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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

Prosecution's certification of review of its case file

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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Unrepresented Victims

**Unrepresented Applicants for
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Introduction

1. On 30 November 2015, the Trial Chamber ordered the Prosecution to comprehensively review its file and to certify, by way of filing, that no disclosable material had been overlooked. It further ordered the Prosecution to disclose any undisclosed disclosable material forthwith or to promptly file requests for late disclosure.¹
2. On 22 March 2016, in its Fourth decision on matters related to disclosure and amendments to the List of Evidence, the Chamber instructed the Prosecution to indicate by what date it would be in a position to provide certification.²

Certification

3. The Prosecution hereby certifies that it has now completed a full review of all the case-relevant materials in its possession. To the best of its knowledge and as at the date of filing, no disclosable materials remain undisclosed, other than the specific items set out below.

Submissions

4. The Prosecution's review of all the case-relevant materials in its possession included (i) a renewed review of all undisclosed materials in its possession and registered in its evidence database (Ringtail); (ii) a review of its internal work database (TRIM) for any undisclosed documents not covered by the internal work

¹ ICC-02/11-01/15-350-Conf, para. 59.

² ICC-02/11-01/15-467, para. 15 and p. 9.

product exemption;³ (iii) a review of all public correspondence received in relation to the Côte d'Ivoire situation by email to the "OTP Information Desk"⁴ email address, or otherwise by way of communication under article 15 of the Rome Statute ("the Statute").

5. Separate from the material obtained via investigations as described at paragraph 4 above, the Prosecution is currently finalising a full review of all victim applications in its possession, in order to identify any information disclosable under rule 77 of the Rules that was redacted by the Victims Participation and Reparations Section ("VPRS") in the versions disclosed to the Defence teams. It is the Prosecution's intention to liaise with the VPRS once the review is completed, in order to request at first instance that the VPRS transmits to the Defence lesser redacted versions of certain victim applications identified in the Prosecution's review. It is anticipated that the Prosecution's review of all victim applications will be completed by Friday 1st April 2016. Thereafter, the process of liaising with VPRS and the Legal Representative of Victims ("LRV") in relation to lifting redactions will, it is hoped, be completed before the end of April 2016. The Prosecution notes, however, that it is difficult to predict a timeline for this part of the process.

6. With the exception of this ongoing review of victim applications, the Prosecution has concluded the review of its case file for certification. In conducting its review, the Prosecution adopted a comprehensive and careful approach designed to ensure *bona fide* disclosure compliance. Although the Prosecution is satisfied that there are no disclosable documents remaining undisclosed at present, as in all complex processes, there is potential for human error, which the Prosecution has sought to minimize through multiple layers of review.

³ Under rule 81(1) of the Rules of Procedure and Evidence ("the Rules"), reports, memoranda or other internal documents prepared by a party in connection with the investigation or preparation of the case are not subject to disclosure.

⁴ otp.informationdesk@icc-cpi.int.

7. The Prosecution will continue to review any information and evidence that may be received and/or collected in the context of the case and disclose it as necessary, as part of its ongoing obligations under article 67(2) of the Statute and rule 77 of the Rules.
8. The Prosecution will also continue to re-examine its case file as necessary in accordance with any future decisions, orders and directions of the Trial Chamber, defences disclosed and any other relevant development in the case that may affect the relevance and disclosure of information in the Prosecution's possession and control.
9. Any further disclosable material that may be uncovered by subsequent reviews will be disclosed forthwith.



Fatou Bensouda, Prosecutor

Dated this 24th day of March 2016

At The Hague, The Netherlands