conf-Anx2, ICC-02/11-01/12-45-Conf-Anx3, and ICC-02/11-01/12-45-Conf-Anx4.

Conclusion

4. For the reasons set out above, the Prosecution requests leave to file a response to Côte d'Ivoire's submission ICC-02/11-01/12-45-Conf.



Fatou Bensouda, Prosecutor

Dated this 17th day of October 2014

At The Hague, The Netherlands