



Original: **English**

No.: ICC-02/11-01/11
Date: **18 September 2014**

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser
Judge Olga Herrera-Carbuccia
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

PUBLIC

With confidential Annexes A, B and C

**Prosecution's Communication of Evidence Disclosed to the Defence
on 17 September 2014**

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

Ms Natacha Fauveau Ivanovic

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

1. The Office of the Prosecutor ("Prosecution") notifies Trial Chamber I ("Chamber") of its disclosure, on 17 September 2014, of 115 incriminating documents,¹ six potentially exonerating documents² and 225 documents disclosed pursuant to Rule 77 of the Rules of Procedure and Evidence ("Rules").³
2. This material was disclosed in order to provide the Defence with the same material (and with the same classification) as disclosed in the *Charles Blé Goudé* case.
3. One, out of the six, potentially exonerating document was disclosed with *proprio motu* redactions to its metadata pursuant to Rule 81(2) of the Rules. These redactions to the identity of ICC staff and Prosecution sources were applied pursuant to paragraph 51 of decision ICC-02/11-01/11-30 of Pre-Trial Chamber I.
4. 173, out of the 225, documents disclosed pursuant to Rule 77 of the Rules were disclosed with *proprio motu* redactions to their content and/or metadata under Rule 81(2) and/or Rule 81(4) of the Rules. These *proprio motu* redactions were also applied pursuant to paragraph 51 of decision ICC-02/11-01/11-30.
5. The disclosed material was provided in a format that complies with the eCourt protocol as approved at the Pre-Trial stage.⁴

¹ 20140917 Pre-Confirmation INCRIM Package 30. Consistent with the agreement between the Prosecution and the Defence, the Prosecution provided the element-based chart which shall not be understood as a limitation for the Prosecution for its use of the evidence for the purpose of the confirmation hearing. Neither does it limit the Chamber's power to freely assess all the evidence before it.

² 20140917 Pre-Confirmation PEXO Package 19.

³ 20140917 Pre-Confirmation Rule 77 Package 28.

⁴ ICC-02/11-01/11-30-AnxI.



Fatou Bensouda, Prosecutor

Dated this 18th day of September 2014

At The Hague, The Netherlands