



Original: English

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

Date: 6 March 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 F

**Prosecution's Communication of Evidence Disclosed to the Defence on
9, 13 and 15 February 2017**

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 9 February 2017, 13 February 2017 and 15 February 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.¹

Request for Confidentiality

3. Annexes A,² B,³ C,⁴ D,⁵ E⁶ 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 9 February 2017

4. The Prosecution provides notice of the disclosure, on 9 February 2017, to Mr Gbagbo and Mr Blé Goudé, of Metadata Update package,⁸ containing three items, already disclosed as incriminating evidence and on the List of Evidence. The “Confidentiality” level metadata field was updated.
5. Further details 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 Metadata Update provided to the Defence of Laurent Gbagbo on 9 February 2017.

³ Disclosure letter and list for Metadata Update provided to the Defence of Charles Blé Goudé on 9 February 2017.

⁴ Disclosure letter and list for Rule 77 package 59 provided to the Defence of Laurent Gbagbo on 13 February 2017.

⁵ Disclosure letter and list for Rule 77 package 59 provided to the Defence of Charles Blé Goudé on 13 February 2017.

⁶ Disclosure letter and list for INCRIM package 59 provided to the Defence of Laurent Gbagbo on 15 February 2017.

⁷ Disclosure letter and list for INCRIM package 59 provided to the Defence of Charles Blé Goudé on 15 February 2017.

⁸ Annexes A and B.

Disclosure of 13 February 2017

6. The Prosecution provides notice of the disclosure, on 13 February 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 59⁹ containing nine items. Two items were disclosed in unredacted form and two items contained redactions to their content only, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).¹⁰ The package consisted of:
 - a. An investigator’s report, dated 10 February 2017, related to copies of police documents collected from Witness P-0046 during his interview in November 2011.¹¹ The document was disclosed ahead of this witness’s testimony;
 - b. An investigator’s report, dated 22 September 2012, related to leads provided by Witness P-0109;¹²
 - c. An investigator’s report, dated 8 February 2017, related to Witness P-0402’s security concerns;¹³
 - d. A press article related to the trial of Mr Gbagbo and Mr Blé Goudé before the International Criminal Court.¹⁴ The Prosecution became aware of the existence of this document while running searches. The Prosecution disclosed this document as part of its ongoing review of material relating to its case;
 - e. Five psycho-social assessment reports of Witnesses P-0458, P-0436, P-0438, P-0433 and P-0458.¹⁵ The Prosecution disclosed these documents in conformity with the Chamber’s oral decision of 1 July 2016.¹⁶

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

⁹ Annexes C and Annex D.

¹⁰ See ICC-02/11-01/11-737-AnxA.

¹¹ Item 9 in the Prosecution’s list of Disclosed Material.

¹² Item 2 in the Prosecution’s list of Disclosed Material.

¹³ Item 4 in the Prosecution’s list of Disclosed Material.

¹⁴ Item 3 in the Prosecution’s list of Disclosed Material.

¹⁵ Items 1 and 5-8 in the Prosecution’s list of Disclosed Material.

¹⁶ See ICC-02/11-01/15-T-57-ENG, p. 38, ln.7-20.

Disclosure of 15 February 2017

8. The Prosecution provides notice of the disclosure, on 15 February 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 59,¹⁷ containing 13 items disclosed in unredacted form. The package consisted of:
- a. One transcript¹⁸ related to an RTI video¹⁹ previously disclosed as incriminatory evidence and included in the List of Evidence;
 - b. Six transcripts²⁰ related to a video²¹ previously disclosed as incriminatory evidence and included in the List of Evidence;
 - c. Six transcripts²² related to RTI videos²³ previously disclosed as incriminatory evidence and included in the List of Evidence. These transcripts were sent to the Defence via courtesy copy on 13 February 2017 in advance of Witness P-0046's testimony.
9. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.



Fatou Bensouda, Prosecutor

Dated this 6th day of March 2017

At The Hague, The Netherlands

¹⁷ Annexes E and F.

¹⁸ Item 1 in the Prosecution's List of Disclosed Material.

¹⁹ CIV-OTP-0074-0083.

²⁰ Items 2-7 in the Prosecution's List of Disclosed Material.

²¹ CIV-OTP-0081-0338.

²² Items 8-13 in the Prosecution's List of Disclosed Material.

²³ CIV-OTP-0061-0551, CIV-OTP-0061-0552, CIV-OTP-0061-0576, CIV-OTP-0064-0084, CIV-OTP-0064-0078 and CIV-OTP-0061-0577.