



Original: **English**

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

Date: 3 April 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 3 April 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

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 on the case record the disclosure note regarding the provision to the Defence team of Laurent Gbagbo on 3 April 2012 of one document pursuant to Article 67(2) of the Statute.
2. The document disclosed today was initially identified as incriminating in nature and submitted in the Prosecution's Second redaction request.¹ Upon further review, the Prosecution informed the Chamber and Defence that it did not intend to rely on this document at the confirmation hearing.² Therefore it has been disclosed today under Article 67(2) of the Statute. The redactions to the metadata of this document were authorised by Pre-Trial Chamber I in its First decision on redactions.³
3. According to the same decision, this document was to be disclosed on 2 April 2012. Because of technical issues related to Ringtail and the implementation of redactions and encryption of the DVD to be disclosed, the Prosecution was only in a position to disclose the document today. The Defence was kept informed at all times of our technical difficulties.
4. Pursuant to Pre-Trial Chamber III's order of 24 January 2012⁴, the Prosecution provided the Defence with the disclosure note containing the list of the material disclosed.

¹ ICC-02/11-01/11-53-Conf-Exp-Anx8: CIV-OTP-0013-0146.

² In ICC-02/11-01/11-77-Red, para. 16, the Prosecution notified the Chamber that it had reassessed the document and that it would be disclosed pursuant to Article 67(2).

³ ICC-02/11-01/11-74-Red.

⁴ ICC-02/11-01/11-30, pp. 26-27.

Request for Confidentiality

5. Annex A⁵ appended to this communication contains the disclosure note provided to the Defence. The Prosecution requests that this annex be received as "Confidential" since it relates to *inter partes* disclosure.



Luis Moreno-Ocampo, Prosecutor

Dated this 3rd day of April 2012

At The Hague, The Netherlands

⁵ Disclosure note provided to the Defence of Laurent Gbagbo on 3 April 2012.