



Original: **English**

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

Date: **7 May 2019**

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

Public

Public redacted version of “Update on the implementation of security measures for witness CIV-OTP-P-0164”, ICC-02/11-01/11-295-Conf-Exp, 13 November 2012

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

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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 Peter Lewis

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 31 October 2012 the Prosecution filed a request pursuant to Regulation 35(2) of the Regulations of the Court (“the Request”), requesting permission to disclose and add new material to its List of Evidence for the Confirmation Hearing, including the statement and selected annexes of witness CIV-OTP-P-0164.¹ The Prosecution informed the Chamber that the request to disclose CIV-OTP-P-0164’s material was conditional and subject to the implementation of protective measures, expected to be put in place by latest 15 November 2012.² The Prosecution also undertook to keep the Chamber informed of any developments concerning the implementation of these measures.³
2. The Prosecution hereby informs the Chamber that [REDACTED]. Consequently, witness CIV-OTP-P-0164 agreed to the disclosure of his statement to the Defence without further delay.⁴
3. In order to facilitate the immediate access by the Defence to the evidence contained in the statement of CIV-OTP-P-0164 and in line with the approach set out in paragraph 7 of the Request,⁵ the Prosecution informs the Chamber that it will be filing a redacted version of Annex A to the aforementioned Request.⁶
4. As previously stated, the communication of these items, with the redactions sought, does not amount to a formal disclosure as incriminating evidence and is without prejudice to the final ruling of the Chamber on the pending Request for disclosure and redactions.

¹ ICC-02/11-01/11-284-Conf-Exp.

² ICC-02/11-01/11-284-Conf-Exp, paras. 22, 24 and 26.

³ ICC-02/11-01/11-284-Conf-Exp, para. 28.

⁴ The Prosecution informed VWU on 9 November 2012 of the implementation of the measures and of the witness’s consent to disclosure.

⁵ ICC-02/11-01/11-284-Conf-Exp, para. 7.

⁶ ICC-02/11-01/11-284-Conf-Exp-AnxA, containing the Statement and ten selected annexes of witness CIV-OTP-P-0164 (Statement of CIV-OTP-P-0164: CIV-OTP-0028-0481; Annexes: CIV-OTP-0028-0511, CIV-OTP-0028-0513, CIV-OTP-0028-0514, CIV-OTP-0028-0515, CIV-OTP-0028-0517, CIV-OTP-0028-0519, CIV-OTP-0028-0520, CIV-OTP-0028-0521, CIV-OTP-0028-0522, CIV-OTP-0028-0523).

REQUEST FOR RECEIPT OF THIS FILING AS CONFIDENTIAL *EX PARTE*

5. Pursuant to Regulation 23*bis* of the Regulations of the Court, the Prosecution files this Request and its annexes as confidential, *ex parte*, only available to the Prosecution, as it relates to confidential *ex parte* information.



Fatou Bensouda, Prosecutor

Dated this 7th day of May 2019

At The Hague, The Netherlands