



Original: **English**

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

**Prosecution's Communication of Pre-Inspection Report for Material Provided to
the Defence under Rule 77 on 13 February 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

Counsel for the Defence

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Ms 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

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Office of the Prosecutor ("Prosecution") herewith files in the case record the pre-inspection report regarding the disclosure to the Defence team of Laurent Gbagbo, on 13 February 2013, of 12 items pursuant to Rule 77 of the Rules of Procedure and Evidence.

Description of the documents disclosed:

2. The first four documents disclosed were two emails and their respective attachments. On 22 January 2013, the Prosecution notified *ex parte* the Chamber that it was waiting for a response from the United Nations in relation to the attachments before they could be disclosed.¹ Regarding document CIV-OTP-0021-3376 that was disclosed in the present package, the UN informed the OTP that it intends to send a letter as to the provenance of this document. As soon as it is received, the OTP will also provide that letter to the Defence.
3. The Prosecution disclosed the statement of witness CIV-OTP-P-0229 and its three annexes. Witness CIV-OTP-P-0229 was recently interviewed. The vast majority of the information contained in his statement is already known to the Defence via analogous information.²
4. The Prosecution disclosed two open source items that refer to information that is already well-known.
5. The Prosecution disclosed also a certificate of a victim that died on 3 March 2011.

¹ ICC-02/11-01/11-373-Conf-Exp and Conf-Exp-Anx1-3.

² See for instance and not limited to, the statement of witness CIV-OTP-P-0164 and summary statement of witness CIV-OTP-P-0239 on the Prosecution's list of evidence.

6. Finally, the Prosecution formally disclosed, in Ringtail format, the investigator's report previously annexed to submission ICC-02/11-01/11-385-Conf.

Redactions applied:

7. Five of the documents disclosed to the Defence contain *proprio motu* redactions applied in accordance with paragraph 51 of the Chamber's decision of 24 January 2012³. The redactions applied to the documents are in relation to names of OTP staff, OTP sources, dates of interview, innocent third parties, identifying information of family members and identifying information of the witness (*i.e.* CIV-OTP-P-0229's telephone number).

Request for Confidentiality

8. Annex A⁴ appended to this communication contains the pre-inspection report provided to the Defence. The Prosecution requests that this annex be received as "Confidential" since it relates to *inter partes* disclosure.



Fatou Bensouda, Prosecutor

Dated this 13th day of February 2013

At The Hague, The Netherlands

³ ICC-02/11-01/11-30.

⁴ Pre-inspection report for Rule 77 package 17 provided to the Defence of Laurent Gbagbo on 13 February 2013.