

**Cour
Pénale
Internationale**

**International
Criminal
Court**



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

Date: 2 October 2017

TRIAL CHAMBER I

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

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

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

Public

Submission of information
pursuant to the oral Order dated 28 August 2017

Source: Office of Public Counsel for Victims

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

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Unrepresented Victims

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I. Background

1. On 28 August 2017, Trial Chamber I (the “Chamber”) issued an order requesting the Legal Representative and the Defence to file submissions “*as to subsequent stages of the proceedings*” no later than 29 September 2017 (the “Order”).¹ In particular, the Presiding Judge requested the Legal Representative “*to indicate whether she intends to apply to present evidence and to provide an estimate as to the amount of time which the presentation of such evidence would require should the application be granted*”.²

2. On 22 September 2017, the Chamber clarified that the deadline of 29 September 2017 was extended to 2 October 2017, the original deadline falling on an ICC official holiday.³

3. The Legal Representative submits the following information pursuant to the Order.

II. Submissions

4. The Legal Representative recalls her submissions filed on 14 April 2015, and in particular her observations at paragraphs 13-26⁴ in relation to the possibility to seek the Chamber’s authorisation to call witnesses and/or to request the appearance of some victims in person to present their views and concerns; as well as her submissions filed on 3 February 2017.⁵

¹ See the transcript of the hearing held on 28 August 2017, No. ICC-02/11-01/15-T-181-ENG ET (open session), p. 2, lines 11-13 (the “Order”).

² *Idem*, p. 2, lines 13-16.

³ See the email received on 22 September 2017, at 10:08 hours.

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, paras. 13-26.

⁵ See the “Submission of information pursuant to Order ICC-02/11-01/15-787”, No. ICC-02/11-01/15-791, 3 February 2017, paras. 8-13.

A. Information concerning the Legal Representative's intention to request the appearance of victims to present their views and concerns

5. The Legal Representative informs the Chamber that she has the intention to request the appearance of a maximum of four victims to present their views and concerns.

6. In this regard, the Legal Representative recalls the established jurisprudence⁶ and she will argue, in her request, for the application of the same modalities that were put in place in the *Bemba*⁷ and *Ntaganda*⁸ cases. In relation to the appearance of victims to present their views and concerns, the Legal Representative estimates that 1.5 hour (1 session) per victim will be needed.

7. The Legal Representative indicates a preference for the presentation of views and concerns by victims to take place before the presentation of her evidence, if authorised.

⁶ See the "Decision on the request by victims a/0225/06, a/0229/06 and a/0270/07 to express their views and concerns in person and to present evidence during the trial" (Trial Chamber I), No. ICC-01/04-01/06-2032-Anx, 9 July 2009, paras. 17, 25-27. See also the "Decision on the presentation of views and concerns by victims a/0542/08, a/0394/08 and a/0511/08" (Trial Chamber III), No. ICC-01/05-01/08-2220, 24 May 2012, paras. 7-11; the "Decision on the Modalities of Victim Participation at Trial" (Trial Chamber II), No. ICC-01/04-01/07-1788-tENG, 22 January 2010, para. 44; the "Decision on the supplemented applications by the legal representatives of victims to present evidence and the views and concerns of victims" (Trial Chamber III), No. ICC-01/05-01/08-2138, 22 February 2012, paras. 19-20; and the "Decision on the presentation of views and concerns by victims a/0542/08, a/0394/08 and a/0511/08" (Trial Chamber III), No. ICC-01/05-01/08-2220, 24 May 2012, paras. 7-8.

⁷ See the "Decision on the supplemented applications by the legal representatives of victims to present evidence and the views and concerns of victims" (Trial Chamber III), No. ICC-01/05-01/08-2138, 22 February 2012.

⁸ See the "Public redacted version of 'Decision on the request by the Legal Representative of the Victims of the Attacks for leave to present evidence and victims' views and concerns' (10 February 2017, ICC-01/04-02/06-1780-Conf)" (Trial Chamber VI), No. ICC-01/04-02/06-1780-Red, 15 February 2017.

B. Information concerning the Legal Representative's intention to request authorisation to submit evidence

8. The Legal Representative informs the Chamber that she intends to request authorisation to call four witnesses. If authorised, the Legal Representative estimates that she would use between 12 and 15 hours in total for the questioning of the witnesses.

9. The Legal Representative also wishes to inform the Chamber that, despite her best efforts, she has not yet been able to complete her investigations. Indeed, it is only before the summer recess that it has become clear that the Prosecution will finalise its presentation of evidence much sooner than expected.

10. Since the summer recess, the Legal Representative has deployed significant efforts in order to identify the best placed individuals to give evidence and who could make a genuine contribution to the determination of the truth while providing important information that is not repetitive of the evidence presented by the Prosecution.⁹ The Legal Representative hopes to be able to finalise said investigations in the upcoming weeks.

⁹ See, *inter alia*, the "Decision on the Modalities of Victim Participation at Trial" (Trial Chamber II), No. ICC-01/04-01/07-1788-tENG, 22 January 2010, paras. 96. 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; and the "Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I's Decision on Victims' Participation of 18 January 2008" (Appeals Chamber), No. ICC-01/04-01/06-1432 OA9 OA10, 11 July 2008, para. 98.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Felim McCarthy', with a horizontal line drawn underneath the name.

Principal Counsel

Dated this 2nd day of October 2017

At The Hague, The Netherlands