



Original: **English**

No.: ICC-02/11-01/11
Date: **6 February 2012**

PRE-TRIAL CHAMBER III

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Elizabeth Odio Benito
Judge Adrian Fulford

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

PUBLIC

**Prosecution's Communication of Incriminatory Evidence Disclosed to the Defence
on 6 February 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

The Office of the Prosecutor ("Prosecution") herewith notifies Pre-Trial Chamber III ("Chamber") of its disclosure, on 6 February 2012,¹ to the Defence team of Laurent Gbagbo, of 228 incriminating documents.²

Pursuant to the Chamber's order of 24 January 2012,³ the Prosecution provided the Defence with Pre-Trial INCRIM Packages 1 and 2, which contain the documents collected before 25 October 2011 and for which no protective measures are required, on which the Prosecution intends to rely at the confirmation hearing.⁴ These documents were provided in a format that is compatible with the e-Court protocol approved by the Chamber.

Pre-Trial INCRIM Package 1 contains 166 documents. The Prosecution already disclosed 164 out of these 166 documents to the Defence in pdf format: 3 documents on 5 December 2011 and 161 documents on 20 December 2011. These 164 documents had been submitted to the Chamber in support of the Arrest Warrant Application against Laurent Gbagbo. Two transcripts of videos used in support of the Arrest Warrant Application were added to the package after their completion.

¹ The Defence was not available to take possession of the disclosure on 3 February 2012 as per the calendar (ICC-02/11-01/11-30).

² Consistent with the agreement between the Prosecution and the Defence, this Chart shall not be understood as a limitation for the Prosecution for its use of the evidence referred to in the annex for the purpose of the confirmation hearing. Neither does it limit the Chamber's power to freely assess all the evidence before it.

³ ICC-02/11-01/11-30, p. 29.

⁴ The Prosecution also provided the chart linking the document to the elements of the charges pursuant to Annex 3 of decision ICC-02/11-01/11-30.

The Prosecution also provided the Defence with Pre-Trial INCRIM Package 2 which contains an additional 62 documents collected prior to 25 October 2011.

A handwritten signature in blue ink, appearing to read 'Luis Moreno-Ocampo', is positioned above a horizontal line.

Luis Moreno-Ocampo, Prosecutor

Dated this 6th day of February 2012

At The Hague, The Netherlands