

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 March 2012

PRE-TRIAL CHAMBER III

Before: Judge Silvia Fernández de Gurmendi, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO***

Public document

**Decision on the "Application by Redress Trust for Leave to Submit
Observations to Pre-Trial Chamber III of the International Criminal Court
Pursuant to Rule 103 of the Rules of Procedure and Evidence"**

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

Mr Emmanuel Altit

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

Redress Trust

REGISTRY

Registrar

Ms Silvana Arbia

Detention Section

Victims and Witnesses Unit

Others

**Victims Participation and
Reparations Section**

Judge Silvia Fernández de Gurmendi, Single Judge for Pre-Trial Chamber III of the International Criminal Court (“Chamber”), responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Laurent Gbagbo*¹ hereby renders this decision on the “Application by REDRESS Trust for Leave to Submit Observations to Pre-Trial Chamber III of the International Criminal Court Pursuant to Rule 103 of the Rules of Procedure and Evidence” (“Application”).²

1. On 6 February 2012, the Single Judge issued the “Decision on issues related to the victims’ application process”, wherein she, *inter alia*, 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 by 29 February 2012”.³

2. On 29 February 2012, the Registry filed its “Proposal on a partly collective application form for victims’ participation”.⁴

3. On 2 March 2012, the Single Judge issued the “Decision inviting observations from the parties in relation to the victims’ application process”, inviting the Prosecutor and the Defence to present their observations on the “Proposal on a partly collective application form for victims’ participation” by 9 March 2012.⁵

4. Also on 2 March 2012, the Redress Trust (“REDRESS”) filed its Application, wherein it requests that it be granted leave to submit written observations, within a time period determined by the Court, on the following issues:

¹ Oral Decision of the Chamber, 5 December 2011, ICC-02/11-01/11-T-1-ENG, page 8.

² ICC-02/11-01/11-46 and Annex.

³ ICC-02/11-01/11-33, p. 7.

⁴ ICC-02/11-01/11-45 and Annexes A and B.

⁵ ICC-02/11-01/11-47, p. 5.

- (i) “The practice and procedures of relevant regional and international courts and/or administrative bodies as well as any relevant domestic practice which considers approaches to the collective participation of victims of mass crimes. In particular, the Applicant would propose to draw to the Chamber’s attention any relevant practice on application processes or other procedures used to collate and process in a collective way, expressions of interest from victims to participate in legal or administrative proceedings.
- (ii) The challenges faced by victims of mass crimes in various jurisdictions in applying to participate in court proceedings. In this respect, the applicant seeks to draw general conclusions from its work in a variety of countries and will not seek to address the concerns of any particular groups of victims.”⁶

5. In support of its Application, REDRESS submits that it is “an international nongovernmental organisation with a mandate to seek justice and reparation for victims of torture and related international crimes” and that it “has considerable expertise in advocating for the rights of victims to gain both access to the courts and redress for their suffering”.⁷ Furthermore, REDRESS submits that, as a result of its work, it “has knowledge of the practical aspects and challenges involved in assisting victims to understand and engage with the application process before the ICC”.⁸

6. The Single Judge notes Rule 103 of the Rules of Procedure and Evidence (“Rules”) and Regulation 34 of the Regulations of the Court. She notes in particular that Rule 103(1) of the Rules provides that “a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate”.

7. Upon review of the Application, the Single Judge is of the view that REDRESS meets the requirements set out in Rule 103(1) and that it is desirable

⁶ ICC-02/11-01/11-46, para. 22 and p. 9.

⁷ ICC-02/11-01/11-46, para. 8.

⁸ ICC-02/11-01/11-46, para. 16.

for the proper determination of the case that leave to submit *amicus curiae* observations is granted on the proposed issues. In order to ensure that any decision by the Chamber in relation to the victims' application process is taken without undue delay, the Single Judge considers it appropriate to set 16 March 2012 as the time limit for REDRESS to file its observations with the Registrar.

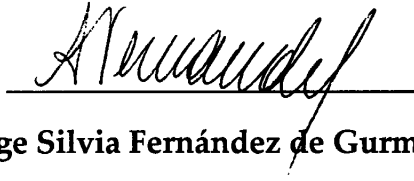
8. In addition, the Single Judge notes that according to Rule 103(2) of the Rules, the Prosecutor and the Defence shall have the opportunity to respond to observations received under Rule 103(1) of the Rules within the time limits determined by the Chamber in accordance with Rule 103 (3). The Single Judge considers it appropriate to set 23 March 2012 as the time limit for the parties' responses, if any.

FOR THESE REASONS THE SINGLE JUDGE HEREBY

GRANTS REDRESS leave to submit observations on the issues identified at paragraph 4 of the present decision by 16 March 2012;

ORDERS the Prosecutor and the Defence to file their responses, if any, by 23 March 2012.

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

A handwritten signature in black ink, appearing to read 'S. Fernández de Gurmendi', is written over a solid horizontal line.

Judge Silvia Fernández de Gurmendi

Single Judge

Dated this 8 March 2012

At The Hague, The Netherlands