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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 1 to 28

**Prosecution's Communication of Evidence Disclosed to the Defence on
6, 7, 9, 14, 15, 20, 24 and 30 November 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 6 November 2017, 7 November 2017, 9 November 2017, 14 November 2017, 15 November 2017, 20 November 2017, 24 November 2017 and 30 November 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.¹

Request for Confidentiality

3. Annexes 1,² 2,³ 3,⁴ 4,⁵ 5,⁶ 6,⁷ 7,⁸ 8,⁹ 9,¹⁰ 10,¹¹ 11,¹² 12,¹³ 13,¹⁴ 14,¹⁵ 15,¹⁶ 16,¹⁷ 17,¹⁸ 18,¹⁹ 19,²⁰ 20,²¹ 21,²² 22,²³ 23,²⁴ 24,²⁵ 25,²⁶ 26,²⁷ 27²⁸ and 28²⁹ appended to this

¹ See ICC-02/11-01/15-58, para. 24.

² Disclosure letter and list for INCRIM package 89 provided to the Defence of Laurent Gbagbo on 6 November 2017.

³ Disclosure letter and list for INCRIM package 89 provided to the Defence of Charles Blé Goudé on 6 November 2017.

⁴ Disclosure letter and list for Metadata Update provided to the Defence of Laurent Gbagbo on 6 November 2017.

⁵ Disclosure letter and list for Metadata Update provided to the Defence of Charles Blé Goudé on 6 November 2017.

⁶ Disclosure letter and list for Rule 77 package 94 provided to the Defence of Laurent Gbagbo on 7 November 2017.

⁷ Disclosure letter and list for Rule 77 package 94 provided to the Defence of Charles Blé Goudé on 7 November 2017.

⁸ Disclosure letter and list for INCRIM package 90 provided to the Defence of Laurent Gbagbo on 9 November 2017.

⁹ Disclosure letter and list for INCRIM package 90 provided to the Defence of Charles Blé Goudé on 9 November 2017.

¹⁰ Disclosure letter and list for Rule 77 package 95 provided to the Defence of Laurent Gbagbo on 9 November 2017.

¹¹ Disclosure letter and list for Rule 77 package 95 provided to the Defence of Charles Blé Goudé on 9 November 2017.

¹² Disclosure letter and list for INCRIM package 91 provided to the Defence of Laurent Gbagbo on 14 November 2017.

¹³ Disclosure letter and list for INCRIM package 91 provided to the Defence of Charles Blé Goudé on 14 November 2017.

¹⁴ Disclosure letter and list for Rule 77 package 96 provided to the Defence of Laurent Gbagbo on 14 November 2017.

¹⁵ Disclosure letter and list for Rule 77 package 96 provided to the Defence of Charles Blé Goudé on 14 November 2017.

¹⁶ Disclosure letter and list for Rule 77 package 97 provided to the Defence of Laurent Gbagbo on 15 November 2017.

¹⁷ Disclosure letter and list for Rule 77 package 97 provided to the Defence of Charles Blé Goudé on 15 November 2017.

¹⁸ Disclosure letter and list for INCRIM package 92 provided to the Defence of Laurent Gbagbo on 20 November 2017.

¹⁹ Disclosure letter and list for INCRIM package 92 provided to the Defence of Charles Blé Goudé on 20 November 2017.

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 6 November 2017

4. The Prosecution provides notice of the disclosure, on 6 November 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 89,³⁰ containing two items. One item was disclosed in unredacted form and one item contained redactions to its content only, in accordance with decision ICC-02/11-01/11-737 (“Redaction Protocol”).³¹ The package consisted of:
 - a. The corrected version of the report on the forensic mission to Abobo, 10-11 July 2013.³²
 - b. The updated version of the *curriculum vitae* of Witness P-0410.³³
5. Further details are provided in the disclosure letters and lists at Confidential Annexes 1 and 2.

²⁰ Disclosure letter and list for Rule 77 package 98 provided to the Defence of Laurent Gbagbo on 20 November 2017.

²¹ Disclosure letter and list for Rule 77 package 98 provided to the Defence of Charles Blé Goudé on 20 November 2017.

²² Disclosure letter and list for Rule 77 package 99 provided to the Defence of Laurent Gbagbo on 24 November 2017.

²³ Disclosure letter and list for Rule 77 package 99 provided to the Defence of Charles Blé Goudé on 24 November 2017.

²⁴ Disclosure letter and list for INCRIM package 93 provided to the Defence of Laurent Gbagbo on 30 November 2017.

²⁵ Disclosure letter and list for INCRIM package 93 provided to the Defence of Charles Blé Goudé on 30 November 2017.

²⁶ Disclosure letter and list for Rule 77 package 100 provided to the Defence of Laurent Gbagbo on 30 November 2017.

²⁷ Disclosure letter and list for Rule 77 package 100 provided to the Defence of Charles Blé Goudé on 30 November 2017.

²⁸ Disclosure letter and list for Rule 77 package 101 provided to the Defence of Laurent Gbagbo on 30 November 2017.

²⁹ Disclosure letter and list for Rule 77 package 101 provided to the Defence of Charles Blé Goudé on 30 November 2017.

³⁰ Annexes 1 and 2.

³¹ See ICC-02/11-01/11-737-AnxA.

³² Item 1 of the Prosecution’s List of Disclosed Material. At page 0934, para. 14, the date of 10 July 2014 has been corrected into 10 July 2013 (see CIV-OTP-0073-0934_01).

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

6. The Prosecution provides notice of the disclosure, on 6 November 2017, to Mr Gbagbo and Mr Blé Goudé, of a Metadata Update package³⁴ containing 16 translations of transcripts of videos which had already been disclosed as incriminatory evidence. These translations have been reclassified as confidential as the corresponding videos are confidential. The “ICC-02/11-01/15 Confidentiality Level” field has been updated accordingly.³⁵
7. Further details are provided in the disclosure letters and lists at Confidential Annexes 3 and 4.

Disclosure of 7 November 2017

8. The Prosecution provides notice of the disclosure, on 7 November 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 94³⁶ containing 43 items. Forty-two items contain redactions to their content only, in accordance with the Redaction Protocol. The package consisted of:
 - a. Thirty-nine victim applications: the Prosecution has undertaken a process of reviewing all victim applications with a view to lifting redactions to any information deemed material to the preparation of the Defence. Following consultation and agreement with the Legal Representative for Victims, the Prosecution disclosed these applications with fewer redactions.³⁷ The process of review has now been completed, and all information assessed to date as material to the Defence contained in the victim applications has now been disclosed.
 - b. Two pre-interview assessments related to Witnesses P-0568 and P-0567 and one psycho-social assessment report for Witness P-0407.³⁸ These documents were disclosed in light of these witnesses’ upcoming testimonies.³⁹

³⁴ Annexes 3 and 4.

³⁵ Items 1 to 16 in the Prosecution’s List of Disclosed Material.

³⁶ Annexes 5 and 6.

³⁷ Items 1-39 in the Prosecution’s List of Disclosed Material.

³⁸ The Prosecution had become aware of a small number of psycho-social evaluations in its possession that had not been registered in Ringtail. It checked its records to ensure that all psycho-social evaluations pertaining to witnesses who have testified or are due to testify are registered in Ringtail and disclosed.

- c. One investigation report regarding the chain of custody of Witness P-0362's phone memory card from 10 to 16 July 2013. The Prosecution disclosed this document prior to the witness's testimony.⁴⁰

- 9. Further details are provided in the disclosure letters and lists at Confidential Annexes 5 and 6.

Disclosure of 9 November 2017

- 10. The Prosecution provides notice of the disclosure, on 9 November 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 90⁴¹ containing two items in unredacted form. The package consisted of:

- a. The corrected version of the transcript of video CIV-OTP-0042-0593 and the corrected version of the translation of the transcript of the same video.⁴²

- 11. Further details are provided in the disclosure letters and lists at Confidential Annexes 7 and 8.

- 12. The Prosecution provides notice of the disclosure, on 9 November 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 95⁴³ containing one item. This item is a lesser redacted version of Witness P-0568's victim application, which contains redactions to its content only, in accordance the Redaction Protocol.⁴⁴

- 13. Further details are provided in the disclosure letters and lists at Confidential Annexes 9 and 10.

³⁹ Items 40-42 in the Prosecution's List of Disclosed Material.

⁴⁰ Item 43 in the Prosecution's List of Disclosed Material.

⁴¹ Annexes 7 and 8.

⁴² Items 1 and 2 of the Prosecution's List of Disclosed Material. The corrections can be found at CIV-OTP-0053-0098-01 and CIV-OTP-0053-0186_01. Courtesy copies of these corrected versions were disclosed by e-mail from Mr MacDonald on 9 November 2017 at 10h10.

⁴³ Annexes 9 and 10.

⁴⁴ Item 1 in the Prosecution's List of Disclosed Material.

Disclosure of 14 November 2017

14. The Prosecution provides notice of the disclosure, on 14 November 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 91⁴⁵ containing two previously disclosed items. These items contain redactions to their content only, in accordance with the Redaction Protocol.⁴⁶ The package consisted of:

- a. The lesser redacted statement of Witness P-0407.⁴⁷
- b. The lesser redacted statement of Witness P-0554.⁴⁸

15. Further details are provided in the disclosure letters and lists at Confidential Annexes 11 and 12.

16. The Prosecution provides notice of the disclosure, on 14 November 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 96,⁴⁹ containing seven items. The package consisted of:

- a. Four lesser redacted victim applications with redactions to the content only.⁵⁰ These applications were re-disclosed following a request for the lifting of additional redactions sent by Gbagbo Defence on Friday, 10 November 2017 at 18h41.
- b. An addendum to a psycho-social assessment report related to Witness P-0407, which contains redactions to the content only.⁵¹
- c. Two scientific articles in unredacted form related to Witness P-0410's upcoming testimony.⁵²

⁴⁵ Annexes 11 and 12.

⁴⁶ See ICC-02/11-01/11-737-AnxA.

⁴⁷ Item 1 of the Prosecution's List of Disclosed Material. A courtesy copy was disclosed by e-mail from Mr MacDonald on 10 November 2017 at 16h08.

⁴⁸ Item 2 of the Prosecution's List of Disclosed Material.

⁴⁹ Annexes 13 and 14.

⁵⁰ Items 1 to 4 of the Prosecution's List of Disclosed Material. Courtesy copies of CIV-OTP-0069-0318 and CIV-OTP-0089-0958 were disclosed by e-mail from Ms Henderson on 13 November 2017 at 17h50. Courtesy copies of CIV-OTP-0069-0331 and CIV-OTP-0089-1003 were disclosed by e-mail from Mr MacDonald on 13 November 2017 at 17h20 and a courtesy copy of an updated version of CIV-OTP-0089-1003 was sent by e-mail from Ms Henderson on 13 November 2017 at 17h50.

⁵¹ Item 5 of the Prosecution's List of Disclosed Material. A courtesy copy of CIV-OTP-0102-0156 was disclosed by e-mail from Mr MacDonald on 13 November 2017 at 11h47.

17. Further details are provided in the disclosure letters and lists at Confidential Annexes 13 and 14.

Disclosure of 15 November 2017

18. The Prosecution provides notice of the disclosure, on 15 November 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 97,⁵³ containing 10 items. The package consisted of:

- a. One list of post-mortem reports,⁵⁴ in unredacted form, and nine post-mortem reports,⁵⁵ with redactions to the content only. These documents were disclosed in view of Witness P-0564's upcoming testimony.

19. Further details are provided in the disclosure letters and lists at Confidential Annexes 15 and 16.

Disclosure of 20 November 2017

20. The Prosecution provides notice of the disclosure, on 20 November 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 92,⁵⁶ containing one item with redactions to its content only, in accordance with the Redaction Protocol. The package consisted of:

- a. One statement of Witness P-0105⁵⁷ which was re-disclosed with fewer redactions prior to the witness' testimony.

21. Further details are provided in the disclosure letters and lists at Confidential Annexes 17 and 18.

22. The Prosecution provides notice of the disclosure, on 20 November 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 98,⁵⁸ containing eight items.

⁵² Items 6 and 7 of the Prosecution's List of Disclosed Material. For item 6 (CIV-OTP-0102-0160), the relevant article appears at pp.0176-0180.

⁵³ Annexes 15 and 16.

⁵⁴ Item 1 on the Prosecution's List of Disclosed Material.

⁵⁵ Items 2 to 10 on the Prosecution's List of Disclosed Material.

⁵⁶ Annexes 17 and 18.

⁵⁷ Item 1 of the Prosecution's List of Disclosed Material.

One item is without redactions and seven items contain redactions to their content only, in accordance with the Redaction Protocol. The package consisted of:

- a. One lesser redacted victim application;⁵⁹ and
- b. One list of post-mortem reports, five post-mortem reports and one explanatory note from Witness P-0564 dated 7 November 2017.⁶⁰ These documents were disclosed in view of Witness P-0564's upcoming testimony.

23. Further details are provided in the disclosure letters and lists at Confidential Annexes 19 and 20.

Disclosure of 24 November 2017

24. The Prosecution provides notice of the disclosure, on 24 November 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 99,⁶¹ containing four items. Two items are without redactions and two items contain redactions to their content only, in accordance with the Redaction Protocol. The package consisted of:

- a. Two lesser redacted victim applications;⁶² and
- b. Two e-mail exchanges between Witness P-0410 and the Office of the Prosecutor.⁶³

25. Further details are provided in the disclosure letters and lists at Confidential Annexes 21 and 22.

⁵⁸ Annexes 19 and 20.

⁵⁹ Item 1 of the Prosecution's List of Disclosed Material. Courtesy copy of CIV-OTP-0089-1003 was disclosed by e-mail from Ms Mandavia on 15 November 2017 at 11h37.

⁶⁰ Items 2-8 of the Prosecution's List of Disclosed Material. Courtesy copies of CIV-OTP-0102-0364, CIV-OTP-0102-0366, CIV-OTP-0102-0367, CIV-OTP-0102-0373, CIV-OTP-0102-0379, CIV-OTP-0102-0383 and CIV-OTP-0102-0390 were disclosed by e-mail from Mr MacDonald on 15 November 2017 at 16h38.

⁶¹ Annexes 21 and 22.

⁶² Items 1-2 of the Prosecution's List of Disclosed Material. Courtesy copies were disclosed by e-mail to the Defence teams on 23 November 2017 at 17h27.

⁶³ Items 3-4 of the Prosecution's List of Disclosed Material. Courtesy copies were disclosed by e-mail to the Defence teams on 21 November 2017 at 17h43.

Disclosure of 30 November 2017

26. The Prosecution provides notice of the disclosure, on 30 November 2017, to Mr Gbagbo and Mr Blé Goudé, of INCRIM package 93,⁶⁴ containing two items. One item is without redactions and the other contains redactions to its content only, in accordance with the Redaction Protocol. The package consisted of:
- a. One statement of Witness P-0404 ⁶⁵ which was re-disclosed with fewer redactions; and
 - b. One informed consent form of Witness P-0404 ⁶⁶ which was re-disclosed without redactions.
27. Further details are provided in the disclosure letters and lists at Confidential Annexes 23 and 24.
28. The Prosecution provides notice of the disclosure, on 30 November 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 100,⁶⁷ containing eight items. Only one of these eight items contains redactions to its content and metadata, in accordance with the Redaction Protocol.
29. The details of the material disclosed are provided in the disclosure letters and lists at Confidential Annexes 25 and 26.
30. The Prosecution provides notice of the disclosure, on 30 November 2017, to Mr Gbagbo and Mr Blé Goudé, of Rule 77 package 101,⁶⁸ containing one item. This item contains redactions to its content only, in accordance with the Redaction Protocol. The package consisted of:
- a. One lesser redacted screening of Witness P-0404.⁶⁹

⁶⁴ Annexes 23 and 24.

⁶⁵ Item 1 of the Prosecution's List of Disclosed Material.

⁶⁶ Item 2 of the Prosecution's List of Disclosed Material.

⁶⁷ Annexes 25 and 26.

⁶⁸ Annexes 27 and 28.

⁶⁹ Item 1 of the Prosecution's List of Disclosed Material.

31. Further details are provided in the disclosure letters and lists at Confidential Annexes 27 and 28.



Fatou Bensouda, Prosecutor

Dated this 5th day of December 2017

At The Hague, The Netherlands