



Original : English

N°: ICC-02/11-01/15

Date: 07 December 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**

**Public redacted version of "Registry's observations on the 'Demande à la  
Chambre de mesures de protection de façon à permettre le travail d'enquête des  
équipes de Défense' (ICC-02/11-01/15-223)", 16 October 2015,  
ICC-02/11-01/15-297-Conf**

**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, 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**

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**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 “*Defence Notification on Security Incidents*”<sup>1</sup>, dated 11 September 2015, which incidents took place on 24 April and 9 June 2015 (“Two Incidents”);<sup>2</sup>

**NOTING** the “*Demande à la Chambre de mesures de protection de façon à permettre le travail d’enquête des équipes de Défense*”,<sup>3</sup> dated 16 September 2015 (“Defence’s Request”);

**NOTING** the “*Prosecution response to Laurent Gbagbo’s request for protection to enable Defence investigations*”,<sup>4</sup> dated 17 September 2015;

**NOTING** the Common Legal Representative of Victims’ “*Response to Mr Gbagbo’s ‘Demande à la Chambre de mesures de protection de façon à permettre le travail d’enquête des équipes de Défense’*”,<sup>5</sup> dated 6 October 2015;

**NOTING** Trial Chamber I’s ( “Chamber”) email instructions dated 24 September 2015 instructing the Registry to provide observations on the Defence’s Request by 8 October 2015;<sup>6</sup>

**NOTING** the Registry’s request for extension of time limit to provide a response by 16 October 2015 which was subsequently granted by the Chamber;<sup>7</sup>

**NOTING** article 67(1)(b) of the Rome Statute, rule 20 of the Rules of Procedure and Evidence (“Rules”) and regulations 23*bis* of the Regulations of the Court;

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<sup>1</sup> ICC-02/11-01/15-216-Conf.

<sup>2</sup> ICC-02/11-01/15-216-Conf, pages 5 to 6.

<sup>3</sup> ICC-02/11-01/15-223.

<sup>4</sup> ICC-02/11-01/15-227.

<sup>5</sup> ICC-02/11-01/11-271.

<sup>6</sup> Email sent on 24 September 2015 at 18:11.

<sup>7</sup> Email sent on 6 October 2015 at 16:01.

**SUBMITS** the following observations in response to the issues raised in the Defence's Request in relation to: (i) the implementation of specific measures to ensure the protection of the Defence teams during their investigations;<sup>8</sup> (ii) the possibility to obtain secure and reliable means of communications;<sup>9</sup> and (iii) the request for notification of Ivorian and French authorities demanding full cooperation and termination of interception of Defence communications;<sup>10</sup>

**(i) Protection of the Defence teams during their investigations**

1. The overall security situation in Côte d'Ivoire is calm and the security level has been assessed as low in the whole country. However, due to the upcoming presidential elections scheduled to take place on 25 October 2015, protests and tensions can be perceived in some specific areas of Abidjan and other regional cities.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. The Security and Safety Section ("SSS") has not received information from the Defence teams while on mission indicating any concern, interference or suspicious activity.

[REDACTED]

<sup>8</sup> ICC-02/11-01/15-223 paragraphs 38 to 43.

<sup>9</sup> *Ibid*, paragraphs 44 to 49.

<sup>10</sup> *Ibid*, paragraphs 50 to 51.

- [REDACTED]
4. Nonetheless, in order for the Defence team members to be fully included in the Court's security arrangements, it is an established practice for the Registry to recommend the members of the Defence team to fully observe the following security requirements:

[REDACTED]

5. All Defence teams missions are supported with the standard security mitigation measures provided to personnel within the Court, on condition that that they comply with the requirements mentioned in the above paragraph. If these requirements are respected, the Court will be able to support the Defence missions and make sure their members are not exposed to security or safety risks.

[REDACTED]

[REDACTED]

6. With regard to personal security and safety, a Defence team member can be included in the Court's [REDACTED]

[REDACTED]

The Registry remains available to discuss further with each Defence team the type of security measures that could be put in place for each of their members.

7. [REDACTED]

[REDACTED] For the time being, it is recommended to the Defence teams to continue to make use of the available Court field security resources [REDACTED] [REDACTED] for the conduct of their investigations to minimize any potential threat.

8. Finally, in relation to the security of [REDACTED]

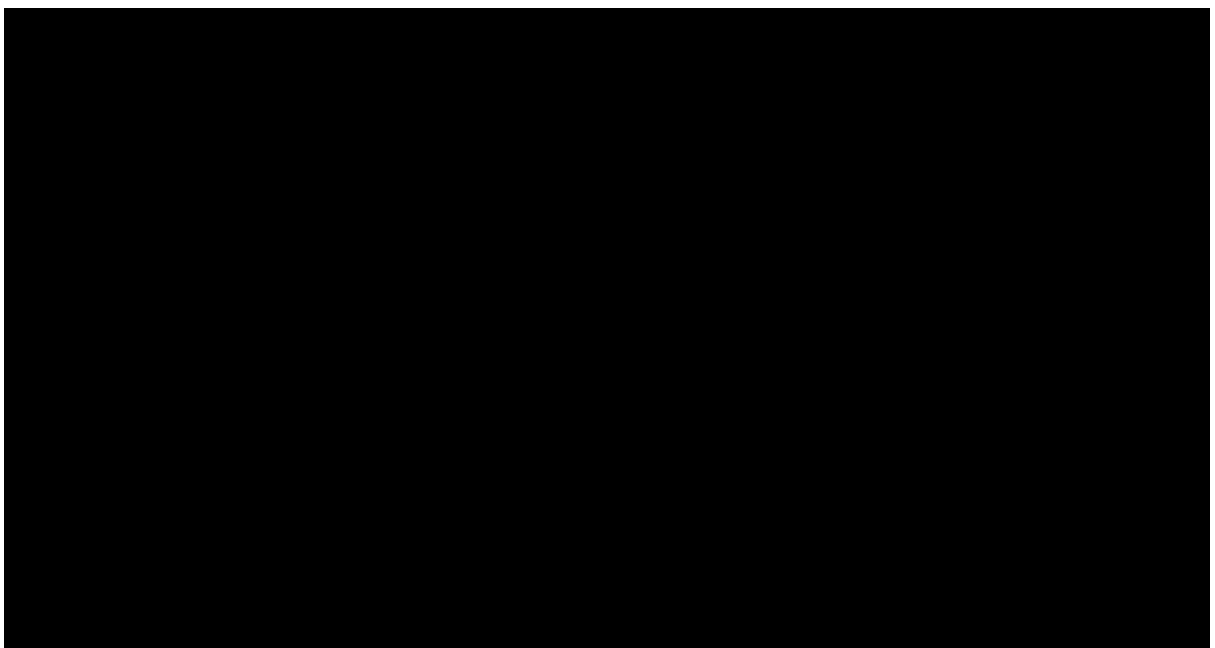
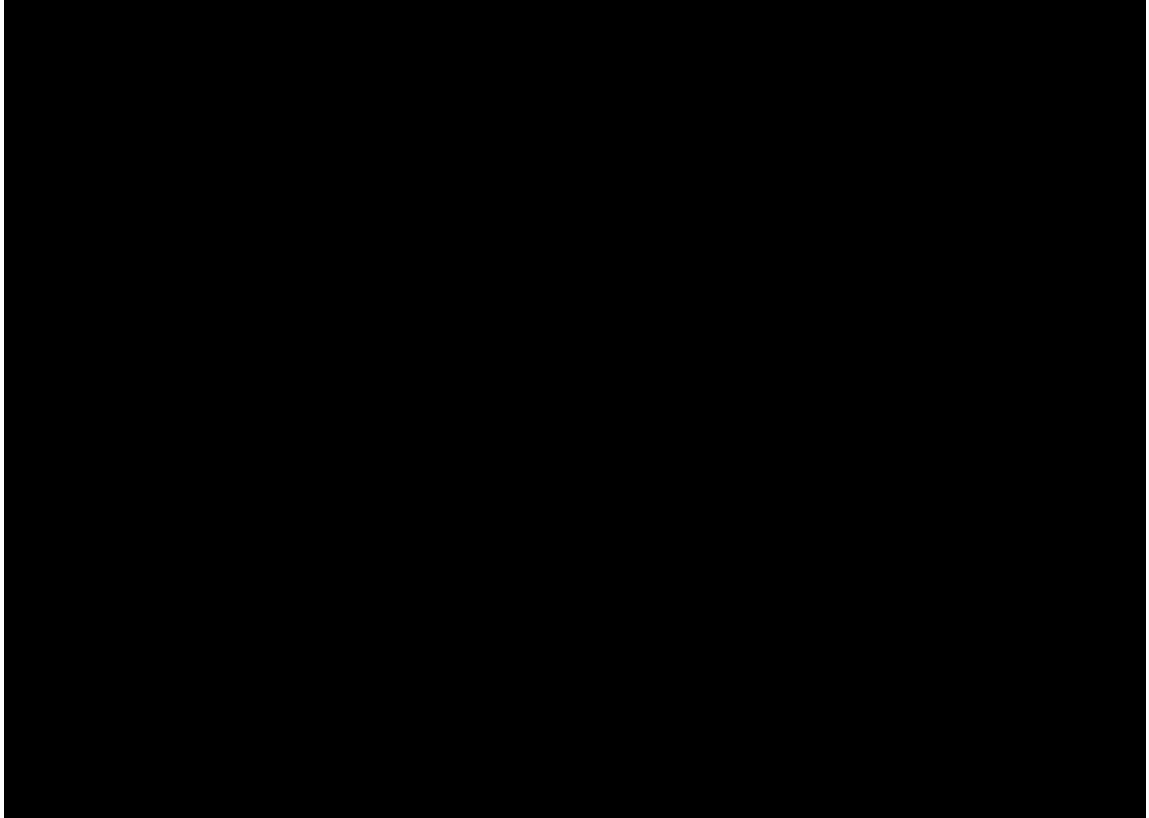
[REDACTED]

[REDACTED]

[REDACTED]

**(ii) Possibility to obtain secure and reliable means of communications**

9. Pursuant to rule 20 of the Rules, all Defence teams are provided and equipped with the same technological resources and with equipment used by staff of the Court. This equipment may include 



[REDACTED]

[REDACTED]

[REDACTED] is limited by the availability of internet connectivity, such connectivity is available in Côte d'Ivoire.

12. It is recommended to the Defence teams to continue to make use of [REDACTED]  
[REDACTED] The Registry will provide training materials and organize training sessions related to security awareness to any Defence team upon request.

**(iii) Request for notification to the Ivorian and French authorities**

13. The Defence team of Mr Gbagbo requests that the Ivorian and French authorities be reminded to ensure absolute cooperation with Defence investigations [REDACTED]  
[REDACTED]

14. The allegations in the Defence's Request in relation to communication intercepts are, at this stage, unsubstantiated.<sup>13</sup> Should such allegations be corroborated, the Registry would immediately address the issue with the relevant States throughout the appropriate channels of communication in accordance with applicable legal framework and arrangements.

<sup>12</sup> [REDACTED]

<sup>13</sup> *Ibid* paragraphs 41 and footnote 51.

15. Although Côte d'Ivoire is a party to the Rome Statute it is not a party to the Agreement of Privileges and Immunities of the International Criminal Court. However, a "*Protocole d'accord entre la République de Côte d'Ivoire et la Cour pénale internationale concernant les activités de la Cour sur le territoire de la République de Côte d'Ivoire*" ("Protocol"), dated 15 February 2012, was agreed between the Court and the Government of Côte d'Ivoire. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

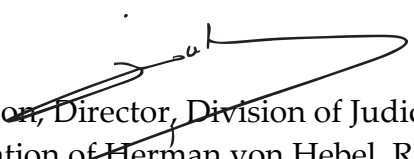
[REDACTED]

[REDACTED]

#### Level of confidentiality

16. These observations are submitted as confidential as they contain internal security information and information not available to the public.

**RESPECTFULLY SUBMITTED,**

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

Dated this 07 December 2015

At The Hague, the Netherlands

<sup>14</sup> Article 8 of the Protocol.

<sup>15</sup> [REDACTED]