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

Date: **30 May 2014**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

PUBLIC

**Prosecution's request to disclose material in a related proceeding pursuant to
Regulation 42(2)**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Nicholas Kaufman

Introduction

1. The Prosecution is in possession of material provided by Counsel for Laurent GBAGBO (“Defence Counsel”) which material should be disclosed in the related case against Charles BLÉ GOUDÉ,¹ and requests the authorisation to disclose this material pursuant to Regulation 42(2).

Confidentiality

2. Annex 1 to this request is filed as confidential because it pertains to confidential evidence.

Submissions

3. The cases of GBAGBO and BLÉ GOUDÉ are closely related.² Consequently all material disclosed by Defence Counsel is material that should be disclosed to the Defence in the BLÉ GOUDÉ case pursuant to Article 67(2) or Rule 77.
4. Pursuant to Regulation 42(2), this disclosure obligation can be effected on the basis that any protective measures currently in place should be maintained vis-à-vis the Defence in the BLÉ GOUDÉ case. With respect to the protective measures in place, the Prosecution observes that 113 items were disclosed as confidential and 937 items were disclosed as public. All of the items disclosed as confidential are listed in Annex 1. The Prosecution also observes that the Chamber has directed the use of pseudonyms (as assigned by Defence Counsel) when specific reference is made to a defence witness.³
5. The Prosecution recalls that the Defence in the BLÉ GOUDÉ case is bound by the same protocol with respect to confidential material⁴ and consequently the Prosecution proposes that all of the material disclosed by Defence Counsel be further disclosed to the Defence in the BLÉ GOUDÉ case as follows: public items

¹ See Defence List of Evidence at ICC-02/11-01/11-381-Conf-Anx and ICC-02/11-01/11-637-Conf-Anx3.

² See ICC-02/11-02/11-3, paras. 30 – 33.

³ ICC-02/11-01/11-136, ICC-02/11-01/11-195 and ICC-02/11-01/11-605-Conf.

⁴ ICC-02/11-02/11-67, para. 16.

be further disclosed as public; confidential items be further disclosed as confidential and that the BLÉ GOUDÉ Defence team be advised of the requirement to use pseudonyms whenever referring to defence witnesses.

Conclusion

6. In order for the Prosecution to fulfil its disclosure obligations in the case against BLÉ GOUDÉ, it seeks permission from the Chamber to disclose all material disclosed by the GBAGBO Defence team with the same confidentiality level and protective measures.



Fatou Bensouda, Prosecutor

Dated this 30th day of May 2014

At The Hague, The Netherlands