



Original: English

No.: ICC-02/11-01/15
Date: 5 September 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
3, 24 and 31 August 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 its monthly report relating to disclosures to the Defence teams for Mr Laurent GBAGBO and Mr Charles BLÉ GOUDÉ on 3 August 2016, 24 August 2016 and 31 August 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 3 August 2016

3. The Prosecution provides notice of the disclosure, on 3 August 2016, to the Defence teams for Mr GBAGBO and Mr BLÉ GOUDÉ respectively, of a Metadata Update package containing 130 items, pursuant to rule 77 of the Rules of Procedure and Evidence (“Rules”).² All items were disclosed without redactions. The package consisted of:

- a. 130 *Gendarmerie* documents which previously contained redactions to the source and/or chain of custody metadata.³ These metadata fields were re-issued with the effect of lifting all redactions.

Disclosure of 24 August 2016

4. The Prosecution provides notice of the disclosure, on 24 August 2016, to the Defence teams for Mr GBAGBO and Mr BLÉ GOUDÉ respectively, of INCRIM package 44, containing seven items of incriminatory evidence.⁴ All items were disclosed without redactions. The package consisted of:

- a. One French translation of a UN report, already disclosed as incriminating evidence and on the Prosecution’s List of Evidence;⁵

¹ See ICC-02/11-01/15-58, para. 24.

² 20160803 Metadata Update Package.

³ Items 1-130 on the Prosecution’s accompanying list of documents. See ICC-02/11-01/15-647-Conf.

⁴ 20160824 INCRIM Package 44.

⁵ Item 1 on the Prosecution’s accompanying list of documents.

- b. Four French translations of daily ONUCI reports, already disclosed as incriminating evidence and on the Prosecution's List of Evidence;⁶ and
 - c. Two transcripts ⁷ of two handwritten logbooks, already disclosed as incriminating evidence and on the Prosecution's List of Evidence.⁸ The transcripts were disclosed as incriminating evidence in conformity with the Trial Chamber's Third Decision granting their disclosure and addition to the List of Evidence.⁹
5. The Prosecution provides notice of the disclosure, on 24 August 2016, to the Defence teams for Mr GBAGBO and Mr BLÉ GOUDÉ respectively, of INCRIM package 45, containing four items of incriminatory evidence.¹⁰ All items were previously disclosed as incriminating evidence, and, on this occasion, re-disclosed with fewer or no redactions, in accordance with the Redaction Protocol.¹¹ The package consisted of:
- a. Three witness statements and one annex to a witness statement related to Witnesses P-0106, P-0107 and P-0117, re-disclosed with fewer redactions to their content. The Prosecution lifted redactions to some information as requested by the Gbagbo Defence team: the name of the NGO identified in the statement and an annex related to Witness P-0106;¹² a location named in the statement of Witness P-0107;¹³ and some information in the statement of Witness P-0117.¹⁴ These Witnesses' statements and annex were already disclosed as incriminatory evidence and on the Prosecution's List of Evidence.

⁶ Items 2-5 on the Prosecution's accompanying list of documents.

⁷ Items 6-7 on the Prosecution's accompanying list of documents.

⁸ CIV-OTP-0067-0643 and CIV-OTP-0018-1191 (also corresponds to a partial transcript of CIV-OTP-0067-0003).

⁹ See ICC-02/11-01/15-350-Conf, para.25.

¹⁰ 20160824 INCRIM Package 45.

¹¹ See ICC-02/11-01/11-737-AnxA.

¹² Items 1 and 2 on the Prosecution's accompanying list of documents.

¹³ Item 4 on the Prosecution's accompanying list of documents.

¹⁴ Item 3 on the Prosecution's accompanying list of documents.

Disclosures of 31 August 2016

6. The Prosecution provides notice of the disclosure, on 31 August 2016, to the Defence teams for Mr GBAGBO and Mr BLÉ GOUDÉ respectively, of INCRIM package 46, containing two items of incriminatory evidence.¹⁵ Both items were disclosed with redactions to their content only, in accordance with the Redaction Protocol. The package consisted of:
 - a. Two one-page declarations signed by Witnesses P-0428 and P-0590, dated 24 August 2016, certifying that the contents of their prior statements are true and correct.¹⁶
7. The Prosecution further provides notice of the disclosure, on 31 August 2016, to the Defence teams for Mr GBAGBO and Mr BLÉ GOUDÉ respectively, of Rule 77 package 44 containing seven items, pursuant to rule 77 of the Rules.¹⁷ Six items were disclosed without redactions; and one item contained redactions to its content only, in accordance with the Redaction Protocol. The package consisted of:
 - a. One letter received by confidential email from an unknown sender, related to the use and control of Liberian mercenaries in Western Côte d'Ivoire by Laurent Gbagbo, through Gilbert Bleu Laine.¹⁸ The Prosecution disclosed this undated document as part of its ongoing review of material related to its case and the Accused, from OTP information desk emails;
 - b. One investigator report, dated 24 August 2016, related to Witness P-0414's request for in-court protective measures during her last communication with the Prosecution;¹⁹ and

¹⁵ 20160831 INCRIM Package 46.

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

¹⁷ 20160831 Rule 77 Package 44.

¹⁸ Item 1 on the Prosecution's accompanying list of documents.

¹⁹ Item 7 on the Prosecution's accompanying list of documents.

- c. One video, published on Youtube on 15 August 2016, related to the Accused Mr BLÉ GOUDÉ,²⁰ and disclosed together with a further four Prosecution-generated documents relating to its download.²¹ The Prosecution became aware of the online existence of this video on 23 August 2016, while running searches. The Prosecution disclosed these documents as part of its ongoing review of material relating to its case and the Accused.

Request for Confidentiality

8. Annexes A,²² B,²³ C,²⁴ D,²⁵ E,²⁶ F,²⁷ G,²⁸ H,²⁹ I³⁰ and J³¹ 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.



Fatou Bensouda, Prosecutor

Dated this 5th day of September 2016

At The Hague, The Netherlands

²⁰ Item 5 on the Prosecution’s accompanying list of documents.

²¹ Items 2-4 and 6 on the Prosecution’s accompanying list of documents.

²² Disclosure note for Metadata Update Package provided to the Defence of Laurent Gbagbo on 3 August 2016.

²³ Disclosure note for Metadata Update Package provided to the Defence of Charles Blé Goudé on 3 August 2016.

²⁴ Disclosure note for INCRIM Package 44 provided to the Defence of Laurent Gbagbo on 24 August 2016.

²⁵ Disclosure note for INCRIM Package 44 provided to the Defence of Charles Blé Goudé on 24 August 2016.

²⁶ Disclosure note for INCRIM Package 45 provided to the Defence of Laurent Gbagbo on 24 August 2016.

²⁷ Disclosure note for INCRIM Package 45 provided to the Defence of Charles Blé Goudé on 24 August 2016.

²⁸ Disclosure note for INCRIM Package 46 provided to the Defence of Laurent Gbagbo on 31 August 2016.

²⁹ Disclosure note for INCRIM Package 46 provided to the Defence of Charles Blé Goudé on 31 August 2016.

³⁰ Disclosure note for Rule 77 Package 44 provided to the Defence of Laurent Gbagbo on 31 August 2016.

³¹ Disclosure note for Rule 77 Package 44 provided to the Defence of Charles Blé Goudé on 31 August 2016.