

**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**

Ms Fatou Bensouda, Prosecutor  
Mr James Stewart  
Ms Helen Brady

**Counsel for Mr Laurent Gbagbo**

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**Counsel for Mr Charles Blé Goudé**

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**Legal Representatives of Victims**

Ms Paolina Massidda

**Legal Representatives of Applicants**

**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**

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**Registrar**

Mr Peter Lewis

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Other**

## 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")<sup>1</sup>, if necessary, on receipt of the revised French translation of Judge Henderson's Reasons.<sup>2</sup> As the revised French translation is now finalised and is available to the parties,<sup>3</sup> 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

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

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

<sup>3</sup> 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.



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Fatou Bensouda, Prosecutor

Dated this 24<sup>th</sup> day of July 2020

At The Hague, The Netherlands