



Original: **English**

No.: ICC-02/11-01/11
Date: 14 December 2012

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 14 December 2012**

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

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 14 December 2012, of 31 items pursuant to Article 67(2) of the Statute.
2. The disclosed package contains the transcribed statement and Annexes of witness CIV-OTP-P-0118. It also contains four screenings, two documents that were collected at the Presidential Residence and another two documents that were obtained from the Presidential Palace.
3. Twenty-nine 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-02/11-01/11-30.¹ Rule 81(2) redactions have been applied to the names of OTP staff members, identities of OTP sources and to the date and month of the interview with the witnesses. Redactions to the names of innocent third parties and to witness's family members, as well as redactions to information identifying the whereabouts of witnesses or their family members, have been applied pursuant to Rule 81(4).

¹ Para. 51.

Request for Confidentiality

4. Annex A² 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 14th day of December 2012

At The Hague, The Netherlands

² Disclosure note for PEXO package 9 provided to the Defence of Laurent Gbagbo on 14 December 2012.