



Original: **English**

No.: **ICC-02/11-01/11**  
Date: **16 October 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 October 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

Me Agathe Bahi Baroan

Me Natacha Fauveau Ivanovic

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

**The Office of Public Counsel for the  
Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**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 October 2013, of 90 incriminating documents<sup>1</sup>, 47 potentially exonerating documents<sup>2</sup> and 472 documents disclosed pursuant to Rule 77 of the Rules.<sup>3</sup> These documents were disclosed pursuant to the Chamber's decision of 3 June 2013.<sup>4</sup>
2. The incriminating evidence contains only one redacted document.<sup>5</sup> This document is the English translation of an annex to P-164's statement and the redactions are identical to those authorized by the Chamber<sup>6</sup> to the original French version of the document disclosed on 9 August.<sup>7</sup>
3. Of the 47 potentially exonerating documents, 19 were disclosed with *proprio motu* redactions to their metadata. These redactions have been applied to the names of OTP staff members.
4. Of the 472 documents disclosed pursuant to Rule 77, 212 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, to identifying information of witnesses' family members, to contact details of innocent third parties and to the identity of an OTP source. The *proprio motu* redactions were applied pursuant to paragraph 51 of decision ICC-02/11-01/11-30.

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<sup>1</sup> 20131015 Pre-Confirmation INCRIM Package 20. 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.

<sup>2</sup> 20131015 Pre-Confirmation PEXO Package 16.

<sup>3</sup> 20131015 Pre-Confirmation Rule 77 Package 20.

<sup>4</sup> ICC-02/11-01/11-432.

<sup>5</sup> CIV-OTP-0046-0541.

<sup>6</sup> ICC-02/11-01/11-465.

<sup>7</sup> See INCRIM package 16; ICC-02/11-01/11-472.

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



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Fatou Bensouda, Prosecutor

Dated this 16<sup>th</sup> day of October 2013

At The Hague, The Netherlands