



Original: English

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

Date: 20 May 2014

PRE-TRIAL CHAMBER I

Before: Judge Silvia Fernández de Gurmendi, Single Judge

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. CHARLES BLÉ GOUDÉ

Public

With one Annex Confidential and *EX PARTE*, only available to the Registry

**Report on the applications for victim's participation in the proceedings submitted
in compliance with the Single Judge's order ICC-02/11-02/11-72**

Source: Registry

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

The Office of the Prosecutor
Ms Fatou Bensouda

Counsel for the Defence
Mr Nicholas Kaufman

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

Registrar
Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**
Ms Fiona McKay

Other

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

NOTING the Warrant of Arrest for Charles Blé Goudé issued under seal by Pre-Trial Chamber III on 21 December 2011 and made public on 1 October 2013;¹

NOTING the Presidency’s Decision on the constitution of Pre-Trial Chambers of 15 March 2012, which was made public on 30 September 2013, assigning the situation in Côte d’Ivoire to Pre-Trial Chamber I;²

NOTING the Order to the Victims Participation and Reparations Section (the “VPRS”) to submit information in relation to the applications for victims’ participation in the proceedings issued by the Single Judge of Pre-Trial Chamber I (the “Single Judge”), notified on 13 May 2014 (the “Order”);³

NOTING article 68 (3) of the Rome Statute, rules 16, 85 and 89 of the Rules of Procedure and Evidence (the “Rules”), and regulations 23 *bis*, 24 *bis* (2) and 86 (5) of the Regulations of the Court;

CONSIDERING that the Single Judge set the date of the commencement of the confirmation of charges hearing in the case at hand for 18 August 2014;⁴

CONSIDERING the similarities between the facts alleged against Mr Charles Blé Goudé and those alleged against Mr Laurent Gbagbo as described in the Arrest Warrants issued in the respective cases⁵ and in the two Decisions on the Prosecutor’s applications pursuant to article 58 of the Statute;⁶

¹ ICC-02/11-02/11-1.

² ICC-02/11-02/11-7.

³ ICC-02/11-02/11-72.

⁴ ICC-02/11-02/11-T-3-Red-ENG, page 12, lines 12 to 16.

⁵ ICC-02/11-01/11-1 and ICC-02/11-02/11-1.

⁶ ICC-02/11-01/11-9-Red and ICC-02/11-02/11-3.

CONSIDERING that the precise scope of the case at hand is yet to be outlined by the Prosecutor's Document Containing the Charges brought against the suspect (the "DCC") which may not be available during the time that victims will be making their applications to participate in the proceedings;

CONSIDERING that the Single Judge instructed the VPRS in her Order to submit a report no later than Friday, 23 May 2014, containing the following information: (i) the amount of complete applications for victims' participation linked to the present case received by the VPRS and the application forms used; (ii) whether and when the VPRS expects to receive further applications for victims' participation and the steps undertaken to this effect; and (iii) any other information deemed necessary;⁷

TRANSMITS to the Single Judge the present report together with one annex containing a proposed template for the Registry's reports under regulation 86(5) of the Regulations of the Registry, which is filed with the status "Confidential *ex parte*, only available to the Registry" since it contains information extracted from application forms for participation in the proceedings which could serve to identify the applicants.

1. In compliance with the Single Judge's Order, the VPRS provides the following information.

- (i) The amount of complete applications for victims' participation linked to the present case received by the VPRS and the application forms used

⁷ ICC-02/11-02/11-72, para. 8.

2. So far, the VPRS has received unsolicited 148 new applications for participation which may be linked to the present case,⁸ in addition to the 199 applications previously admitted in the *Laurent Gbagbo* case.⁹ All new applications received are using the Court's standard 7 page application form.
 - (ii) Whether and when the VPRS expects to receive further applications for victims' participation and the steps undertaken to this effect
3. According to a preliminary assessment by the VPRS field staff, if the scope of the *Charles Blé Goudé* case does not differ from the scope of the *Laurent Gbagbo* case, and if the VPRS were to inform victims that new applications linked to the *Charles Blé Goudé* case could be submitted, it would not expect to receive more than a further 100 to 150 applications to participate in the confirmation of charges hearing, bringing the total to approximately 500 applications.¹⁰
4. As regards activities conducted or steps undertaken in the field in relation to the participation process in the case at hand, the VPRS would like to inform the Single Judge that the Registry has been informing its intermediaries in the field as well as civil society actors on a regular basis about the development of the proceedings in the *Charles Blé Goudé* case, since the Arrest Warrant against Mr Charles Blé Goudé was made public. During these regular exchanges, in addition to providing general information about the participation of victims, the VPRS has indicated that it will provide them

⁸ The VPRS is currently in the process of assessing whether or not the applications received are complete and linked to the case.

⁹ The VPRS notes the two pending requests submitted by the Office of Public Counsel for Victims (ICC-02/11-02/11-62-Anx1 and ICC-02/11-02/11-64-Anx1) regarding the 199 applications accepted to participate in the *Laurent Gbagbo* case, and will await the Single Judge's instructions as regards those applications.

¹⁰ This total number comprises the 148 applications recently received, the 199 applications admitted in the *Laurent Gbagbo* case and the maximum number of applications expected to be received (150).

with more information on the victim application process in the case at hand as soon as a decision is issued.

(iii) Any other information deemed necessary

5. The VPRS would like to provide the following further information and respectfully request instructions on a number of matters.

(a) Application form to be used by applicants

6. The VPRS would respectfully recommend that the Court's standard application form, one of the two options adopted in the *Laurent Gbagbo* case for allowing victims to apply to participate in the proceedings, be used for the present case. This is in light of the lessons learnt in the *Laurent Gbagbo* case as well as in the interests of consistency and efficiency.

7. First, in light of its experience in implementing the partly collective approach in the *Laurent Gbagbo* case, the VPRS would not recommend to repeat the group form approach again. The experience presented an excellent opportunity to test a more collective approach, and the lessons learnt provided the basis for the simplified approach adopted by Pre-Trial Chamber II in the *Bosco Ntaganda* case.¹¹ However in Côte d'Ivoire, where most of the groups were not pre-existing or self-identified, it was not always easy to bring together victims for the purposes of the application process because of the lack of trust between victims, which was demonstrated for example in a reluctance to appoint a single contact person for the group. It was also noted that sometimes, due to the nature of the harm suffered (such as victims of sexual violence) or due to tensions within

¹¹ ICC-01/04-02/06-57.

a community, not all victims felt comfortable speaking in front of groups, which made meetings organised by the VPRS staff for the purpose of completing a group form quite difficult. A further lesson learnt was that linking individual victims to a group in the records relating to a case can create problems later if the same victim wishes to participate in relation to another case.

8. Second, although adopting a new simplified form would also be an option, it is VPRS's view that it could be difficult to achieve this in the time available. Since a number of new applications have already been received using the standard application form, and since the network of intermediaries in the field were already trained on how to fill in the standard application forms at the time of the *Laurent Gbagbo* case, continuing to use the standard form would seem the best way to ensure a timely process in light of the short amount of time available before the confirmation of charges hearing, and to ensure consistency (between applicants), predictability and expeditiousness of the proceedings.

(b) Registry reports under regulation 86(5) of the Regulations of the Court

9. With a view to enabling a more collective, simplified and efficient reporting, the VPRS would like to respectfully propose to the Single Judge to use in the present case for the newly received applications,¹² the reporting system that is now possible with its updated database (the Victims Applications Management System), which allows the Section to better manage and streamline information, including grouping of the applications by incidents. The annex appended to the present report comprises a draft report that

¹² As far as the 199 applications admitted in the *Laurent Gbagbo* case are concerned, if the Single Judge so instructs, the VPRS could transmit the reports under regulation 86(5) prepared when the applications were filed in the record of that case into the record of the present case.

could be extracted from the said database, for the Single Judge's consideration. However, since the purpose of the report is to assist the Single Judge in considering applications, adaptations could be made to meet the Single Judge's needs.

(c) Other aspects of the victim application system

10. The VPRS respectfully requests instructions regarding other aspects of the application system that were addressed in the Single Judge's First and Second Decisions on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings issued in the *Laurent Gbagbo* case. These include proof of identity to be provided by applicants, including where a person acts with the consent of the victim or in the case of a victim who is a child or disabled; applications on behalf of a deceased relative; and whether redacted versions of the applications should be transmitted to Defence and/or Prosecution.¹³

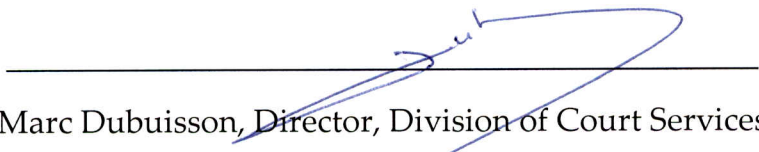
11. A deadline for transmission of applications to the Chamber would also greatly assist, as well as a shorter deadline for submission of applications to the VPRS: for a confirmation hearing scheduled on 18 August 2014, a workable deadline could be for instance 18 July 2014 for the transmission of applications to the Chamber and 30 June for the reception of applications by the VPRS.¹⁴

12. Finally, the VPRS also notes that if the OPCV is to be appointed to represent participating victims, it could be advisable for victims' applications to be

¹³ ICC-02/11-01/11-138 and ICC-02/11-01/11-384.

¹⁴ This would be 30 days and 45 days respectfully, prior to the commencement of the Confirmation of Charges hearing. The Registry notes that similar deadlines were set in the Second Decision on issues related to the victims' application process, issued in the *Laurent Gbagbo* case (see ICC-02/11-01/11-86, para. 37).

transmitted to them at an early stage, in order to give them more time for the necessary preparations.



Marc Dubuisson, Director, Division of Court Services
per delegation of
Herman von Hebel, the Registrar

Dated this 20 May 2014

At The Hague, The Netherlands