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No.: ICC-02/11-01/11  
Date: 16 February 2015

**TRIAL CHAMBER I**

**Before:** Judge Geoffrey Henderson, Presiding Judge  
Judge Cuno Tarfusser  
Judge Olga Herrera-Carbuccia

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE**

***IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO***

**PUBLIC**

**With confidential Annexes A, B and C available to the Defence and Legal  
Representatives of Victims**

**Prosecution's Communication of Evidence Re-disclosed to the Defence  
on 16 February 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 the Defence**

Mr Emmanuel Altit

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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**

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**Registrar**

Mr Herman von Hebel

**Defence Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## Introduction

1. The Office of the Prosecutor (“Prosecution”) provides notice of the re-issue of metadata of incriminating evidence, of potentially exculpatory evidence, and of material pursuant to Rule 77 of the Rules of Procedure and Evidence (“Rules”), by way of three disclosure packages:
  - a. Pre-Trial INCRIM Package 38 contains 668 items;
  - b. Pre-Trial PEXO Package 23 contains 66 items; and
  - c. Pre-Trial Rule Package 36 contains 1380 items.

## Re-issue of metadata

2. The Prosecution notifies the Trial Chamber I (“Chamber”) of its re-disclosure, on 16 February 2015, of 668 incriminating items (together with the list of documents re-disclosed),<sup>1</sup> 66 potentially exculpatory items,<sup>2</sup> and 1380 items disclosed pursuant to Rule 77 of the Rules.<sup>3</sup> The metadata of these items is being re-disclosed following the Prosecution’s request, dated 6 February 2015, to extend the time limit pursuant to regulation 35 of the Regulations of the Court for the re-disclosure of the metadata relating to 2115 documents.<sup>4</sup> The Prosecution notes that the total number of documents disclosed on 16 February 2015 is 2114, and not 2115, because one document was already re-disclosed on 6 February 2015.<sup>5</sup>
3. The re-disclosed material was provided in a format that complies with the e-Court protocol as approved at the Pre-Trial stage.<sup>6</sup>
4. 228 items disclosed as incriminating, 18 items disclosed as potentially exculpatory and 312 items disclosed pursuant to Rule 77 of the Rules were re-disclosed with

<sup>1</sup> 20150216 Pre-Trial INCRIM Package 38.

<sup>2</sup> 20150216 Pre-Trial PEXO Package 23.

<sup>3</sup> 20150216 Pre-Trial Rule 77 Package 36.

<sup>4</sup> Prosecution’s request pursuant to regulation 35 for variation of time limit to re-disclose certain documents with fewer redactions and Prosecution’s request for authorisation to maintain redactions, 6 February 2015, ICC-02/11-01/11-761, paras 4-9.


<sup>5</sup> CIV-OTP-0054-0629 was re-disclosed on 6 February 2015 in Pre-trial INCRIM package 37.

<sup>6</sup> ICC-02/11-01/11-30-AnxI.

redactions applied to their metadata, in accordance with decision ICC-02/11-01/11-737 and its Annex (“Redaction Protocol”). The information redacted includes names of investigators and OTP sources. The request to maintain the redactions to names of investigators is also contained in the Prosecution’s request dated 6 February 2015.<sup>7</sup>

### **Request for Confidentiality**

5. Annexes A,<sup>8</sup> B<sup>9</sup> and C<sup>10</sup> 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.



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Fatou Bensouda, Prosecutor

Dated this 16<sup>th</sup> day of February 2015

At The Hague, The Netherlands

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<sup>7</sup> ICC-02/11-01/11-761, paras 10-14.

<sup>8</sup> Disclosure note for Pre-Trial INCRIM Package 38 provided to the Defence of Laurent Gbagbo on 16 February 2015.

<sup>9</sup> Disclosure note for Pre-Trial PEXO Package 23 provided to the Defence of Laurent Gbagbo on 16 February 2015.

<sup>10</sup> Pre-inspection report for Pre-Trial Rule 77 Package 36 provided to the Defence of Laurent Gbagbo on 16 February 2015.