

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/11
Date: 28 July 2011

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

Public

**Decision on the VPRS request for an extension of time to report on victims'
representations pursuant to Regulation 35 of the Regulations of the Court**

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

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massida

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

Mr Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Victims and Witnesses Unit

Mrs Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Mrs Fiona McKay

Others

PRE-TRIAL CHAMBER III of the International Criminal Court (the “Chamber”, the “Court”) issues the following Decision on the VPRS request for an extension of time to report on victims’ representations pursuant to Regulation 35 of the Regulations of the Court.¹

1. On 23 June 2011, the Prosecutor filed a “Request for authorization of an investigation pursuant to article 15” in which he requested leave from the Chamber to proceed with an investigation into the Situation in the Republic of Côte d’Ivoire in relation to the post-election violence (*viz.* since 28 November 2010).² The Prosecutor informed the Court that in compliance with Rule 50 of the Rules of Procedure and Evidence (“Rules”), on 17 June 2011, he had provided notice to the victims or their legal representatives of his intention to request authorization and he had informed them that pursuant to Regulation 50(1) of the Regulations of the Court (“Regulations”) they had 30 days to make their representations to the Chamber.³
2. On 6 July 2011, the Chamber ordered that all the representations received by the Court in relation to the Prosecutor’s Application are to be provided to the Victims Participation and Reparations Section (“VPRS”). The Chamber also ordered the VPRS to provide the Chamber with a single, consolidated report on the collective and individual representations by 1 August 2011, with the original representations annexed thereto.⁴

¹ Request for an Extension of Time to Report on Victims’ Representations Pursuant to Regulation 35 of the Regulations of the Court, 22 July 2011, ICC-02/11-8 (“VPRS request”).

² Situation in the Republic of Côte d’Ivoire, Request for authorisation of an investigation pursuant to article 15, Pre-Trial Chamber III, 23 June 2011, ICC-02/11-3.

³ ICC-02/11-3, paragraph 174.

⁴ Order to the Victims Participation and Reparations Section Concerning Victims’ Representations Pursuant to Article 15(3) of the Statute, 6 July 2011, ICC-02/11-6, p. 6.

3. On 22 July 2011, the Registry filed a "Request for an Extension of Time to Report on Victims' Representations Pursuant to Regulation 35 of the Regulations of the Court".⁵ The Registry informed the Chamber that it had received more than 450 documents, including written materials, compact discs and video tapes, which seemingly all form part of the victims' representations submitted under Article 15(3) of the Rome Statute ("Statute") and Rule 50(1) of the Rules. The Registry indicated that 309 of the 450 items had been received on 20 July 2011. In these circumstances, the Registrar requests an extension of the time limit until 29 August 2011 pursuant to Regulation 35 of the Regulations, in order to submit its report to the Chamber. The Registry submits that the limited resources of the VPRS as well as the numerous steps that need to be taken in order to comply with the Chamber's order of 6 July 2011 constitute good cause in accordance with Regulation 35 of the Regulations and justify a variation of the time limit.⁶
4. The Chamber reiterates its view that victims' representations at this stage have a limited purpose and that it is in the interest of the victims, in a general sense, for the Prosecutor's application to be considered expeditiously.⁷ However, the Chamber also acknowledges that due consideration should be given to the victims' representations that have been received under Article 15(3) of the Statute and Rule 50 of the Rules.
5. Therefore, the VPRS needs to analyse a considerable number of representations, of which a substantial percentage were received the day after the 30 day deadline expired. Given the relatively short timeframe imposed by the Chamber, the negligible delay in filing the latest tranche of material and the

⁵ VPRS request.

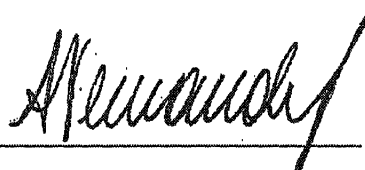
⁶ VPRS request, ICC-02/11-8, pp 4-5.

⁷ Order to the Victims Participation and Reparations Section Concerning Victims' Representations Pursuant to Article 15(3) of the Statute, 6 July 2011, ICC-02/11-6, ICC-02/11-6, paragraph 8.

importance of taking the views of the victims into account, the Chamber is persuaded that it should consider the entirety of these representations. Furthermore, in the Order of 6 July 2011, the Chamber instructed the VPRS to assess the representations received under Rule 85 of the Rules, in order to determine whether the individuals concerned are "victims" as defined in that Rule. This exercise requires significant work on the part of the VPRS and as regards many of the representations this work will only have recently begun (*viz.* after 20 July 2011).

6. In all the circumstances, good cause has been demonstrated in accordance with Regulation 35 of the Regulations. The Chamber therefore grants the request of the VPRS and extends the time limit to file the report on the victims' representations to 29 August 2011.

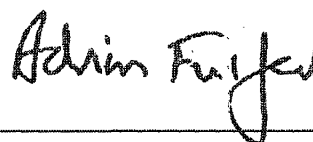
Done in both English and French, the English version being authoritative.



Judge Silvia Fernández de Gurmendi



Judge Elizabeth Odio Benito



Judge Adrian Fulford

Dated this 28 July 2011

At The Hague, The Netherlands