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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 V

**Prosecution's Communication of Evidence Disclosed to the Defence on
2, 9, 11, 17, 23 and 25 November 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 Gbagbo and Mr Blé Goudé, on 2 November 2016, 9 November 2016, 11 November 2016, 17 November 2016, 23 November 2016 and 25 November 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

Request for Confidentiality

3. Annexes A,² B,³ C,⁴ D,⁵ E,⁶ F,⁷ G,⁸ H,⁹ I,¹⁰ J,¹¹ K,¹² L,¹³ M,¹⁴ N,¹⁵ O,¹⁶ P,¹⁷ Q,¹⁸ R,¹⁹ S,²⁰ T,²¹ U,²² and V²³ appended to this communication contain the disclosure letters

¹ See ICC-02/11-01/15-58, para. 24.

² Disclosure letter and list for INCRIM package 52 provided to the Defence of Laurent Gbagbo on 2 November 2016.

³ Disclosure letter and list for INCRIM package 52 provided to the Defence of Charles Blé Goudé on 2 November 2016.

⁴ Disclosure letter and list for Rule 77 package 52 provided to the Defence of Laurent Gbagbo on 2 November 2016.

⁵ Disclosure letter and list for Rule 77 package 52 provided to the Defence of Charles Blé Goudé on 2 November 2016.

⁶ Disclosure letter and list for Metadata Update package provided to the Defence of Laurent Gbagbo on 2 November 2016.

⁷ Disclosure letter and list for Metadata Update package provided to the Defence of Charles Blé Goudé on 2 November 2016.

⁸ Disclosure letter and list for INCRIM package 53 provided to the Defence of Laurent Gbagbo on 9 November 2016.

⁹ Disclosure letter and list for INCRIM package 53 provided to the Defence of Charles Blé Goudé on 9 November 2016.

¹⁰ Disclosure letter and list for Rule 77 package 53 provided to the Defence of Laurent Gbagbo on 9 November 2016.

¹¹ Disclosure letter and list for Rule 77 package 53 provided to the Defence of Charles Blé Goudé on 9 November 2016.

¹² Disclosure letter and list for INCRIM package 54 provided to the Defence of Laurent Gbagbo on 11 November 2016.

¹³ Disclosure letter and list for INCRIM package 54 provided to the Defence of Charles Blé Goudé on 11 November 2016.

¹⁴ Disclosure letter and list for Rule 77 package 54 provided to the Defence of Laurent Gbagbo on 11 November 2016.

¹⁵ Disclosure letter and list for Rule 77 package 54 provided to the Defence of Charles Blé Goudé on 11 November 2016.

¹⁶ Disclosure letter and list for Rule 77 package 55 provided to the Defence of Laurent Gbagbo on 17 November 2016.

¹⁷ Disclosure letter and list for Rule 77 package 55 provided to the Defence of Charles Blé Goudé on 17 November 2016.

¹⁸ Disclosure letter and list for INCRIM package 55 provided to the Defence of Laurent Gbagbo on 23 November 2016.

¹⁹ Disclosure letter and list for INCRIM package 55 provided to the Defence of Charles Blé Goudé on 23 November 2016.

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

Disclosure of 2 November 2016

4. The Prosecution provides notice of the disclosure, on 2 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of INCRIM package 52,²⁴ containing five items, including two items disclosed in unredacted form. Three items contain redactions to the item only, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).²⁵ The package consisted of:
 - a. Witness P-0230’s statement and annexes thereto, previously disclosed as incriminating evidence and included in the List of Evidence.²⁶ The items were re-disclosed with fewer redactions in accordance with the Redaction Protocol; and
 - b. Two screenshots²⁷ taken from a video previously disclosed as incriminating evidence and included in the Prosecution’s List of Evidence.

5. Further details are provided in the disclosure letters and lists at Confidential Annexes A and B.

6. The Prosecution provides notice of the disclosure, on 2 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 52,²⁸ containing seven items, including four items disclosed in unredacted form. One item contains redactions to its content and metadata and two items contain

²⁰ Disclosure letter and list for Rule 77 package 56 provided to the Defence of Laurent Gbagbo on 23 November 2016.

²¹ Disclosure letter and list for Rule 77 package 56 provided to the Defence of Charles Blé Goudé on 23 November 2016.

²² Disclosure letter and list for INCRIM package 56 provided to the Defence of Laurent Gbagbo on 25 November 2016.

²³ Disclosure letter and list for INCRIM package 56 provided to the Defence of Charles Blé Goudé on 25 November 2016.

²⁴ Annexes A and Annex B.

²⁵ See ICC-02/11-01/11-737-AnxA.

²⁶ Items 1 to 3 on the Prosecution’s accompanying list of documents.

²⁷ Items 4 and 5 on the Prosecution’s accompanying list of documents.

²⁸ Annexes C and Annex D.

redactions to their content only, in accordance with the Redaction Protocol.²⁹ The package consisted of:

- a. Four psycho-social assessments related to Prosecution witnesses.³⁰ The Prosecution has now concluded its review, in light of the Chamber's oral decision of 1 July 2016, and advises that it has now disclosed all psycho-social assessments for Prosecution witnesses in its possession to date;
- b. An investigator's report,³¹ dated 2 November 2016, related to a Prosecution witness.
- c. Screening notes of a crime base witness,³² previously disclosed as Rule 77 material. The item was re-disclosed in a lesser redacted form; and
- d. An investigator's report,³³ dated 27 October 2016, related to a security update of a Prosecution witness.

7. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.
8. The Prosecution provides notice of the disclosure, on 2 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of a Metadata Update package³⁴ containing eight items. The "Source-Attachment relationship" metadata field was updated for documents related to Witness P-0106. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.

²⁹ See ICC-02/11-01/11-737-AnxA.

³⁰ Items 1, 2, 4, and 5 on the Prosecution's accompanying list of documents.

³¹ Item 7 on the Prosecution's accompanying list of documents.

³² Item 3 on the Prosecution's accompanying list of documents.

³³ Item 6 on the Prosecution's accompanying list of documents.

³⁴ Annexes E and Annex F.

Disclosure of 9 November 2016

9. The Prosecution provides notice of the disclosure, on 9 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of INCRIM package 53³⁵ containing seven items with redactions to their content only, in accordance with the Redaction Protocol. The package consisted of:
 - a. Two screenshots³⁶ taken from two videos. The videos were previously disclosed as incriminating evidence and included in the List of Evidence; and
 - b. Five witness statements³⁷ related to several Prosecution crime base witnesses. The statements were re-disclosed with fewer redactions in advance of the testimony of these witnesses, in accordance with the Redaction Protocol.

10. Further details are provided in the disclosure letters and lists at Confidential Annexes G and H.

11. The Prosecution provides notice of the disclosure, on 9 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 53,³⁸ containing one item with redactions to its content only, in accordance with the Redaction Protocol. The document is an investigator's report related to a phone call made jointly by the Prosecution and the Legal Representative for Victims with a Prosecution crime base witness. Further details are provided in the disclosure letters and lists at Confidential Annexes I and J.

³⁵ Annexes G and Annex H.

³⁶ Items 6 and 7 on the Prosecution's accompanying list of documents.

³⁷ Items 1 to 5 on the Prosecution's accompanying list of documents.

³⁸ Annexes I and Annex J.

Disclosure of 11 November 2016

12. The Prosecution provides notice of the disclosure, on 11 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of INCRIM package 54,³⁹ containing 12 items, including 11 items disclosed in unredacted form. One item contains redactions to its content only, in accordance with the Redaction Protocol. The package consisted of:

- a. Two audio recordings⁴⁰ related to Witness P-0483's interview, previously disclosed as incriminating evidence and included in the List of Evidence. The audios were re-disclosed without redactions in accordance with the Redaction Protocol;
- b. Three transcripts⁴¹ related to Witness P-0483's interview, previously disclosed as incriminating evidence and included in the List of Evidence. The transcripts were re-disclosed without redactions in advance of the testimony of this Witness, in accordance with the Redaction Protocol;
- c. Six French-language transcripts⁴² related to Witness P-0483's interview, previously disclosed as incriminating evidence and included in the List of Evidence. The transcripts were re-disclosed without redactions ahead of the testimony of this Witness, in accordance with the Redaction Protocol; and
- d. One witness statement⁴³ related to Witness P-0107. The document was re-disclosed with fewer redactions in advance of the testimony of this Witness, in accordance with the Redaction Protocol.

13. Further details are provided in the disclosure letters and lists at Confidential Annexes K and L.

³⁹ Annexes K and Annex L.

⁴⁰ Items 2 and 3 on the Prosecution's accompanying list of documents.

⁴¹ Items 4 to 6 on the Prosecution's accompanying list of documents.

⁴² Items 7 to 12 on the Prosecution's accompanying list of documents.

⁴³ Item 1 on the Prosecution's accompanying list of documents.

14. The Prosecution provides notice of the disclosure, on 11 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 54,⁴⁴ containing 13 items disclosed in unredacted form. The documents are English translations of the original interview of Witness P-0483 which were prepared and used as working documents to prepare the French translations previously disclosed.⁴⁵ Further details are provided in the disclosure letters and lists at Confidential Annexes M and N.

Disclosure of 17 November 2016

15. The Prosecution provides notice of the disclosure, on 17 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 55,⁴⁶ containing an audio recording of the security interview of Witness P-0483, disclosed in unredacted form. This item was disclosed in an effort to assist the Defence and avoid time consuming litigation, following a request by the Gbagbo Defence team. Further details are provided in the disclosure letters and lists at Confidential Annexes O and P.

Disclosure of 23 November 2016

16. The Prosecution provides notice of the disclosure, on 23 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of INCRIM package 55,⁴⁷ containing one item - the statement of a crime base witness – re-disclosed with fewer redactions – following a request by the Gbagbo Defence. Further details are provided in the disclosure letters and lists at Confidential Annexes Q and R.

⁴⁴ Annexes M and Annex N.

⁴⁵ The French translations were disclosed to both Defence teams in Pre-Trial INCRIM package 27, 13 January 2016.

⁴⁶ Annexes O and Annex P.

⁴⁷ Annexes Q and R.

17. The Prosecution provides notice of the disclosure, on 23 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 56,⁴⁸ containing one victim's application re-disclosed with fewer redactions. Further details are provided in the disclosure letters and lists at Confidential Annexes S and T.

Disclosure of 25 November 2016

18. The Prosecution provides notice of the disclosure, on 25 November 2016, to the Defence teams for Mr Gbagbo and Mr Blé Goudé, of INCRIM package 56,⁴⁹ containing one item - the statement of Witness P-0350 – re-disclosed with fewer redactions – following a request by the Blé Goudé Defence team. Further details are provided in the disclosure letters and lists at Confidential Annexes U and V.



Fatou Bensouda, Prosecutor

Dated this 6th day of December 2016

At The Hague, The Netherlands

⁴⁸ Annexes S and T.

⁴⁹ Annexes U and V.