



Original: English

No.: ICC-02/11-01/15
Date: 10 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 and B available to the Defence and
Legal Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
8 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

Ms Fatou Bensouda

Mr James Stewart

Mr Eric Macdonald

Counsel for Mr Laurent Gbagbo

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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 Charles BLÉ GOUDÉ and Laurent GBAGBO of the following package on 8 February 2016:
 - a. Rule 77 package 30, containing one item pursuant to rule 77 of the Rules of Procedure and Evidence (“Rules”).¹ This item contained redactions to its image and metadata, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).²
2. In this Rule 77 package 30, the statement of Witness P-0043³ was disclosed with protective measures to the identity of the Witness granted by the Pre-Trial Chamber in Decision ICC-20/11-01/11-348-Conf-Exp. The potentially exculpatory evidence excerpt from the statement was previously disclosed in PEXO package 10 dated 10 January 2013.⁴ For the convenience of the Defence, the Prosecution attached a copy of the disclosure letter of this PEXO package 10 and the one-page OTP summary of the PEXO information that was disclosed on that date.⁵ The Prosecution disclosed the statement of P-0043 – with redactions to protect the identity of the Witness and innocent third parties – since the Witness was sourced in the Human Rights Watch report, “They Killed Them Like It Was Nothing”,⁶ co-drafted by the Prosecution Witness P-0369, although the Prosecution has not been told where in the report P-0043 is cited. This lead was provided by Human Rights Watch in the course of the Office of the Prosecutor’s investigation.
3. The disclosed material was provided via TRIM electronically in a format that complies with the e-Court Protocol as approved for the trial stage.⁷

¹ 20160203 Rule 77 Package 30.

² See ICC-02/11-01/11-737-AnxA.

³ CIV-OTP-0029-0625.

⁴ Pre-Confirmation PEXO package 10 15 January 2013.

⁵ CIV-OTP-0039-0002.

⁶ CIV-OTP-0004-0072.

⁷ See ICC-02/11-01/15-58, para. 24.

Request for Confidentiality

4. Annexes A⁸ and B⁹ 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 10th day of February 2016

At The Hague, The Netherlands

⁸ Disclosure note for Pre-trial Rule 77 Package 30 provided to the Defence of Laurent Gbagbo on 8 February 2016.

⁹ Disclosure note for Pre-trial Rule 77 Package 30 provided to the Defence of Charles Blé Goudé on 8 February 2016.