



Original: English

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

Date: 29 July 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 to J available to the Defence and Legal
Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
4, 6, 13 and 21 July 2016**

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 for
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 hereby provides this disclosure report relating to disclosure batches provided to the Defence of Laurent Gbagbo and Charles Blé Goudé on 4 July 2016, 6 July 2016, 13 July 2016 and 21 July 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 4 July 2016

3. The Prosecution provides notice of the disclosure on 4 July 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of Rule 77 package 40, containing two items pursuant to rule 77 of the Rules of Procedure and Evidence (“Rules”).² One item contained redactions to its content only and one item contained redactions to its content and metadata, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).³ Among the redactions were non-standard redactions, which the Prosecution had sought authorization to apply.⁴ The package consisted of:

- a. Two reports for Witness P-0321, pre-interview assessment and psychological assessment,⁵ disclosed pursuant to the Chamber’s oral decision of 1 July 2016.⁶

Disclosure of 6 July 2016

4. The Prosecution provides notice of the disclosure on 6 July 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of Rule 77 package 41, containing six items pursuant to rule 77 of the Rules.⁷ Four items were disclosed without redactions; one item contained redactions to its content only and one

¹ See ICC-02/11-01/15-58, para. 24.

² 20160704 Rule 77 Package 40.

³ See ICC-02/11-01/11-737-AnxA.

⁴ See ICC-02/11-01/15-609.

⁵ Items 1 and 2 on the Prosecution’s accompanying list of documents.

⁶ See ICC-02/11-01/15-T-57-ENG RT 01-07-2016 T, page 40, lines 14 to page 43, line 19.

⁷ 20160706 Rule 77 Package 41.

item contained redactions to its content and metadata, in accordance with the Redaction Protocol. The package consisted of:

- a. Three reports for Witness P-0321, pre-interview assessment and psychological assessments,⁸ disclosed pursuant to the Chamber's oral decision of 1 July 2016.⁹ Two documents were already formally disclosed on 4 July 2016, and were re-disclosed with fewer redactions pursuant to the Chamber's decision of 4 July 2016;¹⁰
- b. Two press articles related to Simone Gbagbo and to the charged incident of 3 March 2011, published on 30 June and 1 July 2016.¹¹ The Prosecution disclosed these documents as part of its on-going review of media articles relating to its charged incidents;
- c. One book related to the accused Charles Blé Goudé and titled "*De l'enfer je reviendrais*", published in 2016.¹²

Disclosures of 13 July 2016

5. The Prosecution provides notice of the disclosure on 13 July 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of INCRIM package 43, containing five items of incriminatory evidence.¹³ All items were disclosed without redactions. The package consisted of:

- a. Two slow motions videos¹⁴ extracted from two video documents, already disclosed as incriminating evidence and on the List of Evidence;¹⁵
- b. Three maps, disclosed on a joint agreement with the Defence.¹⁶ These print-outs of maps were created based on the agreed Abidjan base map CIV-

⁸ Items 1-3 on the Prosecution's accompanying list of documents.

⁹ See ICC-02/11-01/15-T-57-ENG RT 01-07-2016 T, page 40, lines 14 to page 43, line 19.

¹⁰ See ICC-02/11-01/15-611-Conf.

¹¹ Items 4 and 5 on the Prosecution's accompanying list of documents.

¹² Item 6 on the Prosecution's accompanying list of documents.

¹³ 20160713 INCRIM Package 43.

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

¹⁵ CIV-OTP-0082-0357 and CIV-OTP-0077-0411.

OTP-0092-0410 in order to be sent to Abidjan for the Prosecution potential use during the examination of Witness P-0321 testifying *via* video-link.

6. The Prosecution further provides notice of the disclosure on 13 July 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of Rule 77 package 42, containing fourteen items pursuant to rule 77 of the Rules.¹⁷ Twelve items were disclosed without redactions; one item contained redactions to its content only and one item contained redactions to its content and metadata, in accordance with the Redaction Protocol. The package consisted of:
 - a. Two reports for Witness P-0324, pre-interview assessment and psychological assessment,¹⁸ disclosed pursuant to the Chamber's oral decision of 1 July 2016.¹⁹
 - b. One video of Alassane Ouattara's speech on 7 April 2011 related to Witnesses P-0011 and P-0046,²⁰ disclosed together with a further eleven OTP-generated documents relating to its download.²¹ The Prosecution disclosed these documents as part of its ongoing review of material relating to its witnesses and because this speech was raised in court.

Disclosure of 21 July 2016

7. The Prosecution provides notice of the disclosure on 21 July 2016 to the Defence teams of Charles BLÉ GOUDÉ and Laurent GBAGBO of Rule 77 package 43, containing 49 items pursuant to rule 77 of the Rules.²² Twenty items were disclosed without redactions; six items contained redactions to their content only and twenty-three items contained redactions to their content and metadata, in accordance with the Redaction Protocol. The package consisted of:

¹⁶ Items 3-5 on the Prosecution's accompanying list of documents.

¹⁷ 20160713 Rule 77 Package 42.

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

¹⁹ See ICC-02/11-01/15-T-57-ENG RT 01-07-2016 T, page 40, lines 14 to page 43, line 19.

²⁰ Item 3 on the Prosecution's accompanying list of documents.

²¹ Items 4-14 on the Prosecution's accompanying list of documents.

²² 20160721 Rule 77 Package 43.

- a. Thirty-one reports related to Witnesses P-0048, P-0107, P-0117, P-0106, P-0350, P-0442, P-0190, P-0441, P-0536, P-0547, P-0579, P-0587, P-0588, P-0590, P-0589, P-0578, P-0435, P-0230 and P-0520, pre-interview assessments and psycho-social assessments,²³ disclosed pursuant to the Chamber's oral decision of 1 July 2016.²⁴
- b. One investigator report dated 15 July 2016, related to Witness P-0045, who communicated disclosable information in his last meeting with the OTP;²⁵
- c. One press article dated 10 November 2011, related to Witness P-0045,²⁶ disclosed together with a further eight OTP-generated documents relating to its download.²⁷ The Prosecution disclosed these documents as part of its ongoing review of material relating to its witnesses and because the event described in the article was brought up in the last meeting with Witness P-0045;
- d. One video of a French television interview regarding the kidnapping of civilians in April 2011, related to Witness P-0045,²⁸ disclosed together with a further seven OTP-generated documents relating to its download.²⁹ The Prosecution disclosed these documents as part of its on-going review of material relating to its witnesses and because this interview was brought up in the last meeting with Witness P-0045.

Request for Confidentiality

8. Annexes A,³⁰ B,³¹ C,³² D,³³ E,³⁴ F,³⁵ G,³⁶ H,³⁷ I³⁸ and J³⁹ appended to this communication contain the disclosure notes provided to the Defence. The

²³ Items 1-31 on the Prosecution's accompanying list of documents.

²⁴ See ICC-02/11-01/15-T-57-ENG RT 01-07-2016 T, page 40, lines 14 to page 43, line 19.

²⁵ Item 49 on the Prosecution's accompanying list of documents.

²⁶ Item 32 on the Prosecution's accompanying list of documents.

²⁷ Items 33-40 on the Prosecution's accompanying list of documents.

²⁸ Item 41 on the Prosecution's accompanying list of documents.

²⁹ Items 42-48 on the Prosecution's accompanying list of documents.

³⁰ Disclosure note for Rule 77 Package 40 provided to the Defence of Laurent Gbagbo on 4 July 2016.

³¹ Disclosure note for Rule 77 Package 40 provided to the Defence of Charles Blé Goudé on 4 July 2016.

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



Fatou Bensouda, Prosecutor

Dated this 29th day of July 2016

At The Hague, The Netherlands

³² Disclosure note for Rule 77 Package 41 provided to the Defence of Laurent Gbagbo on 6 July 2016.

³³ Disclosure note for Rule 77 Package 41 provided to the Defence of Charles Blé Goudé on 6 July 2016.

³⁴ Disclosure note for INCRIM Package 43 provided to the Defence of Laurent Gbagbo on 13 July 2016.

³⁵ Disclosure note for INCRIM Package 43 provided to the Defence of Charles Blé Goudé on 13 July 2016.

³⁶ Disclosure note for Rule 77 Package 42 provided to the Defence of Laurent Gbagbo on 13 July 2016.

³⁷ Disclosure note for Rule 77 Package 42 provided to the Defence of Charles Blé Goudé on 13 July 2016.

³⁸ Disclosure note for Rule 77 Package 43 provided to the Defence of Laurent Gbagbo on 21 July 2016.

³⁹ Disclosure note for Rule 77 Package 43 provided to the Defence of Charles Blé Goudé on 21 July 2016.