



Original: **English**

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

Date: 16 January 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 Potentially Exonerating Evidence Disclosed to  
the Defence on 15 January 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

**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**

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 disclosure note regarding the provision to the Defence team of Laurent Gbagbo, on 15 January 2013, of 25 items pursuant to Article 67(2) of the Statute.
2. This package<sup>1</sup> contains potential PEXO information as found in the statement of Witness CIV-OTP-P-0043, which is being disclosed pursuant to Pre-Trial Chamber I's Decision of 10 January 2013.<sup>2</sup> The disclosure package also contains 11 documents that have been obtained from the e-mails of witness CIV-OTP-P-0069 and 12 witness screenings, among others.
3. Thirteen of the disclosed documents contain *proprio motu* redactions to their metadata and/or to their content. These redactions have been applied pursuant to decision ICC-02/11-01/11-30.<sup>3</sup> Rule 81(2) redactions have been applied to the names of OTP staff members, and to the exact location and the date and month of the meeting with the witnesses. They have also been applied to the identity of a potential witness.

#### Request for Confidentiality

4. Annex A<sup>4</sup> 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.




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Fatou Bensouda, Prosecutor

Dated this 16<sup>th</sup> day of January 2013  
At The Hague, The Netherlands

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<sup>1</sup> 20130115 - Pre-Confirmation PEXO Package 10.

<sup>2</sup> ICC-02/11-01/11-348-Red, p. 6.

<sup>3</sup> Para. 51.

<sup>4</sup> Disclosure note for PEXO package 10 provided to the Defence of Laurent Gbagbo on 15 January 2013.