

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 16 April 2012

**PRE-TRIAL CHAMBER I**

**Before: Judge Silvia Fernandez de Gurmendi, Single Judge**

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

**Public Document  
With two public annexes**

**Victims and Witnesses Unit's Unified Protocol on the practices used to prepare  
and familiarise witnesses for giving testimony and  
Protocol on the vulnerability assessment and support procedure used to facilitate  
the testimony of vulnerable witnesses**

**Source: Registrar**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

**The Office of the Prosecutor**

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

**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 Massidda

**The Office of Public Counsel for the  
Defence**

Mr Xavier-Jean Keïta

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier-Daniel Preira

**Counsel Support Section**

Mr Esteban Peralta Losilla

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod-Jacome

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

**The Registrar of the International Criminal Court (the "Court");**

**NOTING** the "Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses" submitted by the Victims and Witnesses Unit (the "VWU") before Trial Chamber III on 25 October 2010;<sup>1</sup>

**NOTING** "Victims and Witnesses Unit's amended version of the "Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial" submitted on 22 October 2010" submitted by the VWU before Trial Chamber III on 7 December 2010;<sup>2</sup>

**NOTING** the "Victims and Witnesses Unit's Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial" submitted by the VWU before Pre-Trial Chamber II on 12 August 2011;<sup>3</sup>

**NOTING** the "Victims and Witnesses Unit's Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial" submitted by the VWU before Pre-Trial Chamber II on 22 August 2011;<sup>4</sup>

**NOTING** the email exchange between Pre-Trial Chamber I (the "Chamber") and the VWU which took place on 12 March and 14 April 2012;

**NOTING** articles 43(6) and 68(1), (3) and (4) of the Rome Statute, rules 16 to 19, 74, 86 to 88 of the Rules of Procedure and Evidence, regulation 41 of the Regulations of the Court and regulations 79 to 96 of the Regulations of the Registry;

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<sup>1</sup> ICC-01/05-01/08-974-Anx2.

<sup>2</sup> ICC-01/05-01/08-1081-Anx.

<sup>3</sup> ICC-01/09-01/11-259-Anx.

<sup>4</sup> ICC-01/09-02/11-260-Anx.

**CONSIDERING** that with the view to applying the same practice to familiarise witnesses the VWU in an email dated 12 March 2012 respectfully suggested that the “Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial” filed in the case against Mr. Bemba<sup>5</sup>, in the case against Mr. Ruto, Mr. Kosgey and Mr. Sang<sup>6</sup> and in the case against Mr. Muthaura, Mr. Kenyatta and Mr. Ali<sup>7</sup>, which reflects the relevant jurisprudence of the Court as well as the various substantial achievements reached over the years of experience in the area of the familiarisation, be used for the purpose of the Confirmation of Charges hearing should the parties invite *viva voce* witnesses to testify before the Court ;

**CONSIDERING** that in order to inform the Chamber, parties and participants of the VWU procedures in relation to vulnerable witnesses, the VWU, in the same email dated 12 March 2012, respectfully suggested that the “Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses” filed in the *Bemba* case<sup>8</sup>, be filed in the record of the present case;

**CONSIDERING** that on 14 April 2012, the Chamber, underlying the importance to inform the parties “sufficiently in advance on the Protocols to be followed in the event they wish to call [...] witnesses to testify”, instructed the VWU “to file in the record of the case of *The Prosecutor v. Laurent Gbagbo*, by Monday 16 April 2012” the “Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial” and the “Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses”;

**RESPECTFULLY FILES** as annexes to the current document, the “Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at

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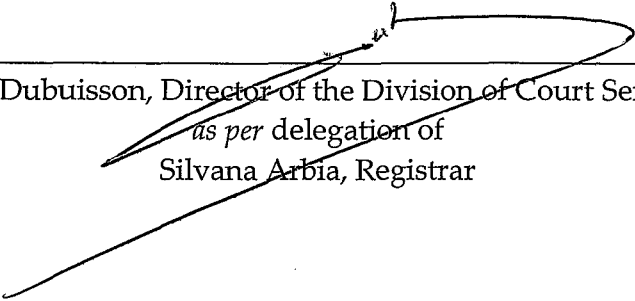
<sup>5</sup> ICC-01/05-01/08-1081-Anx.

<sup>6</sup> ICC-01/09-01/11-259-Anx.

<sup>7</sup> ICC-01/09-02/11-260-Anx.

<sup>8</sup> ICC-01/05-01/08-974-Anx2.

trial" (Annex 1) and the "Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses" (Annex 2).



Marc Dubuisson, Director of the Division of Court Services  
*as per* delegation of  
Silvana Arbia, Registrar

Dated this 16 April 2012

At The Hague, The Netherlands