



Original: English

No.: ICC-02/11-01/15  
Date: 8 November 2019

**THE APPEALS CHAMBER**

**Before:** Judge Chile Eboe-Osuji, Presiding  
Judge Howard Morrison  
Judge Piotr Hofmański  
Judge Luz del Carmen Ibáñez Carranza  
Judge Solomy Balungi Bossa

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE**

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

**Public**

**With Confidential *EX PARTE* Annexes 1 to 50 and A and B only available to the  
Registry**

**Transmission of Applications for Victim Participation in Appeal Proceedings and  
Related Report**

**Source:** Registry

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 James Stewart

Ms Helen Brady

**Defence**

**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**

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

**States' Representatives**

**Amicus Curiae**

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**Registrar**

Mr Peter Lewis

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**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Other**

## I. Introduction

1. The Victims Participation and Reparations Section (“VPRS”) of the Registry hereby submits for the Appeals Chamber’s consideration (“Chamber”) 50 applications for the purpose of victim participation in the present proceedings.

## II. Procedural history

2. On 6 March 2015, Trial Chamber I (“Trial Chamber”) set the victims’ application process for participation at trial in case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* (“Case”) and ordered the transmission of all complete applications for participation in the proceedings 60 days prior to the start of trial, together with a report to be filed only to the Trial Chamber.<sup>1</sup> The Trial Chamber also specified in its “Decision on victim participation” of 6 March 2015 (“6 March 2015 Decision”) that all complete applications linked to the Case should be transmitted: 1) to the Trial Chamber and to the Prosecution in unredacted form; and 2) to the Defence in redacted form (“Victims’ Application Process at Trial”).<sup>2</sup>
3. On 15 January 2019, the Trial Chamber issued an oral decision acquitting by majority, Judge Olga Herrera Carbuccion dissenting, Mr Laurent Gbagbo and

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<sup>1</sup> On 28 October 2015, Trial Chamber I rescheduled the date for the commencement of the trial of the Case initially set on 10 November 2015 (see Trial Chamber I, “Order setting the commencement date for trial”, 7 May 2015, ICC-02/11-01/15-58, para. 16 and operative p. 12) to 28 January 2016 (see Trial Chamber I, “Decision granting the request of the Gbagbo Defence and re-scheduling opening statements”, 28 October 2015, ICC-02/11-01/15-322, para. 11 and operative p. 7).

<sup>2</sup> *The Prosecutor v. Laurent Gbagbo*, Trial Chamber I, “Decision on victim participation”, 6 March 2015, ICC-02/11-01/11-800, paras. 48-52 and operative, pp. 24-25. The Registry notes that the 6 March 2015 Decision continued to apply after Trial Chamber I decided to join the cases *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* (see *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Trial Chamber I, “Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters”, 11 March 2015, ICC-02/11-01/15-1, paras. 68 and 74 and operative p. 33).

Mr Charles Blé Goudé of all charges.<sup>3</sup> This oral decision was complemented on 16 July 2019 with written reasons (altogether “Judgment”).<sup>4</sup>

4. On 16 September 2019, the Prosecutor filed a notice of appeal against the Judgment.<sup>5</sup> This was followed by the Prosecutor’s document in support of appeal on 17 October 2019.<sup>6</sup>

### III. Classification

5. In accordance with regulation 23 *bis*(1) of the Regulations of the Court (“RoC”) and pursuant to article 68(1) of the Statute, the 50 applications assessed as complete and linked to the Case (Annexes 1 to 50) are classified as confidential *ex parte*, available only to the Registry, as they contain information which may lead to the identification of applicants.
6. In accordance with the 6 March 2015 Decision and pursuant to regulation 23 *bis*(2) of the RoC, the assessment of these applications as well as an explanation of the criteria applied (Annexes A and B) are classified as confidential *ex parte* available only to the Registry.<sup>7</sup>

### IV. Applicable Law

7. The present submission is made pursuant to article 68(1) and (3) of the Statute, rule 89(1) of the Rules and regulations 80 and 86(5) of the RoC.

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<sup>3</sup> Trial Chamber I, 15 January 2019, ICC-02/11-01/15-T-232-Eng, p. 1, line 15 to p. 5, line 7.

<sup>4</sup> Trial Chamber I, “Reasons for oral decision of 15 January 2019 on the *Requête de la Défense de Laurent Gbagbo afin qu’un jugement d’acquittement portant sur toutes les charges soit prononcé en faveur de Laurent Gbagbo et que sa mise en liberté immédiate soit ordonnée*, and on the Blé Goudé Defence no case to answer motion”, 16 July 2019, ICC-02/11-01/15-1263, as well as relevant Annexes.

<sup>5</sup> Prosecutor, “Prosecution Notice of Appeal”, 16 September 2019, ICC-02/11-01/15-1270, with its corrected version submitted on 17 September 2019, ICC-02/11-01/15-1270-Corr.

<sup>6</sup> Prosecutor, Public redacted version of “Prosecution Document in Support of Appeal”, ICC02/11-01/15-1277-Conf, 15 October 2019, ICC-02/11-01/15-1277-Red, 17 October 2019.

<sup>7</sup> 6 March 2015 Decision, para. 52.

## V. Submissions

8. During the trial phase,<sup>8</sup> the VPRS received 51 new applications for participation in the proceedings<sup>9</sup> that were not transmitted for the Trial Chamber's consideration as they had been received after the expiration of the 60-day deadline prior to the start of trial. Out of these, 50 applications have been assessed by the VPRS as complete and linked to the Case ("Applications"), and one application has been assessed as incomplete.<sup>10</sup>
9. The VPRS notes that all these applicants are currently unrepresented. If the Appeals Chamber were to be minded to accept the applications hereby submitted for the purpose of victim participation in the present proceedings, the VPRS respectfully recommends that the mandate of the current Common Legal Representative of the victims authorised to participate be extended to also cover any new applicants for participation in the present proceedings.<sup>11</sup>
10. The VPRS hereby transmits to the Chamber: 1) as Annexes 1 to 50 to this submission, the Applications in original version; 2) as Annex A to this submission, an explanation of the criteria applied by the Registry in the legal assessment of the Applications; 3) as Annex B to this submission, a table listing the result of the VPRS's legal assessment against the requirements of rule 85 of the Rules for each of the Applications.
11. Should the Chamber consider the participation of these Applicants appropriate at the appeals stage of the proceedings, the VPRS stands ready, if

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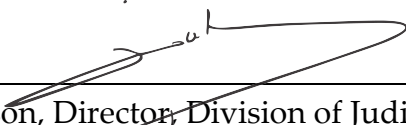
<sup>8</sup> Between 26 May 2017 and 24 November 2017.

<sup>9</sup> The Registry does not include in the present transmission two application forms identified as duplicates.

<sup>10</sup> Despite its best efforts, the Registry has not been able to reach the applicant who apparently moved residence, with new contact details unknown.

<sup>11</sup> The current Common Legal Representative in the Case (OPCV) was appointed so far to represent the victims authorised to participate in the proceedings. See for the pre-trial stage Pre-Trial Chamber I, "Decision on Victims' Participation and Victims' Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings", 4 June 2012, ICC-02/11-01/11-138, par. 44, and "Decision on victims' participation in the pre-trial proceedings and related issues", 11 June 2014, ICC-02/11-02/11-83, para. 24; see for the trial stage the 6 March 2015 Decision, paras. 61 to 63 and Trial Chamber I, "Directions on the conduct of the proceedings", 3 September 2015, ICC-02/11-01/15-205, paras. 67 to 70 and disposition, p. 24.

so ordered by the Chamber, to follow the victim application process as ordered at trial,<sup>12</sup> and to: 1) transmit a confidential unredacted version of the Applications to the Prosecutor; and 2) transmit a confidential redacted version of the Applications to the Defence.



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Marc Dubuisson, Director, Division of Judicial Services  
On behalf of Peter Lewis, Registrar

Dated this 8 November 2019

At The Hague, The Netherlands

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<sup>12</sup> See footnote 2.