



Original: English

No.: ICC-02/11-01/15
Date: 10 October 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 P available to the Defence and
Legal Representatives**

**Prosecution's Communication of Evidence Disclosed to the Defence on
8, 21, 26 and 28 September 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 its monthly report relating to disclosures to the Defence teams for Mr Laurent GBAGBO and Mr Charles BLÉ GOUDÉ on 8 September 2016, 21 September 2016, 26 September 2016 and 28 September 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 8 September 2016

3. The Prosecution provides notice of the disclosure, on 8 September 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé respectively, of INCRIM package 47, containing 18 items. All items were disclosed in unredacted form. The package consisted of:
 - a. French translations of daily or weekly ONUCI reports already disclosed as incriminating evidence and on the Prosecution's List of Evidence.
4. The Prosecution provides notice of the disclosure, on 8 September 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé respectively, of Rule 77 package 45, containing 11 items. All items contain redactions to their content and metadata, in accordance with decision ICC-02/11-01/11-737 ("Redaction Protocol").² The package consisted of:
 - a. Updates of psycho-social assessment reports for Witnesses P-0350, P-0590, P-0589, P-0513, P-0230, P-0117, P-0106, P-0578, P-0587, P-0588 and P-0107, disclosed in conformity with the Chamber's oral decision of 1 July 2016.³

¹ See ICC-02/11-01/15-58, para. 24.

² See ICC-02/11-01/11-737-AnxA.

³ See ICC-02/11-01/15-T-57-ENG-CONF ET 01-07-2016 T, p. 38, lns. 7-20.

Disclosure of 21 September 2016

5. The Prosecution provides notice of the disclosure, on 21 September 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé respectively, of INCRIM package 48, containing four items. All items had been previously disclosed as incriminating evidence but were re-disclosed with fewer redactions to their content and metadata, in accordance with the Redaction Protocol. The package consisted of:
 - a. Two *procès verbal*, already disclosed as incriminating evidence and on the Prosecution's List of Evidence;⁴ and
 - b. Two transcribed statements of Witness P-0435, already disclosed as incriminating evidence and on the Prosecution's List of Evidence.⁵

6. The Prosecution further provides notice of the disclosure, on 21 September 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé respectively, of Rule 77 package 46, containing six items, including two items without redactions. Four items contain redactions to their content only, in accordance with the Redaction Protocol. The package consisted of:
 - a. Two documents, a *procès-verbal* dated 3 November 2011 and a *procès-verbal* of Witness P-0454 dated 27 December 2013,⁶ which had previously been assessed as not subject to disclosure, but were re-assessed as subject to disclosure under rule 77, given the information they contain on Witnesses P-0435 and P-0464;
 - b. An investigator report, dated 16 September 2016 related to Witness P-0483, who had requested in-court protective measures in his last communication with the OTP;⁷

⁴ Items 1 and 2 of the Prosecution's accompanying list of documents.

⁵ Items 3 and 4 of the Prosecution's accompanying list of documents.

⁶ Items 1 and 2 on the Prosecution's accompanying list of documents.

⁷ Item 3 of the Prosecution's accompanying list of documents.

- c. A United Nations final report of the panel of experts on Liberia dated 15 April 2016.⁸ This report contains information related to the Prosecution's request for protective measures for Witness P-0483, filed previously,⁹ and was disclosed in advance of Witness P-0483's upcoming testimony;
 - d. A document, *notes d'audiences* of Witness P-0435 dated 28 June 2016 and 19-20 July 2016 in the trial of Simone Gbagbo,¹⁰ collected by the Prosecution in September 2016. It contains information related to Witness P-0435 and was disclosed in advance of his upcoming testimony; and
 - e. A pre-interview assessment report for Witness P-0513,¹¹ disclosed in conformity with the Chamber's oral decision of 1 July 2016.¹²
7. The Prosecution finally provides notice of the disclosure, on 21 September 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé respectively, of Metadata Update package containing 31 items, already disclosed in Rule 77 package 43, with the "Related to Witness" metadata field populated.

Disclosure of 26 September 2016

8. The Prosecution provides notice of the disclosure, on 26 September 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé respectively, of INCRIM package 49 containing two items, previously disclosed, and re-disclosed in lesser redacted form following *inter partes* correspondence.¹³ The package consisted of:
- a. Witness P-0238's statement¹⁴ and one annex thereto.¹⁵ The annex, along with the information newly disclosed in the witness statement, were provided by email to the Defence on 26 September 2016 at 13:46.

⁸ Item 4 of the Prosecution's accompanying list of documents.

⁹ ICC-02/11-01/15-681-Conf.

¹⁰ Item 6 on the Prosecution's accompanying list of documents.

¹¹ Item 5 on the Prosecution's accompanying list of documents.

¹² See ICC- 02/11- 01-15-T-57-ENG RT 01-07-2016 T, page 40, lines 14 to page 43, line 19.

¹³ Emails from the Gbagbo Defence to the Prosecution of 22 and 26 September 2016, and Prosecution response on 26 September 2016.

¹⁴ CIV-OTP-0048-1503.

Disclosure of 28 September 2016

9. The Prosecution provides notice of the disclosure, on 28 September 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé respectively, of Rule 77 package 47, containing four items, including two items without redactions. Two items contain redactions to their content only, in accordance with the Redaction Protocol. The package consisted of:
 - a. Two documents, *procès-verbal* dated 11 June 2014 of Witness P-0435,¹⁶ collected by the OTP on 22 September 2016, and disclosed given the information they contain on Witness P-0435; and
 - b. Two investigator reports, related to Witness P-0435 dated 20 September 2016 and related to Witness P-0578 dated 21 September 2016, who had requested in-court protective measures in their last communications with the OTP.¹⁷
10. The Prosecution further provides notice of the disclosure, on 28 September 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé respectively, of a Metadata Update package containing eight items, already disclosed as incriminating evidence and on the List of Evidence. The “Source/ Attachments” metadata field was populated, restoring the host references relationship between annexes and the Witness statement.¹⁸

Request for Confidentiality

11. Annexes A¹⁹, B²⁰, C²¹, D²², E²³, F²⁴, G²⁵, H²⁶, I²⁷, J²⁸, K²⁹, L³⁰, M³¹, N³², O³³ and P³⁴ appended to this communication contain the disclosure notes provided to the Defence. The

¹⁵ CIV-OTP-0048-1551.

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

¹⁷ Items 3 and 4 on the Prosecution’s accompanying list of documents.

¹⁸ CIV-OTP-0048-1503.

¹⁹ Disclosure note for INCRIM Package 47 provided to the Defence of Laurent Gbagbo on 8 September 2016.

²⁰ Disclosure note for INCRIM Package 47 provided to the Defence of Charles Blé Goudé on 8 September 2016.

²¹ Disclosure note for Rule 77 Package 45 provided to the Defence of Laurent Gbagbo on 8 September 2016.

²² Disclosure note for Rule 77 Package 45 provided to the Defence of Charles Blé Goudé on 8 September 2016.

²³ Disclosure note for INCRIM Package 48 provided to the Defence of Laurent Gbagbo on 21 September 2016.

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



Fatou Bensouda, Prosecutor

Dated this 10th day of October 2016

At The Hague, The Netherlands

²⁴ Disclosure note for INCRIM Package 48 provided to the Defence of Charles Blé Goudé on 21 September 2016.

²⁵ Disclosure note for Metadata Update Package provided to the Defence of Laurent Gbagbo on 21 September 2016.

²⁶ Disclosure note for Metadata Update Package provided to the Defence of Charles Blé Goudé on 21 September 2016.

²⁷ Disclosure note for Rule 77 package 46 provided to the Defence of Laurent Gbagbo on 21 September 2016.

²⁸ Disclosure note for Rule 77 package 46 provided to the Defence of Charles Blé Goudé on 21 September 2016.

²⁹ Disclosure note for INCRIM Package 49 provided to the Defence of Laurent Gbagbo on 21 September 2016.

³⁰ Disclosure note for INCRIM Package 49 provided to the Defence of Charles Blé Goudé on 21 September 2016.

³¹ Disclosure note for Metadata Update Package provided to the Defence of Laurent Gbagbo on 28 September 2016.

³² Disclosure note for Metadata Update Package provided to the Defence of Charles Blé Goudé on 28 September 2016.

³³ Disclosure note for Rule 77 package 47 provided to the Defence of Laurent Gbagbo on 28 September 2016.

³⁴ Disclosure note for Rule 77 package 47 provided to the Defence of Charles Blé Goudé on 28 September 2016.