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No.: **ICC-02/11-01/11**

Date: **2 March 2015**

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Cuno Tarfusser
Judge Olga Herrera Carbuccion

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

PUBLIC

With confidential Annexes A and B

**Prosecution's Communication of Evidence
Disclosed to the Defence on 27 February 2015**

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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Mr James Stewart

Mr Eric Macdonald

Counsel for the Defence

Mr Emmanuel Altit

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Legal Representatives of the Victims

Ms Paolina Massidda

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

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Office of the Prosecutor (“Prosecution” or “OTP”) provides notice of the disclosure of incriminating evidence, and of material pursuant to rule 77 of the Rules of Procedure and Evidence (“Rules”), by way of two disclosure packages:
 - a. Pre-Trial INCRIM Package 39, containing 44 items; and
 - b. Pre-Trial Rule 77 Package 37, containing 60 items.
2. As to the timing of this disclosure, the Prosecution refers to its request of 6 February 2015 for an extension of time to disclose certain material.¹

Disclosure of evidence

3. The OTP notifies Trial Chamber I (“Chamber”) of its disclosure, on 27 February 2015, of 44 incriminating items (together with the corresponding element-based charts),² and 66 documents disclosed pursuant to rule 77 of the Rules.³
4. The disclosed material was provided in a format that complies with the eCourt protocol as approved at the Pre-Trial stage.⁴
5. 11 items disclosed as incriminating and all 66 documents disclosed pursuant to rule 77 of the Rules were disclosed with redactions to their image and/or metadata, in accordance with decision ICC-02/11-01/11-737 and its Annex (“Redaction Protocol”). Some of these redactions are to the names of investigators continuing to conduct investigations in the related *Prosecutor v Blé Goudé* case, falling under Category A.4. of the Redaction Protocol and in accordance with the Single Judge’s decision of 25 February 2015.⁵ Two redactions are non-standard

¹ ICC-02/11-01/11-760.

² 20150227 Pre-Trial INCRIM Package 39.

³ 20150227 Pre-Trial Rule 77 Package 37.

⁴ ICC-02/11-01/11-30-AnxI.

⁵ ICC-02/11-01/11-782, para.17.

redactions sought under Category D of the Redaction Protocol and a request seeking authorisation was submitted on 27 February 2015.⁶

Implementation of the Redaction Protocol

6. The Prosecution refers to its previous Notice of the implementation of the redaction protocol,⁷ and advises of its continued compliance with the Redaction Protocol in the manner set out in the Notice.

Request for Confidentiality

7. Annexes A⁸ and B⁹ appended to this communication contain the disclosure notes provided to the Defence. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.



Fatou Bensouda, Prosecutor

Dated this 2nd day of March 2015

At The Hague, The Netherlands

⁶ ICC-02/11-01/11-787.

⁷ ICC-02/11-01/11-747.

⁸ Disclosure note for Pre-Trial INCRIM Package 39 provided to the Defence of Laurent Gbagbo on 27 February 2015.

⁹ Disclosure note for Pre-Trial Rule 77 Package 37 provided to the Defence of Laurent Gbagbo on 27 February 2015.