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No.: ICC-02/11-01/15

Date: 3 August 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR

v. LAURENT GBAGBO and CHARLES BLÉ GOUDÉ

Public

Prosecution's notice of attempts to disclose documents

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

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Mr Geert-Jan Alexander Knoops

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Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Office of the Prosecutor (“Prosecution”) provides notice to the Chamber of its attempts to disclose material that was the subject of its 30 June 2015 request pursuant to regulation 35 in relation to a limited number of documents¹ and which were rejected by both Defence teams.

Procedural Background

2. On 7 May 2015, the Chamber ordered the Prosecution to complete its disclosure, including all incriminatory material, article 67(2) and rule 77 material, no later than 30 June 2015.²
3. On 30 June 2015, the Prosecution filed the Regulation 35 Request seeking an extension of time limit to complete its disclosure in respect of a limited number of documents, including: (1) the transcripts of the interviews of three Witnesses (P-0500, P-0607 and P-0483), interviewed under article 55 of the Rome Statute, whom the Prosecution has included on its List of Witnesses to be relied on at trial, and upon whose evidence the Prosecution will seek to rely in the presentation of its case; (2) transcripts of the re-interview of Witness P-0435, also included on the Prosecution’s List of Witnesses to be relied on at trial; (3) redacted audio tapes of the interview of Witness P-0483; (4) transcripts of the interview, under article 55, of one potential Witness (P-0608) to be disclosed under rule 77 of the Rules of Procedure and Evidence, and upon whose evidence the Prosecution will not seek to rely upon at trial.³
4. The Defence teams have both opposed the Regulation 35 Request.⁴

¹ ICC-02/11-01/15-115 (“Regulation 35 Request”).

² ICC-02/11-01/15-58, para.22.

³ Regulation 35 Request, paras.3 and 28.

⁴ ICC-02/11-01/15-137-Conf and ICC-02/11-01/15-140-Conf.

Notice

5. Pursuant to its Regulation 35 Request, and in accordance with the timeline for disclosure proposed therein,⁵ the Prosecution contacted the Gbagbo and Blé Goudé Defence teams on 23 July and 29 July 2015 in each case proposing to effect disclosure on 24 and 31 July respectively.
6. More specifically, on 23 July 2015 the Prosecution contacted the Gbagbo and Blé Goudé Defence teams to inform them of its intent to disclose the next day material which would have included the transcripts and audio recordings of the interview of Witness P-0483.⁶ Both Defence teams informed the Prosecution of their refusal to receive the disclosure of 24 July pending the Chamber's decision on the Regulation 35 Request.⁷ The Prosecution renewed its disclosure attempt the very next week indicating its intention to additionally disclose transcripts of interviews of Witnesses P-0500, P-0435 and P-0607 and again both Defence teams refused to accept disclosure pending the Chamber's decision on the Regulation 35 Request.⁸



Fatou Bensouda, Prosecutor

Dated this 3rd day of August 2015

At The Hague, The Netherlands

⁵ Regulation 35 Request, para.28.

⁶ Telephone conversations and emails of the Prosecution to both Defence teams, dated 23 and 24 July 2015.

⁷ Telephone conversation and email between the Blé Goudé Defence team and the Prosecution, dated 23 and 24 July 2015; Email between the Gbagbo Defence team and Prosecution, dated 27 July 2015.

⁸ Telephone conversations and emails between Prosecution and Gbagbo and Blé Goudé Defence teams dated 29 and 30 July 2015.