



Original: English

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

Date: 4 October 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, B, C, D and E

**Prosecution's Communication of Evidence Disclosed to the Defence on 17, 21 and
26 September 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

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Mr James Stewart

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Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

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 17 and 21 September 2018.
2. This disclosed material was provided *via* RM electronically, in a format that complies with the e-Court Protocol as approved for the trial stage.¹
3. The Prosecution also provides a list of rule 68(2) and (3) statements for which a public redacted version was uploaded and released into e-Court on 26 September 2018.

Request for Confidentiality

4. Annexes A,² B,³ C⁴ and D,⁵ appended to this communication, contain the disclosure letters and lists provided to the Accused. Annex E contains the list of rule 68(2) and (3) statements for which a public redacted version was uploaded into e-Court. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.

Disclosure of 17 September 2018

5. The Prosecution provides notice of the disclosure, on 17 September 2018, to the Defence of a Metadata Update package, containing seven items, already disclosed as incriminatory evidence.⁶ The “Main Date” field was updated for all seven documents.

¹ See ICC-02/11-01/15-58, para. 24.

² Disclosure letter and list for Metadata Update Package of incriminating evidence provided to the Defence of Laurent Gbagbo on 17 September 2018.

³ Disclosure letter and list for Metadata Update Package of incriminating evidence provided to the Defence of Charles Blé Goudé on 17 September 2018.

⁴ Disclosure letter and list for Rule 77 package 119 provided to the Defence of Laurent Gbagbo on 21 September 2018.

⁵ Disclosure letter and list for Rule 77 package 119 provided to the Defence of Charles Blé Goudé on 21 September 2018.

⁶ Annexes A and B.

6. Further details are provided in the disclosure letters and lists at Confidential Annexes A and B.

Disclosure of 21 September 2018

7. The Prosecution provides notice of the disclosure, on 21 September 2018, to the Defence of Rule 77 package 119,⁷ containing 15 items. All of these documents contain standard redactions to their content and metadata in accordance with the Redaction Protocol.⁸ There are no category D (non-standard) redactions in this package. The package consisted of:

- a. Twelve screenings;⁹
- b. Two witness statements¹⁰ (including one annex)¹¹ from potential witnesses.

The Prosecution is disclosing the identity of all of these potential witnesses.

8. Six of these documents¹² were previously disclosed on either 25 January 2018¹³ or 2 February 2018,¹⁴ and are now being disclosed with fewer redactions – specifically, the Prosecution has lifted Category D redactions to the identity of these potential witnesses. The remaining nine documents, including one witness statement¹⁵ and eight screenings,¹⁶ are being disclosed for the first time.
9. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.

⁷ Annexes C and D.

⁸ ICC-02/11-01/11-737.

⁹ Items 1-4 and 8-15 of the Prosecution's List of Disclosed Material.

¹⁰ Items 5 and 7 of the Prosecution's List of Disclosed Material.

¹¹ Item 6 of the Prosecution's List of Disclosed Material.

¹² Items 1-6 of the Prosecution's List of Disclosed Material.

¹³ Trial Rule 77 package 107, 25 January 2018.

¹⁴ Trial Rule 77 package 109, 2 February 2018.

¹⁵ Item 7 of the Prosecution's List of Disclosed Material.

¹⁶ Items 8-15 of the Prosecution's List of Disclosed Material.

**E-Court upload and release of public redacted versions of rule 68(2) and (3)
statements on 26 September 2018**

10. On 26 September 2018, the Prosecution uploaded and released into e-Court the public redacted versions of rule 68(2) and (3) statements with the exception of the statements related to Witnesses P-0114, P-0501 and to those witnesses who testified in closed session.¹⁷



Fatou Bensouda, Prosecutor

Dated this 4th day of October 2018

At The Hague, The Netherlands

¹⁷ Prosecution electronic correspondence on 26 September 2018 at 18h00.