

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-02/11-01/15
Date: 3 February 2017

TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Geoffrey Henderson

SITUATION IN CÔTE D'IVOIRE

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

Public

**Submission of information
pursuant to Order ICC-02/11-01/15-787**

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 Emmanuel Altit

Ms Agathe Bahi Baroan

Counsel for Mr Blé Goudé

Mr Geert-Jan Alexander Knoops

Mr Claver N'Dry

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

Mr Alexis Larivière

**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**

Other

I. Background

1. On 23 January 2017, the Presiding Judge of Trial Chamber I (the “Presiding Judge” and the “Chamber”) issued an order requesting the parties and participants to submit information for the purposes of the conduct of the proceedings pursuant to article 64(2) of the Statute and rule 140 of the Rules of Procedure and Evidence (the “Order”).¹ In particular, the Presiding Judge invited the Legal Representative “to provide [...] information (i) as to which Prosecutor’s witnesses she intends to request leave to question and (ii) as to whether she intends to present evidence or to call witnesses, including an estimate as to the amount of time which the presentation of such evidence would require if the application were granted”.²

2. On 31 January 2017, the Prosecution filed its submission of information pursuant to the Order.³

3. The Legal Representative submits her observations pursuant to the Order.

II. Submissions

4. The Legal Representative preliminarily indicates that the information provided is merely indicative since the Prosecution case is still in the early stage and a very limited part of the Prosecution’s evidence has been presented.

¹ See the “Order requesting the parties and participants to submit observations for the purposes of the conduct of the proceedings pursuant to article 64(2) of the Statute and rule 140 of the Rules of Procedure and Evidence” (Trial Chamber I), No. ICC-02/11-01/15-787, 23 January 2017 (the “Order”).

² *Idem*, p. 6.

³ See the “Prosecution’s submission of information pursuant to Chamber’s order ICC-02/1-0115-787”, No. ICC-02/11-01/15-788, 31 January 2017.

1. Information as to which Prosecutor's witnesses the Legal Representative intends to request leave to question

5. The Legal Representative, having reviewed the Prosecution's submission, informs the Chamber that she intends to request leave to question the following witnesses: P-0108, P-0433, P-0436, P-0402, P-0438, P-0459, P-0109, P-0344, P-0184, P-0583, P-0172, P-0237, P-0581, P-0601, P-0585, P-0364, P-0363, P-0297, P-0362, P-0293, P-0105, P-0087, P-0185, P-0567, P-0568, P-0407, P-0554, P-0406, P-0404, P-0458, P-0564, P-0410, P-0584.

6. If leave to question is granted, the Legal Representative anticipates that her questioning will take in general no more than 30 minutes per witness.

7. The Legal Representative provides this information on the assumption that the Chamber will grant the upcoming Prosecution's application under rule 68(2)(b) and reserves her right to request to question other witnesses should she deem it appropriate to protect the interests of the victims she represents.

2. Information concerning the presentation of evidence by the Legal Representative

8. The Legal Representative recalls her submissions filed on 14 April 2015, in particular her observations at paragraphs 13-26,⁴ in relation to the possibility to seek the Chamber's authorisation to call witnesses or to request the appearance of some victims in person to present their views and concerns.

9. The Legal Representative informs the Chamber that she has the intention to request the appearance of three victims to present their views and concerns and that she is also considering the possibility to call a maximum of eight witnesses.

⁴ See the "Submissions on the Provisional Agenda for the Status Conference to be held on 21 April 2015", No. ICC-02/11-01/15-36, 14 April 2015.

10. This intention may vary depending on the developments in the presentation of the Prosecution's evidence. Indeed, at this point in time, the Legal Representative is not yet in the position to make a final assessment of whether presenting her proposed evidence is necessary to serve the interests of the victims she represents, and whether said persons are the best placed to provide evidence in order to contribute to the establishment of the truth.⁵ The Legal Representative will be able to make this assessment approximately one month before the end of the Prosecution's presentation of evidence.

11. The Legal Representative wishes already to indicate that in case she is authorised to present evidence, she will endeavour to use not more than 30 hours. In relation to the appearance of victims to present their views and concerns, the Legal Representative estimates that 1.5 hour per victim will be needed.

12. The Legal Representative also indicates that, if authorised, she will endeavour to be ready to start her presentation of evidence immediately after the end of the Prosecution's case.

13. Finally, the Legal Representative is not in a position to indicate whether she will ask for the presentation of documentary evidence. Should this be the case, she will file a request under paragraph 43 of the Amended Directions on the conduct of the proceedings approximately one month before the end of the presentation of the Prosecution's evidence.

Respectfully submitted.



Principal Counsel

Dated this 3rd day of February 2017

At The Hague, The Netherlands

⁵ See, *inter alia*, the "Decision on the Modalities of Victim Participation at Trial" (Trial Chamber II), No. ICC-01/04-01/07-1788-tENG, paras. 94-97. See also, the "Decision on the participation of victims in the trial proceedings" (Trial Chamber IV), No. ICC-02/05-03/09-545, 20 March 2014, para. 25.