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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

**With Confidential Annexes A to P available to the Defence and Legal
Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
1, 7, 15, 23 and 29 June 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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**Unrepresented Applicants for
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States' Representatives

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REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

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 1 June 2016, 7 June 2016, 15 June 2016, 23 June 2016 and 29 June 2016.
2. All disclosed material was provided *via* TRIM electronically in a format that complies with the e-Court Protocol as approved for the trial stage.¹

Disclosure of 1 June 2016

3. The Prosecution provides notice of the disclosure on 1 June 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 38, containing 56 items of incriminatory evidence.² All items were disclosed without redactions. The package consisted of:
 - a. 35 still images of videos already on the List of Evidence;³
 - b. Eight witness transcripts of videos already on the List of Evidence;⁴
 - c. Eight versions in English or French of reports already on the List of Evidence;⁵
 - d. Four documents related to UN reports already on the List of Evidence;⁶ and
 - e. One re-scanned page of a book already on the List of Evidence.⁷

Disclosure of 7 June 2016

4. The Prosecution provides notice of the disclosure on 7 June 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 39,

¹ See ICC-02/11-01/15-58, para. 24.

² 20160601 INCRIM Package 38.

³ Items 22-56 on the Prosecution's accompanying list of documents.

⁴ Items 2-9 on the Prosecution's accompanying list of documents.

⁵ Items 1, 10, 12-13, 16, 18 and 20-21 on the Prosecution's accompanying list of documents.

⁶ Items 14-15, 17 and 19 on the Prosecution's accompanying list of documents.

⁷ Item 11 on the Prosecution's accompanying list of documents.

containing one item of incriminatory evidence.⁸ This item was disclosed without redactions. The package consisted of:

- a. One video item re-disclosed under the same ERN with an improvement made to its time synchronisation.⁹

Disclosures of 15 June 2016

5. The Prosecution provides notice of the disclosure on 15 June 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 40, containing 12 items of incriminatory evidence.¹⁰ All items were disclosed without redactions. The package consisted of:

- a. Two transcripts of Witness P-0324, already on the List of Evidence and re-disclosed with fewer redactions;¹¹
- b. Two one-page declarations of Witnesses P-0549 and P-0550 in English and French, certifying that the contents of their prior reports are true and correct;¹² and
- c. Six maps, disclosed on a joint agreement with the Defence.¹³

6. The Prosecution further provides notice of the disclosure on 15 June 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of Rule 77 package 38, containing 20 items pursuant to rule 77 of the Rules of Procedure and Evidence ("Rules").¹⁴ All items were disclosed without redactions. The package consisted of:

⁸ 20160607 INCRIM Package 39.

⁹ Item 1 on the Prosecution's accompanying list of documents.

¹⁰ 20160615 INCRIM Package 40.

¹¹ Items 1-2 on the Prosecution's accompanying list of documents.

¹² Items 3-6 on the Prosecution's accompanying list of documents.

¹³ Items 7-12 on the Prosecution's accompanying list of documents.

¹⁴ 20160615 Rule 77 Package 38.

- a. One book chapter titled “Understanding Collective Political Violence” published in January 2011;¹⁵
- b. Two documents written by Witness P-0097: an article “Critical Reflection” published in October 2012 and chapter 10 of a book titled “Understanding Collective Political Violence” published in January 2011;¹⁶
- c. Three investigator reports dated 10 June 2016 related to the detention history and the psycho-social assessments of Witnesses P-0321 and P-0324;¹⁷
- d. Two sketches made by Witness P-0321 during his interview on 27 April 2013;¹⁸
- e. Twelve press articles related to Witnesses P-0048, P-0321 and P-0324, dated between 30 June 2014 and 5 June 2016.¹⁹

Disclosures of 23 June 2016

- 7. The Prosecution provides notice of the disclosure on 23 June 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 41, containing five items of incriminatory evidence.²⁰ All items were disclosed without redactions. The package consisted of:
 - a. Five still images derived from a video document already disclosed as incriminating evidence and on the Prosecution’s List of Evidence.²¹
- 8. The Prosecution further provides notice of the disclosure on 23 June 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of Rule 77 package

¹⁵ Item 3 on the Prosecution’s accompanying list of documents.

¹⁶ Items 1 and 2 on the Prosecution’s accompanying list of documents.

¹⁷ Items 13-15 on the Prosecution’s accompanying list of documents.

¹⁸ Items 11-12 on the Prosecution’s accompanying list of documents.

¹⁹ Items 4-10 and 16-20 on the Prosecution’s accompanying list of documents.

²⁰ 20160623 INCRIM Package 41.

²¹ Items 1-5 on the Prosecution’s accompanying list of documents.

39, containing 15 items pursuant to rule 77 of the Rules.²² One item contained redactions to its content only, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).²³ The remaining 14 documents were disclosed without redactions. The package consisted of:

- a. One report addressed to the Superior Commander of *Gendarmerie Nationale* dated 1 March 2011, re-assessed by the Prosecution as disclosable;²⁴
- b. One set of screening notes of Witness P-0312 dated 20 March 2013, re-assessed by the Prosecution as disclosable;²⁵
- c. One press article related to Witness P-0321, published on 4 August 2015;²⁶
- d. One interview video of Me Marie Agathe Barouan related to Witness P-0321,²⁷ disclosed together with a further four OTP-generated documents relating to its download;²⁸
- e. One video related to Witness P-0009,²⁹ disclosed together with a further two OTP-generated documents relating to its download;³⁰
- f. Two messages on social media related to Witness P-0009,³¹ disclosed together with one OTP-generated document relating to their download;³²
- g. One report from the Ministry of Justice in Côte d’Ivoire about the methodology of exhumations in Côte d’Ivoire dated 28 April 2016;³³
- h. One report of mission in Côte d’Ivoire between November and December 2012, published in May 2013, collected by the Prosecution in April 2016.³⁴

²² 20160623 Rule 77 Package 39.

²³ See ICC-02/11-01/11-737-AnxA.

²⁴ Item 1 on the Prosecution’s accompanying list of documents.

²⁵ Item 2 on the Prosecution’s accompanying list of documents.

²⁶ Item 3 on the Prosecution’s accompanying list of documents.

²⁷ Item 6 on the Prosecution’s accompanying list of documents.

²⁸ Items 4-5 and 7 on the Prosecution’s accompanying list of documents.

²⁹ Item 10 on the Prosecution’s accompanying list of documents.

³⁰ Items 8-9 on the Prosecution’s accompanying list of documents.

³¹ Items 11-12 on the Prosecution’s accompanying list of documents.

³² Item 13 on the Prosecution’s accompanying list of documents.

³³ Item 14 on the Prosecution’s accompanying list of documents.

9. The Prosecution further provides notice of the disclosure on 23 June 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of PEXO package 5, containing seven items of potentially exonerating evidence.³⁵ All items were disclosed without redactions. The package consisted of:

- a. One video interview of Jeannot Ahoussou filmed in March 2011,³⁶ disclosed together with a further six OTP-generated documents relating to its download.³⁷

Disclosure of 29 June 2016

10. The Prosecution provides notice of the disclosure on 29 June 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 42, containing five items of incriminatory evidence.³⁸ All items were disclosed without redactions. The package consisted of:

- a. Five transcripts of two videos already disclosed as incriminating evidence and on the Prosecution's List of Evidence.³⁹

Request for Confidentiality

11. Annexes A,⁴⁰ B,⁴¹ C,⁴² D,⁴³ E,⁴⁴ F,⁴⁵ G,⁴⁶ H,⁴⁷ I,⁴⁸ J,⁴⁹ K,⁵⁰ L,⁵¹ M,⁵² N,⁵³ O⁵⁴ and P⁵⁵ appended to this communication contain the disclosure notes provided to the

³⁴ Item 15 on the Prosecution's accompanying list of documents.

³⁵ 20160623 PEXO Package 5.

³⁶ Item 4 on the Prosecution's accompanying list of documents.

³⁷ Items 1-3 and 5-7 on the Prosecution's accompanying list of documents.

³⁸ 20160629 INCRIM Package 42.

³⁹ Items 1 to 5 on the Prosecution's accompanying list of documents.

⁴⁰ Disclosure note for INCRIM Package 38 provided to the Defence of Laurent Gbagbo on 1 June 2016.

⁴¹ Disclosure note for INCRIM Package 38 provided to the Defence of Charles Blé Goudé on 1 June 2016.

⁴² Disclosure note for INCRIM Package 39 provided to the Defence of Laurent Gbagbo on 7 June 2016.

⁴³ Disclosure note for INCRIM Package 39 provided to the Defence of Charles Blé Goudé on 7 June 2016.

⁴⁴ Disclosure note for INCRIM Package 40 provided to the Defence of Laurent Gbagbo on 15 June 2016.

⁴⁵ Disclosure note for INCRIM Package 40 provided to the Defence of Charles Blé Goudé on 15 June 2016.

⁴⁶ Disclosure note for Rule 77 Package 38 provided to the Defence of Laurent Gbagbo on 15 June 2016.

⁴⁷ Disclosure note for Rule 77 Package 38 provided to the Defence of Charles Blé Goudé on 15 June 2016.

⁴⁸ Disclosure note for INCRIM Package 41 provided to the Defence of Laurent Gbagbo on 23 June 2016.

⁴⁹ Disclosure note for INCRIM Package 41 provided to the Defence of Charles Blé Goudé on 23 June 2016.

⁵⁰ Disclosure note for Rule 77 Package 39 provided to the Defence of Laurent Gbagbo on 23 June 2016.

⁵¹ Disclosure note for Rule 77 Package 39 provided to the Defence of Charles Blé Goudé on 23 June 2016.

Defence. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.



Fatou Bensouda, Prosecutor

Dated this 30th day of June 2016

At The Hague, The Netherlands

⁵² Disclosure note for PEXO Package 5 provided to the Defence of Laurent Gbagbo on 23 June 2016.

⁵³ Disclosure note for PEXO Package 5 provided to the Defence of Charles Blé Goudé 23 June 2016.

⁵⁴ Disclosure note for INCRIM Package 42 provided to the Defence of Laurent Gbagbo 29 June 2016.

⁵⁵ Disclosure note for INCRIM Package 42 provided to the Defence of Charles Blé Goudé 29 June 2016.