

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/11-01/11**
Date: **18 December 2014**

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO***

Public

Order setting deadlines for the filing of submissions on outstanding protocols

Order 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

Legal Representatives of Victims

Legal Representatives of 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 Verill

Detention Section

**Victims Participation and Reparations
Section**

Others

Judge Geoffrey Henderson, acting as Single Judge on behalf of Trial Chamber I ('Single Judge') of the International Criminal Court, in the case of *The Prosecutor v. Laurent Gbagbo*, having regard to Articles 64(3)(a), (6)(e) and 68(1) of the Rome Statute and Regulation 34 of the Regulations of the Court issues the following 'Order setting deadlines for the filing of submissions on outstanding protocols'.

1. On 4 December 2014, the Single Judge held a status conference during which the following protocols were discussed: i) Protocols concerning the disclosure of the identity of witnesses of the other party, the handling of confidential information in the course of investigation and contacts with witnesses of the opposing party; ii) Proposed mechanisms for exchange of information on individuals enjoying dual status ('Protocol on dual status witnesses'); iii) Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses ('Protocol on vulnerable witnesses'); and iv) Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony ('Familiarisation Protocol'). The parties also agree that there should be a witness preparation protocol ('Witness Preparation Protocol') (together, 'the Protocols').¹
2. The parties and the Legal Representative of Victims ('LRV') have made detailed submissions on each of the Protocols and informed the Single Judge of the status of their discussions. They had no observations and agreed on the current Protocol on vulnerable witnesses.² Regarding the other

¹ Transcript of Hearing dated 4 December 2014, ICC-02/11-01/11-T-27-Conf-Eng ET, notably pages 15-41.

² ICC-02/11-01/11-T-27-Conf-Eng ET, pages 17, 19, 30, 35 and 46.

protocols, the parties and the LRV stated that discussions were ongoing and that they were close to an agreement.³

3. Regarding the Protocols mentioned above under item i), it is recalled that in the Decision on the Protocol establishing a redaction regime, the Single Judge indicated that inadvertent disclosure 'shall be addressed in a protocol on the handling of confidential information to be adopted in the current proceedings'.⁴
4. The Defence further informed the Single Judge that it will give its final approval to the Protocols once it will be in possession of the French translations.⁵ The Single Judge notes that the Registry stated that it is ready to facilitate the translation of the relevant protocols.⁶
5. Further, the Single Judge has noted that the LRV has been involved in the discussions held so far⁷ and considers that, without prejudice to any future decision regarding the participation of victims, it should continue to be involved.
6. As already noted during the status conference,⁸ the Single Judge considers that the Victims and Witnesses Unit ('VWU') should be involved in the discussions regarding all the Protocols as any new protocol agreed upon and any amendment to the existing protocols would affect its work.

³ ICC-02/11-01/11-T-27-Conf-Eng ET, notably pages 16, 19-20 and 34-35.

⁴ Decision on the Protocol establishing a redaction regime, 15 December 2014, ICC-02/11/01/11-737, para. 23.

⁵ ICC-02/11-01/11-T-27-Conf-Eng ET, pages 21, 26-28 and 30-31.

⁶ ICC-02/11-01/11-T-27-Conf-Eng ET, page 37.

⁷ ICC-02/11-01/11-T-27-Conf-Eng ET, pages 33-36.

⁸ ICC-02/11-01/11-T-27-Conf-Eng ET, page 38.

7. In the interests of certainty and expeditiousness, the Single Judge finds it appropriate to set deadlines for the submissions relating to the Protocols. In doing so it has been guided by the submissions made.

8. The Single Judge therefore directs the parties, the LRV and the VWU to expeditiously conclude discussions on the Protocols and make any further submissions in accordance with the timelines outlined below. The Single Judge wishes to emphasise that, in the event that the parties reach an agreement as to the proposed protocols, joint submissions are welcome and shall also be filed at the dates set below.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE

DIRECTS the Prosecution, the Defence, the LRV and the VWU to file their submissions on the draft Protocol concerning the disclosure of the identity of witnesses of the other party, the handling of confidential information in the course of investigation and contacts with witnesses of the opposing party, no later than 20 February 2015;

DIRECTS the Prosecution, the Defence, the LRV and the VWU to file their submissions on the draft Protocol on dual status witnesses, and, if any, on the draft Protocol on vulnerable witnesses, no later than 27 February 2015;

DIRECTS the Prosecution, the Defence, the LRV and the VWU to file their submissions on the draft Familiarisation Protocol, as filed by the Registry no later than 27 February 2015 or, in the alternative;

DIRECTS the parties to file any request for witness preparation along with a proposed Witness Preparation Protocol, as well as the appropriate protocol on familiarisation, no later than 27 February 2015.

Done in both English and French, the English version being authoritative.



Judge Geoffrey Henderson
Single Judge

Dated 18 December 2014

At The Hague, The Netherlands