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Date: 18 July 2016

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera-Carbuccia
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 Annex A

Public redacted version of "Prosecution's application for the introduction of documentary evidence under paragraph 43 of the directions on the conduct of the proceedings", 13 June 2016, ICC-02/11-01/15-583-Conf

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Prosecution requests the introduction of documentary evidence, under paragraphs 43 and 44 of the directions on the conduct of the proceedings (“Directions”)¹, and further that this evidence is considered submitted.
2. The documentary evidence comprises 131 documents collected by the Prosecution [REDACTED] to review and collect *Gendarmerie Nationale* documents (“*Gendarmerie Documents*”).
3. The *Gendarmerie Documents* are admissible because they are relevant and probative, as detailed in Confidential Annex A hereto.
4. The documents are also listed Confidential Annex A, with their Evidence Reference Numbers (“ERNs”).

Confidentiality

5. This filing is classified as “Confidential”, pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, as it refers to evidence and information that is not yet available to the public since the *Gendarmerie Documents* are classified as confidential. The Prosecution will file a public redacted version in due course.

Submissions

6. Paragraph 43 of the Directions allows Parties to “introduce documentary evidence directly, without producing it by or through a witness.”²

¹ ICC-02/01-01/15-498-AnxA.

² ICC-02/01-01/15-498-AnxA, para. 43.

7. The Prosecution requests the introduction of the *Gendarmerie* Documents, as listed at Annex A, and further that these documents be considered submitted. Whilst the documents themselves are not annexed to this filing, they are available to the Trial Chamber, the Parties and participants in e-court.
8. As required under paragraph 44 of the Directions, the Prosecution indicates at Annex A (i) each item's relevance and probative value, including authenticity; and (ii) the date of disclosure.³
9. Broadly, and as indicated in greater detail at Annex A, the *Gendarmerie* Documents are relevant to and probative of a range of issues including the common plan, the formal command structure of the *Forces de Défense et de Sécurité*, the functioning and operations of the *Gendarmerie Nationale* during the post-election violence period, and the coordination between the various units of the *Forces de Défense et de Sécurité*.
10. As for authenticity, each document was collected by Prosecution staff [REDACTED], to review *Gendarmerie* documents. The documents originated from the following locations: *Centre de Transmission*,⁴ *Bureau d'organisation et Emploi - première légion départementale*, *Service Courrier - première légion départementale*, *Groupe d'Escadron Blindé*, *Première légion mobile*, *Service archives - première légion départementale*, *Service archives - Commandant Supérieur de la Gendarmerie nationale*,

³ ICC-02/01-01/15-498-AnxA, para. 44. Annex A further details each document's relevance, probative value and authenticity. Although the Prosecution is mindful of regulation 36(2)(b) of the Regulations of the Court and the main submission is contained herein at paragraphs 9 and 10, Annex A does provide the information as to each document's relevance, probative value and authenticity specifically.

³ Also referred to as the *Centre de communication radio*.

⁴ Also referred to as the *Centre de communication radio*.

and the *Ecole de la Gendarmerie*.⁵ The original source of each document is indicated at Annex A.⁶

11. Submitting the *Gendarmerie* Documents promotes the efficiency of proceedings and will save Court time.

Conclusion

12. For the foregoing reasons, the Prosecution requests that the Chamber considers the *Gendarmerie* Documents submitted.



Fatou Bensouda, Prosecutor

Dated this 18th day of July 2016

At The Hague, The Netherlands

⁵ See CIV-OTP-0049-2986.

⁶ Further detail is available at CIV-OTP-0049-2986, Investigator's report on document collection at the *Gendarmerie Nationale*. For the avoidance of any doubt, not all of the documents collected on this mission were selected for submission on this application.