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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Eric MacDonald

Counsel for Mr Laurent Gbagbo

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'dry

Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**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

Introduction

1. Pursuant to Annex A of the Trial Chamber's decision adopting amended and supplemented directions on the conduct of the proceedings,¹ 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. On 15 October 2015, the Prosecution filed its list of the first 20 witnesses to be called at trial on 15 October 2015.²
4. On 3 June 2016, the Prosecution filed its Next Order of Witnesses, providing the next 18 witnesses.³
5. 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 10 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.⁴ Three out of the eighteen witnesses on the Second List have testified, and Witness P-0435's testimony is ongoing at the time of filing.
6. The Prosecution submits at Confidential Annex A its list of the next 16 witnesses, to follow on from the Second List. The Next Order of Witnesses includes a

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.

³ ICC-02/11-01/15-565-Conf-AnxA ("Second List").

⁴ ICC-02/11-01/15-498-AnxA, para. 4.

proposed mode of testimony for each witness, as well as whether the Prosecution will apply for the use of audio/visual link.⁵ The Prosecution has endeavoured to group together all witnesses for whom it will apply for testimony to be given by audio/visual link, on the basis that such a mode of testimony may be considered necessary and appropriate.

7. The witnesses listed at numbers 7 through to 16 in the Next Order of Witnesses make up the so-called “25 February incident” group of witnesses. The majority are crime base witnesses, as indicated in Confidential Annex A. Among them, however, is one insider witness.⁶ This insider witness will testify about the crimes committed in Yopougon between 25 and 28 February 2011, and the connection between the perpetrators of these crimes and the Accused Blé Goudé.
8. 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 and participants informed promptly of any issues or concerns related to the availability of witnesses.



Fatou Bensouda, Prosecutor

Dated this 20th day of October 2016

At The Hague, The Netherlands

⁵ See Witnesses 7 through to 15 in the Next Order of Witnesses at Confidential Annex A.

⁶ See Witness 16 in the Next Order of Witnesses at Confidential Annex A.