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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 N

**Prosecution's Communication of Evidence Disclosed to the Defence on
6, 13, 22 and 25 September 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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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 6, 13, 22 and 25 September 2017.
2. All disclosed material was provided *via* RM 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 G,⁷ H,⁸ I,⁹ J,¹⁰ K,¹¹ L,¹² M¹³ and N¹⁴ 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.

¹ Disclosure letter and list for INCRIM package 81 provided to the Defence of Laurent Gbagbo on 6 September 2017.

² Disclosure letter and list for INCRIM package 81 provided to the Defence of Charles Blé Goudé on 6 September 2017.

³ Disclosure letter and list for Rule 77 package 84 provided to the Defence of Laurent Gbagbo on 6 September 2017.

⁴ Disclosure letter and list for Rule 77 package 84 provided to the Defence of Charles Blé Goudé on 6 September 2017.

⁵ Disclosure letter and list for INCRIM package 82 provided to the Defence of Laurent Gbagbo on 13 September 2017.

⁶ Disclosure letter and list for INCRIM package 82 provided to the Defence of Charles Blé Goudé on 13 September 2017.

⁷ Disclosure letter and list for Rule 77 package 85 provided to the Defence of Laurent Gbagbo on 13 September 2017.

⁸ Disclosure letter and list for Rule 77 package 85 provided to the Defence of Charles Blé Goudé on 13 September 2017.

⁹ Disclosure letter and list for INCRIM package 83 provided to the Defence of Laurent Gbagbo on 22 September 2017.

¹⁰ Disclosure letter and list for INCRIM package 83 provided to the Defence of Charles Blé Goudé on 22 September 2017.

¹¹ Disclosure letter and list for Rule 77 package 86 provided to the Defence of Laurent Gbagbo on 22 September 2017.

¹² Disclosure letter and list for Rule 77 package 86 provided to the Defence of Laurent Gbagbo on 22 September 2017.

¹³ Disclosure letter and list for Rule 77 package 87 provided to the Defence of Laurent Gbagbo on 25 September 2017.

¹⁴ Disclosure letter and list for Rule 77 package 87 provided to the Defence of Laurent Gbagbo on 25 September 2017.

Disclosure of 6 September 2017

4. The Prosecution provides notice of the disclosure, on 6 September 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 81,¹⁵ which contained nine items. The package consisted of:
 - a. Corrected transcript of video CIV-OTP-0002-0995,¹⁶ which was previously disclosed and included in the Prosecution's List of Evidence;
 - b. Corrected transcript of video CIV-OTP-0002-0389,¹⁷ which was previously disclosed and included in the Prosecution's List of Evidence;
 - c. Statement of four Prosecution witnesses¹⁸ re-disclosed with fewer redactions. The documents were re-disclosed ahead of these witnesses' testimony;
 - d. A document related to a Prosecution witness.¹⁹ The document, previously disclosed under rule 77 of the Rules of Procedure and Evidence, was re-disclosed as INCRIM;
 - e. A report related to Prosecution Witness P-0316.²⁰ The document, previously disclosed under rule 77 of the Rules of Procedure and Evidence, was re-disclosed as INCRIM as it was referred to and submitted during the witness's testimony on 31 August 2017; and
 - f. Updated CV of Prosecution Witness P-0585.²¹ The document was disclosed ahead of this witness's testimony.
5. Further details are provided in the disclosure letters and lists at Confidential Annexes A and B.

¹⁵ Annex A and Annex B.

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

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

¹⁸ Items 3, 5, 6 and 7 in the Prosecution's List of Disclosed Material.

¹⁹ Item 4 in the Prosecution's List of Disclosed Material.

²⁰ Item 8 in the Prosecution's List of Disclosed Material.

²¹ Item 9 in the Prosecution's List of Disclosed Material.

6. The Prosecution further provides notice of the disclosure, on 6 September 2017, to Mr Gbagbo and Mr Blé Goudé, of rule 77 package 84,²² which contained six items. The package consisted of:
 - a. A document from the *Tribunal militaire*,²³ previously in the Prosecution's possession. It was disclosed upon review of materials in light of the testimony of upcoming witnesses, and;
 - b. Five documents provided by Prosecution Witness P-0585.²⁴ The Prosecution recently came into possession of these documents and disclosed them ahead of the witness's testimony.
7. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.

Disclosure of 13 September 2017

8. The Prosecution provides notice of the disclosure, on 13 September 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 82,²⁵ which contained one item, namely, the statement of a Prosecution witness re-disclosed with lesser redactions.
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 13 September 2017, to Mr Gbagbo and Mr Blé Goudé, of rule 77 package 85,²⁶ which contained seven items. The package consisted of:
 - a. Five documents related to a Prosecution witness,²⁷ disclosed ahead of his testimony;

²² Annex C and Annex D.

²³ Item 1 in the Prosecution's List of Disclosed Material.

²⁴ Items 2-5 in the Prosecution's List of Disclosed Material.

²⁵ Annex E and Annex F.

²⁶ Annex G and Annex H.

- b. Lesser redacted versions of victim's applications related to Prosecution Witness P-0297.²⁸ Courtesy copies were previously disclosed to the Defence teams on 7 September 2017.

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

Disclosure of 22 September 2017

12. The Prosecution further provides notice of the disclosure, on 22 September 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 83,²⁹ which contained three items. The package consisted of:

- a. A statement and a document³⁰ provided by a Prosecution witness, re-disclosed with lesser redactions;
- b. A birth certificate³¹ with lesser redactions related to a Prosecution witness.

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

14. The Prosecution further provides notice of the disclosure, on 22 September 2017, to Mr Gbagbo and Mr Blé Goudé, of rule 77 package 86.³² The two items were related to Prosecution witnesses and were disclosed ahead of their testimony.³³

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

²⁷ Items 1-5 in the Prosecution's List of Disclosed Material.

²⁸ Items 6-7 in the Prosecution's List of Disclosed Material.

²⁹ Annex I and Annex J.

³⁰ Items 1-2 in the Prosecution's List of Disclosed Material.

³¹ Item 3 of the Prosecution's List of Disclosed Material.

³² Annex K and Annex L.

³³ Items 1-2 in the Prosecution's List of Disclosed Material.

Disclosure of 25 September 2017

16. The Prosecution further provides notice of the disclosure, on 25 September 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 87,³⁴ which contained 23 items. The package consisted of:
- a. Four psychosocial evaluations of upcoming witnesses;³⁵
 - b. Instruction manual of the Ivory Coast Armed Forces related to the Law of War.³⁶ The Prosecution sent courtesy copies of this material *via* email to the Defence teams on 25 September 2017;
 - c. Open source video related to Laurent Gbagbo's conclusions after the debate regarding the presidential elections³⁷ dated 26 November 2010;
 - d. A Cyber Forensic Examination Report³⁸ related to the collection of video CIV-OTP-0101-0187 (above);
 - e. Open source video related to the debate between Laurent Gbagbo and Alassane Ouattara regarding the presidential elections in 2010;³⁹
 - f. A Cyber Forensic Examination Report⁴⁰ related to the collection of video CIV-OTP-0101-0168 (above).

³⁴ Annex M and Annex N.

³⁵ Items 1-4 in the Prosecution's List of Disclosed Material.

³⁶ Items 5, 6, 11 to 23 in the Prosecution's List of Disclosed Material.

³⁷ Item 9 in the Prosecution's List of Disclosed Material.

³⁸ Item 10 in the Prosecution's List of Disclosed Material.

³⁹ Item 7 in the Prosecution's List of Disclosed Material.

⁴⁰ Item 8 in the Prosecution's List of Disclosed Material.

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



Fatou Bensouda, Prosecutor

Dated this 5th day of October 2017

At The Hague, The Netherlands