

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 March 2012

PRE-TRIAL CHAMBER III

Before: Judge Silvia Fernández de Gurmendi, Presiding Judge
Judge Elizabeth Odio Benito
Judge Adrian Fulford

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

IN THE CASE OF THE PROSECUTOR v. LAURENT GBAGBO

PUBLIC

With Confidential Annexes A and B, *EX PARTE* only available to the Registry

Report on mapping of victims

Source: Registry

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

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Unrepresented Victims

**Unrepresented Applicants
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**Victims Participation and Reparations
Section**

Ms Fiona McKay

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

NOTING the Registry’s report on the organization of the participation of victims, filed with the status “confidential *ex parte* only available to the Registry on 23 January 2012 and public on 6 February 2012, in which the Registry proposed to start a mapping process enabling it to identify the victim population in the present case (“First Report”);¹

NOTING the Decision of the Single Judge of Pre-Trial Chamber III (respectively “Single Judge” and “Chamber”) on issues related to the victims’ application process, filed on 6 February 2012 (“6 February Decision”) ordering *inter alia* the Registry to start on an urgent basis the mapping process, which could serve as the foundation for a more collective approach to victims’ application, in the Republic of Côte d’Ivoire (“Côte d’Ivoire”) and submit a report to the Chamber by 12 March 2012;²

NOTING the Registry’s proposal of 29 February 2012 on a partly collective application form for victims’ participation, explaining *inter alia* that the mapping was under way;³

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

CONSIDERING that the Registry has undertaken with the help of an expert (“Consultant”) a comprehensive mapping exercise intended as a tool for facilitating

¹ ICC-02/11-01/11-29-Red, paras 35-36.

² ICC-02/11-01/11-33, p. 7. The Single Judge also 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 of Procedure and Evidence by 29 February 2012.

³ ICC-02/11-01/11-45, para. 25.

the participation in the proceedings of victims in the present case, whilst providing the basis for a more collective approach on the victims' application process;

CONSIDERING that the Registry has received a preliminary report from the Consultant on 6 March 2012 ("Preliminary Report");

CONSIDERING that this Preliminary report is filed with the status "Confidential *ex parte*, only available to the Registry", since it contains information which would identify persons who have communicated or may wish to communicate with the Court and who may thereby be put at risk;

TRANSMITS the following report on the progress of the mapping process in compliance with the 6 February Decision, along with the Preliminary Report and its terms of reference (Terms of Reference) attached thereto respectively as Annex A and Annex B.

Introduction

1. On 23 January 2012, the Registry submitted its First Report to the Chamber wherein it set out the approach it proposed to follow for the participation of victims in the case. The Registry recommended *inter alia* producing a mapping report as part of the proposed approach, which would identify, amongst other information, the main communities of victims affected by the crimes likely to be the subject of the Court proceedings in the present case as well as potential intermediaries who might be in a position to provide trustworthy assistance to the Registry in the conduct of its mandate, with a

view to ensuring predictability, effectiveness and expeditiousness of the victims' participation process.⁴

2. In its 6 February Decision, the Single Judge welcomed the Registry's proposal to undertake a mapping exercise, which in her view should, *inter alia* be used to:
 - (i) "identify main communities or groups of victims;
 - (ii) identify potential persons that could act on behalf of multiple individual victims, with their consent, in accordance with Rule 89(3) of the Rules;
 - (iii) encourage potential individual applicants to join with others and to that effect consent to a single application to be made on their behalf in accordance with Rules 89(3) of the Rule".⁵
3. The Single Judge further considered that the mapping process should be used to organize the legal representation of victims in accordance with Rule 90 of the Rules. To this effect, it should be used to assess whether the applicants could be grouped for the purposes of common legal representation and to identify potential common legal representatives.⁶
4. Accordingly, the Single Judge ordered the Registry to start the mapping process in Côte d'Ivoire on an urgent basis and to submit a report to the Chamber by 12 March 2012.⁷
5. The aim of the present report is therefore to update the Chamber on the progress of the mapping.

⁴ ICC-02/11-01/11-29-Red, paras 33-36.

⁵ ICC-02/11-01/11-33, para. 10.

⁶ *Ibid.*, para. 11.

⁷ *Ibid.*, p. 7.

I – Scope and timing of the mapping exercise

6. Following the opening of the case, the Registry took steps to engage the services of a Consultant to conduct a comprehensive mapping exercise on victims of the post-electoral violence in Côte d'Ivoire, based on Terms of Reference appended hereto as Annex B.
7. The recruitment process of the Consultant started in January 2012 and the Registry appointed him on 20 February 2012 for a period of 45 days. In light of the 6 February Decision, it was agreed with the Consultant that a preliminary report would be submitted to the Registry on 5 March 2012, so that the latter would be able to submit the present report. A final comprehensive report will be submitted by the Consultant at the end of the consultancy mission, taking into consideration any observations made by the Registry after receipt of the Preliminary Report.

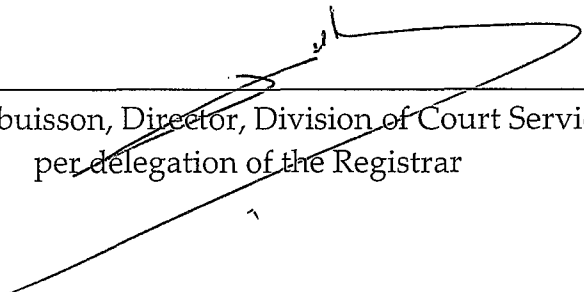
II – Summary of the Consultant's preliminary findings

8. The Preliminary Report mainly provides information on civil society actors that work with or provide assistance to victims of the post-electoral violence in Côte d'Ivoire. During the initial period, the Consultant focused exclusively on this aspect and did not provide information pertaining to victims' groups, indicating that he is working on this in parallel but is not yet in a position to provide a report.
9. The information in the Preliminary Report shows that there are a number of organisations legally constituted in associations under domestic law which provide assistance to the victim population throughout the country, and in particular in the affected areas. The Preliminary Report provides information on 10 organisations out of 61 which the Consultant envisages to screen during

his mission. While these organisations purport to represent all categories of victims, two of them focus exclusively on female victims.

10. While this preliminary information is an important first step, it does not permit as such to draw any objective conclusion with regards to specific possible groupings of victims for the purpose of applying to participate in the proceedings. This issue will be fully explored by the end of the consultancy mission in accordance with the Terms of Reference.

11. The Registry expects to be in a position to communicate to the Chamber any findings it will obtain in this regard after receiving the Consultant's final report which is due on 5 April 2012.



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

Dated this 12 March 2012

At The Hague, The Netherlands

List of Annexes :

- Annex A: Preliminary Mapping Report
- Annex B: Terms of Reference