

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/11-01/15**  
Date: 14 December 2017

**TRIAL CHAMBER I**

**Before:** Judge Cuno Tarfusser, Presiding Judge  
Judge Olga Herrera Carbuccia  
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**

**Decision on Prosecution request to obtain documents in the Registry's possession  
for forensic examination**

Decision 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 Laurent Gbagbo**

Mr Emmanuel Altit  
Ms Agathe Bahi Baroan

**Counsel for Mr Charles Blé Goudé**

Mr Geert-Jan Alexander Knoops  
Mr Claver N'dry

**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 Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Others**

**Trial Chamber I** ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, having regard to Articles 64 and 69 of the Rome Statute ("Statute") and Regulation 16 of the Regulations of the Registry, issues the following decision:

1. On 15 November 2017 the Prosecutor filed a request to obtain documents in the Registry's possession in order to submit them for forensic examination.<sup>1</sup>
2. On 17 November 2017 the Legal Representative informed the Chamber via email that she did not intend to file a response in relation to this request.
3. On 22 November 2017 the Defence for Mr Gbagbo responded, asking the Chamber to reject the Prosecutor's request.<sup>2</sup> On 24 November 2017 the Defence for Mr Blé Goudé filed its response, also asking the Chamber to reject the request.<sup>3</sup>
4. On 27 November 2017 the Prosecutor requested leave to reply to the responses of both Defence teams.<sup>4</sup>
5. The Chamber notes that the Prosecutor's request is limited to obtaining permission to take a number of items of evidence outside of the designated area in the Registry in order to allow experts of a French forensic institute to examine them.
6. The Chamber further notes that Regulation 16(3) of the Regulations of the Registry provides that experts and other external persons may consult

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<sup>1</sup> ICC-02/11-01/15-1067-Conf

<sup>2</sup> ICC-02/11-01/15-1076-Conf

<sup>3</sup> ICC-02/11-01/15-1078-Conf

<sup>4</sup> ICC-02/11-01/15-1080-Conf

exhibits in the custody of the Registry with permission of the Chamber. Regulation 16(5) of the Regulations of the Registry furthermore provides that the Registry may permit parties and experts to take exhibits outside of the area designated within the Registry for an extended period of time.

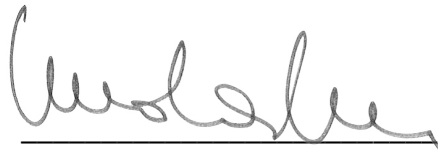
7. The Chamber's role is thus limited to allowing an external expert to examine the exhibits. The decision whether or not to allow the Prosecutor to take the exhibits outside of the area designated within the Registry remains with the Registry. It is for the Registry to decide on the conditions and modalities of such a transfer.
8. The Chamber sees no principled reason to deny the parties the possibility to ask an external expert to examine any of the exhibits contained in the case file. However, this position should not be interpreted as implying that the Chamber approves of the Prosecutor's selection of documents or the proposed methodology. The Chamber expressly reserves its opinion on these matters as well as the potential utility of the proposed exercise.
9. Finally, the Chamber stresses that the present decision should in no way be interpreted as prejudging its position in relation to the question as to whether the Prosecutor has fulfilled the conditions of Regulation 35 of the Regulations of the Court in relation to any forthcoming expert report. The Chamber will decide on this point if and when the Prosecutor decides to make such a request.

**FOR THE FOREGOING REASONS, THE CHAMBER HEREBY**

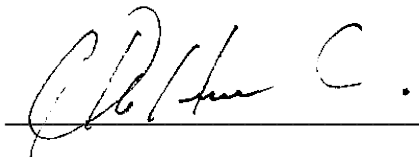
**GRANTS** the Prosecutor's request of 15 November 2017; and

**DECLARES** the Prosecutor's application for leave to reply moot.

Done in both English and French, the English version being authoritative.



**Judge Cuno Tarfusser, Presiding Judge**



**Judge Olga Herrera Carbuca**



**Judge Geoffrey Henderson**

Dated 14 December 2017

At The Hague, The Netherlands