



Original: English

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

Date: 17 January 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

**With annex A – Confidential, *ex parte*, only available to the Office of the
Prosecutor and the Victims Participation and Reparations Section**

**Prosecution's observations on victims' applications a/20183/12, a/20071/12 and
a/20058/12 including supplementary information to participate in the proceedings**

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

Legal Representatives of the Victims

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

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

1. The Prosecution hereby submits its observations on the three victims' applications (a/20183/12, a/20071/12 and a/20058/12), including supplementary information, to participate in the proceedings.

Observations

2. The Prosecution recalls that according to the Appeals Chamber jurisprudence, a person has the right to participate as a victim in proceedings if a) he/she qualifies as a victim under the definition of this term provided by Rule 85(a), and b) his/her personal interests are affected by the proceedings in hand, i.e. by the issues, legal or factual, raised therein pursuant to Article 68(3) of the Statute.¹
3. The criteria required for applicants to be granted the procedural status of victim as set out in Rule 85(a) are that (i) the applicant must be a natural person (ii) who suffered emotional, physical or economic harm (iii) as a result of the crimes charged in the Document Containing the Charges, and (iv) a link between the harm suffered and the particular crimes charged is demonstrated.² In the Prosecution's view, the three applications meet all the criteria.

Description of the Annex

4. Annex A consists of a chart detailing the Prosecution's analysis of the three victims applications, including supplementary information. The Prosecution submits this Annex A as confidential, *ex parte*, only available to the Office of the Prosecutor³ and the Victims Participation and Reparations Section since the victims applications were provided on a confidential redacted basis to the

¹ Cf., for instance, *The Prosecutor v. Thomas Lubanga Dyilo*, Decision on victims' participation, ICC-01/04-01/06-1119, 18 January 2008, para. 86 and *Situation in the Democratic Republic of the Congo*, Judgment on victim participation in the investigation stage of the proceedings in the appeal of the OPCD against the decision of Pre-Trial Chamber I of 7 December 2007 and in the appeals of the OPCD and the Prosecutor against the decision of Pre-Trial Chamber I of 24 December 2007, ICC-01/04-556, 19 December 2008, para. 45.

² See Appeals Chamber decision ICC-01/04-01/06-1432, 11 July 2008, at paras. 61 to 65. See also the confirmation stage decision ICC-01/04-01/07-1347, p.8. See also ICC-01/04-01/07-1347-Corr, para. 6.

³ The applications were received without redactions on an *ex parte* basis by the Prosecution, see ICC-02/11-01/11-309+Conf-Exp-Anxs.

Defence.⁴ A confidential redacted version of Annex A will be filed simultaneously. The Prosecution has no objection to the reclassification of the confidential redacted version of Annex A as public since it does not contain any identifying information that would put these victims at risk.



Fatou Bensouda, Prosecutor

Dated this 17th day of January 2013

At The Hague, The Netherlands

⁴ ICC-02/11-01/11-309-Conf-Anxs-Red.