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TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera-Carbuccia
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 and B

Prosecution's application for the introduction of documentary evidence under paragraphs 43-44 of the directions on the conduct of the proceedings

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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Introduction

1. Pursuant to the Trial Chamber's Order of 24 January 2017,¹ the Prosecution seeks the introduction and submission of documentary evidence, under paragraphs 43 and 44 of the directions on the conduct of the proceedings ("Application").²
2. The documentary evidence consists of 987 individual items of evidence ("Items"), collected from a variety of sources as explained below.
3. These Items are admissible because they are relevant to issues in the case, and because they are probative and reliable. They are listed in a table provided in Confidential Annex A which details their relevance, authenticity and probative value. Annex A also contains 682 documents already submitted on the record,³ in order to provide the Chamber with a complete overview of the documentary evidence being relied upon thus far by the Prosecution. The Prosecution also chose to include the already submitted material to illustrate the chronology of events and to place the relevance of newly submitted material in its context. Consequently, Annex A consists of a list of 1,669 documents
4. The Prosecution also notifies the Chamber that it will provide a courtesy copy of Annex A in an Excel format *via* email which will enable its user to filter or sort out the documents in different ways such as by source, Evidence Registration Number ("ERN") and date.
5. Confidential Annex B contains a list of thirteen declarations and three investigator reports, as detailed below.

¹ Order requesting the Parties and participants to submit information for the purposes of the conduct of the proceedings pursuant to article 64(2) of the Statute and rule 140 of the Rules of Procedure and Evidence ("Order"), ICC-02/11-01/15-787, para. 10 (notified on 24 January 2017).

² ICC-02/11-01/15-498-AnxA ("Directions").

³ This number includes the Items submitted on the record as of 21 April 2017.

Confidentiality

6. Annexes A and B are filed as “Confidential”, pursuant to regulation 23*bis* (1) of the Regulations of the Court, as they refer to evidence and information relating to witnesses who benefited from protective measures during their testimony, as well as future witnesses whose identities are not yet known to the public. It also contains information that should not be known to upcoming witnesses in order not to influence their testimony.

Procedural History

7. On 23 January 2017, the Chamber issued the Order and directed, *inter alia*, the Prosecutor to file a consolidated submission of documentary evidence by 28 February 2017.⁴
8. On 8 February 2017, the Prosecution filed a request for an extension of time to comply with the Order⁵ and on 9 February 2017, the Chamber granted the request.⁶

Submissions

9. The Prosecution tenders the Items listed at Annex A and requests that they be considered submitted. The listed Items are all available to the Trial Chamber, the Parties and participants in e-Court.⁷
10. Paragraph 43 of the Directions allows Parties to “introduce documentary evidence directly, without producing it by or through a witness.”⁸ The Prosecution has met the requirements of paragraph 44 of the Directions, by providing at Annex A (i) each

⁴ *Id.*

⁵ ICC-02/11-01/15-798-Red (“Request”).

⁶ ICC-02/11-01/15-T-119- Red -ENG ET, page 1, line 23 to page 2, line 2.

⁷ The Prosecution notes that three transcripts of audio material bearing ERN CIV-OTP-0098-0036, CIV-OTP-0098-0039 and CIV-OTP-0098-0043 will be available in eCourt next week.

⁸ ICC-02/11-01/15-498-AnxA, para.43.

item's relevance and probative value, including authenticity; and (ii) the first INCRIM disclosure date.⁹

Description of the Items

11. The Items consist of documents obtained by the Prosecution during the course of its investigation from a variety of sources, including but not limited to:

- a. The Presidential Residence (Cocody);
- b. The Presidential Palace (Plateau);
- c. The FDS collections, including the General Staff, *Gendarmerie Nationale*,¹⁰ *Garde Républicaine*, Naval Base at Locodjoro, Ground Forces (*Forces Terrestres*) at the new and old Akouédo Camp, the Direction Militaire;
- d. The National Police (*Direction Générale de la Police Nationale*);
- e. Annexes to Witness Statements;
- f. Financial documents;
- g. United Nations documents, including some from the ONUCI;
- h. Legislation, and government decrees and decisions;
- i. Documents obtained from the European Union;
- j. Media/open source;
- k. OTP-generated documents such as investigator's reports and notes, other chain of custody-related documents, and accompanying sketches and photographs;
- l. A number of forensic reports and related documents;
- m. Photographs;
- n. Transcripts or translations.

⁹ ICC-02/01-01/15-498-AnxA, para. 44. Annex A further details each document's relevance, probative value and authenticity. Although the Prosecution is mindful of regulation 36(2)(b) of the Regulations of the Court and the main submission is contained herein at paragraphs 9 and 10, Annex A does provide the information as to each document's relevance, probative value and authenticity specifically.

⁹ Also referred to as the *Centre de communication radio*.

¹⁰ There is one document in this category. It was not included in the Prosecution's earlier motion relating to documents of the Gendarmerie (ICC-02/11-01/15-583-Red).

12. This motion and its annexes do not include certain categories of material. Videos obtained from the RTI and the ONUCI, and videos obtained from other sources will be the subject of a separate motion to be filed by 30 June 2017. Moreover, a number of documents were included in prior motions for which decisions are currently pending (such as motions pursuant to rule 68 of the Rules of Procedure and Evidence (“Rules”)) and for this reason, the Prosecution has not included them again in this Application. Furthermore, annexes to statements of upcoming witnesses, including expert witnesses, are not included as these will be submitted through the concerned witnesses or subsequent to their testimony.
13. The Prosecution has endeavoured to submit with this Application most, if not all, of the documents it wishes to submit by way of written submissions. However, as recognised by the Chamber, the Prosecution may, should the need arise, make further submissions of additional documentary evidence before the close of its case.¹¹

Relevance, probative value and authenticity

14. The Items submitted in this motion are relevant to a wide range of issues in this case, including but not limited to: the common plan, the formal command structure of the *Forces de Défense et de Sécurité* (FDS), the functioning and operations of the FDS during the post-election violence and the coordination between the various units of the FDS. They also relate to the financing of youth groups, to the reporting of charged crimes by the FDS and other organisations, in particular the ONUCI; such reports also cover non-charged crimes listed in the Decision on the Confirmation of Charges, forming the widespread or systematic attack against a civilian population. A number of documents also provide proof of death of certain victims. Several documents also relate to the activities of members of the Inner Circle, including the Accused, as well as their knowledge of incidents as reported by subordinates or international organisations. The specific relevance of each Item is developed in the table at Annex A.

15. With respect to the probative value and authenticity, the Prosecution has indicated for each document the provenance, as well as distinctive features of each document demonstrating their reliability, such as the presence of a signature, a stamp or other significant markings. Where witnesses have given evidence in relation to certain categories of documents, references are provided below in this Application, as well as in Annex A.
16. The Prosecution notes the Trial Chamber's observations in its Decision on the Prosecutor's submission of documentary evidence ("Decision")¹² relating to the need to provide sufficient amount of information relating to the authenticity of submitted documents.¹³ For this reason, Annex A contains a column entitled "Probative Value (+ Authenticity)" where the Prosecution provides details about the provenance of the material as well as factors in favour of both submission and "admissibility." Moreover, the Prosecution has provided the ERNs of the investigators' reports relating to the collection of documents when materials were obtained from state archives; these reports, too, are available in e-Court. When materials were not obtained from state archives, the Prosecution has indicated the source. In some cases, documents and videos were directly downloaded from websites of organisations such as the UN, or media agency websites. Others were obtained in response to Prosecution requests for assistance.

The FDS documents are interconnected across collections

17. One particular aspect relevant to the authenticity of FDS documents is the fact that they are interconnected. Within and between the FDS collections, orders issued by the FDS leadership are also found to be forwarded by subordinated units, replicating the

¹¹ Order, para. 11: "This consolidated submission is without prejudice to the further submission of additional documentary evidence if necessary."

¹² ICC-02/11-01/15-773.

¹³ ICC-02/11-01/15-773, para. 39: "Without going into further detail, the Chamber observes that further evidence may be necessary to determine the authenticity of some of the documents submitted."

reference number of the original order. Moreover, orders issued by the FDS General Staff are also found to be forwarded within other organs such as the Police or the *Gendarmerie*. It is submitted that this is a strong factor showing the reliability of these collections.

18. The Trial Chamber has heard evidence with respect to the *Chef d'État-Major Particulier* of the President of the Republic, General Touvolý,¹⁴ who acted as a *conduit* between the military organs and the President. The acronym CEMP-PR refers to this high ranking military officer. As stated by several witnesses, the content of documents addressed to General Touvolý were expected to be shared with Laurent GBAGBO.¹⁵ These documents are of significant relevance to the knowledge of the Accused.
19. Finally, the Trial Chamber has heard evidence with respect to the authenticity of the FDS collections from several FDS witnesses who have testified so far, and will hear further evidence from, *inter alia*, Witnesses P-0009 and P-0047 who will further authenticate these collections.

Documents seized at the Presidential Residence are relevant to knowledge of the Accused

20. The particularity of this collections is that these documents were found at the Presidential Residence. The Trial Chamber has already received evidence, such as the logbook of visits at the Presidential Residence as part of this collection.
21. The relevance of these documents is not limited to their content; their provenance is relevant to the information available to Laurent GBAGBO and his advisers. For example, the letter dated 31 December 2010 by the High Commissioner of Human Rights to *Général Dogo Blé*, bearing ERN CIV-OTP-0018-0054, was found in Laurent GBAGBO's bedroom.

¹⁴ ICC-02/11-01/15-T-50-Red-ENG, p. 25; ICC-02/11-01/15-T-61-Red-ENG, p. 6; ICC-02/11-01/15-T-72-Red-ENG, p. 17; ICC-02/11-01/15-T-131-Red-ENG, pp. 25-26.

¹⁵ ICC-02/11-01/15-T-131-Red-ENG, pp. 36-39.

The Defence submitted documents originating from these collections

22. The Prosecution recalls that both Accused relied on several documents originating from the collections described at paragraph 11 above during their examinations of witnesses called by the Prosecution.

23. For example, the Defence have used documents retrieved from the Ground Forces,¹⁶ a considerable number of documents from the National Police (*Direction Générale de la Police Nationale*),¹⁷ the FDS General Staff,¹⁸ from the UN and ONUCI archives,¹⁹ from the Presidential Palace,²⁰ and from the Presidential Residence.²¹

24. Furthermore, the Chamber and the Parties will recall, for example, the use of 18 documents from the *Gendarmerie Nationale* during the questioning of Witness P-0011 on behalf of Mr Gbagbo.²²

25. While no assumptions are made about the Defence's position as to the relevance of documents offered in this motion, it appears, at a minimum, that the reliability of the collections is not in question.

¹⁶ See e.g. CIV-OTP-0071-0594 and CIV-OTP-0071-0596.

¹⁷ See e.g. CIV-OTP-0048-1266, CIV-OTP-0046-0018, CIV-OTP-0045-1515, CIV-OTP-0045-1476, CIV-OTP-0045-1445, CIV-OTP-0045-1443, CIV-OTP-0045-1425, CIV-OTP-0045-1401, CIV-OTP-0045-0034, CIV-OTP-0045-0042, CIV-OTP-0045-0075, CIV-OTP-0045-0077, CIV-OTP-0045-0122, CIV-OTP-0045-0140, CIV-OTP-0045-0216, CIV-OTP-0045-0347, CIV-OTP-0045-0429, CIV-OTP-0045-0479, CIV-OTP-0045-0616, CIV-OTP-0045-0630, CIV-OTP-0045-0664, CIV-OTP-0045-0667, CIV-OTP-0045-0679, CIV-OTP-0045-0712, CIV-OTP-0045-0732, CIV-OTP-0045-0768, CIV-OTP-0045-0785, CIV-OTP-0045-0964, CIV-OTP-0045-0969, CIV-OTP-0045-0975, CIV-OTP-0045-0980, CIV-OTP-0045-1003, CIV-OTP-0045-1013, CIV-OTP-0045-1042, CIV-OTP-0045-1068, CIV-OTP-0045-1085, CIV-OTP-0045-1090, CIV-OTP-0045-1140, CIV-OTP-0045-1147, CIV-OTP-0045-1170, CIV-OTP-0045-1178, CIV-OTP-0045-1187, CIV-OTP-0045-1232, CIV-OTP-0045-1271, CIV-OTP-0045-1275, CIV-OTP-0045-1319, CIV-OTP-0045-1388, CIV-OTP-0045-1391, CIV-OTP-0045-1395.

¹⁸ See e.g. CIV-OTP-0048-0330, CIV-OTP-0048-1109, CIV-OTP-0048-0305, CIV-OTP-0048-0052.

¹⁹ See e.g. CIV-OTP-0044-0485, CIV-OTP-0044-0309.

²⁰ See e.g. CIV-OTP-0025-0168.

²¹ See e.g. CIV-OTP-0018-0062, CIV-OTP-0067-0402.

²² ICC-02/11-01/15-T-136-Red-ENG, pp. 28-42.

Specific information about document types listed at Annex A

26. Several categories of documents listed at Annex A require more detailed explanation than can be provided in the table itself. The Prosecution therefore provides the following additional arguments.

Documents found at the archives of the National Police

Bulletin Quotidien d'Information (BQI)

27. The former head of the National Police (Witness P-0046), gave evidence regarding the type and form of daily reports entitled BQI prepared by various organs of the National Police. For example, when Witness P-0046 was shown document CIV-OTP-0045-0735 during his testimony, he authenticated the name and signature of the *Préfet de Police d'Abidjan* and the fax number 225 20224176 of the *Préfecture de Police d'Abidjan*. Witness P-0046 explained that every one of the twelve *Préfets* in Côte d'Ivoire sent to the DGPN a summary of the BQIs received from each police station within their Prefecture. For Abidjan, the DGPN receives one BQI from the *Préfet de Police d'Abidjan*.²³

28. Witness P-0046 explained that the BQIs received are automatically sent to the Minister by fax the same day and then the following day, the hard copy itself is sent to the Minister.²⁴

29. Some BQIs were also prepared by the information section of the Ministry, the *Direction Générale des Renseignements*. This type of BQI was prepared at the level of the Ministry of Interior. Moreover, according to Witness P-0520, this type of BQI consisted of a compilation of all the intelligence briefs submitted to the Ministry of Interior by the

²³ See ICC-02/11-01/15-T-123-Red-ENG ET 15-02-2017, p. 79, l. 10 to p. 81, l. 12.

²⁴ See ICC-02/11-01/15-T-125-Red-ENG ET 17-02-2017, p. 70, l. 5-15.

various police departments. They were systematically disseminated throughout the intelligence community of State agencies, such as the ANSI.²⁵

Rapport de Permanence Centrale

30. These are typical documents, one of which was shown during Witness P-0046's testimony.²⁶ Witness P-0046 described the *Rapport* as a report after a period of duty. The duty officer report is made at all levels: at the level of the commissariat to report to the chief of district; at the level of the district to report to the *Préfet de Police*; at the level of the *Préfecture de Police* to report to the *Directeur-Général Adjoint Chargé de la Sécurité Publique*. Witness P-0046 explained that duty officer reports had to be provided to him by 06h30 every morning. The administrative services opened at 07h30. The BQIs were sent in the evening and if during the night new incidents arose, a duty officer report was sent.²⁷ Witness P-0046 explained later that the duty officer reports received are compiled and sent to the Minister around 07h30, 08h00 at the latest.²⁸

Niveau de collaboration

31. The Prosecution is submitting at Annex A a series of 51 documents entitled *niveau de collaboration*. These documents prepared by the police consist of daily tables showing the deployment of various FDS units throughout the five districts of Abidjan. These also show a pattern of coordination between FDS units. Moreover, all of these are dated from March 2011.

Documents from the UN Collection

32. Annex A contains several documents obtained from the United Nations, in particular from the archives of the ONUCI. Witness P-0414, one of the officers of the ONUCI

²⁵ See ICC-02/11-01/15-T-50-Red-ENG ET 14-06-2016, page 47, line 16 to page 48, line 21 and page 49, line 21 to page 50, line 12.

²⁶ CIV-OTP-0045-0527.

²⁷ See ICC-02/11-01/15-T-124-Red-ENG ET 16-02-2017, p. 5, l. 25 to p. 8, l. 8.

²⁸ See ICC-02/11-01/15-T-125-Red-ENG ET 17-02-2017, p. 70, lns. 16-19.

Human Rights Division was able to provide information with respect to the making and the substance of these documents.

Reports of the ONUCI Human Rights Call Centre

33. Witness P-0414 described the purpose and relevance of the Human Rights Call Centre in Côte d'Ivoire created during the post-electoral crisis with the sole purpose of monitoring human rights violations.²⁹ The Witness explained that this Centre received around 150 calls per day, which mainly comprised accounts of victims or witnesses of incidents that had happened or were ongoing.³⁰ She explained her position and role within the Call Centre,³¹ explained that these reports were produced twice a day,³² and mentioned that the types of calls relating to human rights violations as registered in these reports were quite common.³³ The Prosecution showed two examples of such reports³⁴ in court, to establish the format of these reports as well as the methodology applied by ONUCI staff in preparing them. The Witness confirmed that she was familiar with the format of these documents.³⁵

34. These reports are relevant in that they provide evidence of the situation on the ground in the different neighbourhoods of Abidjan. They report incidents which are part of the widespread or systematic attack against the civilians who were perceived as Ouattara supporters. The reports indicate the source of the information, the date, time, location and the perpetrators of the relevant incident.

Suivi de cas

35. Witness P-0414 stated that the Human Rights Division would follow up on calls received at the Call Centre by conducting on-site fact finding missions or by calling

²⁹ CIV-OTP-0054-0582, at 0589, paras. 37-38.

³⁰ ICC-02/11-01/15-T-74-Red-ENG, p. 30, l. 25 to p. 31, l. 7.

³¹ ICC-02/11-01/15-T-74-Red-ENG, pp. 35, 38 and 40.

³² ICC-02/11-01/15-T-74-Red-ENG, p. 33.

³³ ICC-02/11-01/15-T-74-Red-ENG, p. 55, l. 10-17.

³⁴ CIV-OTP-0044-1527 and CIV-OTP-0044-1531.

³⁵ ICC-02/11-01/15-T-74-Red-ENG, p. 32, l. 19 to p. 33, l. 4.

back the caller.³⁶ The Witness was shown a few examples of follow-up reports (*suivi de cas*)³⁷ to establish their format as well as the methodology in preparing them.

36. The follow-up reports are relevant as they portray the widespread or systematic attacks against pro-Ouattara supporters and demonstrate measures taken by the ONUCI after such calls were received. These reports indicate the facts of the incident, the perpetrators, the place and date of the incident. Moreover, Witness P-0414, in her testimony, also explained the assessment for determining the credibility of the victim or witness in these follow-up reports, increasing the probative value of such documents.³⁸

Format and substance of ONUCI Daily Situation Reports (SitReps)

37. Witness P-0414 stated that she has seen Daily Situation Reports of the ONUCI mission and when the Prosecution showed such reports in court, the Witness confirmed that these were the usual or typical reports prepared by the mission.³⁹ These were prepared by the ONUCI's Joint Operations Centre based on information gathered by the various divisions.⁴⁰ During Witness P-0414's testimony, the Prosecutor showed a limited number of SitReps to establish their format as well as the methodology applied by ONUCI staff when drafting them.

38. Daily Situation Reports were written at the time of the events and covered the period of the past 24 hours. They also specify the source of the information as the SitReps are divided by section, thus the reader is able to determine whether specific information was gathered by the Human Rights Division, the UN Police Division and so on. Where the information is not confirmed, the writer specifies that the information has the status of an allegation.

³⁶ ICC-02/11-01/15-T-74-Red-ENG, pp. 43-44.

³⁷ Such as CIV-OTP-0044-1742, CIV-OTP-0044-1606 and CIV-OTP-0044-1622.

³⁸ ICC-02/11-01/15-T-74-Red-ENG, p. 37, l.1-17.

³⁹ ICC-02/11-01/15-T-74-Red-ENG, p. 41, l. 24 to p. 42, l. 2.

⁴⁰ ICC-02/11-01/15-T-74-Red-ENG, p. 28, l. 23 to p. 29, l. 4.

39. These SitReps are relevant in that they are evidence of events reported on a daily basis, in a continuous and chronological order. The probative value of such documents is also demonstrated by the fact they were written at the time of the events.

Receipts from the Presidential Palace

40. The Prosecution has submitted several receipts of payments made by the Presidency to leaders of youth groups. These receipts are relevant to the relationship between the Presidency and these groups within the common plan. They demonstrate that Mr Gbagbo was financing pro-Gbagbo members of the *Galaxie Patriotique*, including individuals, militias and youth groups, prior to and during the post-election violence in 2010 and 2011.

41. The receipts were made out to, or made out by, several individuals including:

- a. **Eugène Djué:** Witness P-0097 testified that Eugène Djué set up the UPLTCI in 2003 and that the UPLTCI was of the mind that one had to use weapons in order to be able to face those opposite with weapons.⁴¹ Witness P-0435 testified that Eugène Djué was one of the leaders of the *Galaxie Patriotique*.⁴² Witness P-0501 testified that Eugène Djué regularly visited the President's residence, also together with Mr Blé Goudé.⁴³
- b. **Youssouf Fofana:** Witness P-0625 testified that Youssouf Fofana was one of the leaders of the *Galaxie Patriotique*.⁴⁴ Witness P-0625 and Witness P-0097 confirmed that Youssouf Fofana was the president of *La Voix du Nord*.⁴⁵ On several receipts, Youssouf Fofana signed on behalf of Djué, which shows a link between the two.
- c. **Moussa "Zéguen" Touré:** Witness P-0625 and Witness P-0520 testified that Moussa "Zéguen" Touré was the president of the GPP.⁴⁶ Witness P-0435

⁴¹ ICC-02/11-01/15-T-48-Red-ENG, pp. 39-41; ICC-02/11-01/15-T-49-Red-ENG, pp. 44-45.

⁴² ICC-02/11-01/15-T-87-Red-ENG, pp. 6-8.

⁴³ ICC-02/11-01/15-T-72-Red-ENG, pp. 66-73; pp. 76-77.

⁴⁴ ICC-02/11-01/15-T-25-Red-ENG, p. 70.

⁴⁵ ICC-02/11-01/15-T-25-Red-ENG, pp. 83-84; ICC-02/11-01/15-T-46-Red-ENG, p. 35; ICC-02/11-01/15-T-49-Red-ENG, pp. 68-69.

⁴⁶ ICC-02/11-01/15-T-25-Red-ENG, p. 80; ICC-02/11-01/15-T-51-Red-ENG, pp. 34-35.

specified that Moussa “Zéguen” Touré replaced Charles Groguhet as president of the GPP in 2003 and that he was succeeded by Yoko Yoko Bernard Bouazo in 2009.⁴⁷ Witness P-0435 added that Touré was the link between the GPP soldiers and political authorities, dealing directly with members of the *Galaxie Patriotique*, including Mr Blé Goudé.⁴⁸ Witness P-0625 also confirmed that Moussa “Zéguen” Touré is referred to in the song “*Il n’y a rien en face sur le terrain*” by Les Gallets, together with Witness P-0625, Richard Dakouri, Serge Kassy, Damana Pickass and Mr Blé Goudé.⁴⁹

- d. **Narcisse Kuyo Tea:** Witnesses P-0625, P-0501 and P-0097 confirmed that Narcisse Kuyo Tea was the *chef de cabinet* of the president of the republic in 2004.⁵⁰ He appears on several receipts as the drafter of the receipt.
- e. **Hubert Oulaye:** Witnesses P-0321, P-0483 and P-0108 testified that Hubert Oulaye was the former minister of public service.⁵¹
- f. **Alphonse Voho Sahi:** Witness P-0625 confirmed that Alphonse Voho Sahi was the *directeur de cabinet* and during the campaign, a close adviser to Laurent Gbagbo, as he worked on drafting and correcting the president's speeches.⁵² Witness P-0435 confirmed that Mr Sahi was an adviser to Laurent Gbagbo.⁵³
- g. **Damana Pickass:** Witness P-0625 and Witness P-0435 testified that Damana Pickass was the president of the FPI youth before Konaté Navigué, and that he was a member of the *Galaxie Patriotique* and the Independent Election Commission.⁵⁴ Witness P-0625 confirmed that Damana Pickass is referred to in the song “*Il n’y a rien en face sur le terrain*” by Les Gallets.⁵⁵ In particular, Witness P-0435 testified that Bouazo Yoko Yoko, President of the GPP, could use

⁴⁷ ICC-02/11-01/15-T-87-Red-ENG, p. 11; p. 14; ICC-02/11-01/15-T-93-ENG, p. 41.

⁴⁸ ICC-02/11-01/15-T-87-Red-ENG, pp. 16-17.

⁴⁹ ICC-02/11-01/15-T-28-Red-ENG, pp. 27-29.

⁵⁰ ICC-02/11-01/15-T-27-Red-ENG, p. 64; ICC-02/11-01/15-T-48-Red-ENG, pp. 52-54; ICC-02/11-01/15-T-72-Red-ENG, p. 17.

⁵¹ ICC-02/11-01/15-T-61-Red-ENG, p. 72; ICC-02/11-01/15-T-99-Red-ENG, p.92; ICC-02/11-01/15-T-145-Red-ENG, pp. 81-82.

⁵² ICC-02/11-01/15-T-25-Red-ENG, pp. 46-47.

⁵³ ICC-02/11-01/15-T-88-Red-ENG, pp. 22-23.

⁵⁴ ICC-02/11-01/15-T-25-Red-ENG, pp. 84-85; ICC-02/11-01/15-T-89-Red-ENG, pp. 40-43.

⁵⁵ ICC-02/11-01/15-T-28-Red-ENG, pp. 26-27.

different channels to receive funds He went through Jean-Yves Dibopieu, Damana Pickass or would directly contact Mr Blé Goudé.⁵⁶

- h. **Serge Koffi:** Witness P-0625 testified that Serge Koffi was the president of the CRAC.⁵⁷
- i. **Koné Largaton:** Witness P-0625 testified that Koné Largaton was a member of the *Galaxie Patriotique* and that he was also known as *Le Grand Cheval*.⁵⁸ He was present at a meeting held by members of various associations at the Presidential Residence in the presence of the First Lady, Simone Gbagbo.⁵⁹
- j. **Jacques Anouma:** Witness P-0625 confirms that Jacques Anouma was the financial director at the presidency and that he signed out money to members of youth groups from the *Galaxie Patriotique* who received bonus envelopes. Witness P-0625 was at the secretariat of the deputy director of the cabinet of the Presidency when he saw the envelopes change hands.⁶⁰
- k. **Richard Dakouri:** Witness P-0625 testified that Richard Dakouri was one of the main leaders of the *Galaxie Patriotique*.⁶¹ Witness P-0625 confirmed that Richard Dakouri is referred to in the song “*Il n’y a rien en face sur le terrain*” by Les Gallets.⁶² Witness P-0097 said that Richard Dakouri was a member of the AJSN and chaired the Sorbonne.⁶³ Witness P-0347 testified that Dakouri was an opinion leader in the group of the *Galaxie Patriotique*, on President Gbagbo’s side.⁶⁴
- l. **Serges Kassy:** Witness P-0625 testified that Serges Kassy was a member of the *Galaxie Patriotique*.⁶⁵ Witness P-0625 confirmed that Serges Kassy is referred to in

⁵⁶ ICC-02/11-01/15-T-88-Red-ENG, pp. 9-10.

⁵⁷ ICC-02/11-01/15-T-25-Red-ENG, p. 79.

⁵⁸ ICC-02/11-01/15-T-28-Red-ENG, p.11, l. 6-9.

⁵⁹ ICC-02/11-01/15-T-28-Red-ENG, p.8, l. 12 to p. 9 l. 16.

⁶⁰ ICC-02/11-01/15-T-27-ENG, pp. 66-67.

⁶¹ ICC-02/11-01/15-T-25-Red-ENG, p. 70.

⁶² ICC-02/11-01/15-T-28-Red-ENG, pp. 26-27.

⁶³ ICC-02/11-01/15-T-46-Red-ENG, p. 31; pp. 70-71.

⁶⁴ ICC-02/11-01/15-T-77-Red-ENG, pp. 83-84.

⁶⁵ ICC-02/11-01/15-T-25-Red-ENG, p. 76.

the song “*Il n’y a rien en face sur le terrain*” by Les Gallets.⁶⁶ Witness P-0625 testified that Serges Kassy was one of the leaders of the *Sorbonne parlement*.⁶⁷

- m. **Moïse Koré:** Witness P-0321 testified that Pasteur Moïse Koré was the pastor of Laurent GBAGBO and could as such be found regularly at the palace or at the residence. He helped organise the purchase of the Russian armoured vehicles. His involvement was outside the formal process for the supply of arms and materiel for the armed forces of Côte d’Ivoire. Witness P-0321 testified that in the middle of the post-election crisis in 2011, he had a meeting with Pasteur Koré and a leader of mercenaries from Gambia and Sierra Leone to discuss recruitment of militias and mercenaries to fight against the militias and mercenaries of the Forces Nouvelles.⁶⁸ Witness P-0625 testified that it could not be ruled out that Pasteur Koré provided militia and mercenaries to Patrice Bahi.⁶⁹
- n. **Pasteur Gami:** Witness P-0520 testified that Pasteur Gami was one of the members of MILOCI, the Ivorian Movement for the Liberation of the West of Côte d’Ivoire.⁷⁰
- o. **Laurent Dona Fologo:** Mr Laurent Dona Fologo’s party, the RPP, was part of the CNRD.⁷¹ Witness P-0625 testified that Mr Laurent Dona Fologo belonged to the RPP.⁷² Witness P-0097 testified that Laurent Dona Fologo was the president of the economic and social council of Côte d’Ivoire.⁷³ Witness P-0048 testified that Laurent Gbagbo sent Mr Dona Fologo to Lomé to speak with the movements who had launched the rebellion.⁷⁴

⁶⁶ ICC-02/11-01/15-T-28-Red-ENG, pp. 26-27.

⁶⁷ ICC-02/11-01/15-T-25-Red-ENG, pp. 78-79.

⁶⁸ ICC-02/11-01/15-T-59-Red-ENG, pp. 44-48.

⁶⁹ ICC-02/11-01/15-T-61-Red-ENG, pp. 27-30.

⁷⁰ ICC-02/11-01/15-T-50-Red-ENG, pp. 65-66.

⁷¹ ICC-02/11-01/15-T-28-Red-ENG, p. 26.

⁷² ICC-02/11-01/15-T-25-Red-ENG, p. 32; p. 46.

⁷³ ICC-02/11-01/15-T-48-Red-ENG, p. 39.

⁷⁴ ICC-02/11-01/15-T-55-Red-ENG, pp. 72-73.

Investigator reports and declarations on the chain of custody

42. In Annex A, the Prosecution has made reference, in the authenticity column, to a number of investigators' reports currently on the Prosecution's List of Evidence. These chain of custody reports are offered for submission as part of this motion.
43. Annex B of this motion includes a list of 13 declarations and 3 additional investigator reports on the chain of custody of specific Items.
44. The 13 declarations are signed and confirm the authenticity of the reports submitted in this Application. A similar approach was adopted with respect to the paragraph 43 filing of reports relating to Witnesses P-0549 and P-0550.⁷⁵ The Trial Chamber considered as submitted these declarations with respect to Witnesses P-0549 and P-0550.⁷⁶
45. During its review to file this Application, the Prosecution noted that additional information relating to the chain of custody of documents obtained at the Presidential Residence and the Presidential Palace was required. Similarly, additional information was required with respect to documents obtained from the United Nations Group of Experts. For this reason, the Prosecution provides three additional investigators' reports for the Trial Chamber to have a complete explanation of the chain of custody of documents submitted by the Prosecution.
46. The addition of these documents will serve judicial economy, and will avoid having to call several witnesses on matters relating to the chain of custody of the Items sought to be submitted. Their submission merely serves to support the method by which documents were obtained; it does not constitute any substantive addition to the evidence currently on the List of Evidence. Further, the source or provenance of the Items referred to in the two investigator reports was provided to the Defence in the Ringtail metadata of each items when they were first disclosed.

⁷⁵ See ICC-02/11-01/15-582-Conf-Anx3, p.1, items CIV-OTP-0092-0251 and CIV-OTP-0092-0252, and p.4, items CIV-OTP-0092-0254 and CIV-OTP-0092-0255.

⁷⁶ ICC-02/11-01/15-629-Conf, paras. 38-40.

Presentation of Annexes A and B

47. Annex A is organised chronologically by date. It includes for each document the ERN, the date, the title or description, the relevance to the charges, the authenticity and reliability, as well as the first incriminating (INCRIM) disclosure date. The last field includes the name of the collection (source). As stated in paragraph 4, the Prosecution will submit next week a courtesy Excel version of the List which will permit the Trial Chamber, Parties and participants to sort the Items in different ways, including by ERN or collection.

48. Annex B lists the 13 declarations and three investigator reports mentioned above.

Conclusion

49. For the foregoing reasons, the Prosecution tenders the 987 documents as listed at Annex A as well as the 13 declarations and three reports listed at Annex B, and requests that the Trial Chamber considers these documents as submitted.



Fatou Bensouda, Prosecutor

Dated this 28th day of April 2017

At The Hague, The Netherlands