



Original: **English**

No.: ICC-02/11-01/11
Date: 19 October 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 19 October 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

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 disclosure note to the Defence team of Laurent Gbagbo, on 19 October 2012, of five items pursuant to Article 67(2) of the Statute.
2. Three items (one envelope and two videos) contained in this package were collected at the Presidential Residence ("the Residence"). The envelope contained a document from the Residence which was already disclosed to the Defence. The two videos are part of a batch of material from the Residence, which contained items extracted from electronic data: due to the electronic nature of this material, its initial review and collection could only take place in May 2012. The information provided in the Investigator's Report¹ stating that all copies of the documents seized by the OTP at the former Presidential Residence were disclosed to the Defence, was an oversight.²
3. Most of the documents disclosed to the Defence contain *proprio motu* redactions to their metadata, 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 and to the identity of certain OTP sources.

¹ ICC-02/11-01/11-169-Conf-Anx3.

² The remaining documents collected at the Presidential Residence will be disclosed to the Defence shortly, upon completion of their current review.

³ ICC-02/11-01/11-30.

Request for Confidentiality

4. 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 19th day of October 2012

At The Hague, The Netherlands

⁴ Disclosure note for PEXO package 6 provided to the Defence of Laurent Gbagbo on 19 October 2012.