



Original: **English**

No.: ICC-02/11-01/11
Date: 12 February 2013

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Hans-Peter Kaul
Judge Christine Van den Wyngaert

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

Public

Prosecution's response to "Requests to receive information and access documents for the effective participation of victims at the confirmation of charges hearing"

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

Counsel for the Defence

Mr Emmanuel Altit

Ms Agathe Bahi Baroan

Ms Natacha Fauveau Ivanovic

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 7 February 2013, the Legal Representatives of victims authorised to participate in the proceedings filed a request to (1) be informed whether the Defence for Mr Gbagbo had notified the Prosecutor of its intention to raise the existence of an alibi or to raise a ground for excluding criminal responsibility pursuant to rule 79 of the Rules, (2) be given access to the observations filed by the Prosecution and the Defence pursuant to rule 89, and (3) be given access to the Defence List of Evidence and information on *viva voce* witnesses, if any.¹
2. The Prosecution has no objection to informing the victims of any notice or observations filed pursuant to rules 79 and 89. The Prosecution agrees that in order for the victims to have a meaningful right to participate in the proceedings, they should have access to the Defence list of evidence with the appropriate redactions if need be. The Legal Representatives should also be informed if the Defence is calling *viva voce* witnesses.



Fatou Bensouda, Prosecutor

Dated this 12th day of February 2013

At The Hague, The Netherlands

¹ ICC-02/11-01/11-388.