

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-02/11-01/15
Date: 4 November 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR

v. LAURENT GBAGBO and CHARLES BLÉ GOUDÉ

Confidential

**Prosecution's Notification in relation to the questioning of experts and oral
submissions at the hearing of 10-12 November 2015**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

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Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

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Victims and Witnesses Unit

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Mr Patrick Craig

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Office of the Prosecutor ("Prosecution") hereby files this Notification in relation to the questioning of experts and oral submissions at the hearing of 10-12 November 2015 in conformity with the Trial Chamber's order setting out the classification of the experts' reports.¹

Confidentiality

2. This Notification is filed confidentially as it refers to filings and orders currently classified as confidential. The Prosecution will file a public redacted version if so ordered by the Chamber.

Procedural Background

3. On 28 October 2015, the Trial Chamber granted the request of the Defence team for the Accused Gbagbo ("Gbagbo Defence")² to order the attendance at hearing of three medical experts appointed by the Chamber, to provide the Parties an opportunity to question them.³ It further rescheduled the hearing to 10-12 November 2015.⁴
4. On 2 November 2015, the Trial Chamber ordered, *inter alia*, the Prosecution to file:
 - a. a notification indicating (i) which experts it intends to question, if applicable, and (ii) an estimation of the time needed to do so; and
 - b. a notification indicating an estimation of time needed to make oral submissions, if applicable at the conclusion of the hearing.⁵
5. By email of 3 November 2015, the Trial Chamber further instructed the Parties and participants to notify to the Chamber by 5 November 2015 any material

¹ ICC-02/11-01/15-329-Conf.

² ICC-02/11-01/15-318-Conf.

³ ICC-02/11-01/15-322, p. 7.

⁴ ICC-02/11-01/15-322, p. 7. The hearing was previously scheduled for 5 November 2015.

⁵ ICC-02/11-01/15-329-Conf, pp. 7-8.

additional to the expert reports that they wish to refer to during the course of the hearing.

6. Also on 3 November 2015, the Prosecution received, *via* a Registry filing, the medical reports of the three experts appointed by the Chamber, in redacted form.⁶

Submissions

7. On the basis of the conclusions of the three medical experts,⁷ there is no issue as to whether or not the Accused is fit to stand trial. In addition, these reports appropriately and sufficiently address any practical modalities needed to facilitate the attendance of the Accused at trial.
8. Accordingly, the Prosecution does not presently intend to question any of the experts. However, the Prosecution reserves its right to address through questioning any matters raised by the Parties or participants or by the Chamber in their questioning of the experts. The time required for this questioning entirely depends on the nature of the examination of other Parties and participants. Should the need arise, the Prosecution will seek leave and propose a time period beforehand.
9. The Prosecution anticipates that 20 minutes would be required following the experts' testimony, in order to make oral submissions relating to the impact of the expert reports on Mr Gbagbo's fitness to stand trial.

⁶ ICC-02/11-01/15-325-Conf-Anx1-Red; ICC-02/11-01/15-325-Conf-Anx2-Red; ICC-02/11-01/15-325-Conf-Anx3-Red.

⁷ ICC-02/11-01/15-325-Conf-Anx1-Red, pp. 12-13; ICC-02/11-01/15-325-Conf-Anx2-Red, paras. 47-49; ICC-02/11-01/15-325-Conf-Anx3-Red, p. 8.

10. The Prosecution does not intend to refer to any material additional to the expert reports. Should the need arise, it may refer in its submissions to previous filings in the case record.



Fatou Bensouda, Prosecutor

Dated this 4th day of November 2015

At The Hague, The Netherlands