



Original : English

N°: ICC-02/11-01/15
Date: 14 October 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera-Carbuccia
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 Document

With one confidential annex *ex parte* only available to the Registry

**Registry's observations on the "Requête de la Défense afin que les déclarations
d'ouverture du procès aient lieu en Côte d'Ivoire ou du moins en Afrique"
(ICC-02/1-01/15-241)**

Source: Registry

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor

Counsel for Mr Laurent Gbagbo
Mr Emmanuel Altit

Counsel for Mr Charles Blé Goudé
Mr Geert-Jan Alexander Knoops

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

The Office of Public Counsel for the Defence

States' Representatives

Amicus Curiae

REGISTRY

Registrar
Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

THE REGISTRAR of the International criminal Court (the “Court”)

NOTING the “*Requête de la Défense afin que les déclarations d’ouverture du procès aient lieu en Côte d’Ivoire ou du moins en Afrique*”¹ dated 24 September 2015 (“Defence’s Request”);

NOTING the status conference held on 25 September 2015²;

NOTING the corrected version of the “*Defence Observations on ‘Requête de la Défense afin que les déclarations d’ouverture du procès aient lieu en Côte d’Ivoire ou du moins en Afrique’*”³ dated 28 September 2015;

NOTING the “*Prosecution’s response to Laurent Gbagbo’s « Requête de la Défense afin que les déclarations d’ouverture du procès aient lieu en Côte d’Ivoire ou du moins en Afrique » (ICC-02/11-01/15-241)*”⁴ dated 2 October 2015;

NOTING the Single Judge’s email instructions dated 30 September 2015 shortening the deadline to 14 October 2015 for any response to the Defence’s Request;⁵

NOTING articles 3(3) and 62 of the Rome Statute and regulation 23bis of the Regulations of the Court;

CONSIDERING that the present observations outline the feasibility of the Registry to support the core judicial function *in situ* while at the same time mitigating any potential security risks for all those involved in the proceedings, including the accused;

¹ ICC-02/11-01/15-241

² ICC-02/11-01/15-T-4-ENG.

³ ICC-02/11-01/15-243-Corr.

⁴ ICC-02/11-01/15-267.

⁵ Email communication sent on 30 September 2015 at 17:23 by a Legal Officer on behalf of the Single Judge

INFORMS the Chamber of the following:

1. The present observations and its annex describe the realistic possibility for the Registry to be able to facilitate *in situ* hearings on 10 November 2015.
2. Taking into consideration, *inter alia*, the facilities and technical infrastructure available in Cote d'Ivoire and/or Tanzania, the legal framework currently in place with these two countries, the overall security situation in these locations, the timing required for the preparation of *in situ* hearings and the budgetary impact arising thereof, the Registry does not recommend at this stage the holding of the opening statements in either Abidjan or Arusha on 10 November 2015.
3. The present report is a preliminary assessment. A period of one to three months is needed, subject to the complexity of the *in situ* settings to be determined, to provide an extensive feasibility report and estimated cost after adequately assessing all parameters and including all factors that may have an impact on any *in situ* hearings.
4. The Registry submits in annex to these observations the preliminary feasibility report as confidential *ex parte* Registry only, as it contains internal security information and sensitive material related to Registry strategies. A confidential redacted version could be provided to the parties and participants if instructed by the Single Judge.

RESPECTFULLY SUBMITTED,



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

Dated this 14 October 2015

At The Hague, The Netherlands