



Original: **English**

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

Date: **5 May 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 T

**Prosecution's Communication of Evidence Disclosed to the Defence on
3, 13, 21, and 28 April 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 3, 13, 21, and 28 April 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 A², B³, C⁴, D⁵, E⁶, F⁷, G⁸, H⁹, I¹⁰, J¹¹, K¹², L¹³, M¹⁴, N¹⁵, O¹⁶, P¹⁷, Q¹⁸, R¹⁹, S²⁰ and T²¹ 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 See ICC-02/11-01/15-58, para. 24.

² Disclosure letter and list for INCRIM package 65 provided to the Defence of Laurent Gbagbo on 3 April 2017.

³ Disclosure letter and list for INCRIM package 65 provided to the Defence of Charles Blé Goudé on 3 April 2017.

⁴ Disclosure letter and list for R77 package 65 provided to the Defence of Laurent Gbagbo on 3 April 2017.

⁵ Disclosure letter and list for R77 package 65 provided to the Defence of Charles Blé Goudé on 3 April 2017.

⁶ Disclosure letter and list for R77 package 66 provided to the Defence of Laurent Gbagbo on 13 April 2017.

⁷ Disclosure letter and list for R77 package 66 provided to the Defence of Charles Blé Goudé on 13 April 2017.

⁸ Disclosure letter and list for INCRIM package 66 provided to the Defence of Laurent Gbagbo on 21 April 2017.

⁹ Disclosure letter and list for INCRIM package 66 provided to the Defence of Charles Blé Goudé on 21 April 2017.

¹⁰ Disclosure letter and list for R77 package 67 provided to the Defence of Laurent Gbagbo on 21 April 2017.

¹¹ Disclosure letter and list for R77 package 67 provided to the Defence of Charles Blé Goudé on 21 April 2017.

¹² Disclosure letter and list for INCRIM package 67 provided to the Defence of Laurent Gbagbo on 28 April 2017.

¹³ Disclosure letter and list for INCRIM package 67 provided to the Defence of Charles Blé Goudé on 28 April 2017.

¹⁴ Disclosure letter and list for R77 package 68 provided to the Defence of Laurent Gbagbo on 28 April 2017.

¹⁵ Disclosure letter and list for R77 package 68 provided to the Defence of Charles Blé Goudé on 28 April 2017.

¹⁶ Disclosure letter and list for R77 package 69 provided to the Defence of Laurent Gbagbo on 28 April 2017.

¹⁷ Disclosure letter and list for R77 package 69 provided to the Defence of Charles Blé Goudé on 28 April 2017.

¹⁸ Disclosure letter and list for R77 package 70 provided to the Defence of Laurent Gbagbo on 28 April 2017.

¹⁹ Disclosure letter and list for R77 package 70 provided to the Defence of Charles Blé Goudé on 28 April 2017.

²⁰ Disclosure letter and list for Metadata Update package provided to the Defence of Laurent Gbagbo on 28 April 2017.

²¹ Disclosure letter and list for Metadata Update package provided to the Defence of Charles Blé Goudé on 28 April 2017.

Disclosure of 3 April 2017

4. The Prosecution provides notice of the disclosure, on 3 April 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 65,²² which contained six items disclosed in unredacted form. The package consisted of six transcripts²³ of RTI videos²⁴ previously disclosed as incriminatory evidence and included in the List of Evidence. 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 3 April 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 65,²⁵ including three items disclosed in unredacted form. The package consisted of:
 - a. An investigator's report²⁶ re-assessed as disclosable in preparation for the testimony of a witness; and
 - b. Two open source press articles from '@bidj@n.net'.²⁷
6. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.

Disclosure of 13 April 2017

7. The Prosecution provides notice of the disclosure, on 13 April 2017, to Mr Gbagbo and Mr Blé Goudé, of R77 package 66²⁸ containing three items disclosed in unredacted form. The package consisted of:
 - a. Two *Procès-Verbal d'audition* of a witness;²⁹
 - b. Transcript of a witness's testimony from Simone Gbagbo trial;³⁰ and

²² Annex A and Annex B.

²³ Items 1-6 in the Prosecution's List of Disclosed Material.

²⁴ CIV-OTP-0064-0092, CIV-OTP-0064-0107, CIV-OTP-0061-0553, CIV-OTP-0061-0560, CIV-OTP-0061-0567 and CIV-OTP-0075-0061.

²⁵ Annex C and Annex D

²⁶ Item 1 in the Prosecution's List of Disclosed Material. The Prosecution sent a courtesy copy of this Investigator's report by email to the Defence teams, on 31 March 2017.

²⁷ Items 2-3 in the Prosecution's List of Disclosed Material.

²⁸ Annex E and Annex F

²⁹ Item 1 in the Prosecution's List of Disclosed Material.

³⁰ Item 2 in the Prosecution's List of Disclosed Material.

- c. A document regarding the contact of VWS with a witness³¹.
- 8. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.

Disclosure of 21 April 2017

- 9. The Prosecution provides notice of the disclosure, on 21 April 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 66³² containing 11 items. Seven items were disclosed in unredacted form and four items contained redactions to their content, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”). The package consisted of:
 - a. Corrected transcript³³ of a video previously disclosed as incriminatory evidence and included in the List of Evidence;³⁴
 - b. French translation³⁵ of transcript of a video, previously disclosed as incriminatory evidence and included in the List of Evidence;
 - c. French version³⁶ of a press article, previously disclosed as incriminatory evidence and included in the List of Evidence;
 - d. Transcript³⁷ of RTI video, previously disclosed as incriminatory evidence and included in the List of Evidence;
 - e. Corrected transcript³⁸ of a video, previously disclosed as incriminatory evidence and included in the List of Evidence;
 - f. Four statements and an annex³⁹ of several crime base witnesses disclosed with fewer redactions and ahead of the testimony of these witnesses. The Prosecution sent courtesy copies to the Defence *via* email on 19 April 2017; and

³¹ Item 3 in the Prosecution’s List of Disclosed Material.

³² Annex G and Annex H.

³³ Item 2 in the Prosecution’s List of Disclosed Material.

³⁴ To assist the Defence teams in their review of this material, the changes made are as follows: (i) at page 2101, date (Inconnu) was replaced by 31 March 2011.

³⁵ Item 8 in the Prosecution’s List of Disclosed Material.

³⁶ Item 9 in the Prosecution’s List of Disclosed Material.

³⁷ Item 10 in the Prosecution’s List of Disclosed Material.

³⁸ Item 7 in the Prosecution’s List of Disclosed Material.

³⁹ Items 1, 3, 4, 5 and 6 the Prosecution’s List of Disclosed Material.

g. French version⁴⁰ of a UN report previously disclosed as incriminatory evidence and included in the List of Evidence.

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

11. The Prosecution provides notice of the disclosure, on 21 April 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 67⁴¹ containing 10 items. Nine items were disclosed in unredacted form and one item was disclosed with redactions to its content, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”). The package consisted of:

- a. Victim’s Application of a crime base witness⁴² disclosed with fewer redactions. The Prosecution sent a courtesy copy *via* email to the Defence on 19 April 2017;
- b. An investigator’s report,⁴³ which was disclosed in accordance with Trial Chamber’s decision on 20 April 2017;⁴⁴
- c. Five declarations⁴⁵ and their French translations from investigators and analysts of the Office of the Prosecutor concerning the collection of documents and videos by the OTP from different locations in Abidjan; and
- d. An *addendum*⁴⁶ to an investigator’s report, previously disclosed as incriminatory evidence and included in the List of Evidence.

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

⁴⁰ Item 11 in the Prosecution’s List of Disclosed Material.

⁴¹ Annex I and Annex J.

⁴² Item 1 in the Prosecution’s List of Disclosed Material.

⁴³ Item 2 in the Prosecution’s List of Disclosed Material.

⁴⁴ *Ex parte* email from the Trial Chamber sent to the Prosecution and Participants on 20 April 2017 at 16h10.

⁴⁵ Items 3, 4, 5, 6, 8, 9 and 10 in the Prosecution’s List of Disclosed Material.

⁴⁶ Item 7 in the Prosecution’s List of Disclosed Material.

Disclosure of 28 April 2017

13. The Prosecution provides notice of the disclosure, on 28 April 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 67⁴⁷ containing three items disclosed in unredacted form. The package consisted of:
 - a. Three transcripts⁴⁸ of a video previously disclosed as incriminatory evidence and included in the List of Evidence;
14. Further details are provided in the disclosure letters and lists at Confidential Annexes K and L.
15. The Prosecution provides notice of the disclosure, on 28 April 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 68,⁴⁹ containing 155 victim's applications re-disclosed with fewer redactions. Further details are provided in the disclosure letters and lists at Confidential Annexes M and N.
16. The Prosecution provides notice of the disclosure, on 28 April 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 69⁵⁰ containing 17 victim's applications re-disclosed with fewer redactions. Further details are provided in the disclosure letters and lists at Confidential Annexes O and P.
17. The Prosecution provides notice of the disclosure, on 28 April 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 70⁵¹ containing 18 items disclosed in unredacted form. The package consisted of:
 - a. A report⁵² related to the screening of documents collected from the UN Group of Experts on Côte d'Ivoire and Panel of Experts on Liberia, United Nations;

⁴⁷ Annex K and Annex L.

⁴⁸ Items 1, 2 and 3 in the Prosecution's List of Disclosed Material.

⁴⁹ Annexes M and N.

⁵⁰ Annexes O and P.

⁵¹ Annexes Q and R.

⁵² Item 1 in the Prosecution's List of Disclosed Material.

- b. Declarations and their French translations⁵³ from investigators of the Office of the Prosecutor concerning the collection of documents by the OTP from different locations in Abidjan; and
- c. An *addendum*⁵⁴ to an investigator's report previously disclosed as incriminatory evidence and included in the List of Evidence.

18. Further details are provided in the disclosure letters and lists at Confidential Annexes Q and R.

19. The Prosecution provides notice of the disclosure, on 28 April 2017, to Mr Gbagbo and Mr Blé Goudé, of Metadata Update package⁵⁵ containing 23 items. The "Confidentiality" level field and/or the "Main Date" field are now added or changed in e-Court for all the documents. Further details are provided in the disclosure letters and lists at Confidential Annexes S and T.



Fatou Bensouda, Prosecutor

Dated this 5th day of May 2017.

At The Hague, The Netherlands

⁵³ Items 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 in the Prosecution's List of Disclosed Material.

⁵⁴ Item 4 in the Prosecution's List of Disclosed Material.

⁵⁵ Annexes S and T.