

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: ICC-02/11-01/11
Date: **6 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 and B

Prosecution's submission of its List of Witnesses and List of Evidence

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

Mr Geert-Jan Alexander Knoops

1. The Office of the Prosecutor (“Prosecution” or “OTP”) respectfully submits its List of Witnesses and List of Evidence to be relied upon at trial.¹ The List of Witnesses is provided in confidential Annex A to this submission and the List of Evidence in confidential Annex B.

Confidentiality level

2. The Prosecution requests that annexes A and B be received as confidential since they both contain the names and identifying information of witnesses and relate to evidentiary material that is currently to be treated as confidential.

Submission

3. The Prosecution currently intends to rely on 101 witnesses at trial. The Prosecution expects to be able to reduce this number after having had the opportunity to discuss agreements as to the evidence with the Defence.² By way of example, nine witnesses are currently on the list, solely for the purposes of establishing the conditions of collection and chain of custody of documents the Prosecution intends to submit as evidence.
4. The Prosecution’s List of Witnesses is submitted with the metadata as mandated by the e-Court Protocol,³ with the exception of the “Appearance” and the “Expected Appearance length” fields. The necessary information to populate these two fields depends on a number of variables that are currently unknown to the Prosecution such as, among others, if the Defence will agree to certain facts, the length of time the Parties will have to present their case, and whether certain witnesses will testify in person, by video-link or *in situ*.

¹ See order ICC-02/11-01/11-723, para.10.

² Pursuant to rule 69 of the Rules of Procedure and Evidence (“Rules”).

³ Unified Technical protocol (“E-court Protocol”) for the provision of evidence, witness and victims information in electronic form, 24 January 2012, ICC-02/11-01/11-30-AnxI, pp.21-23.

5. The Prosecution also provides notice that in relation to the witness highlighted in yellow in Annex A, the Prosecution is in the process of evaluating whether the witness is fit to testify.
6. The Prosecution's List of Evidence currently contains 3817 items of evidence. This list is also being submitted prior to the Prosecution having had the opportunity to hold discussions with the Defence as to possible agreed facts which could greatly reduce the number of documents.
7. The Prosecution submits that both lists are subject to limited change within the parameters of the separate request being filed concurrently pursuant to regulation 35 of the Regulations of the Court. Further, the Prosecution takes this opportunity to reiterate that focused investigations in the case of *The Prosecutor v. Charles Blé Goudé* are ongoing and has sought to join the *Blé Goudé* case with the *Gbagbo* case.⁴ Notwithstanding the above, both lists contain the near totality of the evidence the Prosecution intends to rely on at trial and therefore provide the Defence with ample notice to prepare itself for trial. With this filing, the Defence is in possession of all the material evidence on which the Prosecution intends to rely; any future additions will be corroborative in nature, ancillary documents, or evidence that is uncovered in the natural course of its ongoing investigations.



Fatou Bensouda, Prosecutor

Dated this 6th day of February 2015

At The Hague, The Netherlands

⁴ ICC-02/11-01/11-738.