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No.: ICC-02/11-01/15
Date: 5 February 2016

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Geoffrey Henderson

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, D, E and F available to the Defence and
Legal Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
2 February 2016**

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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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 Charles BLÉ GOUDÉ and Laurent GBAGBO of the following packages on 2 February 2016:
 - a. Rule 77 package 28, containing seventy-eight items pursuant to rule 77 of the Rules of Procedure and Evidence (“Rules”).¹ Seventy-seven of these items were disclosed without redaction and one document contained redactions to its image only, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).²
 - b. Rule 77 certification package 29, containing three items pursuant to rule 77 of the Rules.³ One of these items was disclosed without redaction and two documents contained redactions to their image only, in accordance with the Redaction Protocol.
 - c. Metadata update package, containing the re-issue of metadata of fourteen items,⁴ of which ten were already disclosed as incriminating evidence and two others as potentially exonerating evidence.
2. In the Rule 77 package 28, fifty-nine items are separate pages of a logbook of the military tribunal dated June 2015, containing records of the trial SEKA YAPO Anselme and others.⁵ One item, a forensic report dated 7 January 2016,⁶ is related to the forensic examination of the video at CIV-OTP-0077-0411 and nine items, videos 01 to 09,⁷ are extracts of this aforementioned video with their audio analysis. One item, a court document, is a summary and transcript of the interview with the Witness P-0114 on 15 October 2015 in Rome and in the presence of the Italian authorities.⁸ Finally, three maps⁹ and five parts of the “Map

¹ 20160202 Rule 77 Package 28.

² See ICC-02/11-01/11-737-AnxA.

³ 20160202 Rule 77 Certification Package 29.

⁴ 20160202 Metadata Update Package.

⁵ See documents ERN range CIV-OTP-0088-0629 to CIV-OTP-0088-0687.

⁶ CIV-OTP-0089-1030.

⁷ See documents ERN range CIV-OTP-0089-1114 to CIV-OTP-0089-1122.

⁸ CIV-OTP-0087-0956.

⁹ CIV-OTP-0002-1073, CIV-OTP-0009-0312 and CIV-OTP-0087-0956.

book of Cote d'Ivoire and Abidjan",¹⁰ were disclosed as rule 77 material pending agreement between the parties on the issues of the map book. These items were disclosed in compliance with the Prosecution's ongoing obligation under rule 77 of the Rules, to disclose documents which are material to the preparation of the Defence,¹¹ in line with the Trial Chamber's Second Decision of 21 October 2015 ("Second Decision") related to the ongoing and late disclosure of rule 77 material.¹²

3. In the Rule 77 certification package 29, the three items were disclosed in compliance with the Prosecution's ongoing obligation under rule 77 of the Rules to disclose documents which are material to the preparation of the Defence,¹³ in line with the Trial Chamber's Second Decision related to the ongoing and late disclosure of rule 77 material.¹⁴ The Prosecution has determined that these documents, including mostly information related to the Witness P-0547, may be material to the preparation of the Defence and therefore provided them following the Trial Chamber's Third Decision of 30 November 2015,¹⁵ which ordered the Prosecution to comprehensively review its file to certify that no disclosable material had been overlooked. These documents were also provided to the Defense by e-mail, a courtesy copy of 28 January 2016, as the Witness P-0547 was scheduled to testify the week after.
4. In the Metadata Update package, the metadata fields were re-issued for two documents with the corrected 'main date',¹⁶ for ten documents with the corrected 'source/ attachments'¹⁷ and for the two last documents with the corrected 'ICC-02/11-01/15 Disclosures' package date.¹⁸

¹⁰ CIV-OTP-0088-0726, CIV-OTP-0088-0734, CIV-OTP-0088-0735, CIV-OTP-0088-0739, and CIV-OTP-0088-0740.

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

¹² See ICC-02/11-01/15-306-Conf, paras. 17-20 and 34.

¹³ See ICC-02/11-01/15-183-Conf, para. 34.

¹⁴ See ICC-02/11-01/15-306-Conf, paras. 17-20 and 34.

¹⁵ See ICC-02/11-01/15-350-Conf, para. 59.

¹⁶ CIV-OTP-0070-1090 and CIV-OTP-0027-0173.

¹⁷ CIV-OTP-0062-0860 and nine documents in the ERN range CIV-OTP-0062-0876 to CIV-OTP-0062-0884.

¹⁸ See Pre-Trial PEXO package 4 19 October 2015.

5. The disclosed material was provided via TRIM electronically in a format that complies with the e-Court Protocol as approved for the trial stage.¹⁹

Request for Confidentiality

6. Annexes A²⁰, B²¹, C²², D²³, E²⁴ and F²⁵ 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 5th day of February 2016

At The Hague, The Netherlands

¹⁹ See ICC-02/11-01/15-58, para. 24.

²⁰ Disclosure note for Pre-trial Rule 77 Package 28 provided to the Defence of Laurent Gbagbo on 2 February 2016.

²¹ Disclosure note for Pre-trial Rule 77 Package 28 provided to the Defence of Charles Blé Goudé on 2 February 2016.

²² Disclosure note for Pre-trial Rule 77 Certification Package 29 provided to the Defence of Laurent Gbagbo on 2 February 2016.

²³ Disclosure note for Pre-trial Rule 77 Certification Package 29 provided to the Defence of Charles Blé Goudé on 2 February 2016.

²⁴ Disclosure note for Metadata Update Package provided to the Defence of Laurent Gbagbo on 2 February 2016.

²⁵ Disclosure note for Metadata Update Package provided to the Defence of Charles Blé Goudé on 2 February 2016.