



Original: English

No.: ICC-02/11-01/15

Date: 3 June 2016

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera-Carbuccia
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR

v. LAURENT GBAGBO and CHARLES BLÉ GOUDÉ

Public

With Confidential Annex A

**Prosecution's Next Order of Witnesses pursuant to paragraph 4 of the amended
and supplemented Directions on the conduct of the proceedings**

Source: Office of the Prosecutor

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

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Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. Pursuant to Annex A of the Trial Chamber's decision adopting amended and supplemented directions on the conduct of the proceedings¹, the Prosecution provides, in confidential Annex A, its list of the next witnesses it intends to call at trial ("Next Order of Witnesses").

Confidentiality

2. Annex A to this filing is classified as confidential, pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, as it contains information related to the identity of Prosecution witnesses.

Submissions

3. The Prosecution filed its list of the first 20 witnesses to be called at trial on 15 October 2015.² The Prosecution provides its Next Order of Witnesses at Confidential Annex A.
4. The amended and supplemented Directions on the conduct of the proceedings require that the calling party provide a list indicating the following 15 witnesses it intends to call and their calling order, before the start of the questioning of the last ten witnesses of the previous list and no later than 40 days before the questioning of the first witness on the list is scheduled to start.³ Nine out of the first twenty witnesses have testified, and Witness P-0097, the tenth witness in order on the First List, will start his testimony on 6 June 2016.
5. The Prosecution submits its list of the next 18 witnesses after Witness P-0549, who is presently listed as the twentieth witness on the First List.⁴ The Next Order of

¹ ICC-02/11-01/15-498-AnxA ("amended and supplemented Directions on conduct of the proceedings").

² ICC-02/11-01/15-294-Conf-AnxA ("First List").

³ ICC-02/11-01/15-498-AnxA, para. 4.

⁴ ICC-02/11-01/15-294-Conf-AnxA.

Witnesses includes a proposed mode of testimony for each witness.⁵ In the interests of fairness, the Prosecution submits a list that includes three additional witnesses to reflect the number of witnesses the Prosecution would hope to *call* in the Next Order of Witnesses; numbers 15, 16 and 17 in the sequence are the subject of a pending decision to have their prior recorded statements and related documents conditionally admitted under rule 68(2)(b) of the Rules.⁶

6. In addition, the Prosecution provides, in relation to each witness, an updated time estimate for questioning by the calling party. The Chamber will note that the time estimate for limited questioning by the Prosecution of witnesses whose prior recorded statements and related documents it is proposed are introduced under rule 68(3) is now projected to be one hour, in particular, because there will be a need in these proceedings to deal in court (as opposed to during witness preparation) with any corrections that these witnesses may wish to make to their statements, having read them.⁷
7. Finally, the Prosecution notes that whilst every effort will be made, working with the Victims and Witnesses Unit, to ensure that witnesses in the Next Order of Witnesses are available as they appear in the sequence, there may be occasions when witnesses listed later in the schedule will need to be brought forward as “back-up” witnesses – to avoid any court-time being lost, and in order to expedite the proceedings. The Prosecution will of course keep the Trial Chamber, Parties

⁵ Including as requested by the Prosecution in its application, dated 19 April 2016, for the conditional admission of the prior recorded statements and related documents of eleven witnesses under rule 68 of the Rules of Procedure and Evidence (“Rules”): ICC-02/11-01/15-487-Conf. Further requests in respect of the remaining, proposed witnesses – as indicated in the Next Order of Witnesses – will be made in due course.

⁶ See Prosecution’s application, ICC-02/11-01/15-487-Conf.

⁷ In relation to the witness at numbers 8, 11, 12, 13 and 14 in the sequence, the Prosecution previously estimated that it would require 30 minutes limited questioning of the witness: ICC-02/11-01/15-487-Conf, paras. 40, 41, 47, 50, 53 and 56. This estimate is now increased to one hour. See also ICC-02/11-01/15-T-45-Conf-Eng ET 27-05-2016, p. 5, lns. 1-23.

and participants informed of any issues or concerns related to the availability of witnesses.



Fatou Bensouda, Prosecutor

Dated this 3rd day of June 2016

At The Hague, The Netherlands