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

**Prosecution's Communication of Evidence Disclosed to the Defence on
16 and 24 January 2017**

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

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Amicus Curiae

REGISTRY

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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 16 January 2017 and 24 January 2017.
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, D,⁵ E⁶ and F⁷ 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 16 January 2017

4. The Prosecution provides notice of the disclosure, on 16 January 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 58,⁸ containing two items with redactions to their content only, in accordance with decision ICC-02/11-01/11-737 ("Redaction Protocol").⁹ The package consisted of:
 - a. The statement of a Prosecution witness.¹⁰ The document was re-disclosed with fewer redactions ahead of the testimony of this witness, in accordance with the Redaction Protocol; and

¹ See ICC-02/11-01/15-58, para. 24.

² Disclosure letter and list for INCRIM package 58 provided to the Defence of Laurent Gbagbo on 16 January 2017.

³ Disclosure letter and list for INCRIM package 58 provided to the Defence of Charles Blé Goudé on 16 January 2017.

⁴ Disclosure letter and list for Metadata Update package provided to the Defence of Laurent Gbagbo on 16 January 2017.

⁵ Disclosure letter and list for Metadata Update package provided to the Defence of Charles Blé Goudé on 16 January 2017.

⁶ Disclosure letter and list for Rule 77 package 58 provided to the Defence of Laurent Gbagbo on 24 January 2017.

⁷ Disclosure letter and list for Rule 77 package 58 provided to the Defence of Charles Blé Goudé on 24 January 2017.

⁸ Annexes A and B.

⁹ See ICC-02/11-01/11-737-AnxA.

¹⁰ Item 1 in the Prosecution's List of Disclosed Material.

- b. Corrected translation of the statement of a Prosecution witness.¹¹ The original translation was previously disclosed as incriminatory evidence and included in the List of Evidence. The Prosecution disclosed a corrected version of the translation ahead of the testimony of this witness.
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 16 January 2017, to Mr Gbagbo and Mr Blé Goudé, of a Metadata Package Update¹² containing one item, already disclosed as incriminating evidence and on the List of Evidence. The “Type” metadata field was updated.
7. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.

Disclosure of 24 January 2017

8. The Prosecution provides notice of the disclosure, on 24 January 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 58¹³ containing 11 items disclosed in unredacted form. The package consisted of:
 - a. Screening notes of a witness not called by the Prosecution to testify in the case.¹⁴ These screening notes were generated in December 2012. Following review of documents in the Prosecution’s possession in light of the upcoming testimony of a Prosecution witness, this document was re-assessed by the Prosecution as subject to disclosure under rule 77;

¹¹ Item 2 in the Prosecution’s List of Disclosed Material.

¹² Annexes C and Annex D.

¹³ Annexes E and Annex F.

¹⁴ Item 1 in the Prosecution’s list of Disclosed Material.

- b. A Facebook interview.¹⁵ The Prosecution became aware of the existence of this interview while running searches. The Prosecution discloses the related documents as part of its ongoing review of material relating to its case and the Accused;
 - c. The intervention of Laurent Gbagbo at the National Reconciliation Forum in Ivory Coast.¹⁶ The Prosecution discloses this document as part of its ongoing review of material relating to its case and the Accused;
 - d. Two articles¹⁷ related to the Laurent Gbagbo and Charles Blé Goudé case and its proceedings before the ICC. The Prosecution discloses these documents as part of its ongoing review of material relating to its case and the Accused;
 - e. Five open source documents related to an upcoming demonstration in The Hague in support of Laurent Gbagbo.¹⁸ The Prosecution discloses these documents as part of its ongoing review of material relating to its case and the Accused.
9. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.



Fatou Bensouda, Prosecutor

Dated this 9th day of February 2017

At The Hague, The Netherlands

¹⁵ Items 2 and 3 in the Prosecution's list of Disclosed Material.

¹⁶ Item 4 in the Prosecution's list of Disclosed Material.

¹⁷ Items 5 and 6 in the Prosecution's list of Disclosed Material.

¹⁸ Items 7 to 11 in the Prosecution's list of Disclosed Material.