



Original: **English**

No.: ICC-02/11
Date: **9 September 2011**

PRE-TRIAL CHAMBER III

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Elizabeth Odio Benito
Judge Adrian Fulford

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

Public redacted version

Addendum to the Report on Victims' Representations

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

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

NOTING the Chamber’s Order of 6 July 2011 (“Order”) instructing the Victims Participation and Reparations Section to submit, by 1 August 2011, a single, consolidated report on the collective and individual representations received with the original representations annexed thereto;¹

NOTING the Chamber’s Decision on the Registry’s Request dated 28 July 2011, extending the time limit to file the report on victims’ representations to 29 August 2011;²

NOTING the Report on Victims’ Representation filed by the Registry on 29 August 2011 (“Report”);³

NOTING articles 15 and 68(1) of the Rome Statute (“Statute”), rules 50(1) and (3) and rule 85 of the Rules of Procedure and Evidence (“Rules”), regulations 23*bis*, 50(1) and 38(2)(a) of the Regulations of the Court;

CONSIDERING that the Registry had undertaken initial *prima facie* assessments of 1047⁴ representations relating to the Situation in the Republic of Côte d’Ivoire; regarding whether their sources are potentially victims within the meaning of rule 85 of the Rules;

CONSIDERING that while including the final figures related to the collective representations meeting the requirements of rule 85 in the Confidential Report on Victims’ Representation, the Registry omitted to include the updated figures in the Public redacted Report;

¹ “Order to the Victims Participation and Reparations Section Concerning Victims’ Representations Pursuant to Article 15(3) of the Statute”, ICC-02/11-6.

² “Decision on the VPRS request for an extension of time to report on victims’ representations pursuant to Regulation 35 of the Regulations of the Court”, ICC-02/11-9.

³ “Report on Victims’ Representations”, ICC-02/11-11.

⁴ One representation is composed of 42 annexes which were given a reference number. The total of annexes transmitted to the Chamber is therefore 1089.

CONSIDERING that the Registry attached to the Report on Victims' Representations an Annex B in which representations considered to meet the requirements of rule 85 were listed; and attached an Annex C in which documents not considered to meet the requirements of rule 85 were also listed;

CONSIDERING that the Registry, without affecting its initial *prima facie* assessments under rule 85, misplaced in Annex C three representations⁵ that do meet the requirements of rule 85 and consequently should have been listed in Annex B;

CONSIDERING that among those three misplaced representations, the Registry mistakenly categorized representation r/0206/11⁶ as an individual representation, whereas when undertaking its initial *prima facie* assessment under rule 85 it had been accurately assessed as a collective representation;

TRANSMITS to the Chamber an addendum to the Report on Victims' Representations containing the updated version of the paragraphs where figures related to collective representations meeting the requirement of rule 85 need to be amended in order to be consistent with those provided in the Confidential Report as follows:

9. Among the 679 representations considered to meet the requirements of rule 85 of the rules, 655 are individual representations. Twenty-six are collective representations all of which met the requirements of rule 85. (...)

24. Of the documents received and assessed, the Registry identified 26 collective representations. Of these 2 were submitted by associations on behalf of groups the individual members of which are not identified. A further 24 collective representations were submitted by legal representatives of individual victims, many of whom provided comprehensive reports on the crimes alleged by their clients. (...)

⁵ r/0206/11, r/0073/11 and r/0862/11.

⁶ r/0206/11 (ICC-02/11-11-Conf-Exp-Anx765).

25. Of those 679 representations received by the Registry from persons appearing to meet the requirements of rule 85 of the Rules:

- 655 were provided by individuals
- 26 were provided by groups of victims.

53. While it is clear from the Chamber's Order that collective representations are intended to emanate from community leaders, who in turn, are to provide, to the extent possible, sufficient information about the community they represent,⁷ the Registry notes that none of the 26 collective representations were provided by community leaders.

54. Instead, out of these 26 collective representations, 24 were submitted by Ivorian lawyers on behalf of victims from different parts of the affected areas and belonging to various ethnic groups. (...)

56. The crimes reported by the collective groups (which relate to at least 826 persons) were all committed after 28 November 2010. Out of the 26 collective representations, only two refer to crimes committed both before and after 28 November 2010.

57. Of the 26 collective representations, 22 refer to crimes committed by pro-Gbagbo forces, which represent at least 799 victims, bearing in mind that, of these, 6 representations did not indicate the number of victims represented.

58. The information provided by victims shows that of these 26 representations, 12 report crimes committed in the populated neighbourhoods of Abidjan. This represents at least 714 victims considering that 5 collective groups do not specify the number of victims represented.

62. Four representations were submitted on behalf of victims of crimes committed by individuals or groups linked or belonging to pro-Ouattara forces, representing at least 127 victims. (...)

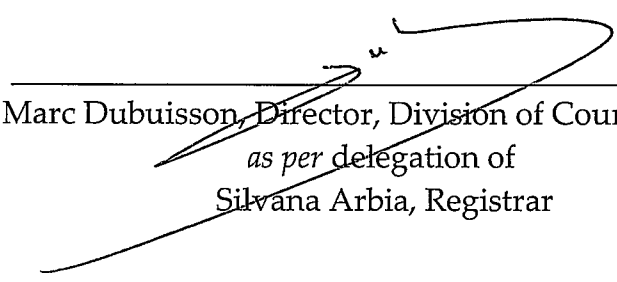
⁷ ICC-02/11-6, para. 10.

69. Of the 26 collective representations appearing to meet the requirements of rule 85 of the Rules, 5 did not provide information on the victims' views regarding the question of a potential ICC investigation. The others expressed one or several of the following views:

- 10 collective representations indicated that victims wanted justice to be done.
- 8 indicated that victims expressed the hope that perpetrators are punished.
- 3 suggested that victims do not trust the Ivorian justice system.
- 2 representations expressed victims' hope that inter-ethnic conflicts stop.
- 2 indicated that victims wished to receive compensation and reparation
- 1 representation indicated that victims are willing to support the Court.

TRANSMITS to the Chamber as Annex I to this Addendum an updated version of Annex B of the Report, which includes those three additional representations that the Registry had assessed as meeting the requirements of Rule 85, and in which the qualification of representation r/0206/11 has been rectified and is listed as a collective representation;

TRANSMITS to the Chamber as Annex II to this Addendum an updated version of Annex C of the Report in which those same three representations included in the new version of Annex B have been deleted. In addition, a new column⁸ indicating the Master Representation to which the audio-video materials are linked to, has been added to the table contained in Annex C



Marc Dubuisson, Director, Division of Court Services
as per delegation of
Silvana Arbia, Registrar

Dated this 9 September 2011

At The Hague, The Netherlands

⁸ Heading of the new column in Annex C: "Master Representation".