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

Date: 6 July 2012

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 1 Confidential *ex parte* only available to the OPCV and CSS
Annexes 2 and 3 Confidential *ex parte* only available to the OPCV
Annexes 4 to 10, 19 to 21, 23 and 24 Confidential *ex parte* only available to the
OPCV, VPRS and the OTP and same Annexes Confidential Redacted**

Information on issues related to legal representation of victims

Source: Office of Public Counsel for Victims

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

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Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

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I. Procedural history

1. On 4 June 2012, the Single Judge of the Chamber issued a “Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings”¹ (the “Decision”) by which she granted 139 victims the right to participate at the confirmation of charges hearing and in related proceedings.² Furthermore, the Single Judge appointed a counsel from the Office of Public Counsel for Victims (the “OPCV” or the “Office”) as the common legal representative of all the victims admitted to participate in the proceedings related to the confirmation of charges.³

2. The Principal Counsel of the OPCV, in her capacity of Common Legal Representative, hereby provides the Chamber with information on issues related to the legal representation of victims authorised to participate in the proceedings.

3. Annex 1 to this submission is filed confidential *ex parte* OPCV and CSS because it relates to the contract between the Court and the legal assistant in the field. Annexes 2 and 3 to this submission are filed confidential *ex parte* only available to the OPCV because they relate to an exchange of correspondence between the Common Legal Representative and the legal assistant in the field. Annexes 4 to 10, 19 to 21, 23 and 24 are filed confidential *ex parte* only available to the OPCV, the VPRS and the OTP because they relate to supplementary information that could enable the identification of the victims concerned. Said information was gathered by the Common Legal Representative⁴ and all the victims concerned the victims wish to include the information in their respective file. A confidential redacted version of said Annexes is also filed for the benefit of the Defence.

¹ See the “Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings” (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-01/11-138, 4 June 2012.

² *Idem.*, p. 25.

³ *Ibid.*, p. 26.

⁴ See *infra* par. 5.

II. Composition of the team

4. In her Decision, the Single Judge indicated that the OPCV could be assisted by a legal assistant in the field to be paid with the funds of the legal aid.⁵

5. Following her appointment as Common Legal Representative, the Principal Counsel of the OPCV undertook a mission to Côte d'Ivoire from 7 to 12 June 2012 in order to meet with her clients and to inform them of the developments of the case, as well as to identify a suitable candidate for the position of legal assistant in the field.

6. The Common Legal Representative informs the Chamber that said person has been identified and that a Legal Assistant in the field has been appointed effective from 11 June 2012.⁶ The Common Legal Representative attaches to the present submission two declarations signed by the Legal Assistant in the field and related to his availability to work for the Office.⁷

7. The Common Legal Representative also informs the Chamber that the Legal Assistant has recently undertaken a mission to The Hague in order to familiarise himself with the internal OPCV procedure. He also benefited from a training in order to be able to fully manage the Ecourt system. He is now fully acquainted with said procedures and he has been provided with the relevant electronic tools to work in and from the field. Victims have been informed of the appointment of a Legal Assistant in the field and appropriate channels of communication between victims and the legal team have been established.

⁵ See the "Decision on Victims' Participation and Victims' Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings", *supra* note 1, par. 44.

⁶ See Annex 1.

⁷ See annexes 2 and 3.

III. Anonymity of victims

8. In her Decision, the Single Judge requested the Common Legal Representative to inform the Chamber on whether victims authorised to participate in the proceedings wish to disclose their identity.⁸

9. In this regard, the Common Legal Representative informs the Chamber that she has consulted with the 139 victims authorised to participate in the proceedings and that none of them wishes, at this point in time, to disclose his/her identity for reasons related to their security.

IV. Supplementary information related to applications a/20002/12, a/20006/12, a/20012/12, a/20016/12, a/20018/12, a/20019/12, a/20020/12, a/20021/12, a/20031/12, a/20033/12, a/20034/12, a/20037/12, a/20040/12, a/20041/12, a/20043/12, a/20045/12, a/20055/12, a/20056/12, a/20065/12, a/20114/12, a/20115/12, a/20131/12 and a/20158/12

10. In the course of the mission undertaken in Côte d'Ivoire from 7 to 12 June 2012, the Common Legal Representative met with her clients and gathered supplementary information regarding 22 victims. The clients requested the supplementary information to be filed in their respective records in order to further support their applications for participation.

11. The Common Legal Representative notes that said information corroborate information already contained in the application forms of the following victims.

- a/20006/12 (within group application a/20005/12): The victim provides a copy of a Certificate dated 3 March 2011 attesting the death of his daughter, on said date during the women protest march in Abobo.⁹

⁸ See the "Decision on Victims' Participation and Victims' Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings", *supra* note 1, p. 27.

⁹ See Annex 4.

- a/20012/12 (within group application a/20005/12): The victim provides a copy of a Certificate dated 13 July 2011 attesting the death of his daughter, on 3 March 2011 during the women protest march in Abobo.¹⁰

- a/20016/12 (within group application a/20005/12): The victim provides a copy of a Certificate dated 13 March 2011 attesting the death of his sister-in-law, on said date due to injury received during the women protest march in Abobo of 3 March 2011.¹¹

- a/20018/12 (within group application a/20005/12): The victim provides copy of a Certificate dated 3 March 2011 attesting the death of her daughter, on said date during the women protest march in Abobo.¹² Please note that the same document concerns also applications a/20020/12 and a/20021/12 who are family members.

- a/20019/12 (within group application a/20005/12): The victim provides a copy of a Certificate dated 3 March 2011 attesting the death of his sister, on said date during the women protest march in Abobo.¹³

- a/20031/12 (within group application a/20030/12): The victim provides a copy of 6 documents in relation to medical treatment for a lumbar wound she received during the women protest march in Abobo of 3 March 2011, in particular Medical Statement dated 30 March 2011, Invoice dated 30 March 2011, Receipt dated 30 March 2011, Medical

¹⁰ See Annex 5.

¹¹ See Annex 6.

¹² See Annex 7.

¹³ See Annex 8.

Prescription dated 24 March 2011, Health Card and Medical Prescription dated 20 March 2011.¹⁴

- a/20033/12 (within group application a/20030/12): The victim provides a picture of a wound of her left arm¹⁵ she received during the women protest march in Abobo of 3 March 2011.
- a/20034/12 (within group application a/20030/12): The victim provides a picture of wounds of her left leg and foot,¹⁶ she received during the women protest march in Abobo of 3 March 2011.
- a/20037/12 (within group application a/20030/12): The victim provides a picture of wounds of her left foot,¹⁷ she received during the women protest march in Abobo of 3 March 2011.
- a/20040/12 (within group application a/20030/12): The victim provides a picture of a wound of her left leg and foot,¹⁸ she received during the women protest march in Abobo of 3 March 2011.
- a/20041/12 (within group application a/20030/12): The victim provides a picture of a wound of her left knee,¹⁹ she received during the women protest march in Abobo of 3 March 2011.
- a/20043/12 (within group application a/20030/12): The victim provides a picture of a wound of his head,²⁰ he received during the women protest march in Abobo of 3 March 2011.

¹⁴ See Annex 9.

¹⁵ See Annex 10.

¹⁶ See Annex 11.

¹⁷ See Annex 12.

¹⁸ See Annex 13.

¹⁹ See Annex 14.

- a/20045/12 (within group application a/20030/12): The victim provides a picture of a wound of her right leg thigh,²¹ she received during the women protest march in Abobo of 3 March 2011.
- a/20055/12 (within group application a/20046/12): The victim provides a picture of a wound of her right foot heel,²² she received during the women protest march in Abobo of 3 March 2011.
- a/20056/12 (within group application a/20046/12): The victim provides a picture of a wound of her right foot,²³ she received during the women protest march in Abobo of 3 March 2011.
- a/20065/12 (within group application a/20046/12): The victim provides a picture of wound of her left leg and foot,²⁴ she received during the women protest march in Abobo of 3 March 2011.
- a/20114/12 (within group application a/20101/12): The victim provides a copy of a Certificate dated 19 January 2011 attesting his detention at the *Maison d'Arrêt et de Correction* of Abidjan after the protest march held in the RTI area on 16 December 2010.²⁵
- a/20115/12 (within group application a/20101/12): The victim provides a copy of two documents certifying his detention at the *Préfecture de police* of Abidjan in December 2010 after the protest march held un the RTI area

²⁰ See Annex 15.

²¹ See Annex 16.

²² See Annex 17.

²³ See Annex 18.

²⁴ See Annex 19.

²⁵ See Annex 20.

on 16 December 2010, in particular a certificate and a receipt issued by the ICRC dated 23 December 2010.²⁶

- a/20131/12: The victim provides a picture of a wound of her left leg knee,²⁷ she received during the women protest march in Abobo of 3 March 2011.

- a/20158/12: The victim provides copy of Certificate dated 31 December 2010 attesting his detention at the *Maison d'Arrêt et de Correction* of Abidjan after the protest march held in the RTI area on 16 December 2010.²⁸

12. Finally, in relation to victim a/20002/12, the Common Legal Representative wishes to rectify a mistake in his application. Indeed, said application contains a page which clearly does not refer to the events alleged by the victim. Therefore, a declaration of his former legal representative is provided, clarifying that the document entitled "Continuation of Page 4 of 7. PART B. Question 26" at page 31 of his application and drafted in English has no relevance to said application.²⁹

Respectfully submitted.



Paolina Massidda
Principal Counsel

Dated this 6th day of July 2012

At The Hague, The Netherlands

²⁶ See Annex 21.

²⁷ See Annex 22.

²⁸ See Annex 23.

²⁹ See Annex 24.