Cour Pénale Internationale



International Criminal Court

Original: English No.: ICC-02/11-01/15

Date: 24 July 2020

THE APPEALS CHAMBER

Before: Judge Chile Eboe-Osuji, Presiding

Judge Howard Morrison Judge Piotr Hofmański

Judge Luz del Carmen Ibáñez Carranza

Judge Solomy Balungi Bossa

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR v. LAURENT GBAGBO and CHARLES BLÉ GOUDÉ

Public

Prosecution request regarding Mr Gbagbo's potential request for leave to supplement his response to the Prosecution's Appeal Brief

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 Counsel for Mr Laurent Gbagbo

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Mr James Stewart Ms Agathe Bani Baroan Ms Helen Brady

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Mr Claver N'dry

Legal Representatives of Victims Legal Representatives of Applicants

Ms Paolina Massidda

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 Defence Support Section

Mr Peter Lewis

Victims and Witnesses Unit Detention Section

Victims Participation and Reparations Other

Section

Request

- 1. On 26 November 2019, the Appeals Chamber permitted Mr Gbagbo to file a request for leave to supplement his response to the Prosecutor's Appeal Brief ("Response")¹, if necessary, on receipt of the revised French translation of Judge Henderson's Reasons.² As the revised French translation is now finalised and is available to the parties,³ the Prosecution considers that Mr Gbagbo should be in a position to determine whether or not to file a request for leave to supplement his Response.
- 2. To avoid any unnecessary delays in this process, the Prosecution respectfully requests the Chamber to fix a reasonable date by which Mr Gbagbo is to file any request for leave to supplement his Response. This would also be in the interests of expediency and finality of the proceedings, which are particularly relevant at this stage of the proceedings given that the Chamber is already fully briefed on the Prosecution's appeal through the parties' written briefs and oral submissions made at the appeals hearing.
- 3. The Prosecution notes that the opportunity to supplement his Response is only intended to permit Mr Gbagbo to correct his Response based on any changes in the revised French translation of Judge Henderson's Reasons, not to raise new matters or provide further comment on submissions made in the oral hearing of the appeal. To ensure clarity of understanding in this regard and an expedited process, the Prosecution therefore also requests the Chamber to direct Mr Gbagbo to concretely identify in his request for leave which arguments of his Response specifically require correction in light of the revised French translation and why. Alternatively, if Mr

¹ ICC-02/11-01/15-1314-Conf ("Response").

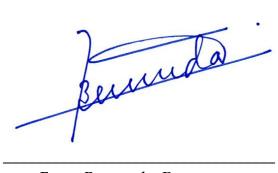
² ICC-02/11-01/15-1289 ("<u>Time Extension Decision</u>"), para. 25; *see also* <u>ICC-02/11-01/15-1359</u> ("Hearing Rescheduling Decision"), para. 20.

³ ICC-02/11-01/15-1263-Conf-AnxB-tFRA ("Judge Henderson's Reasons"); ICC-02/11-01/15-1263-AnxB-Red-tFRA ("PRV of Judge Henderson's Reasons"). The revised French translation is now available in the case record on HPE Records Manager and is dated 16 July 2020. The Prosecution assumes this is the final version and that it was uploaded and made available to the parties and participants that same day.

Gbagbo does not intend to supplement his response to the appeal, he may inform the Chamber and the parties/participants accordingly at the earliest, so that the written submissions of the Defence for Mr Gbagbo can be considered finalised.

Conclusion

4. The Prosecution respectfully requests the Chamber to fix a reasonable date by which Mr Gbagbo is to file any request for leave to supplement his Response. The Prosecution further requests the Chamber to direct Mr Gbagbo to concretely identify and explain why the arguments in his Response may need to be supplemented, if at all.



Fatou Bensouda, Prosecutor

Dated this 24th day of July 2020

At The Hague, The Netherlands