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No.: ICC-02/11-01/15
Date: 12 January 2017

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 D

**Prosecution's Communication of Evidence Disclosed to the Defence on
5 and 15 December 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 Mr Gbagbo and Mr Blé Goudé, on 5 December 2016 and 15 December 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 C⁴ and D,⁵ appended to this communication contain the disclosure letters and lists provided to the Accused. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.

Disclosure of 5 December 2016

4. The Prosecution provides notice of the disclosure, on 5 December 2016, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 57,⁶ containing four items with redactions to their content only, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).⁷ The package consisted of:
 - a. One victim’s application related to a Prosecution witness.⁸ This document was disclosed on two previous occasions, and was re-disclosed in the same form as submitted in hard copy in Court;
 - b. Three autopsy reports relevant to the testimony of three Prosecution witnesses.⁹ The Prosecution came into possession of these reports on 1

¹ See ICC-02/11-01/15-58, para. 24.

² Disclosure letter and list for Rule 77 package 57 provided to the Defence of Laurent Gbagbo on 5 December 2016.

³ Disclosure letter and list for Rule 77 package 57 provided to the Defence of Charles Blé Goudé on 5 December 2016.

⁴ Disclosure letter and list for INCRIM package 57 provided to the Defence of Laurent Gbagbo on 15 December 2016.

⁵ Disclosure letter and list for INCRIM package 57 provided to the Defence of Charles Blé Goudé on 15 December 2016.

⁶ Annexes A and Annex B.

⁷ See ICC-02/11-01/11-737-AnxA.

⁸ Item 1 in the Prosecution’s List of Disclosed Material.

December 2016.¹⁰ They were provided, as courtesy copies *via* email, to Counsel for both Accused, on 2 December 2016.

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

Disclosure of 15 December 2016

6. The Prosecution provides notice of the disclosure, on 15 December 2016, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 57¹¹ containing ten items, including one item with redactions to its content only, in accordance with the Redaction Protocol. The package consisted of:
 - a. Eight translations¹² of reports previously disclosed as incriminating evidence and included in the Prosecution's List of Evidence;
 - b. An English translation¹³ of a letter, previously disclosed as incriminating evidence and included in the List of Evidence; and
 - c. The statement of a Prosecution Witness,¹⁴ re-disclosed with fewer redactions, following a request by Counsel for Mr Gbagbo. The document was provided in this form to Counsel for both Accused, by advance email, on 30 November 2016.
7. Further details are provided in the disclosure letters and lists at Confidential

⁹ Item 2, 3 and 4 in the Prosecution's List of Disclosed Material.

¹⁰ Please note a typographical error as to the date in the relevant disclosure letters, at Annexes A and B.

¹¹ Annexes C and Annex D.

¹² Items 3 to 10 on the Prosecution's accompanying list of documents.

¹³ Item 2 on the Prosecution's accompanying list of documents.

¹⁴ Item 1 on the Prosecution's accompanying list of documents.

Annexes C and D.

A handwritten signature in blue ink, appearing to read 'Bensouda', is written over a horizontal line. The signature is stylized with a large initial 'B' and a long, sweeping underline.

Fatou Bensouda, Prosecutor

Dated this 12th day of January 2017

At The Hague, The Netherlands