

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/15
Date: 3 February 2016

TRIAL CHAMBER I

Before: Judge Cuno Tarfursser, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ***

Public

**Public redacted version of "Transmission by the Registry pursuant to
ICC-02/11-01/15-253-Conf
of Appointed Experts' reports",
ICC-02/11-01/15-325-Conf dated 29 October 2015**

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Eric MacDonald

Counsel for Mr Laurent Gbagbo

Mr Emmanuel Altit

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Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

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**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Mr Patrick Craig

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (“Court”),

CONSIDERING that, on 30 September 2015, Trial Chamber I (hereinafter: “Chamber”) issued the “Order to conduct an examination of Mr. Gbagbo under Rule 135 of the Rules¹ (hereinafter: “Order to Conduct an Examination”), in which it appointed three experts² (hereinafter: “Appointed Experts”) to conduct an examination of Mr. Gbagbo under Rule 135 of the Rules of Procedure and Evidence “[...] with a view to assessing Mr. Gbagbo’s current medical condition, including whether he is still suffering from PTSD and hospitalisation syndrome, and if so, identifying the consequences of this, if any, on his ability to follow and take part in the forthcoming trial proceedings”³;

CONSIDERING that the Chamber ordered the Appointed Experts to provide their respective reports on Mr. Gbagbo’s current health condition, in accordance with the Order to Conduct an Examination, to a designated representative of the Registry by 16:00 on 29 October 2015⁴;

NOTING that, upon receipt of the signed contracts of the Appointed Experts for the purposes of the Order to Conduct an Examination, the Registry notified the said Order to the Appointed Experts and provided them with the logistical assistance necessary to perform their respective examinations, as so ordered⁵;

NOTING that, upon receipt of written consent⁶ from Mr. Gbagbo for the disclosure of his medical and detention records to the Appointed Experts pursuant to the Order

¹ ICC-02/11-01/15-253-Conf.

² *Ibid.*, para. 11.

³ *Ibid.*, para. 12.

⁴ *Ibid.*, para. 16, p. 10.

⁵ *Ibid.*, p. 9.

⁶ ICC-02/11-01/15-266-Conf-Exp, *Notification par la Défense du consentement écrit de Laurent Gbagbo à la communication de son dossier médical et de son dossier de détention à M.M. Ludes et Dumez*, 2 October 2015; ICC-02/11-01/15-285-Conf-Exp. See also *Notification par la Défense de l’absence de consentement de Laurent Gbagbo à ce que son dossier médical soit transmis à M. Lamothe*, 12 October 2015; ICC-02/11-01/15-302-

to Conduct an Examination, the Registry provided these records to the relevant Appointed Experts, as so ordered⁷;

NOTING that pursuant to the Chamber's "Order to provide Appointed Expert with access to Mr. Gbagbo's detention record", the Registry transmitted the said Order to the relevant Appointed Expert and provided him with Mr. Gbagbo's detention record "without delay", as required⁸;

NOTING that pursuant to the Chamber's "Order to provide Appointed Expert with access to Mr. Gbagbo's medical record", the Registry transmitted this Order to the relevant Appointed Expert and provided him with Mr. Gbagbo's medical record "without delay", as so ordered⁹;

NOTING that the respective medical examinations of Mr. Gbagbo by the Appointed Experts were conducted at the Court Detention Centre on [REDACTED] and on [REDACTED];

CONSIDERING that the Registry received the respective reports from the Appointed Experts on 27 October 2015 (Annex 1), 28 October 2015 (ANNEX 2), and 29 October 2015 (Annex 3);

NOTING regulations 23*bis*, 24*bis*, 90 and 92 of the Regulations of the Court, and regulations 155, 156, 187, and 189 of the Regulations of the Registry;

CONSIDERING that the Chamber in the Order to Conduct an Examination instructs the Registry to file confidential *ex parte*, Registry and Gbagbo Defence only, the reports by the Appointed Experts in the record of the case by 29 October 2015;

Conf, *Order to provide Appointed Expert with access to Mr Gbagbo's medical record*, 20 October 2015, paras 4, 8.

⁷ Footnote 1, *supra.*, para. 18, p. 10.

⁸ ICC-02/11-01/15-281-Conf, 8 October 2015, p. 7.

⁹ ICC-02/11-01/15-302-Conf, p. 12, 20 October 2015.

RESPECTUFLY TRANSMITS as three annexes the respective reports of the Appointed Experts:

- In Annex 1 the report by Appointed Expert Professor Bertrand Ludes, dated 27 October 2015
- In Annex 2 the report by Appointed Expert Mr. Alain Dumez, dated 28 October 2015
- In Annex 3 the report by Appointed Expert Dr. Pierre Lamothe, dated 29 October 2015.



Marc Dubuisson, Director Division of Judicial Services
on behalf of
Herman von Hebel, Registrar

Dated this 3 February 2016

At The Hague, The Netherlands