

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: *English*

No.: ICC-02/11-01/15

Date: 15 May 2015

TRIAL CHAMBER I

Before: Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Bertram Schmitt

SITUATION IN CÔTE D'IVOIRE

IN THE CASE OF
THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ

Public Redacted Version of ICC-02/11-01/15-53-Conf-Exp

Information on Common Legal Representation of Victims in the proceedings

Source: Office of Public Counsel for Victims

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

The Office of the Prosecutor

Ms. Fatou Bensouda
Mr. Eric MacDonald

Counsel for Mr Laurent Gbagbo

Mr. Geert-Jan Alexander Knoops
Mr. Claver N'dry

Counsel for Mr Blé Goudé

Mr. Emmanuel Altit
Ms. Agathe Bahi Baroan

Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Mr Enrique Carnero Rojo
Ms Ludovica Vetrucchio

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

I. Procedural background

1. On 6 March 2015, Trial Chamber I (the “Chamber”) issued the “Decision on victim participation” in the case of *The Prosecutor v. Laurent Gbagbo* confirming the status of victims already authorised to participate at the pre-trial stage of the case and of the ones authorised to participate in the *The Prosecutor v. Charles Blé Goudé* case,¹ and directing the Registry to submit by 30 April 2015 a report on the legal representation of victims for the purpose of trial proceedings in the *Gbagbo* case.²

2. On 11 March 2015, the Chamber issued the “Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters”,³ joining the cases and deciding *inter alia* that all decisions and orders issued in both cases shall continue to apply, as appropriate and until ordered otherwise, in the joint case.

3. On 30 April 2015, the Registry filed the “Registry’s Report on the Legal Representation of Victims for the Purpose of the Trial pursuant to Decision ICC-02/11-01/11-800”, recommending maintaining the current system for legal representation during the trial phase.⁴

4. The Principal Counsel of the Office of Public Counsel for Victims (the “OPCV” or the “Office”), acting as Common Legal Representative of the victims admitted to

¹ See the “Decision on victim participation” (Trial Chamber I), No. ICC-02/11-01/11-800, 6 March 2015, para. 61.

² *Idem*, para. 63.

³ See the “Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters” (Trial-Chamber I), No. ICC-02/11-01/15-1, 11 March 2015.

⁴ See the “Registry’s Report on the Legal Representation of Victims for the Purpose of the Trial pursuant to Decision ICC-02/11-01/11-800”, No. ICC-02/11-01/15-49-Conf-Exp, 30 April 2015.

participate in the proceedings (the “Common Legal Representative”),⁵ respectfully submits the following information on the system of common legal representation.

5. These submissions are filed Confidential *Ex Parte*, only available to the OPCV and the VPRS as they contain information concerning the work of the Common Legal Representative and the privileged communication with her clients.

6. In accordance with the Order of the Single Judge of 8 May 2015, the Common Legal Representative files the public redacted version of her submissions.

II. Information on the system of common legal representation

1. Composition of the team

7. In accordance with the “Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings” issued in the case of *The Prosecutor v. Laurent Gbagbo*,⁶ for the purpose of the legal representation of victims at the pre-trial stage, the team was composed by the Principal Counsel of the Office assisted in Côte d’Ivoire by Mr Epiphane Zoro Bi Ballo,⁷ who was appointed as legal assistant in the field and paid under the Court’s legal aid scheme.

8. Indeed, the Common Legal Representative considered that one person in the field was sufficient to assist her in maintaining regular contact with victims, taking instructions and keeping victims regularly updated during the pre-trial stage of the proceedings.

⁵ See *supra* note 1.

⁶ 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.

⁷ [REDACTED]

9. The same approach to the legal representation of victims was adopted by Pre-Trial Chamber I in the case of *The Prosecutor v. Charles Blé Goudé* and the same team represented the victims admitted to participate in said proceedings.⁸

10. The team also availed itself of the support of the legal staff of the Office.

11. The Common Legal Representative informs the Chamber that, in January 2015, Mr Zoro Bi Ballo has resigned for professional reasons. He has indicated that [REDACTED]. All arrangements related to his resignation were finalised at the end of March 2015.

12. Although it has been and it is possible since then for the Common Legal Representative and other members of the team based in The Hague to maintain regular contact with the victims and to travel to Côte d'Ivoire frequently, the Common Legal Representative is of the opinion that the presence of a person in the field is necessary for the duration of the trial.

13. Said person will be based in Abidjan (Côte d'Ivoire) and he or she will act as the point of contact with victims in the country in order to collect their views and concerns, including on matters related to their safety, security and well-being. The person in the field will meet with victims on a regular basis to keep them informed and explain the procedural developments in the case, and will also act as focal point for the *liaison* and coordination with staff in the field of other organs or Registry sections.

14. The Common Legal Representative is currently in the process of identifying suitable candidates for that position with the aim of appointing the incumbent by June or July 2015. In this regard, the Common Legal Representative indicates that one person in the field who will dedicate his or her time to the case will be sufficient considering the number of victims already authorised to participate and the

⁸ See the "Decision on victims' participation in the pre-trial proceedings and related issues" (Pre-Trial Chamber I, Single Judge), No. ICC-02/11-02/11-83, 11 June 2014.

estimation provided by the Registry in relation to the number of possible applicants and the fact that the victims reside in Abidjan [REDACTED].

15. In relation to the profile of the person to be appointed, the Common Legal Representative [REDACTED].

16. The person ought to have extensive experience in the field; knowledge of the case and of the proceedings before the Court; knowledge of the local languages spoken by the majority of the victims; an understanding of the type of victimisation and of the cultural and ethnic background of the victims; availability to work on the case on a full-time basis. In accordance with article 7 of the Code of Professional Conduct for counsel, the designated person will act under the instructions of the lead counsel based in The Hague and in conformity with the terms of reference which will be previously agreed upon.

17. Finally, the Common Legal Representative also informs the Chamber that funds are now available directly in the OPCV 2015 budget for the appointment of said person and therefore there will be no need to resort to the legal aid budget.

2. Communication with victims for the purpose of keeping them informed and collecting their views and concerns

18. From the issuance of the first decisions on victims' participation in the *Gbagbo* case, between June 2012 and March 2015, the Common Legal Representative has undertaken a total of 20 missions in the field, meeting all victims on several occasions. Meetings took place in safe locations and were held in groups and individually. For group meetings, specific attention was given to the composition of the groups (for instance women were met together in order for them to express their concerns freely, without feeling coerced by the presence of men); as well as to the respect of cultural traditions (for instance in the Malian community young people were encouraged to speak after the floor was given to the most senior members).

Special attention was also given to particularly vulnerable victims and individuals enjoying dual status, and advice was requested from the VWU, when necessary. [REDACTED].

19. In order to make the communication more effective, victims are aware that they can contact the Common Legal Representative at any time [REDACTED].

20. In relation to the communication with victims, information sheets for general distribution have been regularly provided to victims, intermediaries and other stakeholders in order to clarify and explain the proceedings. This information complements the information provided directly to victims during individual gatherings and meetings with them in the field, mostly in between missions. In any case, regular communication with the victims is possible at any time because all of them are reachable via phone and a good number of them can access internet regularly.

21. While a minority of the victims might have some difficulties in fully understanding the complexity of the Court's proceedings, the Common Legal Representative has noticed that the large majority of them has a fair understanding of the proceedings, has been able to follow them, and, most importantly, has been able to provide on several occasions important input in order for their lawyer to be able to represent their interests before the Chamber.

22. Upon conclusion of the preliminary phase of the case, the Common Legal Representative assessed the working method with the team and verified with the victims whether they are satisfied with the system.

23. Victims have indicated that they value the efforts made by their legal representative and field staff to regularly travel to the locations where they reside to meet with them and have expressed their satisfaction with the system in place,

underlining in particular that they feel that their views and interests are duly taken into account and that they can trust their lawyer. Victims have also indicated that, despite the fact that the proceedings are long, they feel that justice is being done and that the Judges take into account their expectations.

24. Concerning the working method, the system of common legal representation implemented in the *Gbagbo* and *Blé Goudé* cases has shown that the added value deriving from the synergies of the combined collaboration between lawyers of the OPCV and external lawyers is substantial, particularly for the purpose of strengthening the effectiveness and the meaningfulness of victims' participation, and that such a system addresses the needs of victims in an efficient manner. The team has indicated that the sharing of knowledge and expertise has been particularly rich and that the fact of having a member of the team based in the field renders the exchange of information with the victims much more rapid and efficient.

Respectfully submitted.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is stylized with a large, flowing "P" and "M".

Paolina Massidda
Principal Counsel

Dated this 15th day of May 2015

At The Hague, the Netherlands