



Original: English

No.: ICC-02/11-01/15
Date: 15 December 2017

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 Public Annexes B1, B6 and C3 and Confidential Annexes B2, B3, B4 and C1

**Prosecution's supplemental submission of transcriptions of video evidence under paragraphs 43-44 of the directions on the conduct of the proceedings, 31 July 2017,
ICC-02/11-01/15-998**

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

Ms Agathe Bahi Baroan

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

Introduction

1. The Prosecution tenders additional transcriptions of videos submitted in its application for the introduction of video evidence under paragraphs 43 and 44 of the directions on the conduct of proceedings.¹

Confidentiality

2. Annexes B2, B3, B4 and C1 are filed as “Confidential”, pursuant to regulation 23bis(1) of the Regulations, as they also contain identifying information about protected witnesses and/or because they refer to testimony of witnesses given in private session.

Procedural History

3. On 31 July 2017, the Prosecution filed its original Application. In this Application, the Prosecution noted that it had not yet been possible to provide transcriptions of all video evidence submitted.

4. On 6 September 2017, the Prosecution filed corrected versions of the annexes to the original Application.²

5. On 13 and 15 December 2017, the Prosecution disclosed to the Defence teams the outstanding transcriptions of video evidence submitted in its original Application.³

Submission of Transcripts

6. The Prosecution tenders 930 individual transcriptions of video evidence submitted in its original Application. The majority (905) of these transcriptions was only recently finalised and disclosed to the Defence on 13 and 15 December 2017.

¹ ICC-02/11-01/15-998 (“original Application”). Submission was sought under paragraphs 43 and 44 of the directions on the conduct of the proceedings, ICC-02/11-01/15-498-AnxA (“Directions”).

² ICC-02/11-01/15-998-AnxB1-Corr-Anx, ICC-02/11-01/15-998-AnxB2-Corr-Anx, ICC-02/11-01/15-998-AnxB5-Corr-Anx, ICC-02/11-01/15-998-AnxB6-Corr-Anx and ICC-02/11-01/15-998-AnxD-Corr-Anx.

³ INCRIM package 95, Rule 77 package 103 and PEXO package 7 of 13 December 2017 and INCRIM package 96, Rule 77 package 104 and PEXO package 8 of 15 December 2017.

7. For ease of reference, the Prosecution provides updated versions of the annexes provided in its original Application. The details of the transcriptions sought to be added are indicated in “track change” form.⁴ The 930 individual transcriptions sought to be submitted are listed in updated Annexes B6 and C3. Updated Annexes B1, B2, B3, B4 and C1 are provided to allow for cross-referencing to the video material submitted in the original Application.

8. Ninety-nine (99) of the individual transcriptions relate to video material currently disclosed under rule 77 of the Rules of Procedure and Evidence (“Rules”) or as potentially exonerating material, but sought in the original Application to be re-disclosed as incriminating material and added to the Prosecution’s List of Evidence (“LoE”).⁵ To the extent that this request for an extension of time is granted, the Prosecution seeks to disclose the related transcriptions as incriminating material and to add them to its LoE.

Conclusion

9. For the foregoing reasons, the Prosecution tenders all the additional transcriptions of video evidence as marked up in Annexes B6 and C3, and requests the Chamber to consider them as submitted in the record of the case.



Fatou Bensouda, Prosecutor

Dated this 15th day of December 2017,
at The Hague, The Netherlands

⁴ Also marked up in the annexes are a limited number of submitted transcripts, for ease of reference, as well as a small number of corrections made upon further review.

⁵ See Part IV “Request for an Extension of Time” in the original Application.