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No.: ICC-02/11-01/11
Date: 9 February 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-F available to the Defence and Legal
Representatives**

**Prosecution's Communication of Evidence Disclosed and Rediscovered to the
Defence on 6 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

Ms Fatou Bensouda

Mr James Stewart

Mr Eric Macdonald

Counsel for the Defence

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

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 and redisclosure of incriminating evidence, of material pursuant to rule 77 of the Rules of Procedure and Evidence (“Rules”), and of potentially exculpatory evidence, by way of eight disclosure packages.
2. As to newly disclosed items:
 - a. Pre-Trial INCRIM Package 35 contains 389 items;
 - b. Pre-Trial INCRIM Package 37 contains 8 items;
 - c. Pre-Trial PEXO Package 22 contains 14 items;
 - d. Pre-Trial Rule 77 Package 33 contains 200 items; and
 - e. Pre-Trial Rule 77 Package 35 contains 2 items.
3. As to redisclosed items:
 - a. Pre-Trial INCRIM Package 36 contains 554 items;
 - b. Pre-Trial PEXO Package 21 contains 60 items; and
 - c. Pre-Trial Rule 77 Package 34 contains 176 items.
4. The Prosecution further provides notice of disclosure to the Defence on 6 February 2015 of the List of Witnesses, in compliance with the E-court Protocol.

Disclosure of evidence

5. The OTP notifies Trial Chamber I (“Chamber”) of its disclosure, on 6 February 2015, of 397 incriminating items (together with the corresponding element-based

charts),¹ 14 potentially exculpatory items,² and 202 documents disclosed pursuant to rule 77 of the Rules.³

6. The disclosed material was provided in a format that complies with the eCourt protocol as approved at the Pre-Trial stage.⁴
7. 311 items disclosed as incriminating, 13 items disclosed as potentially exculpatory and 175 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. Charles Blé Goudé* case under Category A.4. of the Redaction Protocol, and to other information to which non-standard redactions are sought under Category D of the same.⁵

Redisclosure of evidence

8. The OTP further notifies the Chamber of its redisclosure, on 6 February 2015, of 554 incriminating items,⁶ 60 potentially exculpatory items,⁷ and 176 documents disclosed pursuant to rule 77 of the Rules.⁸ These previously disclosed items have been redisclosed with fewer redactions in compliance with the Redaction Protocol. Many of the redactions now lifted concern the names of investigators whose identity it is no longer necessary to withhold. Annex A appended to this communication lists the names and corresponding pseudonyms of investigators whose identity may now be disclosed on a confidential basis to the Defence and Legal Representatives.

¹ 20150206 Pre-Trial INCRIM Package 35 and 20150206 Pre-Trial INCRIM Package 37.

² 20150206 Pre-Trial PEXO Package 22.

³ 20150206 Pre-Trial Rule 77 Package 33 and 20150206 Pre-Trial Rule 77 Package 35.

⁴ ICC-02/11-01/11-30-AnxI.

⁵ See Prosecution's request pursuant to regulation 35 for variation of time limit to redisclose certain documents with fewer redactions and Prosecution's request for authorisation to maintain redactions, filed on 6 February 2015.

⁶ 20150206 Pre-Trial INCRIM Package 36.

⁷ 20150206 Pre-Trial PEXO Package 21.

⁸ 20150206 Pre-Trial Rule 77 Package 34.

9. The redisclosed material was provided in a format that complies with the eCourt protocol as approved at the Pre-Trial stage.⁹
10. 196 items disclosed as incriminating, 26 items disclosed as potentially exculpatory and 100 documents disclosed pursuant to rule 77 of the Rules were redisclosed with redactions to their image and/or metadata, in accordance with the Redaction Protocol. Some of these redactions are to the names of investigators continuing to conduct investigations in the related *Prosecutor v. Charles Blé Goudé* case under Category A.4. of the Redaction Protocol, and to other information to which non-standard redactions are sought under Category D of the same.¹⁰

Implementation of the Redaction Protocol

11. The Prosecution refers to its previous Notice of the implementation of the redaction protocol,¹¹ and advises of its continued compliance with the Redaction Protocol in the manner set out in the Notice.

Request for Confidentiality

12. Annex A appended to this communication contains the names of investigators currently employed by the OTP. The Prosecution requests that this annex be received as “Confidential” so as not to prejudice the OTP’s current and future investigations.
13. Annexes B,¹² C,¹³ D,¹⁴ E¹⁵ and F¹⁶ appended to this communication contain the disclosure notes provided to the Defence. The Prosecution requests that these

⁹ ICC-02/11-01/11-30-AnxI.

¹⁰ See Prosecution’s request pursuant to regulation 35 for variation of time limit to redisclose certain documents with fewer redactions and Prosecution’s request for authorisation to maintain redactions, filed on 6 February 2015.

¹¹ ICC-02/11-01/11-747, filed 16 January 2015.

annexes be received as “Confidential” since they relate to *inter partes* disclosure.



Fatou Bensouda, Prosecutor

Dated this 9th day of February 2015

At The Hague, The Netherlands

¹² Disclosure note for Pre-Trial INCRIM Package 35 provided to the Defence of Laurent Gbagbo on 6 February 2015.

¹³ Disclosure note for Pre-Trial INCRIM Package 37 provided to the Defence of Laurent Gbagbo on 6 February 2015

¹⁴ Disclosure note for Pre-Trial PEXO Package 22 provided to the Defence of Laurent Gbagbo on 6 February 2015.

¹⁵ Pre-inspection report for Pre-Trial Rule 77 Package 33 provided to the Defence of Laurent Gbagbo on 6 February 2015.

¹⁶ Pre-inspection report for Pre-Trial Rule 77 Package 35 provided to the Defence of Laurent Gbagbo on 6 February 2015.