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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**

**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**

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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 11<sup>th</sup> Decision that Mr Gbagbo's detention remained compatible with his age and health.<sup>1</sup>
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 2017<sup>2</sup> "Mr Gbagbo is still in a stable, though vulnerable health condition."<sup>3</sup> 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."<sup>4</sup> Further, as is detailed below, the Medical Report describes [REDACTED].

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<sup>1</sup> ICC-02/11-01/15-1038.

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

<sup>3</sup> Medical Report, para. 1.

<sup>4</sup> 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.<sup>5</sup> For instance, since December 2017, Mr Gbagbo has undergone diagnostic tests and is receiving ongoing treatment for his [REDACTED].<sup>6</sup> 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.<sup>7</sup> Further, [REDACTED] are in conformity with [REDACTED].<sup>8</sup>

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

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

*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].<sup>13</sup> As with his increased [REDACTED] is cited by [REDACTED] as one of the factors contributing to his fatigue.<sup>14</sup> Consequently, [REDACTED] of Mr Gbagbo could potentially ameliorate his overall health condition.

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<sup>5</sup> Medical Report, para. 3.

<sup>6</sup> Medical Report, para. 3(a).

<sup>7</sup> Medical Report, para. 3(e).

<sup>8</sup> Medical Report, para. 3(g).

<sup>9</sup> December Medical Report, paras. 3-4.

<sup>10</sup> Medical Report, para. 4.

<sup>11</sup> Medical Report, para. 3(b).

<sup>12</sup> Medical Report, para. 3(b).

<sup>13</sup> Medical Report, para. 3(f).

<sup>14</sup> 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).



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Fatou Bensouda, Prosecutor

Dated this 30<sup>th</sup> day of April 2018

At The Hague, The Netherlands