

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/11-01/15**
Date: 14 December 2017

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, 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

**Decision on Prosecution request to obtain documents in the Registry's possession
for forensic examination**

Decision 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 Laurent Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops
Mr Claver N'dry

Legal Representatives of Victims

Ms Paolina Massidda

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

**Victims Participation and Reparations
Section**

Others

Trial Chamber I ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to Articles 64 and 69 of the Rome Statute ("Statute") and Regulation 16 of the Regulations of the Registry, issues the following decision:

1. On 15 November 2017 the Prosecutor filed a request to obtain documents in the Registry's possession in order to submit them for forensic examination.¹
2. On 17 November 2017 the Legal Representative informed the Chamber via email that she did not intend to file a response in relation to this request.
3. On 22 November 2017 the Defence for Mr Gbagbo responded, asking the Chamber to reject the Prosecutor's request.² On 24 November 2017 the Defence for Mr Blé Goudé filed its response, also asking the Chamber to reject the request.³
4. On 27 November 2017 the Prosecutor requested leave to reply to the responses of both Defence teams.⁴
5. The Chamber notes that the Prosecutor's request is limited to obtaining permission to take a number of items of evidence outside of the designated area in the Registry in order to allow experts of a French forensic institute to examine them.
6. The Chamber further notes that Regulation 16(3) of the Regulations of the Registry provides that experts and other external persons may consult

¹ ICC-02/11-01/15-1067-Conf

² ICC-02/11-01/15-1076-Conf

³ ICC-02/11-01/15-1078-Conf

⁴ ICC-02/11-01/15-1080-Conf

exhibits in the custody of the Registry with permission of the Chamber. Regulation 16(5) of the Regulations of the Registry furthermore provides that the Registry may permit parties and experts to take exhibits outside of the area designated within the Registry for an extended period of time.

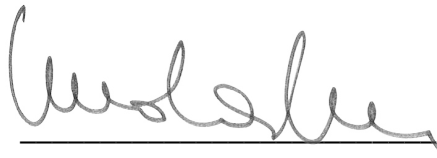
7. The Chamber's role is thus limited to allowing an external expert to examine the exhibits. The decision whether or not to allow the Prosecutor to take the exhibits outside of the area designated within the Registry remains with the Registry. It is for the Registry to decide on the conditions and modalities of such a transfer.
8. The Chamber sees no principled reason to deny the parties the possibility to ask an external expert to examine any of the exhibits contained in the case file. However, this position should not be interpreted as implying that the Chamber approves of the Prosecutor's selection of documents or the proposed methodology. The Chamber expressly reserves its opinion on these matters as well as the potential utility of the proposed exercise.
9. Finally, the Chamber stresses that the present decision should in no way be interpreted as prejudging its position in relation to the question as to whether the Prosecutor has fulfilled the conditions of Regulation 35 of the Regulations of the Court in relation to any forthcoming expert report. The Chamber will decide on this point if and when the Prosecutor decides to make such a request.

FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

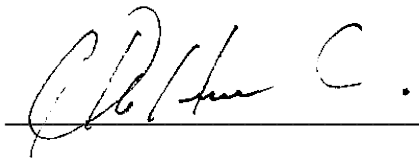
GRANTS the Prosecutor's request of 15 November 2017; and

DECLARES the Prosecutor's application for leave to reply moot.

Done in both English and French, the English version being authoritative.



Judge Cuno Tarfusser, Presiding Judge



Judge Olga Herrera Carbuca



Judge Geoffrey Henderson

Dated 14 December 2017

At The Hague, The Netherlands