

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11-01/15
Date: 3 February 2015

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera Carbuca
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 "Observations by the Registry on 'Demande de la Défense afin que la lettre de [REDACTED] annexée au depot du Greffe du 5 octobre 2015 (ICC-02/11-01/15-270-Conf-Exp) ne soit pas communiqué à l'Accusation', ICC-02/11-01/15-324 dated 29 October 2015", ICC-02/11-01/15-345-Conf-Exp dated 16 November 2016

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Eric MacDonald

Counsel for Mr Laurent Gbagbo

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Legal Representatives of the Victims

Ms Paolina Massida

Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Mr Patrick Craig

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (the “Court”),

NOTING the Registry’s “Transmission of the Detention Centre Medical Officer’s assessment of the health condition of Mr. Laurent Gbagbo with reference to ICC-02/11-01/15-214”, dated 5 October 2015¹ (“Detention Centre transmission”);

NOTING the “Order to provide Appointed Expert with access to Mr Gbagbo’s medical record” of 22 October 2015, in which Trial Chamber I (“Chamber”) ordered, *inter alia*, the Gbagbo Defence to file by 29 October 2015 an ex parte, Prosecution-only confidential version of the Detention Centre transmission, with redactions, if necessary²;

NOTING that, on 22 October 2015, the Defence for Mr. Gbagbo (“Gbagbo Defence”) filed the “Notification à la Chambre de la réponse de la Défense à la transmission ‘transmission of the Detention Centre Medical Officer’s assessment of the health condition of Mr Laurent Gbagbo with reference to ICC-02/11-01/15-308-Conf-Exp’ (ICC-02/11-01/15-270-Conf-Exp) déposée par the Greffe le 5 octobre 2015”³ (“Defence notification”);

NOTING that a copy of the letter from the Gbagbo Defence to the Registrar was annexed to the Defence notification, dated 22 October 2015, requesting, *inter alia*, that the Registry withdraw the Detention Centre transmission from the record of the case,

¹ ICC-02/11-01/15-270-Conf.

² ICC-02/11-01/15-302-Conf.

³ ICC-02/11-01/15-308-Conf-Exp (requesting, in the alternative, that the Registrar issue a corrigendum indicating that the said transmission “had no reason to be”).

in the absence of (written) consent from Mr. Gbagbo to the release to the Registrar and to the Chamber, of information of a medical nature;⁴

NOTING the letter of the Registrar dated 22 October 2015, in response thereto⁵;

NOTING the “Demande de la Défense afin que la letter de [REDACTED] annexée au dépôt du Greffe du 5 octobre 2015 (ICC-02/11-01/15-270-Conf-Exp) ne soit pas communiquée à l’Accusation”, dated 29 October 2015⁶ (“Defence request”), [REDACTED];

CONSIDERING the Order on 9 November 2015 by the Chamber to the Registry, to file its observations on the Defence request by 16 November 2015, at 16h00⁷;

CONSIDERING regulation 23*bis* of the Regulations of the Court and that, as the Defence notification is currently registered as confidential *ex parte* Gbagbo Defence and Registry only, the present observations are similarly filed;

RESPECTFULLY submits the following observations:

1. The Detention Centre Medical Officer (“Medical Officer”) informed the Registry at paragraph 2 of the Annex to the Detention Centre transmission, that “[t]oday, I met with Mr. Gbagbo and he gave his consent to release relevant medical information concerning his health.”

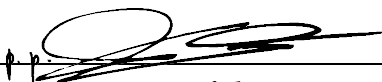
⁴ ICC-02/11-01/15-308-Conf-Exp-Anx1.

⁵ Letter dated 22 October 2015, Protection du secret medical/Urgent, DCS/2015/149/MD/nw, dated 9 November 2015, to Mr. Emmanuel Altit ([REDACTED]).

⁶ ICC-02/11-01/15-324-Conf-Exp.

⁷ Email from Trial Chamber I Communications, at 12:01.

2. The Registry understood this to mean written consent in accordance with regulation 156(2) of the Regulations of the Registry and the standard operating practice by the Medical Officer.
3. In the absence of written consent, the Registry has reminded the Medical Officer of the requirements under the above-mentioned regulation.
4. Because the Detention Centre transmission is now before the Chamber, the Registry refers to its decision as to how to proceed.



Marc Dubuisson, Director of the Division of Judicial Services
per delegation of
Herman von Hebel, Registrar

Dated this 3 February 2016
At The Hague, The Netherlands