



Original: **English**

No.: **ICC-02/11-01/15**
Date: **1 February 2018**

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
25 and 31 January 2018**

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

Ms Fatou Bensouda

Mr James Stewart

Mr Eric MacDonald

Counsel for Mr Laurent Gbagbo

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States' Representatives

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 25 January and 31 January 2018.
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.¹

Request for Confidentiality

3. Annexes A,² B,³ C,⁴ D,⁵ E,⁶ 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 25 January 2018

4. The Prosecution provides notice of the disclosure, on 25 January 2018, to the Defence of Rule 77 package 107,⁸ containing 33 items. All items contained redactions to their contents and metadata, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”) and the Chamber’s decision of 23 January 2018.⁹
5. The details of the material disclosed are provided in the disclosure letters and lists at Confidential Annexes A and B.

¹ See ICC-02/11-01/15-58, para. 24.

² Disclosure letter and list for Rule 77 package 107 provided to the Defence of Laurent Gbagbo on 25 January 2018.

³ Disclosure letter and list for Rule 77 package 107 provided to the Defence of Charles Blé Goudé on 25 January 2018.

⁴ Disclosure letter and list for INCRIM package 97 provided to the Defence of Laurent Gbagbo on 31 January 2018.

⁵ Disclosure letter and list for INCRIM package 97 provided to the Defence of Charles Blé Goudé on 31 January 2018.

⁶ Disclosure letter and list for Rule 77 package 108 provided to the Defence of Laurent Gbagbo on 31 January 2018.

⁷ Disclosure letter and list for Rule 77 package 108 provided to the Defence of Charles Blé Goudé on 31 January 2018.

⁸ Annexes A and B.

⁹ See ICC-02/11-01/15-1109.

Disclosure for 31 January 2018

6. The Prosecution provides notice of the disclosure, on 31 January 2018, to the Defence of INCRIM package 97,¹⁰ containing 13 items disclosed without redactions. The package consisted of:
 - a. The corrected version of one transcript¹¹ already disclosed as incriminatory evidence and included in the List of Evidence.
 - b. Twelve bundles of documents¹² related to the certification of the statements of twelve witnesses under rule 68(2)(b) of the Rules of Procedure and Evidence (“Rules”). These bundles of documents were disclosed as incriminatory evidence for upload onto e-Court pursuant to the Chamber’s instructions.¹³

7. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D. Confidential Annex C contains the disclosure list as signed only by the Prosecution, as the Gbagbo Defence has stated by email to the Prosecution that it was refusing the disclosure to be consistent with its submission ICC-02/11-01/15-1102–Conf. The Chamber will note in Annex D that the same disclosure was accepted by the Blé Goudé Defence.

8. The Prosecution further provides notice of the disclosure, on 31 January 2018, to Mr Gbagbo and Mr Blé Goudé of Rule 77 package 108,¹⁴ containing eight items disclosed without redactions. The package consisted of:
 - a. Six declarations taken by the OTP from Prosecution witnesses during the process of certification under rule 68(2)(b) of the Rules between 20 and 26 November 2017.¹⁵

¹⁰ Annexes C and D.

¹¹ Item 1 of the Prosecution’s List of Disclosed Material.

¹² Items 2-13 of the Prosecution’s List of Disclosed Material.

¹³ See ICC-02/11-01/15-950-Red, para. 75.

¹⁴ Annexes E and F.

¹⁵ Items 1-6 of the Prosecution’s List of Disclosed Material.

- b. One letter from a non-governmental organisation to the Prosecutor, dated 16 December 2017,¹⁶ with cover email of 28 December 2017.¹⁷
9. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.



Fatou Bensouda, Prosecutor

Dated this 1st day of February 2018

At The Hague, The Netherlands

¹⁶ Item 8 of the Prosecution's List of Disclosed Material.

¹⁷ Item 7 of the Prosecution's List of Disclosed Material.