



Original: **English**

No.: **ICC-02/11-01/11**
Date: **13 February 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

With confidential Annex A

**Prosecution's Communication of Evidence Disclosed to the Defence
on 12 February 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

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Mr James Stewart

Mr Eric Macdonald

Counsel for the Defence

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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

1. The Office of the Prosecutor ("Prosecution") notifies Pre-Trial Chamber I ("Chamber") of its re-disclosure, on 12 January 2014, of one incriminating document¹ and disclosure of two Rule 77 documents.²
2. The Prosecution provided the Defence with Pre-Confirmation INCRIM Package 29, which contained one document (CIV-OTP-0032-0011), previously disclosed to the Defence in INCRIM Package 12 of 19 November 2012. At pages 0025 and 0028 of the document, the redaction to the name of a potential OTP witness was lifted since he has now become a witness (CIV-OTP-P-0217), whose statement CIV-OTP-0040-0372 was disclosed to the Defence and is on the Prosecution's list of Evidence. All other redactions to the content and metadata remain the same as authorised in decision ICC-02/11-01/11-294 and Conf-Exp-Anx of 13 November 2012.
3. The two documents disclosed pursuant to Rule 77 (CIV-OTP-0042-0002 and CIV-OTP-0042-0012) were provided to the Defence with *proprio motu* redactions to the item and metadata. The redactions were applied in accordance with paragraph 51 of decision ICC-02/11-01/11-30. The redactions applied pursuant to Rule 81(2) fall under the following categories: i) identity of ICC staff members; ii) day and month of the date of the screening and of surrounding dates; and iii) potential OTP witnesses.
4. As mentioned in submission ICC-02/11-01/11-615-Conf,³ document CIV-OTP-0042-0002, is a screening note of witness CIV-OTP-P-0131. It was provided to the ballistic expert but had not been disclosed since the statement of witness P-0131,

¹ 20140212 Pre-Confirmation INCRIM Package 29. Consistent with the agreement between the Prosecution and the Defence, the Prosecution provided the elements-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 20140212 Pre-Confirmation Rule 77 Package 24.

³ Para. 25.

CIV-OTP-0046-1244-R01, had been disclosed instead. The statement was taken after the conclusion of the forensic mission. Therefore, the expert was only given the screening note and not the statement of P-0131.

5. Document CIV-OTP-0042-0012 is the screening note of a potential witness who lost a family member because of the shelling in Village SOS on 17 March 2011. The Prosecution had withheld the disclosure of the screening note pending further investigative steps.⁴
6. The disclosed material was provided in a format that complies with the eCourt protocol approved by the Chamber.



Fatou Bensouda, Prosecutor

Dated this 13th day of February 2014

At The Hague, The Netherlands

⁴ ICC-02/11-01/11-615-Conf, para. 26.