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

Date: 25 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

**With confidential Annexes A-D available to the Defence and
Legal Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
20 and 25 August 2015**

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

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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

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Office of the Prosecutor (“Prosecution”) provides notice of the disclosure of incriminating evidence, and of material pursuant to rule 77 of the Rules of Procedure and Evidence (“Rules”), to the Defence team of Laurent GBAGBO on 20 August 2015 and to the Defence team of Charles BLÉ GOUDÉ on 25 August 2015:¹
 - a. INCRIM package 23, containing 56 items including three audio recordings.² Seven of these items, two audio recordings and five transcripts, were provided with redactions to the item only in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”);³
 - b. Rule 77 package 19, containing 22 items pursuant to rule 77.⁴ One of these documents was provided with redactions to its metadata only in accordance with the Redaction Protocol;
2. In INCRIM package 23, the Prosecution disclosed the transcripts of the interviews of four insider witnesses (Witnesses P-0435, P-0483, P-0500 and P-0607) and the audio recordings of the interview of Witness P-0483. These formed part of the Prosecution’s 30 June 2015 request (“Prosecution’s 30 June 2015 Request”),⁵ seeking an extension of the 30 June 2015 disclosure deadline.⁶ Following the Trial Chamber’s 18 August 2015 Decision on the Prosecution requests for variation of the time limit for disclosure of certain documents (“18 August 2015 Decision”),⁷ authorising extensions of the time limit for disclosure in respect of materials relating to Witnesses P-0435, P-0483, P-0500 and P-0607,⁸ these documents have been now disclosed.
3. In Rule 77 package 19, the Prosecution has disclosed, following the Trial Chamber’s 18 August 2015 Decision: first, the transcripts of the interview of

¹ The Blé Goudé Defence team refused to accept the disclosure earlier.

² 20150820 INCRIM Package 23.

³ See ICC-02/11-01/11-737-AnxA.

⁴ 20150820 Rule 77 Package 19.

⁵ See ICC-02/11-01/15-115-Conf, paras.5-19 and para.28.

⁶ As ordered by the Trial Chamber on 7 May 2015: ICC-02/11-01/15-58, para.22.

⁷ ICC-02/11-01/15-183-Conf.

⁸ See ICC-02/11-01/15-183-Conf, paras.29-31 and 47.

Witness P-0608, which formed part of the Prosecution's 30 June 2015 Request;⁹ and, second, the *Procès-Verbal d'audition* of P-0049, in respect of which the Prosecution requested an extension of time for disclosure on 27 July 2015.¹⁰ In addition, in compliance with its ongoing obligation under rule 77 to disclose documents which are material to the preparation of the Defence,¹¹ the Prosecution also disclosed other documents now in its possession, under rule 77.¹²

4. The disclosed material was provided in a format that complies with the eCourt protocol as approved in the case.¹³

Request for Confidentiality

5. Annexes A,¹⁴ B,¹⁵ C,¹⁶ and D¹⁷ appended to this communication contain the disclosure notes 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 August 2015

At The Hague, The Netherlands

⁹ See ICC-02/11-01/15-115-Conf, paras.20-21 and para.28. See, for the Trial Chamber's Decision on this request: ICC-02/11-01/15-183-Conf, paras.34 and 47.

¹⁰ See ICC-02/11-01/15-164. Granted on 18 August 2015: See ICC-02/11-01/15-183-Conf, paras.46-47.

¹¹ See ICC-02/11-01/15-183-Conf, para.34.

¹² One of these documents (OTP-CIV-0084-0367), an investigation report as to a medical appointment and medical expenses in relation to Witness P-0483, dated 11 June 2015, was in the Prosecution's possession before 30 June 2015. The Prosecution will therefore be filing a request under regulation 35 of the Regulations of the Court for an extension of the 30 June 2015 disclosure deadline in respect of this document.

¹³ See ICC-02/11-01/15-58, para.24.

¹⁴ Disclosure note for Pre-trial INCRIM Package 23 provided to the Defence of Laurent Gbagbo on 20 August 2015.

¹⁵ Disclosure note for Pre-trial Rule 77 Package 19 provided to the Defence of Laurent Gbagbo on 20 August 2015.

¹⁶ Disclosure note for Pre-trial INCRIM Package 23 provided to the Defence of Charles Blé Goudé on 25 August 2015

¹⁷ Disclosure note for Pre-trial Rule 77 Package 19 provided to the Defence of Charles Blé Goudé on 25 August 2015