



Original: **English**

No.: ICC-02/11-01/11
Date: 18 November 2013

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 Annexes A and B

**Prosecution's Communication of Evidence Disclosed to the Defence
on 15 November 2013**

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

Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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 disclosure, on 15 November 2013, of 84 incriminating documents¹, 2 potentially exonerating documents² and 58 documents disclosed pursuant to Rule 77 of the Rules.³ These documents were disclosed pursuant to the Chamber's decision of 3 June 2013.⁴
2. 22 of the incriminating documents are transcripts and translations to previously disclosed videos. Four of these transcripts and translations⁵ contain redactions corresponding to those previously applied to the videos they relate to.⁶
3. The two potentially exonerating documents were disclosed with *proprio motu* redactions to their metadata. These redactions have been applied to the names of OTP staff members. These redactions were applied pursuant to paragraph 51 of decision ICC-02/11-01/11-30.
4. Of the 58 documents disclosed pursuant to Rule 77, 19 were disclosed with *proprio motu* redactions to their content and/or metadata. The redactions applied are to the names of OTP staff, to the day and month of interviews and to innocent third parties. The *proprio motu* redactions were applied pursuant to paragraph 51 of decision ICC-02/11-01/11-30.

¹ 20131115 Pre-Confirmation INCRIM Package 23. 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 20131115 Pre-Confirmation PEXO Package 17.

³ 20131115 Pre-Confirmation Rule 77 Package 21.

⁴ ICC-02/11-01/11-432.

⁵ CIV-OTP-0053-0076, CIV-OTP-0053-0113, CIV-OTP-0053-0160 and CIV-OTP-0053-0203.

⁶ CIV-OTP-0053-0076 and CIV-OTP-0053-0160 relate to video CIV-OTP-0040-0426, which contains a redaction that has been authorised by the Chamber in Decision ICC-02/11-01/11-465. CIV-OTP-0053-0113 and CIV-OTP-0053-0203 relate to video CIV-OTP-0044-0738. As specified in the Prosecution's disclosure filing ICC-02/11-01/11-524, para. 2, the redaction to this video has been requested by the provider (United Nations) as a condition attached to its disclosure.

5. The disclosed material was provided in a format that complies with the eCourt protocol approved by the Pre-Trial Chamber.



Fatou Bensouda, Prosecutor

Dated this 18th day of November 2013

At The Hague, The Netherlands