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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 J

**Prosecution's Communication of Evidence Disclosed to the Defence on
1, 7, 13 and 29 June 2018**

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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Introduction

1. The Prosecution hereby provides its monthly report relating to disclosures to Mr Gbagbo and Mr Blé Goudé on 1 June 2018, 7 June 2018, 13 June 2018 and 29 June 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 F,⁷ G,⁸ H,⁹ I¹⁰ and J¹¹ 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 1 June 2018

4. The Prosecution provides notice of the disclosure, on 1 June 2018, to the Defence of Rule 77 package 114,¹² containing 17 items. All of these items were previously disclosed and were re-disclosed in package 114 with less redactions.
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 Rule 77 package 114 provided to the Defence of Laurent Gbagbo on 1 June 2018.

³ Disclosure letter and list for Rule 77 package 114 provided to the Defence of Charles Blé Goudé on 1 June 2018.

⁴ Disclosure letter and list for INCRIM package 100 provided to the Defence of Laurent Gbagbo on 7 June 2018.

⁵ Disclosure letter and list for INCRIM package 100 provided to the Defence of Charles Blé Goudé on 7 June 2018.

⁶ Disclosure letter and list for Rule 77 package 115 provided to the Defence of Laurent Gbagbo on 7 June 2018.

⁷ Disclosure letter and list for Rule 77 package 115 provided to the Defence of Charles Blé Goudé on 7 June 2018.

⁸ Disclosure letter and list for Rule 77 package 116 provided to the Defence of Laurent Gbagbo on 13 June 2018.

⁹ Disclosure letter and list for Rule 77 package 116 provided to the Defence of Charles Blé Goudé on 13 June 2018.

¹⁰ Disclosure letter and list for INCRIM package 101 provided to the Defence of Laurent Gbagbo on 29 June 2018.

¹¹ Disclosure letter and list for INCRIM package 101 provided to the Defence of Charles Blé Goudé on 29 June 2018.

¹² Annexes A and B.

Disclosures of 7 June 2018

6. The Prosecution provides notice of the disclosure, on 7 June 2018, to the Defence of INCRIM package 100,¹³ containing 28 items following the Chamber's decision relating to the Prosecution's paragraph 43-44 submissions.¹⁴ All items were disclosed without redactions. The package consisted of:
- a. Twenty-three items composed of thirteen declarations of OTP investigators in English and French, certifying the truth of previously drafted investigator reports.¹⁵ These were previously disclosed under rule 77, and were re-disclosed as INCRIM following the Chamber's decision to allow their submission.¹⁶
 - b. Three investigator reports,¹⁷ which were previously disclosed under rule 77, and were re-disclosed as INCRIM following the Chamber's decision to allow their submission.¹⁸
 - c. One video¹⁹ and a related screen capture from download.²⁰ These were previously disclosed under rule 77, and were re-disclosed as INCRIM following the Chamber's decision to allow their submission.²¹
7. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.

¹³ Annexes A and B.

¹⁴ ICC-02/11-01/15-1172.

¹⁵ Items 1-4, 6-8, 10-11, 13-26 of the Prosecution's List of Disclosed Material.

¹⁶ ICC-02/11-01/15-1172, para. 55, and Annex A thereto.

¹⁷ Items 5, 9 and 12 of the Prosecution's List of Disclosed Material.

¹⁸ ICC-02/11-01/15-1172, para. 55, and Annex A thereto.

¹⁹ Item 27 of the Prosecution's List of Disclosed Material.

²⁰ Item 28 of the Prosecution's List of Disclosed Material.

²¹ ICC-02/11-01/15-1172, para. 57. The Prosecution notes the absence of these two ERNs (CIV-OTP-0100-0434 and CIV-OTP-0100-0435) in Annex A to decision ICC-02/11-01/15-1172; it alerted the Chamber of this discrepancy by email on 7 June 2018 at 14:51.

8. The Prosecution also provides notice of the disclosure, on 7 June 2018, to the Defence of Rule 77 package 115,²² containing 74 items. All items were disclosed without redactions. The package consisted of:
 - a. Sixty-four items related to OTP's collection of documents from the *Gendarmerie* archives in April 2017 and May 2018, and other material relevant to the chain of custody of the *Gendarmerie* archives' documents.²³
 - b. An OTP investigator's report and annex;²⁴
 - c. Material related to an expert report.²⁵
9. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.

Disclosure of 13 June 2018

10. The Prosecution provides notice of the disclosure, on 13 June 2018, to the Defence of Rule 77 package 116,²⁶ containing 10 newly obtained items. These items were disclosed without redactions. The package consisted of:
 - a. One video showing images of a speech on 26 March 2011 at the *Place de la République* and related screenshots;²⁷
 - b. One video showing images of Charles Blé Goudé giving a speech on 26 July 2006 and related screenshot;²⁸
 - c. The case file in relation to the conviction of Laurent Gbagbo and others at the *Tribunal de Première Instance d'Abidjan*, for offences linked to the theft of funds from the BCEAO during the 2010-2011 crisis;²⁹

²² Annexes E and F.

²³ Items 1 to 62 and 65 to 66 of the Prosecution's List of Disclosed Material.

²⁴ Items 67 and 68 of the Prosecution's List of Disclosed Material.

²⁵ Items 63, 64, 69-74 of the Prosecution's List of Disclosed Material.

²⁶ Annexes G and H.

²⁷ Items 1-4 of the Prosecution's List of Disclosed Material.

²⁸ Items 5-6 of the Prosecution's List of Disclosed Material.

²⁹ Item 7 of the Prosecution's List of Disclosed Material.

d. Three sets of *Notes d'audiences* from the *Cour d'Assises* of Abidjan.³⁰

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

Disclosure of 29 June 2018

12. The Prosecution provides notice of the disclosure, on 29 June 2018, to the Defence of INCRIM 101,³¹ containing three items. These three items were previously disclosed under rule 77, and were re-disclosed as INCRIM following the Chamber's decision to allow their submission.³² These items consisted of the declarations of OTP investigators in English and French, certifying the truth of previously drafted investigator reports.³³

13. The details of the material disclosed are provided in the disclosure letters and lists at Confidential Annexes I and J.



Fatou Bensouda, Prosecutor

Dated this 3rd day of July 2018

At The Hague, The Netherlands

³⁰ Items 8-10 of the Prosecution's List of Disclosed Material.

³¹ Annexes I and J.

³² ICC-02/11-01/15-1172, para. 55, and Annex A thereto.

³³ Items 1-3 of the Prosecution's List of Disclosed Material.