

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: French

No.: ICC-02/11-01/12
Date: 14 February 2014

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR v. SIMONE GBAGBO***

Public Document

**REQUEST FOR AUTHORISATION BY THE REPUBLIC OF CÔTE D'IVOIRE TO
FILE ADDITIONAL DOCUMENTATION IN SUPPORT OF *REQUETE DE LA
REPUBLIQUE DE COTE D'IVOIRE SUR LA
RECEVABILITE DE L'AFFAIRE LE PROCUREUR c. SIMONE GBAGBO, ET
DEMANDE DE SURSIS A EXECUTION
EN VERTU DES ARTICLES 17, 19 ET 95 DU STATUT DE ROME***

Source: Republic of Côte d'Ivoire

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

Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Counsel for the Defence

Mr Cledor Ciré Ly

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

Office of Public Counsel for Victims

Ms Paolina Massidda

**Office of Public Counsel for the
Defence**

States' Representatives

Mr Jean-Pierre Mignard

Mr Jean-Paul Benoit

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Republic of Côte d'Ivoire hereby respectfully requests authorisation by Pre-Trial Chamber I to submit additional documentation in support of its *"Requête sur la recevabilité de l'affaire Le Procureur c. Simone Gbagbo, et demande de sursis à exécution en vertu des articles 17, 19 et 95 du Statut de Rome,"*¹ filed on 30 September 2013.
2. The reasons for the Republic of Côte d'Ivoire's request are set out below.
3. In its request dated 30 September 2013, the Republic of Côte d'Ivoire stated among other things that Ms Simone Gbagbo was being prosecuted in the domestic courts for crimes relating to those in the case before the International Criminal Court.² It further stated that the judiciary of the Republic of Côte d'Ivoire was willing and able genuinely to carry out the prosecution of Ms Gbagbo, the proceedings having triggered standard investigative steps.³
4. Following its challenge, and consistent with the spirit of cooperation which underpins its relations with the Court, the Republic of Côte d'Ivoire has continued to gather information and collect evidence that may assist the Pre-Trial Chamber in its examination of the admissibility of the case. The documentation it has collected is the logical outcome of such action.
5. The Republic of Côte d'Ivoire is ready to present about 15 additional documents directly relating to the proceedings involving Ms Gbagbo before Ivorian courts. The documentation covers the period from April 2012 to February 2014 and, in particular, contains records of pre-trial investigative action (detention, judicial visit and civil party applications), civil party statements and the Accused's interview records.

¹ ICC-02/11-01/12-11-Red, 1 October 2013.

² *Ibid.*, paras. 23-38.

³ *Ibid.*, paras. 39-56.

6. These documents, by composition, are unquestionably useful for the purposes of examining the admissibility challenge in the case before the Court. Accordingly, the Republic of Côte d'Ivoire notes that, in its "Decision on the conduct of the proceedings following Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo", Pre-Trial Chamber I noted that "Côte d'Ivoire [...] may at any time request the Chamber to be authorised to complement its Admissibility Challenge and provide additional evidence, if it so wishes."⁴
7. As these documents form an integral part of ongoing legal proceedings, they should be classified as "confidential" in like manner as those admitted by the Chamber in its Decision of 15 November 2013.⁵ Consequently, the documents may be available only to the Registry, the Office of the Prosecutor, Defence Counsel and the Office of Public Counsel for Victims.
8. The Republic of Côte d'Ivoire notes further that, in two decisions dated 17 December 2013 and 19 December 2013 respectively, Pre-Trial Chamber I extended the time limit to 24 February 2014 for the Defence,⁶ on the one hand, and for the Office of the Prosecutor and the Office of Public Counsel for Victims,⁷ on the other, to submit observations on the challenge by Côte d'Ivoire. Accordingly, the Republic of Côte d'Ivoire respectfully requests the Pre-Trial Chamber to examine the instant request for authorisation with the requisite swiftness, allowing parties sufficient time to apprise themselves of these additional documents before submitting their own observations.

⁴ ICC-02/11-01/12-15, 15 November 2013, para. 14.

⁵ *Ibid.*, para. 12.

⁶ ICC-02/11-01/12-24.

⁷ ICC-02/11-01/12-29.

For these reasons, the Republic of Côte d'Ivoire prays Pre-Trial Chamber I to grant its request for authorisation to submit additional documents to its "*Requête sur la recevabilité de l'affaire Le Procureur c. Simone Gbagbo, et demande de sursis à exécution en vertu des articles 17, 19 et 95 du Statut de Rome*," filed on 30 September 2013.

[signed]

Jean-Pierre Mignard

Jean-Paul Benoit

Counsel for the Republic of Côte d'Ivoire

Dated this 14 February 2014

At Paris