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

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 to P

Prosecution's Communication of Evidence Disclosed to the Defence on 14, 16, 22 and 30 June 2017

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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REGISTRY

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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 14, 16, 22 and 30 June 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.

Request for Confidentiality

Annexes A[1], B[2], C[3], D[4], E[5], F[6], G[7], H[8], I[9], J[10], K[11], L[12], M[13], N[14], O[15], P[16] appended to this communication contain the disclosure letters 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 14 June 2017

3. The Prosecution provides notice of the disclosure, on 14 June 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 73,[17] which contained two items. The package consisted of:

[1] Disclosure letter and list for INCRIM package 73 provided to the Defence of Laurent Gbagbo on 14 June 2017.
[2] Disclosure letter and list for INCRIM package 73 provided to the Defence of Charles Blé Goudé on 14 June 2017.
[3] Disclosure letter and list for R77 package 77 provided to the Defence of Laurent Gbagbo on 14 June 2017.
[4] Disclosure letter and list for R77 package 77 provided to the Defence of Charles Blé Goudé on 14 June 2017.
[5] Disclosure letter and list for INCRIM package 74 provided to the Defence of Laurent Gbagbo on 16 June 2017.
[6] Disclosure letter and list for INCRIM package 74 provided to the Defence of Charles Blé Goudé on 16 June 2017.
[7] Disclosure letter and list for R77 package 78 provided to the Defence of Laurent Gbagbo on 16 June 2017.
[8] Disclosure letter and list for R77 package 78 provided to the Defence of Charles Blé Goudé on 16 June 2017.
[9] Disclosure letter and list for INCRIM package 75 provided to the Defence of Laurent Gbagbo on 22 June 2017.
[10] Disclosure letter and list for INCRIM package 75 provided to the Defence of Charles Blé Goudé on 22 June 2017.
[11] Disclosure letter and list for R77 package 79 provided to the Defence of Laurent Gbagbo on 22 June 2017.
[12] Disclosure letter and list for R77 package 79 provided to the Defence of Charles Blé Goudé on 22 June 2017.
[13] Disclosure letter and list for INCRIM package 76 provided to the Defence of Laurent Gbagbo on 30 June 2017.
[14] Disclosure letter and list for INCRIM package 76 provided to the Defence of Charles Blé Goudé on 30 June 2017.
[15] Disclosure letter and list for R77 package 80 provided to the Defence of Laurent Gbagbo on 30 June 2017.
[16] Disclosure letter and list for R77 package 80 provided to the Defence of Charles Blé Goudé on 30 June 2017.
[17] Annex A and Annex B

a. Two witness statements related[18] which were re-disclosed, respectively with fewer and no redactions. Witness statement, CIV-OTP-0041-0534, was re-disclosed with fewer redactions in preparation for the upcoming testimony of Witnesses P-0164, P-0226 and P-0239. Witness P-0164's statement, CIV-OTP-0028-0481, was re-disclosed with all redactions lifted.

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

5. The Prosecution provides notice of the disclosure, on 14 June 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 77,[19] which contained five items. The package consisted of:

a. Three chain of custody documents[20] for the videos CIV-OTP-0003-0018, CIV-OTP-0009-0632, CIV-OTP-0009-0634 and CIV-OTP-0010-0239 previously disclosed as incriminatory evidence and included in the List of Evidence. The Prosecution reassessed these chain of custody documents as disclosable in light of its upcoming application for the introduction of videos under paragraphs 43 and 44 of the directions of the conduct of the proceedings.

b. Two Witness screening notes,[21] were respectively re-disclosed without redactions and re-assessed as disclosable. For screening note CIV-OTP-0028-0651 dated 6 September 2012, all redactions were lifted in preparation for Witness P-0164's upcoming testimony. Screening note CIV-OTP-0063-3346 dated 27 August 2014, was re-assessed as disclosable because it is related to the chain of custody of the bodies of the 3 March 2011 victims. The remaining redactions to its content are in accordance with the Redaction Protocol.

[18] Items 1 and 2 in the Prosecution's List of Disclosed Material.
[19] Annex C and Annex D.
[20] Items 1, 2 and 4 in the Prosecution's List of Disclosed Material.
[21] Items 3 and 5 in the Prosecution's List of Disclosed Material.

6. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.

Disclosure of 16 June 2017

7. The Prosecution provides notice of the disclosure, on 16 June 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 74,[22] which contained 18 items. The package consisted of:

   a. Sixteen satellite images from Google Earth[23]related to annexes of Witnesses P-0164 and P-0239 previously disclosed as incriminating evidence and included in the List of Evidence. Those images which are the clean versions without mark-ups of the annexes to these two Witnesses were disclosed in preparation for the upcoming testimonies of Witnesses P-0164, P-0226, and P-0239.

   b. One updated *curriculum vitae*[24] of expert Witness P-0411 dated 15 June 2017. This supersedes the earlier version of Witness P-0411's *curriculum vitae*, dated 8 July 2013 and previously disclosed as incriminatory evidence and included in the List of Evidence.

   c. One certificate dated 16 May 2007 and related to Witness P-0411.[25] This army certificate of qualification was obtained by expert Witness P-0411 for successful completion of the 601 Ammunition Technical Officer's course which is referred to in his updated *curriculum vitae* at CIV-OTP-0098-1529. The Prosecution disclosed this certificate and updated *curriculum vitae* (*see* above) in preparation for Witness P-0411's upcoming testimony.

8. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.

[22] Annex E and Annex F.
[23] Items 1 to 16 in the Prosecution's List of Disclosed Material.
[24] Item 17 in the Prosecution's List of Disclosed Material.
[25] Item 18 in the Prosecution's List of Disclosed Material.

9. The Prosecution provides notice of the disclosure, on 16 June 2017, to Mr Gbagbo and Mr Blé Goudé, of R77 package 78,[26] which contained 137 items. The package consisted of:

    a. One book dated 17 January 2016 and related to the draft book[27] previously disclosed as material to the preparation of the Defence. This book is the published version of CIV-OTP-0071-1233, the draft version of the book. The Prosecution came into possession of this document on 13 June 2017 and disclosed it as part of its ongoing review of material relating to its case, its witnesses and the Accused;

    b. 136 PDF files dated 1 January 2017, containing sections of the 2007 Côte d'Ivoire's Military Teaching Manual, which were downloaded by the Office of the Prosecutor from the International Committee of the Red Cross (ICRC) Customary International Humanitarian Law (IHL) database.[28]

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

Disclosure of 22 June 2017

11. The Prosecution provides notice of the disclosure, on 22 June 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 75,[29] which contained 1 item. The package consisted of:

    a. One statement [30] which was re-disclosed with fewer redactions in preparation for his upcoming testimony. The remaining redactions to its content are in accordance with the Redaction Protocol.

[26] Annex G and Annex H.
[27] Item 1 in the Prosecution's List of Disclosed Material.
[28] Items 2 to 137 in the Prosecution's List of Disclosed Material.
[29] Annex I and Annex J.
[30] Item 1 in the Prosecution's List of Disclosed Material.

12. Further details are provided in the disclosure letters and lists at Confidential Annexes I and J.

13. The Prosecution provides notice of the disclosure, on 22 June 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 79,[31] which contained 7 items. The package consisted of:

    a. Two Witness screening notes[32] were respectively re-disclosed with fewer redactions and re-assessed as disclosable.;

    b. Two victims' applications,[33] were respectively re-disclosed with fewer redactions, and re-assessed as disclosable. For victim application CIV-OTP-0091-0540 dated 18 June 2014, LRV redactions to the intermediary's name and organisation were lifted pursuant to decision ICC-02/11-01/11-961-Conf. Victim application CIV-OTP-0091-0604 dated 21 April 2012, was re-assessed as disclosable because it is relevant to Witness P-0172. The remaining redactions to their contents are in accordance with the Redaction Protocol;

    c. Two military documents dated 29 March 2013 and 2 May 2017, related to Witness P-0226,[34] were provided to the OTP by Witness P-0226 during his last meeting with the OTP on 17 June 2017. These documents are scanned copies which were disclosed in preparation for Witness P-0226's upcoming testimony;

    d. One investigator's report dated 22 June 2017[35] with two annexes, was disclosed in preparation for Witness P-0226's upcoming testimony.

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

[31] Annex K and Annex L.
[32] Items 1 and 2 in the Prosecution's List of Disclosed Material.
[33] Items 3 and 4 in the Prosecution's List of Disclosed Material.
[34] Items 5 and 6 in the Prosecution's List of Disclosed Material.
[35] Item 7 in the Prosecution's List of Disclosed Material.

Disclosure of 30 June 2017

15. The Prosecution provides notice of the disclosure, on 30 June 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 76,[36] which contained 3 items. The package consisted of:
    a. One statement and its French translation related to Witness P-0088[37] were re-disclosed with fewer redactions in preparation for his upcoming testimony; and
    b. Two partial transcripts[38] of RTI videos CIV-OTP-0061-0564 and CIV-OTP-0061-0594, videos which were both previously disclosed and included in the Prosecution's List of Evidence.

16. Further details are provided in the disclosure letters and lists at Confidential Annexes M and N.

17. The Prosecution provides notice of the disclosure, on 30 June 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 80,[39] which contained 23 items. The package consisted of:

    a. A "*Jeunes Patriotes*" press badge[40] given to Witness P-0087 during his trip in Abidjan. The item was disclosed ahead of this witness's testimony;
    b. Seventeen documents[41] containing metadata information related to Witnesses P-0087 and P-0088 video footage. These documents were disclosed ahead of these witnesses' testimonies;
    c. Annex 3 of Witness P-0088's statement[42] containing the ERN numbers of the video footage shown to the witness during his interview. The document was disclosed ahead of Witness P-0088's testimony;

[36] Annex M and Annex N.
[37] Items 1 and 2 in the Prosecution's List of Disclosed Material.
[38] Items 3 and 4 in the Prosecution's List of Disclosed Material.
[39] Annex O and Annex P.
[40] Item 1 in the Prosecution's List of Disclosed Material.
[41] Items 2 to 18 in the Prosecution's List of Disclosed Material.
[42] Item 19 in the Prosecution's List of Disclosed Material.

d. A report[43] related to the incident of the 3 March 2011. The document was disclosed ahead of Witness P-0237's testimony;

e. Transcript of a Witness interview[44] on 14 January 2015. The Prosecution sent courtesy copies *via* email to the Defence teams on 27 June 2017;

f. An investigator's report[45] related to the dates of the testimonies of Witness P-0087 and P-0088. The report was attached as an annex to filing ICC-02/11-01/15-697; and

g. An investigator's report[46] related to Witness P-0607. The document was disclosed ahead of the Witness'.

18. Further details are provided in the disclosure letters and lists at Confidential Annexes O and P.

Fatou Bensouda, Prosecutor

Dated this 12th day of July 2017

At The Hague, The Netherlands

[43] Item 20 in the Prosecution's List of Disclosed Material.
[44] Item 21 in the Prosecution's List of Disclosed Material.
[45] Item 22 in the Prosecution's List of Disclosed Material.
[46] Item 23 in the Prosecution's List of Disclosed Material.