

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/15
Date: 14 September 2018

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

CONFIDENTIAL

**Prosecution's Response to Defence Request concerning the continuation of the no
case to answer proceedings**

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

Ms Fatou Bensouda
Mr James Stewart
Mr Eric MacDonald

Counsel for Mr 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 the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Response

1. Mr Gbagbo mischaracterises the Prosecution's role in the no case to answer process.¹ The Prosecution's responsibility is to demonstrate how the evidence on the record meets the requisite burden of proof at this stage. The Prosecution has therefore cited the evidence on the record to demonstrate how this burden has been met for each of the crimes charged, and further elaborated its position by responding to the vast majority of Mr Gbagbo's arguments.
2. None of the factual and legal issues are novel. The evidence on the record has not changed since the Prosecution's last witness completed her testimony in January 2018. If anything, the case has narrowed in two aspects. First, the Prosecution has informed the Chamber that it no longer relies on evidence specifically relevant to nine incidents for the purpose of demonstrating the commission of multiple article 7(1) acts.² Second, the Prosecution has not opposed Mr Blé Goudé's requested alternative relief, specifically, the dismissal of the third and fourth incidents against him.³
3. Further, a hearing has been scheduled by the Chamber. The Defence will therefore have an opportunity to respond orally to any of the points raised in the Prosecution's response, if the Chamber deems it necessary.
4. Mr Gbagbo also requests that this hearing be postponed. By 1 October 2018, Mr Gbagbo will have had four months to prepare for this hearing, which the Court ordered on 4 June 2018.⁴ It is in the interest of justice that the proceedings now move forward without delay.

¹ ICC-02/11-01/15-1208-Conf, paras. 16-26 (Mr Gbagbo's Request).

² ICC-02/11-01/15-1207-Conf-Anx1, paras. 183, 232.

³ ICC-02/11-01/15-1207-Conf-Anx 1, paras. 22-23.

⁴ ICC-02/11-01/15-1174.

Confidentiality

5. The Prosecution submits its response as Confidential, pursuant to regulation 23bis(2) of the Regulations of the Court, since Mr Gbagbo's Request is confidential.

Conclusion

6. The Prosecution requests that the Chamber reject Mr Gbagbo's Request in full, and proceed with the hearing as scheduled.



Fatou Bensouda, Prosecutor

Dated this 14th day of September 2018

At The Hague, The Netherlands