

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 6 March 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Cuno Tarfusser
Judge Olga Herrera Carbuccion

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO***

PUBLIC

**Victims and Witnesses Unit's submission pursuant to
Order ICC-02/11-01/11-796**

Source: The 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

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massida

**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

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

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)" filed by the Registry on 27 October 2014;¹

NOTING the “Order setting deadlines for the filing of submissions on outstanding protocols” issued by Trial Chamber I” (the “Chamber”) on 18 December 2014 (“the Order”);²

NOTING the “Joint submission of the Prosecution and the Legal Representative of Victims on the proposed familiarisation protocol” filed on 26 February 2015;³

NOTING the “Soumissions de la Défense relatives à l’adoption du Protocole pratique de familiarisation des témoins en vue de leur déposition ” filed on 27 February 2015 ” (the “Defence submission”);⁴

NOTING the “Victims and Witnesses Unit’s submission on the Protocol on the practices to be used to familiarise witnesses for giving testimony pursuant to Order ICC-02/11-01/11-739” (the “Submission”) filed on 27 February 2015;⁵

NOTING the email sent by the VWU to the Chamber on 2 March 2015;⁶

¹ ICC-02/11-01/11-705.

² ICC-02/11-01/11-739.

³ ICC-02/11-01/11-783

⁴ ICC-02/11-01/11-786 + Conf-Anx

⁵ ICC-02/11-01/11-791 + Anx1.

⁶ Email sent to the Legal Officer at 15h46.

NOTING the “Decision on Requests for an extension of time to submit observations on the outstanding protocols” issued by the Chamber on 4 March 2015 (the “Decision”);⁷

NOTING articles 43(6) and 68(1) and (4) of the Rome Statute, rules 16 to 19 of the Rules of Procedure and Evidence, and regulations 79 to 96 of the Regulations of the Registry (the “RoR”);

CONSIDERING that the Registry was notified of the Defence submission on 27 February at 15h43 and therefore had no time to include its observations thereon in its Submission registered on the same day;

CONSIDERING that the Registry was therefore not in a position to comment on the amendments proposed by the Defence by the deadline of 27 February 2015 set by the Chamber;

CONSIDERING that the Registry is of the view that the amendments made by the Defence to the Familiarisation Protocol are of substantial and significant nature and directly relate to the mandate of the VWU regarding the familiarisation and the protection of witnesses as well as its expertise in assessing and supporting vulnerable witnesses;

CONSIDERING that, on 2 March 2015, the Registry addressed an e-mail to the Chamber seeking leave to submit additional submissions on the Familiarisation Protocol;

CONSIDERING that the Chamber directed the Registry to submit its request via a filing;⁸

⁷ ICC-02/11-01/11-796

CONSIDERING that the fact that the Defence submission raises new substantial and significant issues in relation to the familiarisation protocol which the Registry had never been informed of prior to its notification constitutes a factor beyond the control of the Registry;

CONSIDERING that this factor constitutes , together with the last minute notification of the Defence submission, good cause for authorising the Registry to make additional submissions addressing the new amendments proposed in the Defence submission;⁹

RESPECTFULLY seeks, as instructed in the Decision, the authorization of the Chamber to make additional submissions on the amendments to the Familiarisation Protocol proposed in the Defence submission.



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

Dated this 6 March 2015

At The Hague, The Netherlands

⁸ ICC-02/11-01/11-796, par. 11.

⁹ ICC-01/04-01/07-304, pp. 5-6; ICC-01/04-01/07-978, par. 5.