

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 2 March 2012

PRE-TRIAL CHAMBER III

Before: Judge Silvia Fernández de Gurmendi, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO***

Public document

**Decision inviting observations from the parties in relation to the victims'
application process**

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Ms Fatou Bensouda

Counsel for the Defence

Mr Emmanuel Altit

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Detention Section

Victims and Witnesses Unit

Others

**Victims Participation and
Reparations Section**

Ms Fiona McKay

Judge Silvia Fernández de Gurmendi, Single Judge for Pre-Trial Chamber III of the International Criminal Court (“Chamber”), responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Laurent Gbagbo*¹ hereby renders this decision inviting observations from the parties in relation to the victims’ application process.

1. On 6 February 2012 the Single Judge issued the “Decision on issues related to the victims’ application process”, wherein she, *inter alia*, ordered the Registry to “propose to the Chamber an application form that could be used for the purpose of encouraging collective applications in accordance with Rule 89(3) of the Rules by 29 February 2012”.²

2. On 15 February 2012, the Defence of Mr Gbagbo filed the “Requête de la Défense suite à la « Decision on Issues related to the victims’ application process » (ICC-02/11-01/11-33)”, wherein it, requests the Single Judge: (i) to authorise the Defence to present its observations on the adoption of a collective application system for victims; (ii) to order the Registry to communicate to the Defence a copy of the proposed collective participation form; (iii) to authorise the Defence to present its observations on the Registry’s proposal; and (iv) to set the time limit for the filing of victims’ applications sufficiently in advance of the confirmation of charges hearing, so that they are transmitted to the Defence several weeks before the hearing.³

¹ Oral Decision of the Chamber, 5 December 2011, ICC-02/11-01/11-T-1-ENG, page 8.

² ICC-02/11-01/11-33, p. 7.

³ ICC-02/11-01/11-41, para. 22.

3. On 29 February 2012, the Registry filed its “Proposal on a partly collective application form for victims’ participation”,⁴ including a proposed partly collective application form⁵ and an explanatory report.⁶

4. The Single Judge notes Articles 67 and 68(3) of the Rome Statute (“Statute”), Rule 89 the Rules of Procedure and Evidence (“Rules”), Regulation 86 of the Regulations of the Court and Regulations 104 and 105 of the Regulations of the Registry.

5. Article 68(3) of the Statute mandates that the participation of victims in the proceedings must occur “in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial”. In addition, Rule 89(1) of the Rules grants the Prosecutor and the Defence the right to receive and reply to victims’ applications for participation. Accordingly, the Single Judge deems it necessary that the parties are given the possibility to present their views prior to the Chamber deciding on the victims’ application process in the present case, and considers in particular that the parties must be given an opportunity to present their observations on the Registry’s proposal for a more collective management of the application process.

6. At the same time, the Single Judge is of the view that a reasonably short time limit must be set for the filing of any such observations, in order to enable the Chamber to expeditiously exercise its duties under Article 68(3) of the Statute and Rule 89 of the Rules.

⁴ ICC-02/11-01/11-45.

⁵ ICC-02/11-01/11-45-AnxB.

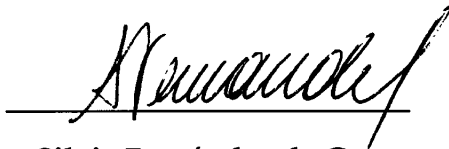
⁶ ICC-02/11-01/11-45-AnxA.

7. This decision constitutes, in the view of the Single Judge, a proper resolution of items (i) and (iii) of the abovementioned Defence request. In addition, the Single Judge wishes to clarify that following the public filing by the Registry of its proposal it is not necessary to entertain item (ii) of the Defence request, while the time limit for the filing of victims applications and their transmission to the parties (item (iv) of the request) will be decided by the Chamber in due course.

FOR THESE REASONS THE SINGLE JUDGE HEREBY

INVITES the Prosecutor and the Defence to present their observations on the “Proposal on a partly collective application form for victims’ participation” by 9 March 2012.

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

A handwritten signature in black ink, appearing to read 'Silvia Fernández de Gurmendi', is written over a horizontal line.

Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 2 March 2012

At The Hague, The Netherlands