

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/11-01/11
Date: 27 February 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
With one Public Annex**

**Victims and Witnesses Unit's submission of the proposed mechanisms for
exchange of information on individuals enjoying dual status pursuant to
Order ICC-02/11-01/11-739**

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;²

NOTING the email sent by the Defence to the Prosecution, the Legal Representative and the Victims and Witnesses Unit (the “VWU”) on 26 February 2015;³

NOTING the email sent by the Prosecution and the Legal Representative to the Chamber on 26 February 2015;⁴

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;

CONSIDERING that the Chamber directed “the Prosecution, the Defence, the LRVs and the VWU to file their submissions on the draft Protocol on dual status witnesses no later than 27 February 2015”;

¹ ICC-02/11-01/11-705.

² ICC-02/11-01/11-739.

³ Email sent at 15h23.

⁴ Email sent at 17h47.

CONSIDERING that the Prosecution and the Legal Representative previously agreed that the version of the proposed mechanisms for exchange of information on individuals enjoying dual status (the “Proposed Mechanisms”) annexed to the current submission is submitted in the present case;⁵

CONSIDERING that the amended version of the Proposed Mechanisms sent by the Defence mainly relates to *inter partes* matters or issues concerning the Legal Representative and the Defence, for which the Prosecution and the Legal Representative requested an extension of time in order to file their submission;

RESPECTFULLY SUBMITS, the “Victims and Witnesses Unit’s submission of the proposed mechanisms for exchange of information on individuals enjoying dual status pursuant to Order ICC-02/11-01/11-739”:

1. The VWU is opposed to the amendment proposed by the Defence to paragraph 2(c). As a neutral Unit with mandate in witness protection the Unit has the responsibility to ensure the protection of individuals. In principle, details of contacts of protected individuals are never disclosed to the parties and participants in accordance with principle of confidentiality, which serves as the foundation of the Unit operation.
2. This principle is indeed the guiding principle that is shared throughout the various international and national protection programs and considered essential to the effective functioning of any protection system.⁶ It is also the underpinning principle in the creation of a specific Court’s Protection Program and engraved in the Regulation 96(7) of the Regulations of the Registry. If this confidentiality principle is disrespected, and strictly confidential information is made available to the parties, the Unit believes that it could jeopardize the

⁵ Emails from the Legal Representative sent to the VWU on 19 February 2015 at 18h55 and from the Prosecution on 24 February 2015 at 9h27.

⁶ See “Good Practices for the Protection of Witnesses in Criminal Proceedings involving organised crime”, published by the United Nations Office of Drugs and Crimes, Vienna, 2008.

operation of the Program, including the security of protected individuals. In this regard, it is the VWU's position that details of contact of a protected individual is of strictly confidential nature and a matter that should not be disclosed to the parties and participants.

3. In light of the above, the Unit submits the Proposed Mechanisms, as Annex I of the present submission.



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

Dated this 27 February 2015

At The Hague, The Netherlands