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No.: **ICC-02/11-01/15**

Date: **1 June 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, B, C, D, E, F, G, H, I, J, K and L available to the
Defence and Legal Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
19 May 2016, 23 May 2016, 24 May 2016, 25 May 2016 and 27 May 2016**

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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**Victims Participation and Reparations
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Other

Introduction

1. The Prosecution hereby provides this disclosure report relating to disclosure batches provided to the Defence of Laurent GBAGBO and Charles BLÉ GOUDÉ on 19 May 2016, 23 May 2016, 24 May 2016, 25 May 2016 and 27 May 2016.

Disclosures of 19 May 2016

2. The Prosecution provides notice of the disclosure on 19 May 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 33, containing seven items of incriminatory evidence.¹ All items were disclosed without redactions. The package consisted of:
 - a. Two French translations of UN reports,² already disclosed as incriminatory, to be used in the Prosecution's examination of Witness P-0048;
 - b. Three official versions of peace agreements,³ the "best evidence" versions of Accra I in French and of Linas-Marcoussis and Accra III in English, to be used in the Prosecution's examination of Witness P-0048; and
 - c. Two French translations of the same Linas-Marcoussis and Accra III peace agreements,⁴ to be used in the Prosecution's examination of Witness P-0048.
3. The Prosecution also provides notice of the disclosure on 19 May 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM

¹ 20160519 INCRIM Package 33.

² Items 1-2 on the Prosecution's accompanying list of documents.

³ Items 3 and 5-6 on the Prosecution's accompanying list of documents.

⁴ Items 4 and 7 on the Prosecution's accompanying list of documents.

package 34, containing four items of incriminatory evidence.⁵ All items were disclosed without redactions. The package consisted of:

- a. One official version of the Pretoria peace agreement⁶ and its French translation,⁷ the “best evidence” versions of documents already disclosed as incriminatory, to be used in the Prosecution’s examination of Witness P-0048; and
 - b. Two French translations of UNOCI reports,⁸ already disclosed as incriminatory, to be used in the Prosecution’s examination of Witness P-0048.
4. The disclosed material was provided *via* TRIM electronically in a format that complies with the e-Court Protocol as approved for the trial stage.⁹

Disclosure of 23 May 2016

5. The Prosecution further provides notice of the disclosure on 23 May 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 35, containing 28 items of incriminatory evidence.¹⁰ All items were disclosed without redactions. The package consisted of:
- a. Twenty-eight still images (photographs) derived from documents already disclosed as incriminatory, expected to be used in the Prosecution’s examination of Witness P-0431.¹¹
6. The disclosed material was provided *via* TRIM electronically in a format that complies with the e-Court Protocol as approved for the trial stage.¹²

⁵ 20160519 INCRIM Package 34.

⁶ Item 2 on the Prosecution’s accompanying list of documents.

⁷ Item 1 on the Prosecution’s accompanying list of documents.

⁸ Items 3-4 on the Prosecution’s accompanying list of documents.

⁹ See ICC-02/11-01/15-58, para. 24.

¹⁰ 20160523 INCRIM Package 35.

¹¹ Items 1-28 on the Prosecution’s accompanying list of documents.

¹² See ICC-02/11-01/15-58, para. 24.

Disclosure of 24 May 2016

7. The Prosecution further provides notice of the disclosure on 24 May 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 36, containing two items of incriminatory evidence.¹³ Both items were disclosed without redactions. The package consisted of:
 - a. Two partial transcripts related to documents already disclosed as incriminatory, to be used in the Prosecution's examination of Witness P-0431.¹⁴ These transcripts were disclosed as incriminating evidence in line with the Trial Chamber's Third Decision granting their disclosure and addition to the List of Evidence.¹⁵
8. The disclosed material was provided *via* TRIM electronically in a format that complies with the e-Court Protocol as approved for the trial stage.¹⁶

Disclosure of 25 May 2016

9. The Prosecution further provides notice of the disclosure on 25 May 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 37, containing two items of incriminatory evidence.¹⁷ Both items were disclosed without redactions. The package consisted of:
 - a. Two partial transcripts related to documents already disclosed as incriminatory, to be used in the Prosecution's examination of Witness P-0431.¹⁸ These transcripts were disclosed as incriminating evidence in line with the Trial Chamber's Third Decision granting their disclosure and addition to the List of Evidence.¹⁹

¹³ 20160524 INCRIM Package 36.

¹⁴ Items 1-2 on the Prosecution's accompanying list of documents.

¹⁵ See ICC-02/11-01/15-350-Conf, para. 25.

¹⁶ See ICC-02/11-01/15-58, para. 24.

¹⁷ 20160525 INCRIM Package 37.

¹⁸ Items 1-2 on the Prosecution's accompanying list of documents.

¹⁹ See ICC-02/11-01/15-350-Conf, para. 25.

10. The disclosed material was provided *via* TRIM electronically in a format that complies with the e-Court Protocol as approved for the trial stage.²⁰

Disclosure of 27 May 2016

11. The Prosecution provides notice of the disclosure on 27 May 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of Rule 77 package 37, containing 31 items pursuant to rule 77 of the Rules.²¹ Eighteen of these items were disclosed without redactions, while 13 were disclosed with redactions to their content only, in accordance with decision ICC-02/11-01/11-737.²²

12. Four of these documents had recently come into the Prosecution's possession.

- a. Four "chain of custody" forms, dated 28 April 2016, related to the transfer of three exhibits from the *Institut de Recherche Criminelle de la Gendarmerie Nationale* to the Forensic Science Section.²³

13. Fifteen items, witness transcripts related to video documents already disclosed pursuant to rule 77,²⁴ were re-disclosed with fewer redactions following oral notification by the Prosecution to the Trial Chamber on 25 May 2016.²⁵

14. The remaining items were twelve victim application forms:²⁶ eight applications of dual status witnesses already disclosed on 8 June 2015 and 7 July 2015,²⁷ and a further four formally disclosed by the Prosecution for the first time.²⁸ All twelve applications were disclosed pursuant to the Trial Chamber's Decision of 9 May 2016.

15. These items were disclosed in compliance with the Prosecution's ongoing obligation under rule 77 of the Rules, to disclose documents which are material to

²⁰ See ICC-02/11-01/15-58, para. 24.

²¹ 20160527 Rule 77 Package 37.

²² See ICC-02/11-01/11-737-AnxA.

²³ Items 24-27 on the Prosecution's accompanying list of documents.

²⁴ Items 1-15 on the Prosecution's accompanying list of documents.

²⁵ See Transcript ICC-02/11-01/15-T-44-CONF-ENG ET 25-05-2016, page 2, lines 1-22.

²⁶ Items 16-23 and 28-31 on the Prosecution's accompanying list of documents.

²⁷ Items 16-23 on the Prosecution's accompanying list of documents.

²⁸ Items 28-31 on the Prosecution's accompanying list of documents.

the preparation of the Defence,²⁹ in conformity with the Trial Chamber's Second Decision of 21 October 2015 ("Second Decision") related to disclosure of rule 77 material.³⁰

16. The disclosed material was provided *via* TRIM electronically in a format that complies with the e-Court Protocol as approved for the trial stage.³¹

Request for Confidentiality

17. Annexes A,³² B,³³ C,³⁴ D,³⁵ E,³⁶ F,³⁷ G³⁸, H³⁹, I⁴⁰, J⁴¹, K⁴² and L⁴³ 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.



²⁹ See ICC-02/11-01/15-183-Conf, para. 34.

³⁰ See ICC-02/11-01/15-306-Conf, paras. 17-20 and 34.

³¹ See ICC-02/11-01/15-58, para. 24.

³² Disclosure note for INCRIM Package 33 provided to the Defence of Laurent Gbagbo on 19 May 2016.

³³ Disclosure note for INCRIM Package 33 provided to the Defence of Charles Blé Goudé on 19 May 2016.

³⁴ Disclosure note for INCRIM Package 34 provided to the Defence of Laurent Gbagbo on 19 May 2016.

³⁵ Disclosure note for INCRIM Package 34 provided to the Defence of Charles Blé Goudé on 19 May 2016.

³⁶ Disclosure note for INCRIM Package 35 provided to the Defence of Laurent Gbagbo on 23 May 2016.

³⁷ Disclosure note for INCRIM Package 35 provided to the Defence of Charles Blé Goudé on 23 May 2016.

³⁸ Disclosure note for INCRIM Package 36 provided to the Defence of Laurent Gbagbo on 24 May 2016.

³⁹ Disclosure note for INCRIM Package 36 provided to the Defence of Charles Blé Goudé on 24 May 2016.

⁴⁰ Disclosure note for INCRIM Package 37 provided to the Defence of Laurent Gbagbo on 25 May 2016.

⁴¹ Disclosure note for INCRIM Package 37 provided to the Defence of Charles Blé Goudé on 25 May 2016.

⁴² Disclosure note for Rule 77 Package 37 provided to the Defence of Laurent Gbagbo on 27 May 2016.

⁴³ Disclosure note for Rule 77 Package 37 provided to the Defence of Charles Blé Goudé on 27 May 2016.

Fatou Bensouda, Prosecutor

Dated this 1st day of June 2016

At The Hague, The Netherlands