



Original: English

No.: ICC-02/11-01/15
Date: 23 November 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 and B available to the Defence and
Legal Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
20 November 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 package on 20 November 2015:
 - a. Rule 77 package 24, containing 13 items pursuant to rule 77 of the Rules of Procedure and Evidence.¹ Two items including one audio-recording contain redactions to their image in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).²
2. Two items relating to Witness P-0114³ were obtained by the Prosecution on 15 October 2015. These items were provided in compliance with the Prosecution’s ongoing obligation under rule 77 to disclose documents which are material to the preparation of the Defence, in line with the Trial Chamber’s Second Decision of 21 October 2015 related to the ongoing disclosure of rule 77 material.⁴
3. The other items are the three forensic reports by the Scientific Response Unit (“SRU”) and their annexes related to the analysis of an iPad, two satellite phones with SIM cards and a forensic image of a HP laptop hard disk (“HP laptop”) belonging to Charles Blé Goudé. These items are provided in line with the Trial Chamber’s decision of 18 August 2015, authorising disclosure of material from the laptop under rule 77.⁵ The Prosecution received this forensic image of HP laptop on 24 November 2014⁶ but did not disclose it because the Prosecution could not evaluate its relevance before receiving the 20 and 27 October 2015 digital forensic reports from the SRU.⁷ The forensic analysis is a long, technical process and the data in the iPad remained inaccessible despite the SRU’s attempts to unlock the device due to its disabled state. The analysis was also paused and further delayed after some potentially privileged material was found in the HP laptop on 30 March 2015. The review of the material resumed following the Trial

¹ 20151120 Rule 77 Package 24.

² See ICC-02/11-01/11-737-AnxA.

³ CIV-OTP-0089-0061 and CIV-OTP-0089-0662.

⁴ See ICC-02/11-01/15-306-Conf, paras. 17-19. See also ICC-02/11-01/15-183-Conf, para. 34.

⁵ See ICC-02/11-01/15-183-Conf, para. 40.

⁶ CIV-OTP-0069-0002.

⁷ CIV-OTP-0089-0843 and CIV-OTP-0089-0936.

Chamber's decision of 6 July 2015 that the emails messages were not privileged.⁸ Based on the findings from the examination, these documents are being disclosed as material to the preparation of the Defence.

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

Request for Confidentiality

5. Annexes A¹⁰ and B¹¹ 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 23rd day of November 2015

At The Hague, The Netherlands

⁸ See ICC-02/11-01/15-121, para. 3.

⁹ See ICC-02/11-01/15-58, para. 24.

¹⁰ Disclosure note for Pre-trial Rule 77 Package 24 provided to the Defence of Laurent Gbagbo on 20 November 2015.

¹¹ Disclosure note for Pre-trial Rule 77 Package 24 provided to the Defence of Charles Blé Goudé on 20 November 2015.