

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Original: English

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

Date: 14 April 2015

**TRIAL CHAMBER I**

**Before:** Judge Geoffrey Henderson, Presiding Judge  
Judge Olga Herrera Carbuccion  
Judge Bertram Schmitt

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE  
IN THE CASE OF  
*THE PROSECUTOR v. LAURENT GBAGBO and  
CHARLES BLÉ GOUDÉ***

**PUBLIC**

**Registry's Observations following the "Decision on Prosecution requests to join  
the cases of The Prosecutor v. Laurent Gbagbo and The Prosecutor v. Charles Blé  
Goudé and related matters"**

**Source:** Registry

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 the Defence of Laurent**

**Gbagbo**

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

**Counsel for the Defence of Charles Blé**

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Mr Geert-Jan Alexander Knoops

Ms N'dry Claver

**Legal Representatives of the Victims**

Ms Paolina Massidda

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(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**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

Ms. Alexandra Tomic

**The Registrar of the International Criminal Court (the “Court”);**

**NOTING** the “Registry’s Observations on the “Order scheduling a status conference and setting a provisional agenda” (ICC-02/11-01/11-692)”, submitted by the Registry on 27 October 2014;<sup>1</sup>

**NOTING** the “*Registry’s Observations on the “Order scheduling a status conference and setting a provisional agenda”*”, submitted by the Registry on 9 February 2015;<sup>2</sup>

**NOTING** the “*Decision on Prosecution requests to join the cases of The Prosecutor v. Laurent Gbagbo and The Prosecutor v. Charles Blé Goudé and related matters*” issued by Trial Chamber I (the “Chamber”) on 11 March 2015 (the “Order of 11 March 2015”);<sup>3</sup>

**CONSIDERING** that in its Order of 11 March 2015, the Chamber invited the Registry to make submissions on items b, d and h of the provisional agenda issued for the status conference on 21 April 2015;<sup>4</sup>

**NOTING** articles 43(6), 64(3) and 68(1) and (4) of the Rome Statute (the “Statute”), rules 16 to 19, 85, 88, 89 and 132(1) of the Rules of Procedure and Evidence (the “Rules”), regulations 54 and 86 of the Regulations of the Court (the “Regulations”) and regulations 79 to 96 of the Regulations of the Registry;

**RESPECTFULLY SUBMITS AS FOLLOWS:**

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<sup>1</sup> ICC-02/11-01/11-705

<sup>2</sup> ICC-02/11-02/11-211

<sup>3</sup> ICC-02/11-01/15-1

<sup>4</sup> ICC-02/11-01/15-1, paragraph 75 and page 34 as well as annex A.

**I. On item b): “Whether the Prosecution anticipates additional issues concerning the protection of witnesses and other persons (including the need for redactions), the disclosure of identities of witnesses, as well as referrals to the Court’s witness protection program;”**

### **Witness protection matters**

1. The Victims and Witnesses Unit (the “VWU” or “Unit”) reiterates the Registry’s submissions whereby it pointed out the procedures laid down in regulations 80(1) and 96(2) of the Regulations of the Registry for any issues concerning the protection of witnesses and referrals to the Court’s witness protection program. The Unit remains available to assist the parties and to provide them with a protection referral form to facilitate any request.<sup>5</sup>

2. As previously stated, upon receipt of a referral for protection, the Unit will perform a threat and risk assessment of the security situation of the individual for whom protection measures are requested. For the purpose of assessment and recommendation of the appropriate protective measures it is essential that the parties provide the VWU with specific information on the nature of the threat or risk the individual could be exposed to.<sup>6</sup>

### **Other witness related matters**

3. The Unit recalls its submission of the “Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony” and the “Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses” filed before the Pre-Trial Chamber I.<sup>7</sup>

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<sup>5</sup> ICC-02/11-01/11-705, para.1

<sup>6</sup> ICC-02/11-01/11-705, para.2

<sup>7</sup> ICC-02/11-02/11-110 and Annexes

4. In addition, considering previous extensive discussion with the parties in the *Prosecutor v Gbagbo* case, it wishes to recall its submissions in relation to the protocol on the practices used to prepare and familiarise witnesses for giving testimony,<sup>8</sup> proposed mechanisms for exchange of information on individuals enjoying dual status<sup>9</sup>, and protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses<sup>10</sup> previously filed which further clarified its position. The Unit is available to coordinate further consultation should the Chamber deems necessary and stands ready to implement any decision of the Chamber concerning those protocols.

**II. On item d): *“Languages to be used in the proceedings, in particular, the languages spoken by the witnesses the parties intend to call and victims the legal representatives may seek authorisation to call;”***

5. The Registry has consulted with the parties and participants and recalls its submissions previously submitted.<sup>11</sup> The Registry equally reiterates that, for languages other than English and French, the period of six weeks’ notice before the expected start of testimony in a situation language remains necessary so that travel and visa issues can be addressed as well as briefing and preparation. In addition, grouping witnesses who speak the same language would significantly ease logistical matters and make a more efficient use of the Court’s resources.

6. The Registry, however, was informed that the Office of the Prosecutor might seek authorisation to call a witness who speaks Liberian Kreyol. With regards to this specific language and once the interpreters have been located, the Registry would need at least six weeks to train them.

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<sup>8</sup> ICC-02/11-01/11-791

<sup>9</sup> ICC-02/11-01/11-790

<sup>10</sup> ICC-02/11-01/11-789

<sup>11</sup> ICC-02/11-01/11-705 and ICC-02/11-02/11-205

**III. On item h): “Any other matter related to the applicability of decisions and orders previously rendered by the Chamber;”**

7. The Registry has no observations on item h.

**RESPECTFULLY SUBMITTED,**

  

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Marc Dubuisson, Director of Court Services  
*per* delegation of  
Herman von Hebel, Registrar

Dated this 14 April 2015

At The Hague, The Netherlands.