



Original: English

No.: ICC-02/11-01/15
Date: 27 October 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, B, C and D available to the Defence and
Legal Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
26 October 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

Mr James Stewart

Mr Eric Macdonald

Counsel for Mr Laurent Gbagbo

Mr Emmanuel Altit

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Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

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

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Office of the Prosecutor (“Prosecution”) provides notice of the disclosure to the Defence teams of Laurent GBAGBO and Charles BLÉ GOUDÉ of the following packages on 26 October 2015:
 - a. INCRIM package 25, containing six items including three copies of logbooks and two expert reports that were provided without redactions and as incriminating evidence,¹ in line with the Trial Chamber’s (“Chamber”) Second Decision of 21 October 2015 authorising the re-disclosure of the copies of the three logbooks and the late disclosure of the two reports and related cover letter;² and
 - b. Rule 77 package 23, containing two items provided without redactions and pursuant to rule 77 of the Rules of Procedure and Evidence,³ in line with the Chamber’s Second Decision of 21 October 2015 authorising late disclosure of rule 77 material.⁴
2. In rule 77 package 23, one item, CIV-OTP-0089-0923, is a media press article received on 22 October 2015 and which was disclosed in compliance with the Prosecution’s ongoing obligations to disclose documents which are material to the preparation of the Defence.⁵ The other item, CIV-OTP-0081-0532, is an autopsy report dated 8 May 2015 prepared by Witnesses P-0564 and P-0585. It formed part of the Prosecution’s 22 September 2015 request for an extension of time to disclose a related report under rule 77.⁶ The Prosecution does not intend to rely upon CIV-OTP-0081-0532 at trial or seek to add it to its List of Evidence. The Prosecution received this report on 10 May 2015 but only disclosed it once it was able to evaluate its relevance after receiving the 12 August 2015 report of Witness P-0601.⁷ Based on the findings of the expertise and following the

¹ 20151026 INCRIM Package 25. A cover letter of the NFI is also provided as INCRIM material.

² See ICC-02/11-01/15-306-Conf, paras. 25-27 and 41.

³ 20151026 Rule 77 Package 23.

⁴ See ICC-02/11-01/15-306-Conf, paras. 18-20, 34 and 39-41.

⁵ See ICC-02/11-01/15-183-Conf, para. 34 and ICC-02/11-01/15-306-Conf, paras. 18-20.

⁶ See ICC-02/11-01/15-234-Conf, paras. 3-4, 9 and 26-29.

⁷ CIV-OTP-0086-1261.

Chamber's Second Decision of 21 October 2015 authorising its late disclosure,⁸ this document was disclosed as material to the preparation of the Defence.

3. The disclosed material was provided in a format that complies with the eCourt protocol as approved in the case.⁹

Request for Confidentiality

4. Annexes A¹⁰, B¹¹, C¹² and D¹³ 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 27th day of October 2015

At The Hague, The Netherlands

⁸ See ICC-02/11-01/15-306-Conf, paras. 34 and 39-41.

⁹ See ICC-02/11-01/15-58, para. 24.

¹⁰ Disclosure note for Pre-trial INCRIM Package 25 provided to the Defence of Laurent Gbagbo on 26 October 2015.

¹¹ Disclosure note for Pre-trial INCRIM Package 25 provided to the Defence of Charles Blé Goudé on 26 October 2015.

¹² Disclosure note for Pre-trial Rule 77 Package 23 provided to the Defence of Laurent Gbagbo on 26 October 2015.

¹³ Disclosure note for Pre-trial Rule 77 Package 23 provided to the Defence of Charles Blé Goudé on 26 October 2015.