

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE**  
**IN THE CASE OF**  
***THE PROSECUTOR v. LAURENT GBAGBO AND***  
***CHARLES BLÉ GOUDÉ***

**PUBLIC ANNEX**

Table of decisions of the Pre-Trial Chamber and subsequently the Trial Chamber on the review of the conditions underlying detention and consideration of the pending subsidiary application

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| <p><b>Table of decisions of the Pre-Trial Chamber and subsequently the Trial Chamber on the review of the conditions underlying detention and consideration of the pending subsidiary application</b></p> |
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| Decision                                     | Chamber           | Relevant reasoning                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| First review decision dated 12 November 2012 | Pre-Trial Chamber | “the Single Judge is of the view that, in order to exercise the discretion to consider conditional release ‘judiciously and with full cognizance of the fact that a person’s personal liberty is at stake’, it is necessary to first obtain the abovementioned information from the Registry. <b>Thereafter, the Single Judge will determine whether conditional release should be considered, under which conditions and where they could be enforced</b> ” <sup>1</sup> |
| Second review decision dated 12 March 2013   | Pre-Trial Chamber | “Therefore, Single Judge is of the view that no conditions short of detention at the Court’s detention facilities can mitigate these risks. Conditional released cannot be granted.<br>45. Accordingly, the Single Judge considers it unnecessary to convey a hearing to seek additional information from Uganda with regard to its offer to host Mr Gbagbo, if released.<br>46. <b>Finally, the Single Judge stresses that this</b>                                      |

<sup>1</sup> ICC-02/11-01/11-291, para. 66.

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|                                               |                   | <b>determination is, however, without prejudice to the possibility of considering this or another offer in the future, should the circumstances change.”<sup>2</sup></b>                                                                                                                                                                                                                                                                       |
| Third review decision dated 11 July 2013      | Pre-Trial Chamber | <p>“the Chamber, aware of the ongoing concerns in relation to the state of health of Mr Gbagbo, and the passage of time, will explore the possibility for conditional release”<sup>3</sup></p> <p>“the Chamber remains open to considering, and <b><u>will itself seek to identify</u></b>, potential arrangements for conditional release which would sufficiently mitigate the identified risks”<sup>4</sup></p>                             |
| Fourth review decision dated 11 November 2013 | Pre-Trial Chamber | “the Chamber notes the progress made by the Registry in consultation with the Defence aimed at determining the appropriate ways to address the persisting concerns related to Mr Gbagbo’s health and considers it appropriate to finalise this exploratory process so that adequate treatment, if any, may be provided without delay as may be recommended by the doctors. For this purpose, the Chamber considers it appropriate to order the |

<sup>2</sup> ICC-02/11-01/11-417-Conf, paras. 44-46.

<sup>3</sup> ICC-02/11-01/11-454, para. 51.

<sup>4</sup> ICC-02/11-01/11-454, para. 56.

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|                                           |                   | <p>Registry and the Defence to submit by 2 December 2013, preferably jointly, a report on the progress achieved in relation to the matter at issue. <b>Once the process is completed, the Chamber will assess the possibility of granting conditional release and seek, if appropriate, the views of the Prosecutor, the Defence, any relevant State and the victims that have communicated with the Court in relation to this case, in accordance with rule 119(3) of the Rules</b><sup>5</sup></p>                                                                                                                                                      |
| Fifth review decision dated 12 March 2014 | Pre-Trial Chamber | <p>“The Chamber notes that the relevant process for determining Mr Gbagbo’s health-related needs is currently being conducted by the Registry in consultation with the Defence. The Chamber has been provided with information on the progress of this process by way of three reports in the record of the case. The last of these reports, filed on 26 February 2014, indicated that at present the process is not yet complete. 41. The Chamber is therefore not in a position to assess the possibility of conditional release. <b>Once the process is completed, the Chamber will assess the possibility of granting conditional release and</b></p> |

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<sup>5</sup> ICC-02/11-01/11-558, paras. 61-62.

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|                                          |                   | seek, if appropriate, the views of the Prosecutor, the Defence, any relevant State, and the victims that have communicated with the Court in relation to this case, in accordance with rule 119(3) of the Rules” <sup>6</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Sixth review decision dated 11 July 2014 | Pre-Trial Chamber | “the Single Judges notes that the relevant process for determining Mr Gbagbo’s health-related needs is currently being conducted by the Registry in consultation with the Defence. The Chamber has been provided with information on the progress of this process by way of five reports in the record of the case. The information currently available indicates that at present the process is not yet complete. 48. The Single Judge is therefore not in a position to assess the possibility of conditional release. <b>Once the process is completed, the Single Judge will assess the possibility of granting conditional release and seek, if appropriate, the views of the Prosecutor, the Defence, any relevant State, and the victims that have communicated with the Court in relation to this case, in accordance with rule 119(3) of the Rules”<sup>7</sup></b> |

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<sup>6</sup> ICC-02/11-01/11-633, paras. 40-41.

<sup>7</sup> ICC-02/11-01/11-668, paras. 47-48.

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| Seventh review decision dated 11 November 2014 | Trial Chamber | “accordingly, the Chamber is not yet in a position to assess the possibility of conditional release. <b>It therefore considers that it is appropriate to postpone the exploration of all possible options for conditional release until:</b> (i) receipt of an Eighth Joint Report; and, following this, ii) the receipt of the submissions and observations of parties, participants, and any relevant State on any proposals for conditional release, which the Chamber will request once an Eighth Joint Report is filed.” <sup>8</sup> |
| Eighth review decision dated 11 March 2015     | Trial Chamber | “the Chamber notes that the Defence submissions briefly discussed the conditional release of Mr Gbagbo. In this regard, the Chamber recalls that it is not yet in a position to assess the possibility of conditional release and informs the parties and participants that <b>a decision on this topic is deferred to a later date</b> ” <sup>9</sup>                                                                                                                                                                                     |
| Order dated 11 May 2015                        | Trial Chamber | “on 11 November 2014 <sup>9</sup> and 11 March 2015, <sup>10</sup> the Chamber reviewed Mr Gbagbo’s detention and decided that he shall continue to be detained. On both occasions, the Chamber also decided to defer its decision on the conditional release of Mr                                                                                                                                                                                                                                                                        |

<sup>8</sup> ICC-02/11-01/11-718-Conf, para. 75.

<sup>9</sup> ICC-02/11-01/11-808, para. 40.

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|  |  | <p>Gbagbo on the basis that it was ‘not yet in a position to assess the possibility of conditional release’”<sup>10</sup></p> <p>“the parties and participants will accordingly be given an opportunity to make any observations on Mr Gbagbo’s continued detention or release (with or without conditions), including the existence of any changed circumstances. <b>The Ninth Joint Report will be considered in this context</b>”<sup>11</sup></p> |
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<sup>10</sup> ICC-02/11-01/15-61, para. 2.

<sup>11</sup> ICC-02/11-01/15-61, para. 4.