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No.: **ICC-02/11-01/15**

Date: **30 April 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

Public

Public redacted version of "Prosecution's observations on the Medical Report concerning Mr Gbagbo (ICC-02/11-01/15-1145-Conf-Anx)", 11 April 2018, ICC-02/11-01/15-1149-Conf

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Introduction

1. There is no change in circumstances regarding Mr Gbagbo's health condition that would warrant a modification of the Trial Chamber's 11th Decision that Mr Gbagbo's detention remained compatible with his age and health.¹
2. [REDACTED] latest Medical Report dated 4 April 2018, confirms that Mr Gbagbo's current health condition remains stable and that it has not deteriorated since the last report on 18 December 2017. In fact, [REDACTED] even noted [REDACTED]. As such, Mr Gbagbo's continued detention remains compatible with his age and health and necessary under articles 58 (1)(b)(i) and (ii) and 60 (2).

Confidentiality

3. The Prosecution files this submission as confidential pursuant to regulation 23*bis* (1) of the Regulations of the Court as it contains information that is not publicly available.

Submissions

Mr Gbagbo's current health situation remains stable and is monitored by specialists

4. [REDACTED] latest Medical Report confirms that Mr Gbagbo's detention remains compatible with his current health situation. In sum, [REDACTED] confirms that since his last Medical Report on 18 December 2017² "Mr Gbagbo is still in a stable, though vulnerable health condition."³ He reiterates his prior conclusions that (1) Mr Gbagbo is receiving maximum and optimum treatment in relation to his ailments; (2) his mental and physical health condition are stable and (3) "deterioration is still not evident."⁴ Further, as is detailed below, the Medical Report describes [REDACTED].

¹ ICC-02/11-01/15-1038.

² ICC-01/11-01/15-1130-Conf-Anx2 ("December Medical Report").

³ Medical Report, para. 1.

⁴ Medical Report, conclusions. *See* December Medical Report, para. 1.

5. [REDACTED] reports that Mr Gbagbo is receiving maximum and optimum treatment for his ailments by a team of specialists.⁵ For instance, since December 2017, Mr Gbagbo has undergone diagnostic tests and is receiving ongoing treatment for his [REDACTED].⁶ In addition to being followed by an [REDACTED], Mr Gbagbo has also been seen by a [REDACTED]. Further, a [REDACTED]. In this regard, [REDACTED] refers to his previous reports on vulnerability and accelerated ageing.⁷ Further, [REDACTED] are in conformity with [REDACTED].⁸

Positive outcomes in regards to Mr Gbagbo's [REDACTED]

6. In his December Medical Report, [REDACTED] noted that Mr Gbagbo was [REDACTED]⁹ and that given his [REDACTED] and the [REDACTED].¹⁰ The latest Medical Report indicates that since Mr Gbagbo [REDACTED]. In this regard [REDACTED] does note that, although [REDACTED].¹¹ [REDACTED] noted that "[REDACTED] were also confirmed [REDACTED]".¹²

Mr Gbagbo's [REDACTED] regarding his [REDACTED] and his fatigue

7. [REDACTED] indicates that Mr. Gbagbo is also [REDACTED] during his [REDACTED] and that his [REDACTED].¹³ As with his increased [REDACTED] is cited by [REDACTED] as one of the factors contributing to his fatigue.¹⁴ Consequently, [REDACTED] of Mr Gbagbo could potentially ameliorate his overall health condition.

⁵ Medical Report, para. 3.

⁶ Medical Report, para. 3(a).

⁷ Medical Report, para. 3(e).

⁸ Medical Report, para. 3(g).

⁹ December Medical Report, paras. 3-4.

¹⁰ Medical Report, para. 4.

¹¹ Medical Report, para. 3(b).

¹² Medical Report, para. 3(b).

¹³ Medical Report, para. 3(f).

¹⁴ Medical Report, para. 6.

Conclusion

8. [REDACTED] latest Medical report demonstrates that Mr. Gbagbo's current health situation remains stable, with noted positive results in regards [REDACTED] and that he is being carefully monitored by a team of specialists. As such, Mr Gbagbo's detention remains compatible with his health and age and is necessary under articles 58 (1)(b)(i) and (ii) and 60 (2).



Fatou Bensouda, Prosecutor

Dated this 30th day of April 2018

At The Hague, The Netherlands