

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 March 2015

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

**Decision authorising the VWU to make additional observations on the
Familiarisation Protocol**

Decision 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

Ms Paolina Massidda

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 Verrill

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 ('Court'), in the case of *The Prosecutor v. Laurent Gbagbo*, having regard to Articles 43(6), 68(1) and (4) of the Rome Statute ('Statute') issues the following 'Decision authorising the VWU to make additional observations on the Familiarisation Protocol'.

1. On 4 December 2014, the Single Judge held a status conference ('Status Conference') during which the Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony ('Familiarisation Protocol' or 'Protocol') was addressed.¹
2. On 18 December 2014, the Single Judge directed the parties, the Legal Representative of Victims ('LRV') and the Victims and Witnesses Unit ('VWU') to expeditiously conclude discussions on the Protocols and to make any further submissions with regard to the Familiarisation Protocol by 27 February 2015.²
3. On 26 February 2015, the Prosecution and the LRV filed joint submissions on the Protocol.³
4. On 27 February 2015, the Defence submitted its observations ('Defence Observations').⁴
5. Also on 27 February 2015, the VWU filed its submissions on the Protocol.⁵

¹ Transcript of Hearing dated 4 December 2014, ICC-02/11-01/11-T-27-CONF-ENG ET, page 18, line 18 to page 19, line 5; page 29, line 10 to page 30 line 4; page 34, line 23 to page 35, line 11; page 37, line 23 to page 38, line 16; page 42, line 19 to page 43, line 2; and page 43, line 11 to page 44, line 24.

² Order setting deadlines for the filing of submissions on outstanding protocols, ICC-02/11-01/11-739.

³ Joint submissions of the Prosecution and the Legal Representative of Victims on the proposed familiarisation protocol, 26 February 2015, ICC-02/11-01/11-783.

⁴ *Soumissions de la Défense relatives à l'adoption du Protocole « pratique de familiarisation des témoins en vue de leur déposition »*, ICC-02/11-01/11-786.

6. On 2 March 2015, by way of email, the VWU requested leave to submit additional observations on the Familiarisation Protocol.⁶
7. On 4 March 2015, the Single Judge instructed the VWU to file such a request by way of a proper filing by 6 March 2015 and the parties and the LRV to respond, if they wished to do so, by 9 March 2015.⁷
8. On 6 March 2015, the VWU requested leave to file additional observations stating that it was notified on 27 February 2015 of the Defence Observations and that it was therefore not in a position to make comments on the amendments suggested. The VWU further indicates that it considers these amendments to be of substantial and significant nature and to directly touch upon the mandate of the VWU.⁸
9. The Single Judge has already noted that the parties, the LRV and the VWU were instructed to file their submissions on the Protocol on 18 December 2014, more than two months ago.⁹
10. Noting however the crucial role to be played by the VWU in the familiarisation of witnesses as well as its advisory function to the Court, in accordance with Article 43(6) and 68(4), and considering that none of the

⁵ Victims and Witnesses Unit's submission on the Protocol on the practices to be used to familiarise witnesses for giving testimony pursuant to Order ICC-02/11-01/11-739, ICC-02/11-01/11-791. It is noted that this filing was notified on 2 March 2015.

⁶ Email communication from VWU, 2 March 2015, 15:46. The Single Judge recalls that, as stated during the first status conference, all email communications shall be addressed to 'Trial Chamber I Communications' (Transcript of Hearing dated 4 November 2014, ICC-02/11-01/11-T-25-CONF-ENG ET, page 5, lines 15-18).

⁷ Decision on Requests for an extension of time to submit observations on the outstanding protocols, ICC-02/11-01/11-796.

⁸ Victims and Witnesses Unit's submissions pursuant to Order ICC-02/11-01/11-796, ICC-02/11-01/11-799, pages 4-5.

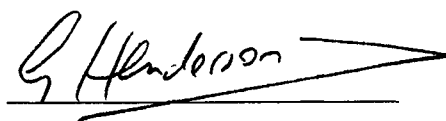
⁹ Order setting deadlines for the filing of submissions on outstanding protocols, ICC-02/11-01/11-739. *See also*, Decision on Requests for an extension of time to submit observations on the outstanding protocols, 4 March 2015, ICC-02/11-01/11-796, para. 8.

parties or participants objected to the request, the Single Judge finds it appropriate to authorise the VWU to submit additional observations.

FOR THE FOREGOING REASONS, THE SINGLE JUDGE

AUTHORISES the VWU to make additional observations by 13 March 2015.

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

A handwritten signature in black ink, reading "G Henderson", with a long horizontal line extending to the right from the end of the signature.

Judge Geoffrey Henderson

Single Judge

Dated 10 March 2015

At The Hague, The Netherlands