

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC- 02/11-01/15
Date: 23 December 2015

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser
Judge Olga Herrera Carbuccion
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

Victims and Witnesses Unit's submissions in relation to the implementation of the Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial (ICC-02/11-01/15-355-Anx)

Source: The 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
Mr James Stewart
Mr Eric MacDonald

Counsel for Laurent Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Counsel for 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
(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

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the “Decision on witness preparation and familiarisation issued by Trial Chamber I (the “Chamber”) on 2 December 2015 (the “Decision”);¹

NOTING the email from the Victims and Witnesses Unit (the “VWU”) to the Chamber and the Chamber’s email to the VWU, both dated 17 December 2015;²

NOTING articles 43(6) and 68(1) and (4) of the Rome Statute, rules 16 to 19 of the Rules of Procedure and Evidence, regulation 24*bis* of the Regulations of the Court and regulations 79 to 96*bis* of the Regulations of the Registry;

CONSIDERING that in the Decision, the Chamber directed the parties, the LRV and the VWU to apply the Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial (“the Protocol”);

CONSIDERING that in its email, the VWU requested the Chamber’s approval to deviate from the Protocol with regard to the location in which certain parts of the familiarisation process are conducted;

CONSIDERING that in its email the Chamber requested the VWU to file its request in the record of the case by Wednesday 6 January 2016;

RESPECTFULLY SUBMITS as follows:

1. As laid out in paragraph 27 of the Protocol, the familiarisation process begins when the witness arrives in the Netherlands or at the location of testimony where different from the seat of the Court. In order to comply with the


¹ ICC-02/11-01/15-355.

² Respectively sent at 10:58 and 14:07.

Chamber's request, the VWU would like to conduct the in-court protection measures and vulnerability assessments in the field, prior to the arrival of the witness at the location of testimony. This would require a slight deviation from paragraph 41 of the Protocol, which foresees that a vulnerable witness is further assessed by the VWU psychologist upon arrival at the location of testimony. Despite the proposed deviation, the VWU confirms that a psychologist will meet vulnerable witnesses upon arrival at the seat of the Court or location of testimony and will provide the Chamber with any relevant update information.

2. In addition, and in order to reduce the duration of the witness's stay at the location of the testimony, which is assessed by the VWU to be beneficial to the witness who then spend less time away from his/her country of residence which also supports his/her cover story, the Unit would like to complete, whenever possible, the statement reading in the field prior to the witness's arrival in the Netherlands or at the location of testimony. Therefore, the VWU would need to deviate from paragraph 79 of the Protocol, which foresees that the provision of the statement would be implemented once the witness arrives at the location of the testimony. Consequently, the VWU would need to receive the materials from the calling party prior to the arrival of the witness in the Netherlands or at the location of testimony other than the seat of the Court and will make arrangements with the calling party in that regard if this request is granted by the Chamber. The limitation of contact between the calling party and the witness will take place in accordance with the dispositions of the Protocol.

3. The VWU requests authorisation to deviate from the Protocol, as specified above, in order to comply with the Chamber's request to conduct in-court protective measures (ICPM) assessments and vulnerability assessments at an early stage before the appearance of witnesses.



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

Dated this 23 December 2015

At The Hague, the Netherlands