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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 T**

**Prosecution's Communication of Evidence Disclosed to the Defence on  
4, 13, 15, and 22 December 2017**

**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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**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**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 4 December 2017, 13 December 2017, 15 December 2017 and 22 December 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.<sup>1</sup>

## Request for Confidentiality

3. Annexes A,<sup>2</sup> B,<sup>3</sup> C,<sup>4</sup> D,<sup>5</sup> E,<sup>6</sup> F,<sup>7</sup> G,<sup>8</sup> H,<sup>9</sup> I,<sup>10</sup> J,<sup>11</sup> K,<sup>12</sup> L,<sup>13</sup> M,<sup>14</sup> N,<sup>15</sup> O,<sup>16</sup> P,<sup>17</sup> Q,<sup>18</sup> R,<sup>19</sup> S,<sup>20</sup> and T,<sup>21</sup> appended to this communication contain the disclosure letters and lists provided

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<sup>1</sup> See ICC-02/11-01/15-58, para. 24.

<sup>2</sup> Disclosure letter and list for INCRIM package 94 provided to the Defence of Laurent Gbagbo on 4 December 2017.

<sup>3</sup> Disclosure letter and list for INCRIM package 94 provided to the Defence of Charles Blé Goudé on 4 December 2017.

<sup>4</sup> Disclosure letter and list for Rule 77 package 102 provided to the Defence of Laurent Gbagbo on 4 December 2017.

<sup>5</sup> Disclosure letter and list for Rule 77 package 102 provided to the Defence of Charles Blé Goudé on 4 December 2017.

<sup>6</sup> Disclosure letter and list for INCRIM package 95 provided to the Defence of Laurent Gbagbo on 13 December 2017.

<sup>7</sup> Disclosure letter and list for INCRIM package 95 provided to the Defence of Charles Blé Goudé on 13 December 2017.

<sup>8</sup> Disclosure letter and list for PEXO package 7 provided to the Defence of Laurent Gbagbo on 13 December 2017.

<sup>9</sup> Disclosure letter and list for PEXO package 7 provided to the Defence of Charles Blé Goudé on 13 December 2017.

<sup>10</sup> Disclosure letter and list for Rule 77 package 103 provided to the Defence of Laurent Gbagbo on 13 December 2017.

<sup>11</sup> Disclosure letter and list for Rule 77 package 103 provided to the Defence of Charles Blé Goudé on 13 December 2017.

<sup>12</sup> Disclosure letter and list for INCRIM package 96 provided to the Defence of Laurent Gbagbo on 15 December 2017.

<sup>13</sup> Disclosure letter and list for INCRIM package 96 provided to the Defence of Charles Blé Goudé on 15 December 2017.

<sup>14</sup> Disclosure letter and list for PEXO package 8 provided to the Defence of Laurent Gbagbo on 15 December 2017.

<sup>15</sup> Disclosure letter and list for PEXO package 8 provided to the Defence of Charles Blé Goudé on 15 December 2017.

<sup>16</sup> Disclosure letter and list for Rule 77 package 104 provided to the Defence of Laurent Gbagbo on 15 December 2017.

<sup>17</sup> Disclosure letter and list for Rule 77 package 104 provided to the Defence of Charles Blé Goudé on 15 December 2017.

<sup>18</sup> Disclosure letter and list for Rule 77 package 105 provided to the Defence of Laurent Gbagbo on 22 December 2017.

<sup>19</sup> Disclosure letter and list for Rule 77 package 105 provided to the Defence of Charles Blé Goudé on 22 December 2017.

to the Accused. The Prosecution requests that these annexes be received as “Confidential” since they relate to *inter partes* disclosure.

### **Disclosure of 4 December 2017**

4. The Prosecution provides notice of the disclosure, on 4 December 2017, to Mr Gbagbo and Mr Blé Goudé of INCRIM package 94,<sup>22</sup> containing 18 items. All items were disclosed in unredacted form. The package consisted of:
  - a. Two consent forms<sup>23</sup> related to Prosecution witnesses; and
  - b. Sixteen photographs<sup>24</sup> used in Witness P-0410’s expert reports related to Prosecution witnesses.
5. Further details are provided in the disclosure letters and lists at Confidential Annexes A and B.
6. The Prosecution further provides notice of the disclosure, on 4 December 2017, to Mr Gbagbo and Mr Blé Goudé of Rule 77 package 102,<sup>25</sup> containing four items. Two items were disclosed in unreacted form and two items contained redactions to their content only, in accordance with the Redaction Protocol.<sup>26</sup> The package consisted of:
  - a. One psycho-social evaluation related to a Prosecution witness;<sup>27</sup>
  - b. An investigation report<sup>28</sup> concerning the chain of custody of medical results for various Prosecution witnesses; and

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<sup>20</sup> Disclosure letter and list for Rule 77 package 106 provided to the Defence of Laurent Gbagbo on 22 December 2017.

<sup>21</sup> Disclosure letter and list for Rule 77 package 106 provided to the Defence of Charles Blé Goudé on 22 December 2017.

<sup>22</sup> Annexes A and B.

<sup>23</sup> Items 1 and 2 of the Prosecution’s List of Disclosed Material.

<sup>24</sup> Items 3-18 of the Prosecution’s List of Disclosed Material.

<sup>25</sup> Annexes C and D.

<sup>26</sup> See ICC-02/11-01/11-737-AnxA.

<sup>27</sup> Item 1 of the Prosecution’s List of Disclosed Material.

<sup>28</sup> Item 2 of the Prosecution’s List of Disclosed Material. The Prosecution notes that this was erroneously identified as “Item 4” in the disclosure letter to the Defence teams.

- c. Two photographs<sup>29</sup> related to Prosecution witnesses that were not used in Witness P-0410's reports.
7. Further details are provided in the disclosure letters and lists at Confidential Annexes C and D.

### **Disclosure of 13 December 2017**

8. The Prosecution provides notice of the disclosure, on 13 December 2017, to Mr Gbagbo and Mr Blé Goudé of INCRIM package 95,<sup>30</sup> containing 465 items. All items were disclosed without redactions. The package consisted of:
- a. 465 transcripts<sup>31</sup> related to RTI videos previously disclosed as incriminatory evidence and included in the Prosecution's List of Evidence and Video Bar Table Motion.
9. Further details are provided in the disclosure letters and lists at Confidential Annexes E and F.
10. The Prosecution further provides notice of the disclosure, on 13 December 2017, to Mr Gbagbo and Mr Blé Goudé of PEXO package 7,<sup>32</sup> containing 24 items. All items were disclosed without redactions. The package consisted of:
- a. Twenty-four transcripts<sup>33</sup> related to RTI videos previously disclosed as potentially exculpatory.

<sup>29</sup> Items 3-4 of the Prosecution's List of Disclosed Material. The Prosecution notes that these were erroneously identified as "Items 2-3" in the disclosure letter to the Defence teams.

<sup>30</sup> Annexes E and F.

<sup>31</sup> Items 1-465 of the Prosecution's List of Disclosed Material.

<sup>32</sup> Annexes G and H.

<sup>33</sup> Items 1-24 on the Prosecution's List of Disclosed Material.

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

12. The Prosecution further provides notice of the disclosure, on 13 December 2017, to Mr Gbagbo and Mr Blé Goudé of Rule 77 package 103,<sup>34</sup> containing 48 items. All items were disclosed without redactions. The package consisted of:

- a. Forty-eight transcripts<sup>35</sup> related to RTI videos previously disclosed under rule 77 of the Rules.

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

#### **Disclosure of 15 December 2017**

14. The Prosecution provides notice of the disclosure, on 15 December 2017, to Mr Gbagbo and Mr Blé Goudé of INCRIM Package 96,<sup>36</sup> containing 353 items disclosed without redactions. The package consisted of:

- a. Three hundred and fifty-three transcripts<sup>37</sup> related to RTI videos previously disclosed as incriminatory evidence and included in the Prosecution's List of Evidence and Video Bar Table Motion.

15. Further details are provided in the disclosure letters and lists at Confidential Annexes K and L.

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<sup>34</sup> Annexes I and J.

<sup>35</sup> Items 1-48 of the Prosecution's List of Disclosed Material.

<sup>36</sup> Annexes K and L.

<sup>37</sup> Items 1-353 of the Prosecution's List of Disclosed Material.

16. The Prosecution further provides notice of the disclosure, on 15 December 2017, to Mr Gbagbo and Mr Blé Goudé of PEXO package 8,<sup>38</sup> containing 23 items in unredacted form. The package consisted of:

- a. Twenty-three transcripts<sup>39</sup> related to RTI videos previously disclosed as potentially exculpatory.

17. Further details are provided in the disclosure letters and lists at Confidential Annexes M and N.

18. The Prosecution further provides notice of the disclosure, on 15 December 2017, to Mr Gbagbo and Mr Blé Goudé of Rule 77 Package 104,<sup>40</sup> containing six items in unredacted form. The package consisted of:

- a. Six transcripts<sup>41</sup> related to RTI videos previously disclosed under rule 77 of the Rules.

19. Further details are provided in the disclosure letters and lists at Confidential Annexes O and P.

### **Disclosure of 22 December 2017**

20. The Prosecution provides notice of the disclosure, on 22 December 2017, to Mr Gbagbo and Mr Blé Goudé of Rule 77 package 105,<sup>42</sup> containing seven items. Two of these seven items contained redactions to their metadata, in accordance with the Redaction Protocol.<sup>43</sup>

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<sup>38</sup> Annexes M and N.

<sup>39</sup> Items 1-23 on the Prosecution's List of Disclosed Material.

<sup>40</sup> Annexes O and P.

<sup>41</sup> Items 1-6 of the Prosecution's List of Disclosed Material.

<sup>42</sup> Annexes Q and R.

<sup>43</sup> See ICC-02/11-01/11-737-AnxA.

21. The details of the material disclosed are provided in the disclosure letters and lists at Confidential Annexes Q and R.
22. The Prosecution provides notice of the disclosure, on 22 December 2017, to Mr Gbagbo and Mr Blé Goudé of Rule 77 package 106,<sup>44</sup> containing four items. All items were disclosed without redactions. The package consisted of:
- a. One document collected from the archives of the FRCI General Staff in Abidjan, listing the elements of the *Force d'Intervention Commando Patriotique*;<sup>45</sup>
  - b. English and French versions of an investigator's statement acknowledging the form and content of his investigator report CIV-OTP-0084-4434;<sup>46</sup> and
  - c. English and French versions of an investigator's statement acknowledging the form and content of his investigator report CIV-OTP-0073-0920.<sup>47</sup>
23. Further details are provided in the disclosure letters and lists at Confidential Annexes S and T.




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Fatou Bensouda, Prosecutor

Dated this 11<sup>th</sup> day of January 2018,  
at The Hague, The Netherlands

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<sup>44</sup> Annexes S and T.

<sup>45</sup> Item 1 of the Prosecution's List of Disclosed Material.

<sup>46</sup> Items 2 and 3 of the Prosecution's List of Disclosed Material.

<sup>47</sup> Item 4 of the Prosecution's List of Disclosed Material.