



Original: English

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

Date: 2 August 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 H**

**Prosecution's Communication of Evidence Disclosed to the Defence on
7, 10 and 28 July 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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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 7, 10 and 28 July 2017.
2. All disclosed material was provided *via* Records Manager electronically, in a format that complies with the e-Court Protocol as approved for the Trial stage.

Request for Confidentiality

3. Annexes A,¹ B,² C,³ D,⁴ E,⁵ F,⁶ G⁷ and H⁸ 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 7 July 2017

4. The Prosecution provides notice of the disclosure, on 7 July 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 81,⁹ which contained nine items. The package consisted of:
 - a. Six victim’s applications¹⁰ disclosed with fewer redactions. The Prosecution disclosed these documents since they were material to the testimonies of two Prosecution witnesses. The Prosecution sent courtesy copies of these applications *via* email to the Defence teams on 5 July 2017; and

¹ Disclosure letter and list for R77 package 81 provided to the Defence of Laurent Gbagbo on 7 July 2017.

² Disclosure letter and list for R77 package 81 provided to the Defence of Charles Blé Goudé on 7 July 2017.

³ Disclosure letter and list for INCRIM package 78 provided to the Defence of Laurent Gbagbo on 10 July 2017.

⁴ Disclosure letter and list for INCRIM package 78 provided to the Defence of Charles Blé Goudé on 10 July 2017.

⁵ Disclosure letter and list for INCRIM package 79 provided to the Defence of Laurent Gbagbo on 28 July 2017.

⁶ Disclosure letter and list for INCRIM package 79 provided to the Defence of Charles Blé Goudé on 28 July 2017.

⁷ Disclosure letter and list for R77 package 82 provided to the Defence of Laurent Gbagbo on 28 July 2017.

⁸ Disclosure letter and list for R77 package 82 provided to the Defence of Charles Blé Goudé on 28 July 2017.

⁹ Annex A and Annex B.

¹⁰ Items 1 to 6 in the Prosecution’s List of Disclosed Material.

- b. One video and two related screenshots¹¹ related to Mr Gbagbo. The video came into the Prosecution's possession on 5 July 2017.
- 5. Further details are provided in the disclosure letters and lists at Confidential Annexes A and B.

Disclosure of 10 July 2017

- 6. The Prosecution provides notice of the disclosure, on 10 July 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 78,¹² which contained nine items. The package consisted of:
 - a. Eight corrected transcripts¹³ and one corrected translation¹⁴ related to the video footage of two Prosecution witnesses, which were previously disclosed and included in the Prosecution's List of Evidence.
- 7. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.

Disclosure of 28 July 2017

- 8. The Prosecution provides notice of the disclosure, on 28 July 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 79,¹⁵ which contained three items. One item contained redactions to its content, in accordance with decision ICC-02/11-01/11-737-AnxA ("Redaction Protocol"). The package consisted of:
 - a. The statement of a Prosecution witness,¹⁶ re-disclosed with fewer redactions. The Prosecution disclosed this document ahead of this witness's testimony;

¹¹ Items 7 to 9 in the Prosecution's List of Disclosed Material.

¹² Annex C and Annex D.

¹³ Items 1, 2, 3, 5, 6, 7, 8 and 9 in the Prosecution's List of Disclosed Material.

¹⁴ Item 4 in the Prosecution's List of Disclosed Material.

¹⁵ Annex E and Annex F.

¹⁶ Item 1 in the Prosecution's List of Disclosed Material.

- b. The corrected transcript¹⁷ of an open source video, which was previously disclosed and included in the Prosecution's List of Evidence; and
 - c. The partial transcript¹⁸ of a video, which was previously disclosed and included in the Prosecution's List of Evidence.
9. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.
10. The Prosecution further provides notice of the disclosure, on 28 July 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 82,¹⁹ which contained 27 items. The package consisted of:
- a. An attachment²⁰ to the Expert Report of a Prosecution witness. Copies of the content were provided to the Defence teams by way of CD;
 - b. A list of videos²¹ obtained from a media agency. The Prosecution sent courtesy copies of the list to the Chamber, Parties and participants *via* email on 13 July 2017;
 - c. The partial transcript of a video related to a Prosecution witness;
 - d. A video and its associated documents²² related to Mr Gbagbo. The video came into the Prosecution's possession on 14 July 2017;
 - e. A report²³ on the extraction of metadata of an open source video, previously disclosed and included in the Prosecution's List of Evidence;
 - f. An Investigator's Report related to a Prosecution witness.²⁴ The Prosecution disclosed this document ahead of the witness's testimony;
 - g. Two Codes of Military Function in Côte d'Ivoire.²⁵ These came into the Prosecution's possession on 20 July 2017;

¹⁷ Item 2 in the Prosecution's List of Disclosed Material.

¹⁸ Item 3 in the Prosecution's List of Disclosed Material.

¹⁹ Annex G and Annex H.

²⁰ Item 1 in the Prosecution's List of Disclosed Material.

²¹ Item 2 in the Prosecution's List of Disclosed Material.

²² Items 4 to 10 in the Prosecution's List of Disclosed Material.

²³ Item 11 in the Prosecution's List of Disclosed Material.

²⁴ Item 12 in the Prosecution's List of Disclosed Material.

- h. A video and its associated documents²⁶ related to the 17 March 2011 incident. The video came into the Prosecution's possession on 26 July 2017; and
- i. A video and its associated documents²⁷ related to the 25-28 February 2011 incident. The video came into the Prosecution's possession on 26 July 2017.

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



Fatou Bensouda, Prosecutor

Dated this 2nd day of August 2017

At The Hague, The Netherlands

²⁵ Items 13 to 14 in the Prosecution's List of Disclosed Material.

²⁶ Items 15 to 19 in the Prosecution's List of Disclosed Material.

²⁷ Items 20 to 27 in the Prosecution's List of Disclosed Material.