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

Date: **25 April 2014**

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. CHARLES BLÉ GOUDÉ

PUBLIC

With Confidential Annexes A and B

**Prosecution's Communication of Evidence Disclosed to the Defence
on 25 April 2014**

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

Ms Fatou Bensouda, Prosecutor

Mr James Stewart, Deputy Prosecutor

Mr Eric Macdonald, Senior Trial Lawyer

Counsel for the Defence

Mr Nicholas Kaufman

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

Mr Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Office of the Prosecutor ("Prosecution") notifies Pre-Trial Chamber I ("Chamber") of its disclosure, on 25 April 2014, of 518 incriminating documents,¹ 335 Rule 77 documents² and 38 potentially exculpatory documents.³
2. Out of the 518 items disclosed as incriminating documents, 49 were disclosed with redactions to the metadata, pursuant to Rule 81(2). These redactions were applied to the identity of OTP staff as authorised by the Chamber in previous decisions in *The Prosecutor v. Laurent Gbagbo* and as reaffirmed authorised in decision ICC-02/11-02/11-57, paragraph 9.
3. Out of the 335 items disclosed as Rule 77 documents, one was disclosed with redactions to the content and 45 were disclosed with redactions to the metadata, pursuant to Rule 81(2). These *proprio motu* redactions were applied to the identity of an OTP source and to the identity of OTP staff pursuant to paragraph 51 of decision ICC-02/11-01/11-30 in *The Prosecutor v. Laurent Gbagbo* and as reaffirmed authorised in decision ICC-02/11-02/11-57, paragraph 9.
4. Out of the 38 items disclosed as potentially exculpatory documents, 22 were disclosed with redactions to the metadata, pursuant to Rule 81(2). These redactions were applied to the identity of OTP staff pursuant to paragraph 51 of decision ICC-02/11-01/11-30 in *The Prosecutor v. Laurent Gbagbo* and as reaffirmed authorised in decision ICC-02/11-02/11-57, paragraph 9.
5. The Prosecution is only disclosing, at this stage, material classified as public and not linked to any witness.⁴ Once a protocol on the handling of confidential

¹ 20140425 Pre-Confirmation INCRIM Package 1.

² 20140425 Pre-Confirmation Rule 77 Package 1.

³ 20140425 Pre-Confirmation PEXO Package 1.

⁴ With the exception of documents CIV-OTP-0011-0187 and CIV-OTP-0041-0515 which are confidential and are disclosed immediately as per email exchange with the Defence on 10 April 2014 at 11.13am, The Hague time.

information is adopted, the Prosecution will be in a position to disclose the material to be treated as confidential.

6. The disclosed material was provided in a format that complies with the eCourt protocol approved by the Chamber.

Request for Confidentiality

7. Annexes A⁵ and B⁶ appended to this communication contain the pre-inspection report and disclosure note provided to the Defence. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.



Fatou Bensouda, Prosecutor

Dated this 25th day of April 2014

At The Hague, The Netherlands

⁵ Pre-inspection report for Rule 77 package 1 provided to the Defence of Charles Blé Goudé on 25 April 2014.

⁶ Disclosure note for PEXO Package 1 provided to the Defence of Charles Blé Goudé on 25 April 2014.