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

Date: 12 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 attempt to disclose the transcripts of the interview of
Witness P-0608 pursuant to rule 77**

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

Mr James Stewart

Mr Eric MacDonald

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Mr Emmanuel Altit

Ms Agathe Bahi Baroan

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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 the transcripts of the interview of Witness P-0608 that were included in its 30 June 2015 request pursuant to regulation 35¹ 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, *inter alia*, transcripts of the interview, under article 55, of one potential Witness (P-0608) to be disclosed under rule 77, and upon whose evidence the Prosecution will not seek to rely at trial.³
4. The Defence teams have both opposed the Regulation 35 Request.⁴
5. On 3 August 2015, the Prosecution filed a first notice describing its attempt to disclose other documents also included in its Regulation 35 Request.⁵

Notice

6. On 11 August 2015 and in accordance with the timeline for disclosure proposed in its Regulation 35 Request,⁶ the Prosecution informed the Gbagbo and Blé

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.

⁵ ICC-02/11-01/15-175.

⁶ Regulation 35 Request, para.28.

Goudé Defence teams of its readiness to disclose the transcripts of the interview of Witness P-0608.⁷

7. Both Defence teams reiterated their refusal to accept disclosure pending the Chamber's decision on the Regulation 35 Request.⁸



Fatou Bensouda, Prosecutor

Dated this 12th day of August 2015

At The Hague, The Netherlands

⁷ Emails between Prosecution and Gbagbo and Blé Goudé Defence teams dated 11 August 2015.

⁸ Emails between Gbagbo and Blé Goudé Defence teams and Prosecution dated 11 and 12 August 2015.