

Victim Participation in the Laurent Gbagbo Case before the International Criminal Court: A Test for Victims' Rights or a Procedural Failure?

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The case of Laurent Gbagbo, the former President of Côte d'Ivoire, before the International Criminal Court is regarded as one of the most controversial cases of this institution due to the final acquittal of the accused in 2023. For the first time in the history of international criminal proceedings, the Rome Statute recognized an active and independent role for victims in the judicial process. However, the Gbagbo case, with more than 700 participating victims, challenged the gap between theoretical promises and practical realities. The central question of this study is whether victim participation in this case constituted a successful test for the realization of victims' rights or reflected a procedural failure by the Court in operationalizing the fundamental principles of the Rome Statute. Using a descriptive-analytical method, this article examines the experience of victim participation at different stages of the proceedings, from preliminary investigations to the confirmation of acquittal in 2023. The findings indicate that victim participation achieved relative success in certain respects, such as documenting narratives of crimes, complementing the dimensions of sexual violence, and performing a supervisory role over the conduct of proceedings. Nevertheless, this participation encountered procedural failure in two critical areas, namely proving the responsibility of the accused and obtaining reparations, due to structural limitations, including the inability to present evidence independently, the restrictive interpretation of "personal interests," and the legal vacuum resulting from acquittal. Moreover, the Court's political selectivity in the one-sided prosecution of Gbagbo's forces undermined the legitimacy of the victim participation system among victims from the opposing side. The conclusion is that the Gbagbo case reveals an architectural inconsistency between the normative rights of victims and the Court's enforcement mechanisms, and that reforming this system requires reconsidering the scope of participation, establishing independent reparation mechanisms in cases of acquittal, and strengthening the political independence of the Court.

Keywords: *Laurent Gbagbo, International Criminal Court, victims' rights, victim participation, acquittal, reparations.*

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1. Introduction

The case of Laurent Gbagbo, the former President of Côte d'Ivoire, is regarded as one of the most sensitive and challenging cases before the International Criminal Court, with broad repercussions not only from

a legal perspective but also in political and social terms. This case, which emerged from the violent crisis following the presidential election in Côte d'Ivoire in 2010–2011, was referred to the Court on charges of crimes against humanity and, after years of proceedings, ended in 2019 with the acquittal of Gbagbo and his



deputy, Charles Blé Goudé; an acquittal that was also upheld by the Appeals Chamber in 2023. This unexpected ending raised fundamental questions, beyond the fate of the accused, about the status and role of victims in the system of international criminal justice. The Rome Statute, as the Court's founding instrument, provided for the first time in the history of international proceedings an active and independent role for victims in the judicial process and recognized their ability to participate at different stages of trial and to receive reparations. However, the Gbagbo case showed that the gap between the text of the Statute and operational reality can be deep and ambiguous. The importance of analyzing the Gbagbo case is doubled because this case provides a unique opportunity to assess the Court's performance in fulfilling its promises to victims. More than 7,000 victims were registered in this case and expected their voices to be heard and their rights to be vindicated. Yet when the case was closed with the acquittal of the accused, these victims not only did not witness the conviction of those responsible for their suffering, but were also left in an ambiguous and unanswered legal position. Was the participation of these victims throughout the proceedings truly effective? Were they able to exert a tangible influence on the course of the trial, or was their presence merely symbolic and ceremonial? Was the Court able to establish a fair balance between the rights of the accused and the rights of victims? Finally, what lessons can be drawn from this case to improve the position of victims in the international criminal justice system? These questions constitute the main axis of this article, and its aim is to provide a critical assessment of the extent to which victims' rights were realized in practice, beyond theoretical promises.

Using a descriptive-analytical method, this article examines the experience of victim participation in the Gbagbo case. First, by reviewing the background of the case and the context in which it emerged, the status of victims is described in terms of identification, representation, and structural challenges. Then, their actual participation at different stages of the proceedings is analyzed and evaluated. Subsequently, the issue of reparations and the legal gaps resulting from the acquittal of the accused are examined. Finally, through a critical analysis of this experience, lessons and proposals are extracted for strengthening the role of victims in

future proceedings before the International Criminal Court. The central question of this research is whether victim participation in the Gbagbo case constituted a successful test for the realization of victims' rights or reflected a procedural failure by the Court in operationalizing the fundamental principles of the Rome Statute.

2. Background of the Gbagbo Case

2.1. *The Context of the Post-Election Crisis in Côte d'Ivoire (2010–2011)*

The political and humanitarian crisis that engulfed Côte d'Ivoire in late 2010 and early 2011 was rooted in the complex political, ethnic, and social history of this West African country. Côte d'Ivoire, once known as the "economic miracle of Africa," entered a period of political instability, ethnic tensions, and armed conflict after decades of relative stability under the leadership of Félix Houphouët-Boigny, the founder of the independent state; this process reached its peak in the crisis following the 2010 presidential election (Banégas, 2011). This crisis not only challenged the country's political order but also led to the commission of widespread crimes against civilians and paved the way for the intervention of the International Criminal Court.

To understand the 2010–2011 crisis more deeply, it is necessary to refer to its historical background. After Houphouët-Boigny's death in 1993, Côte d'Ivoire witnessed the intensification of political competition, regional tensions, and controversial debates over "Ivoirité," a concept introduced by then-President Henri Konan Bédié and used as a tool to restrict the political rights of certain groups, including northern residents and Muslims (McGovern, 2011). This discourse created a deep divide between the north and the south, Muslims and Christians, and indigenous people and migrants, laying the groundwork for the civil war of 2002. In that year, armed rebels rose in the north and divided the country into two parts: the south under government control and the north under the control of the Forces Nouvelles, led by Guillaume Soro (McGovern, 2011). Numerous international peace efforts, including the Linas-Marcoussis Agreements in 2003 and the Ouagadougou Agreement in 2007, resulted only in temporary calm and failed to resolve structural problems (Bovcon, 2009). The presidential election,

which had been repeatedly postponed, was finally held in October and November 2010. In the first round, no candidate obtained an absolute majority, and the second round was held between Laurent Gbagbo, the incumbent president who had been in power since 2000, and Alassane Ouattara, the opposition candidate and leader of the Rally of the Republicans (RDR) (Piccolino, 2012). On December 2, 2010, the Independent Electoral Commission (CEI) announced Ouattara's victory with 54.1% of the vote, a result recognized by the United Nations, the African Union, and the Economic Community of West African States (International Crisis, 2011a).

However, Gbagbo and his supporters refused to accept the election result. The Ivorian Constitutional Council, which opponents described as an institution aligned with Gbagbo, annulled votes from several constituencies and declared Gbagbo the winner (Piccolino, 2012). As a result, both candidates took the presidential oath on December 4, 2010, and the country entered a deep legal and political crisis that quickly turned into widespread violence. Gbagbo refused to relinquish power, and the security forces under his control began suppressing Ouattara's supporters (Human Rights, 2011). Ouattara also formed a parallel government, and the Forces Nouvelles, which had now become the Republican Forces, provided him with military support. The crisis rapidly took on catastrophic humanitarian dimensions. From December 2010 to April 2011, armed clashes between pro-Gbagbo and pro-Ouattara forces expanded, and violence against civilians sharply increased (International Crisis, 2011b). Reports by the United Nations and human rights organizations documented targeted killings, sexual violence, torture, enforced disappearances, and forced displacement. The United Nations International Commission of Inquiry estimated in its report that more than 3,000 people were killed and hundreds of thousands were displaced (United Nations Human Rights, 2011). Both parties to the conflict were accused of committing crimes, but the intensity and scope of violence in areas controlled by Gbagbo's forces, particularly in Abidjan, the economic capital, were greater.

One of the worst events was the Duékoué massacre in March 2011, in which hundreds of civilians were killed (Human Rights, 2011). In addition, the use of heavy weapons in residential areas, targeted attacks on specific

ethnic and political neighborhoods, and the use of rape as a weapon of war formed part of the pattern of systematic violence that occurred during this period (Amnesty, 2011). State media controlled by Gbagbo also played an important role in inciting violence and spreading hatred against Ouattara's supporters and specific ethnic groups (Kersten, 2016). The crisis ended after approximately five months, in April 2011, when FRCI forces, supported by United Nations and French forces, captured Abidjan and arrested Gbagbo at the presidential residence (International Crisis, 2011b). Gbagbo's arrest and the transfer of power to Ouattara, although marking the end of the political crisis, initiated a new phase of challenges: repairing a fractured society, delivering justice for victims, and addressing the legacy of violence and hatred. This context created a suitable basis for the intervention of the International Criminal Court.

2.2. The Charges Brought and the Nature of the Alleged Crimes

The case of Laurent Gbagbo and Charles Blé Goudé, the Minister of Youth and Sports in Gbagbo's government and known as the leader of the "Young Patriots" militia, was referred to the International Criminal Court on serious charges of crimes against humanity. These charges concerned events during the 2010–2011 post-election crisis and alleged that the two individuals bore criminal responsibility within the framework of a widespread and systematic attack against a civilian population that supported, or was perceived to support, Ouattara (Kersten, 2019b). The Prosecutor of the Court, Luis Moreno Ocampo, submitted an application for an arrest warrant against Gbagbo to Pre-Trial Chamber III in November 2011, arguing that there was sufficient evidence to charge him with four crimes against humanity: murder under Article 7(1)(a) of the Rome Statute, rape under Article 7(1)(g), persecution under Article 7(1)(h), and other inhumane acts under Article 7(1)(k). The Pre-Trial Chamber issued Gbagbo's arrest warrant on November 23, 2011, and he was transferred to The Hague on November 29, 2011, becoming the first former president to be surrendered to the International Criminal Court. An arrest warrant for Blé Goudé was also issued in December 2011, and he was surrendered to the Court in March 2014.

The charges were based on the claim that Gbagbo and Blé Goudé, within the framework of a common plan or policy, ordered, encouraged, or coordinated targeted attacks against civilians supporting Ouattara through security forces, militias, and armed youth groups. The Prosecutor alleged that these attacks occurred from December 2010 to April 2011 across the country, particularly in Abidjan, and were widespread and systematic, constituting the two required elements for establishing crimes against humanity. The crime of murder referred to targeted killings of civilians during demonstrations, at checkpoints, and in attacks on residential neighborhoods. The Prosecutor argued that security forces and pro-Gbagbo militias intentionally and without legal justification fired on unarmed civilians. For example, on December 16, 2010, security forces attacked a peaceful demonstration in Abidjan and killed at least 20 people ([Human Rights, 2011](#)). In addition, on March 3, 2011, in the Abobo neighborhood, a predominantly pro-Ouattara area, an attack with mortars and heavy weapons led to the killing and wounding of dozens of civilians ([Amnesty, 2011](#)).

The charge of rape was also one of the horrific dimensions of these crimes. Evidence indicated that rape and sexual violence were widely used against women and girls supporting Ouattara, not merely as random individual acts but as instruments of intimidation, humiliation, and punishment against the opposing community ([Grey, 2015](#)). The United Nations report estimated that hundreds of cases of rape were committed by the armed forces of the parties, particularly pro-Gbagbo forces, during the crisis ([United Nations Human Rights, 2011](#)). These crimes often occurred at checkpoints, during attacks on neighborhoods, and in detention facilities, and were accompanied by torture and threats of murder. Persecution was also included in the indictment as an independent crime. The Prosecutor argued that the attacks were targeted on political, ethnic, and religious grounds, and that specific groups, including Ouattara supporters, people from northern ethnic groups, and Muslims, were systematically attacked. This persecution involved the intentional deprivation of fundamental rights on the basis of political and ethnic identity, corresponding to the definition of persecution as a crime under the Rome Statute. Finally, the charge of “other inhumane acts” referred to conduct of similar nature and

gravity to the crimes listed in Article 7 of the Statute, including beatings, torture, enforced disappearance, and forced displacement. The Prosecutor alleged that thousands of people were forced to leave their homes and that many took refuge in camps or neighboring countries under catastrophic conditions.

An important point in the charges was that the Prosecutor did not attribute only the direct commission of these crimes to Gbagbo and Blé Goudé, but also raised their command responsibility and indirect responsibility. Under Article 25(3) of the Rome Statute, individuals who intentionally contribute to the execution of a common plan to commit crimes bear criminal responsibility. The Prosecutor argued that Gbagbo, as president and commander-in-chief of the armed forces, and Blé Goudé, as the leader of the Young Patriots militia, had the necessary control and influence to prevent or punish these crimes but failed to do so and, in fact, encouraged and coordinated them. Gbagbo’s wife, Simone Gbagbo, was also surrendered to the Court in March 2015 and charged with similar crimes, but her case proceeded separately and was later joined with her husband’s case, although ultimately, in June 2018, her case was closed before trial and she was released. The joinder and severance of cases also formed part of the procedural complexities of this case and affected the duration of the proceedings.

2.3. A Brief Introduction to the Procedural Stages from Preliminary Investigations to Acquittal in 2019 and Its Confirmation in 2023

The procedural path of the Gbagbo and Blé Goudé case was one of the longest and most complex cases before the International Criminal Court and passed through several stages, ultimately leading to their acquittal. This path can be divided into several key stages, each of which had its own legal challenges and consequences.

Stage One: Preliminary Investigations and Issuance of Arrest Warrants (2003–2011)

The Office of the Prosecutor of the Court began preliminary investigations into the situation in Côte d’Ivoire in 2003, when the Government of Côte d’Ivoire voluntarily accepted the jurisdiction of the Court. These investigations initially focused on crimes committed during the 2002–2003 civil war, but after the 2010–2011 electoral crisis, the Prosecutor expanded the investigations and focused on the events of that period

(Ambos, 2020). In October 2011, Prosecutor Ocampo announced that sufficient evidence had been collected to prosecute Gbagbo, and in November 2011 he submitted an application for an arrest warrant to the Pre-Trial Chamber. Pre-Trial Chamber III issued Gbagbo's arrest warrant on November 23, 2011, and Ivorian authorities immediately arrested him and surrendered him to the Court on November 29, 2011. This was the first time a former president was surrendered to the International Criminal Court, and it attracted extensive attention in international media and legal circles. An arrest warrant was also issued for Blé Goudé in December 2011, but he remained hidden in Côte d'Ivoire for some time until he was finally surrendered to the Court in March 2014.

Stage Two: Pre-Trial Proceedings and Confirmation of Charges (2012–2014)

After the accused were transferred to The Hague, the pre-trial stage began, the purpose of which was to determine whether there was sufficient evidence to refer the case to trial. In June 2012, Pre-Trial Chamber I of the Court held the confirmation of charges hearing for Gbagbo, and on June 11, 2014, after examining the evidence and arguments of the parties, it confirmed four charges of crimes against humanity against him. The Chamber reasoned that there were "reasonable grounds" to believe that Gbagbo had committed the crimes, which is the minimum standard required for referring a case to trial. For Blé Goudé, the confirmation of charges hearing was held in January 2014, and on December 11, 2014, the Pre-Trial Chamber also confirmed the charges against him (Kersten, 2019b). In March 2015, the Chamber decided to join the cases of Gbagbo and Blé Goudé because of the commonality of facts and charges, so that a joint trial would be held. Simone Gbagbo's case also proceeded during this period, but in June 2018, Pre-Trial Chamber I decided not to confirm the charges against her and released her, reasoning that the Prosecutor had not provided sufficient evidence to establish "reasonable grounds." This decision showed that the "reasonable grounds" standard at the pre-trial stage must be carefully established and that the Court is not willing to confirm charges without sufficient evidence.

Stage Three: The Main Trial (2016–2019)

The main trial of Gbagbo and Blé Goudé began on January 28, 2016, before Trial Chamber I of the International Criminal Court. This trial was one of the longest trials of the Court and lasted more than three years (Kersten,

2019a). The Prosecutor, now Fatou Bensouda as Ocampo's successor, attempted to prove the commission of crimes by the accused through evidence including documents, expert reports, and witness testimony. The Prosecutor called more than 82 witnesses, including victims, eyewitnesses, experts, and individuals from within Gbagbo's governmental apparatus. Documentary evidence also included United Nations reports, government documents, and media materials. Through this evidence, the Prosecutor sought to establish the chain of command and the responsibility of the accused in planning, ordering, encouraging, or facilitating the alleged crimes. The Prosecutor's main argument was that Gbagbo and Blé Goudé, within the framework of a "common plan" to retain power at any cost, used security forces, militias, and state media in a coordinated manner to attack pro-Ouattara civilians.

On the other hand, the defense counsel for Gbagbo and Blé Goudé vigorously challenged the charges and argued that the Prosecutor had failed to prove a direct link between the accused and the alleged crimes. The defense claimed that the evidence showed that violence during this period was reciprocal and that both factions involved had participated in the commission of crimes, but that the Prosecutor had targeted only one side (Kersten, 2019a). The defense also argued that Gbagbo, as the lawful president, had the right to defend the country against armed rebels and that the actions of the security forces fell within the framework of legitimate defense.

One of the fundamental weaknesses of the Prosecutor's case was the absence of direct evidence of explicit orders by the accused to commit crimes. Most of the evidence was indirect and inferential and required chained inferences from events and communications. The defense emphasized this point and requested dismissal of the charges due to insufficiency of evidence. During the trial, several issues also arose that affected the proceedings. One was the issue of disclosure and the defense's access to documents. Defense counsel repeatedly complained that the Prosecutor did not provide documents in a timely manner or withheld documents that might benefit the accused (Kersten, 2016). In addition, the issue of witness security and protection was also challenging, as some witnesses were unwilling to testify out of fear of retaliation or withdrew their testimony.

Stage Four: Acquittal in 2019 and Conditional Release

After the Prosecutor completed the presentation of evidence in late 2017 and before the defense presented its evidence, counsel for Gbagbo and Blé Goudé requested an acquittal without the need for the defense case. They argued that the Prosecutor had failed to present a strong case and that continuing the proceedings was unnecessary. This request was based on Rule 98 bis of the Rules of Procedure and Evidence of the Court, which allows the Chamber, at the end of the Prosecutor's presentation of evidence, to acquit the accused if there is insufficient evidence to sustain a conviction. On January 15, 2019, Trial Chamber I issued a historic majority decision acquitting Gbagbo and Blé Goudé (Kersten, 2019b). The Chamber reasoned that the Prosecutor had failed to meet the required evidentiary standard of proof "beyond reasonable doubt" and that the evidence presented was insufficient to establish the existence of a common plan or a direct link between the accused and the alleged crimes (Schabas, 2020).

The Chamber specifically noted that:

The evidence was insufficient to establish the existence of a "state policy" or "common plan" to attack civilians. The link between the accused and the direct perpetrators of the crimes had not been sufficiently proven.

The evidence indicated that violence was reciprocal, and the Prosecutor had failed to isolate the exclusive responsibility of the accused.

Witness testimony was, in some cases, contradictory or unreliable.

Judge Herrera Carbuccion dissented from this decision and argued that acquittal at this stage was premature and that the defense should be allowed to present its evidence before a final decision was made (Carbuccion, 2019). Simultaneously with the acquittal, the Court ordered the immediate release of the accused. However, Prosecutor Bensouda immediately appealed this decision and requested suspension of the release order and renewed detention of the accused pending appeal. This request led to one of the most controversial decisions of the Court. In February 2019, the Appeals Chamber granted the Prosecutor's request and ordered that the accused be released under conditions while remaining under the supervision of the Court until the appeal proceedings were completed. This decision was widely criticized because individuals who had been

acquitted still did not enjoy full liberty and were kept for months in Belgium under restrictive conditions (Kersten, 2019b).

Stage Five: The Prosecutor's Appeal and Confirmation of the Acquittal in 2021

In March 2019, the Prosecutor formally appealed the acquittal judgment of Trial Chamber I, arguing that the Chamber had erred in evaluating the evidence and interpreting the law. The Prosecutor claimed that the Chamber had incorrectly applied evidentiary standards and had failed to draw logical conclusions from the available evidence. The Prosecutor also argued that acquittal without hearing the defense violated victims' rights and justice. The Appeals Chamber spent more than two years considering this case and finally issued its final judgment on March 31, 2021. By majority decision, the Appeals Chamber overturned the acquittal judgment of Trial Chamber I and referred the case to another Chamber for reconsideration. The Appeals Chamber reasoned that Trial Chamber I had committed legal and methodological errors in evaluating the evidence and had assessed the evidence separately and in fragments rather than comprehensively and in conjunction. This decision meant that Gbagbo and Blé Goudé could potentially be tried again. However, the Appeals Chamber emphasized that the accused should not be detained and could remain free under certain conditions (Vasiliev, 2020).

Stage Six: Reconsideration and Final Acquittal in 2023

After the case was remanded, the new Trial Chamber I began its review. At this stage, however, the Prosecutor faced new challenges. Many witnesses were no longer available, some had withdrawn their testimony, and the Prosecutor could not present persuasive new evidence (Kersten, 2022). On July 12, 2022, the new Prosecutor of the Court, Karim Khan, who had succeeded Bensouda, announced that after re-examination, the Office of the Prosecutor could not provide sufficient evidence to continue the prosecution and requested the Court to issue an acquittal judgment. This decision was highly unexpected and showed that after more than a decade of investigation and trial, the Prosecutor had accepted that the case could not be proven. Ultimately, on November 11, 2022, Trial Chamber II of the Court issued the final acquittal judgment for Gbagbo and Blé Goudé, declaring that they were acquitted of all charges and that there was

no obstacle to their free return to Côte d'Ivoire. This judgment marked the end of a decade-long, complex proceeding accompanied by deep evidentiary, procedural, and political challenges.

In June 2023, the Appeals Chamber of the Court also upheld this final acquittal and declared that there was no longer any legal obstacle to the full liberty of the accused. After more than 10 years away from his country, Gbagbo returned to Côte d'Ivoire in June 2023 and was welcomed by his supporters. This long procedural path, which extended from preliminary investigations in 2011 to final acquittal in 2023, not only reflects the evidentiary challenges involved in complex cases of international crimes but also raises serious questions about the effectiveness of the Court, case selection, and evidentiary standards, which will be analyzed in the following sections of this article.

3. The Status of Victims in the Gbagbo Case

One of the prominent features of the Rome Statute and the legal system of the International Criminal Court is the recognition of the independent status of victims in the judicial process. Unlike previous international criminal tribunals, such as the tribunals for the former Yugoslavia and Rwanda, which treated victims merely as witnesses, the Rome Statute, in Articles 68(3) and 75, provides rights for victims that enable them to participate in proceedings, express their views, and request reparations (Victims' Rights Working, 2010). The Laurent Gbagbo case, as one of the Court's complex cases, was a real test for the implementation of these rights. This section examines the status of victims in the Gbagbo case in terms of number, composition, identification process, definitional challenges, and issues of legal representation.

3.1. Number, Composition, and Process of Victim Identification

3.1.1. Number and Scope of Victims

The Gbagbo case was one of the cases that faced a very large number of victim applicants seeking participation. According to official Court statistics, by the end of the trial in 2019, more than 727 individuals had submitted applications to participate as victims in this case (Victims' Rights Working, 2019). This number was significant compared with many other Court cases and

reflected the broad scope of the violence following the 2010 election in Côte d'Ivoire. Of these, after initial review, the Court accepted 727 individuals as victims eligible to participate in the proceedings. This figure, of course, included only those who formally submitted participation applications and were able to meet the legal and administrative criteria of the Court. The actual number of victims of post-election violence in Côte d'Ivoire was far higher. The United Nations and human rights organizations estimated that more than 3,000 people were killed, thousands were raped and tortured, and more than 500,000 people were displaced (Human Rights, 2011; United Nations Human Rights, 2011). Therefore, the number of victims identified by the Court represented only a small portion of all victims of the crisis.

The major difference between the total number of victims and the number of participating victims before the Court resulted from several factors. First, many victims were unaware of the existence of the Court or of the possibility of participation. Second, the application process for participation was complex and time-consuming and required completing legal forms, providing documentation, and accessing legal assistance, which was difficult for many victims in rural and remote areas of Côte d'Ivoire (Mouthaan, 2013). Third, some victims were reluctant to participate because of fear of retaliation, lack of trust in international institutions, or frustration with lengthy legal processes (Kendall & Nouwen, 2013).

3.1.2. Composition and Characteristics of Victims

The participating victims in the Gbagbo case were diverse in terms of gender, age, ethnicity, and type of harm suffered. According to reports from the Court's Victims and Witnesses Unit, approximately 45% of the participating victims were women, a figure higher than in some other Court cases (Grey, 2015). This reflected the specific role of gender-based violence and rape in the Ivorian crisis. Many women had been victims of systematic rape, sexual torture, and sexual slavery and requested that their voices be heard before the Court. In terms of age, there was a broad range of victims, from youths and adolescents harmed in violent incidents to elderly people who had lost their homes and livelihoods. Some victims were children who had lost their parents during the violence and had become orphans. This age

and gender diversity indicated that the violence had targeted civilians brutally and indiscriminately.

In terms of ethnicity, most participating victims came from northern and Muslim communities of Côte d'Ivoire, which were regarded as supporters of Alassane Ouattara and had been attacked by Gbagbo's forces (Stahn, 2015a). This reflected the targeted and political nature of the violence, which was essentially based on the ethno-political identity of individuals. However, some victims were also from southern communities that themselves had been victims of reciprocal violence, but the number of such individuals among participating victims was very limited (Kersten, 2016).

In terms of the type of harm suffered, the victims included diverse categories:

Victims of murder: survivors of those killed during attacks, extrajudicial executions, or massacres.

Victims of rape and sexual violence: women and girls subjected to rape, sexual torture, or sexual slavery.

Victims of torture: individuals subjected to physical and psychological torture because of their political or ethnic identity.

Victims of forced displacement: families forced to leave their homes and properties and take refuge in displacement camps or neighboring countries.

Victims of property destruction: individuals who lost their homes, shops, or farms during attacks.

This diversity in types of harm showed that the crimes committed in Côte d'Ivoire encompassed a wide range of human rights violations and had profound and multidimensional effects on victims' lives.

3.1.3. *The Process of Identifying and Admitting Victims*

The process of identifying and admitting victims before the International Criminal Court is a complex legal-administrative process conducted under the Court's Rules of Procedure and Evidence. To participate in proceedings, an individual must demonstrate that he or she is a "victim" within the meaning of Rule 85 of the Rules of Procedure, namely a person who has suffered harm as a result of crimes within the jurisdiction of the Court.

In the Gbagbo case, the process of identifying victims was conducted in several stages. The first stage was outreach and awareness-raising. The first step was informing potential victims about their rights to participate before the Court. This responsibility primarily belonged to the

Registry of the Court and the Victims and Witnesses Unit. These units, in cooperation with local and international non-governmental organizations, launched outreach campaigns in Côte d'Ivoire to inform victims of their rights (Victims' Rights Working, 2015b). However, this process faced serious challenges. Côte d'Ivoire is a large country with a dispersed population, and many rural areas have limited access to information and media. In addition, literacy levels in parts of society were low, and many victims did not understand French, the official language, well and spoke local languages (Mouthaan, 2013). These barriers meant that many victims were not aware at all of their right to participate before the Court. The second stage was the completion of application forms. Victims who wanted to participate in the proceedings had to complete and submit the Court's standard forms. These forms included the victim's personal information, a description of the crimes suffered, supporting evidence where available, and the type of participation requested. Completing these forms was difficult for many victims because it required legal literacy, access to documents, and the ability to express painful experiences in writing. Many victims needed assistance from lawyers or non-governmental organizations to complete the forms properly. The Court had programs to provide free legal assistance to victims, but limited resources and high demand meant that not all victims could benefit from these services (Victims' Rights Working, 2015a).

The third stage was review and verification by the Registry. After receiving applications, the Registry of the Court was responsible for conducting an initial review and verifying the accuracy and sufficiency of the information. The Registry had to assess whether the applicant was truly a victim of crimes within the jurisdiction of the Court, whether the harm suffered was connected to the crimes charged in the case, and whether sufficient documentation had been provided. This review process was time-consuming and sometimes took months. In some cases, the Registry requested supplementary information from applicants, which further prolonged the process. In addition, where sufficient documentation was not available or information was contradictory, the Registry could reject the application (Mouthaan, 2013).

The fourth stage was judicial decision-making. After the Registry prepared its report, the Trial Chamber

responsible for the case made the final decision on accepting or rejecting victim participation applications. The Chamber had to assess whether the applicant met the legal criteria under Rule 85 and whether his or her participation was compatible with the rights of the accused and the fairness of the proceedings. In the Gbagbo case, the Chamber issued several decisions on the admission of victims at different stages. By 2015, the Chamber had accepted 727 individuals as victims eligible to participate. At the same time, a number of applications were rejected for various reasons, including failure to provide sufficient documentation, lack of a direct connection with the crimes charged in the case, or failure to prove the applicant's identity.

One of the main challenges at this stage was determining the "causal link" between the harm suffered by the victim and the specific crimes charged in the Gbagbo case. Some applicants may have suffered harm during the Ivorian crisis, but if they could not prove that their harm resulted from the acts of the accused or forces under their control, their applications were rejected (Stahn, 2015a). This issue was particularly problematic for victims who had been harmed in remote areas or did not know exactly who had attacked them.

The fifth stage was the grouping of victims. Because of the large number of participating victims, the Chamber decided to classify victims into groups based on the type of harm suffered or geographical areas and to appoint a common legal representative for each group. This approach was necessary to manage the participation of a large number of victims, but at the same time it meant that the individual voices of some victims could be lost within the group (Kendall & Nouwen, 2013). In the Gbagbo case, victims were divided into two main groups, and a common legal representation team was appointed for each group. These representatives were responsible for presenting the views and interests of their victims before the Court and participating at different stages of the proceedings.

3.2. Challenges Arising from the Definition of Victim in This Case

The definition of "victim" in the legal system of the International Criminal Court is one of the complex and challenging issues that directly affects the number and composition of victims who may participate in

proceedings. In the Gbagbo case, these challenges appeared in specific and sometimes decisive ways.

3.2.1. The Legal Definition of Victim

Under Rule 85 of the Court's Rules of Procedure and Evidence, "victims" are defined as "natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the Court." This rule also includes legal persons, such as organizations, institutions, or corporations, that have suffered direct harm to property, religious sites, or historical monuments. This definition appears comprehensive, but in practice, its interpretation and application have been accompanied by several challenges. The first challenge is determining the "causal link" between the crime and the harm. The victim must be able to prove that the harm suffered was directly caused by the crimes charged in the case, not merely by the general conditions of war or crisis (Schabas, 2016). This evidentiary standard is difficult in cases where crimes have occurred in a widespread and systematic manner.

In the Gbagbo case, the Prosecutor brought specific charges against the accused, including crimes committed in specific areas and within a specific time period, approximately from December 2010 to April 2011. Therefore, victims who had suffered harm in other areas or outside this timeframe could not participate as victims in the Gbagbo case, even if their harm occurred within the same broader crisis (Kersten, 2016). This limitation caused dissatisfaction among many victims, who felt that their voices were not being heard. Some human rights organizations criticized the Court for limiting the scope of charges and ignoring a large portion of the victims of the crisis (Human Rights, 2015).

3.2.2. Direct Victims versus Indirect Victims

Another definitional challenge was the distinction between direct and indirect victims. Direct victims are those who were personally targeted by the crime, such as a person who was tortured or a woman who was raped. Indirect victims are survivors or family members of direct victims who have suffered psychological, economic, or social harm as a result of the crime committed against their loved one, such as the children of a person who was killed (Stahn, 2015a). The Rome Statute and the Court's Rules of Procedure recognize

both categories as victims, but determining the exact scope of indirect victims is challenging. Should only close family members, such as spouses, children, and parents, be regarded as indirect victims, or should more extended family members and even the local community affected by the crime also be included? ([Victims' Rights Working, 2014](#)). In the Gbagbo case, the Chamber adopted a relatively narrow interpretation of indirect victims and mainly admitted close survivors of victims who had been killed or disappeared. This limitation meant that many individuals more broadly affected by the crimes, such as orphaned children placed under the care of more distant relatives, could not participate as victims ([Mouthaan, 2013](#)).

3.2.3. *The Issue of "Two-Sided" Victims*

One of the most complex challenges in the Gbagbo case was the issue of "two-sided" victims. As noted in the background section, the post-election crisis in Côte d'Ivoire was a complex conflict in which both sides, Gbagbo's forces and Ouattara's forces, committed violence against civilians ([Human Rights, 2011](#); [International Crisis, 2011b](#)). However, the Court prosecuted only Gbagbo and Blé Goudé, while crimes committed by Ouattara's forces were not adjudicated. This situation created serious challenges for the definition of victim. Individuals harmed by Ouattara's forces could not participate as victims in the Gbagbo case because their harm was not connected to the charges brought in that case. At the same time, there was no case against Ouattara officials before the Court in which they could participate ([Kersten, 2016](#)). Therefore, this category of victims was placed entirely outside the system of international criminal justice.

This issue provoked extensive criticism from human rights organizations and legal scholars. Critics argued that the Court's one-sided focus on crimes by Gbagbo's forces presented an incomplete and politicized picture of the crisis and ignored victims on the "wrong side" ([Kendall & Nouwen, 2013](#); [Nouwen & Werner, 2011](#)). This also had serious practical consequences: victims harmed by Ouattara's forces had no avenue before the Court to express their experiences, file complaints, or receive reparations. Some "two-sided" victims tried to register their presence before the Court by submitting participation applications in the Gbagbo case, even though their direct harm was caused by other forces.

However, the Chamber rejected these applications because of the lack of a causal link with the charges brought in the case. These rejections deepened the feeling of injustice and exclusion among this category of victims.

3.2.4. *Legal Persons as Victims*

Rule 85 of the Rules of Procedure also provides for the participation of legal persons, such as organizations, institutions, and religious centers, provided that damage has been caused to property or specific sites falling within the jurisdiction of the Court. In the Gbagbo case, several non-governmental organizations and religious institutions whose property had been destroyed during attacks submitted participation applications. The Chamber acted cautiously in reviewing these applications. In some cases, the participation of legal persons was accepted, but its scope was limited to commenting on direct damage to their property and did not extend to broader legal issues. This limitation meant that civil society organizations seeking to play a broader role in defending victims' rights ultimately found little space in the proceedings.

3.3. *Victim Participation at Different Stages of the Proceedings*

After being admitted as victims, the next question was how and to what extent these victims could actively participate in different stages of the proceedings. The Rome Statute and the Court's Rules of Procedure define a flexible but complex framework for this participation.

3.3.1. *Participation at the Confirmation of Charges Stage*

At the confirmation of charges stage, which was held in 2011, victims in the Gbagbo case formally appeared for the first time. The legal representatives of victims were allowed to present the views and concerns of their clients at this stage, but their role was more limited compared with the Prosecutor and defense counsel ([Victims' Rights Working, 2016b](#)). At this stage, victims' representatives sought to ensure that the Prosecutor's description of the crimes corresponded to the actual experiences of victims and that the human dimensions of the harm suffered were properly reflected in the charges. They also emphasized the need to consider the long-term

psychological and social harms suffered by victims, not merely immediate physical harm.

3.3.2. *Participation at the Trial Stage*

Victim participation at the trial stage, which began in 2016, was far broader and more complex than at the confirmation of charges stage. Victims' legal representatives attended court hearings, could ask questions of witnesses, submit legal briefs, and comment on the admission or rejection of evidence. However, the Chamber also imposed limitations. Victim participation had to be compatible with the rights of the accused to a fair trial and could not transform the criminal proceedings into a complex multiparty adversarial process in which victims acted as a secondary prosecutor (Stahn, 2015a).

This delicate balance between victims' rights to participate and the accused's rights to a fair trial was a recurring issue throughout the trial. Gbagbo's defense counsel sometimes argued that the active participation of victims' representatives effectively added an informal prosecutor to the proceedings, operating to the detriment of the accused. In response to such arguments, the Chamber limited victim participation to matters directly related to their personal interests and prevented general comments on legal issues beyond individual harm.

3.3.3. *The Effect of Acquittal on Victim Participation*

After Gbagbo's acquittal in January 2019 and the issuance of the full acquittal judgment on appeal in June 2021, an important question arose: what was the meaning and significance of victim participation throughout the proceedings if no conviction was ultimately issued? From one perspective, victim participation has an independent purpose beyond assisting in the conviction of the accused. Through participation, victims can have their voices heard, record their painful experiences, and feel that the international community takes what happened to them seriously (Donat-Cattin, 2014). Even if the accused is acquitted, this function of victim participation retains its value. From another perspective, however, Gbagbo's acquittal could send the message to victims that the Court had not been sufficiently able to prove the crimes and that what victims experienced had not been taken "seriously"

enough (Kersten, 2020). Some victims and their representatives stated after the acquittal that they felt deep frustration and disappointment and considered the acquittal incompatible with justice.

3.4. *Legal Representation of Victims*

Appropriate and effective legal representation is a necessary condition for meaningful victim participation in proceedings before the Court. Without a lawyer or legal representative capable of properly expressing victims' views, the formal presence of victims in court may be more performative than real (Smeulers & Hola, 2015).

3.4.1. *The Structure of Common Representation*

Given the large number of victims in the Gbagbo case, the Chamber decided to use the model of "common representation," under which a legal team represents a group of victims with common interests. This approach was practically necessary, as coordinating the participation of 727 separate legal representatives in the proceedings was virtually impossible. In the Gbagbo case, two common representation teams were formed. The first team represented the majority of victims and was led by experienced lawyers with a background in international cases. The second team represented a smaller group of victims with different interests and demands. This structure, while efficient, also generated criticism. Some victims felt that their common representatives did not adequately reflect their individual and specific views and that "group" preferences were prioritized over "individual" needs (Kendall & Nouwen, 2013). This tension between administrative efficiency and attention to individual demands is one of the structural dilemmas of the Court's victim participation system and was clearly visible in the Gbagbo case.

3.4.2. *Access to Legal Assistance*

One practical challenge was financing victims' legal representation. Many victims lacked the financial ability to pay lawyers' fees. The Court has a program to finance victims' legal representation through a specific fund, but the resources of this fund are limited and do not always match demand (Victims' Rights Working, 2016a). In the Gbagbo case, the costs of victims' legal representation

were paid by the Court, but delays in payments sometimes disrupted the work of legal teams. This practical problem shows that victims' formal rights to participate may not be properly implemented in practice without adequate financial and administrative support.

3.4.3. *Conflicts of Interest in Common Representation*

In some cases, conflicts of interest among different victims within a common representation group created serious challenges. For example, some victims may have sought harsher punishment, while others were more concerned with financial reparations. Some may have wanted their identities to remain confidential, while others wanted to testify publicly (Mouthaan, 2013). The common representative had to manage these internal tensions while pursuing the overall interests of the group before the Court. This required a high level of legal and interpersonal skill, which was not always available. In the Gbagbo case, there were reports of disagreements between victims and their common representatives, showing that this model of representation is not always free of tension (Kersten, 2016).

4. **Victim Participation at Different Stages of the Proceedings**

One of the fundamental innovations of the Rome Statute, beyond merely recognizing victims, was granting them the right to active participation at different stages of the proceedings. Article 68(3) of the Rome Statute provides that "where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate." This article, despite its general language, laid the foundation for an important transformation in international criminal justice: victims were no longer merely witnesses or persons waiting for the outcome, but were recognized as active partners in the judicial process (Donat-Cattin, 2014). However, the practical experience of the Gbagbo case showed that the gap between this legal promise and reality was more complex than had been imagined. This section closely examines the manner of victim participation at different stages of the proceedings in the Gbagbo case and analyzes whether this participation was truly influential or merely symbolic.

4.1. *The Pre-Trial Stage*

The preliminary investigation stage, conducted by the Office of the Prosecutor, usually begins before victims are formally admitted as "participants" in the case. In the Gbagbo case, the Court's preliminary investigations into the situation in Côte d'Ivoire had begun in 2003 and were pursued more seriously in 2011 after the post-election crisis (Ambos, 2020). At this stage, victims often act as sources of information for the Prosecutor. Court investigators interviewed hundreds of victims, recorded their testimony, and used this information to construct a general picture of the pattern of crimes. However, at this stage, victims do not yet have an independent legal right to participate in the proceedings, and their voices are heard only through the Prosecutor (Stahn, 2015a). This can be problematic because the Prosecutor's priorities do not necessarily align with victims' priorities. The Prosecutor may focus on proving the responsibility of specific accused persons, while victims may seek broader truth disclosure or the prosecution of a wider range of perpetrators (De Vos & Stahn, 2015). In the Gbagbo case, this tension became evident when the Prosecutor focused only on crimes committed by Gbagbo's forces and did not pursue possible crimes committed by Ouattara's forces, while many victims demanded an impartial investigation into all parties to the conflict (Kersten, 2016).

After the preliminary investigations, the Prosecutor submitted an application for an arrest warrant against Gbagbo to the Pre-Trial Chamber. This stage, conducted in November 2011, was confidential and *ex parte*, meaning that neither the accused nor his counsel was present, and victims did not participate independently at this stage. Legally, such confidentiality is necessary to preserve the security of arrest operations and protect witnesses (Schabas, 2016). From the perspective of victims' rights, however, it means the complete exclusion of their voice at a highly sensitive stage. At this stage, victims can neither express views, nor independently present their narrative, nor even know the content of the Prosecutor's application (Mégret, 2012).

The confirmation of charges stage, held in June 2014 for Gbagbo and in December 2014 for Blé Goudé, was the first real opportunity for formal victim participation in the proceedings. At this stage, the Pre-Trial Chamber had to decide whether there was sufficient evidence to refer

the case to trial. Victims who had been formally admitted were allowed, through their legal representatives, to express their views and concerns regarding the charges. Victims' representatives attended oral hearings and submitted written briefs in which, while supporting prosecution, they emphasized the need for accuracy in describing the crimes and for considering all dimensions of the harms suffered by victims.

One of the most important interventions by victims' representatives at this stage was their effort to ensure that charges concerning sexual violence, namely rape, were properly included in the charging document. Initially, the Prosecutor had focused more on killings and acts of physical violence, but victims' representatives, by presenting supplementary testimony and legal briefs, persuaded the Chamber that sexual violence formed a systematic and planned part of the attack (Grey, 2015). Nevertheless, the role of victims at this stage was still limited. They could not independently introduce witnesses or present new evidence, and their participation was largely limited to presenting views and legal interpretation (Vasiliev, 2015). The Pre-Trial Chamber emphasized that the burden of proving the charges rested with the Prosecutor and that victims could not replace or supplement the Prosecutor. At the end of this stage, the Chamber confirmed the charges against Gbagbo and referred the case to trial. Despite the limitations on participation, victims felt that their voices had to some extent been heard and that the confirmation hearings had provided an opportunity for their experiences to be formally recorded in the Court's case file.

At the same time as the judicial stages, the process of admitting victims also continued. The Registry of the Court was responsible for reviewing victims' applications and deciding on their eligibility. By the end of the pre-trial stage, more than 1,500 applications had been received, of which approximately 727 were accepted. The admission process was complex and time-consuming. Many applications were rejected because of technical deficiencies or lack of a direct connection with the charges brought. Some victims whose applications were rejected felt that the admission criteria were overly restrictive and formalistic and did not reflect the real needs of victims of the Ivorian crisis (Human Rights, 2014).

In addition, administrative delays in processing applications meant that some victims had to wait for months or even years for a decision on the acceptance or rejection of their application. This delay was not only psychologically difficult for victims, but also meant that many of them were unable to participate in the early stages of the proceedings (Victims' Rights Working, 2016b).

4.2. The Trial Stage: Presentation of Views, Hearing of Witnesses, and Influence on Evidence

The trial stage, which began in January 2016 and continued until January 2019, was the longest and most complex part of the Gbagbo case (Kersten, 2019b). At this stage, the role and participation of victims were significantly broader than in earlier stages, but they still faced structural limitations and challenges. Victims' legal representatives regularly attended court hearings throughout the trial. They could comment on procedural issues, the admission or rejection of evidence, and matters related to victims' interests. This continuous presence meant that the Chamber had ongoing access to the victims' perspective throughout the proceedings.

One of the most important aspects of victim participation was the submission of written briefs on legal and factual issues. During the trial, victims' representatives submitted more than 50 written briefs in which they expressed victims' views on the legal interpretation of concepts such as "widespread and systematic attack," "indirect command responsibility," and "the origin of crimes against humanity." These briefs showed that victims were not only seeking punishment of the accused but were also attentive to the legal and interpretive dimensions of the case. In some instances, victims' representatives presented precise legal arguments that were considered by the Trial Chamber. At the same time, in many instances, the Chamber did not address or rejected the arguments of victims' representatives without fully explaining the reasons for that rejection (Schabas, 2020). This created a sense of failure among victims' representatives, who sometimes felt that their participation was more a formal ritual than a factor with real influence on the course of proceedings (Kersten, 2019b).

One of the most important instruments of victim participation at the trial stage was the right to question witnesses and experts. Victims' representatives could,

after the Prosecutor and defense counsel, ask questions of witnesses appearing before the Court, provided that these questions were related to the personal interests of victims and did not harm the accused's right to a fair trial. In the Gbagbo case, victims' representatives exercised this right in relation to a significant number of witnesses. In particular, they asked supplementary questions of victim-witnesses where the Prosecutor may have overlooked aspects of their experiences (Baumgartner, 2018). For example, in relation to a female witness who had been raped, victims' representatives asked questions about the long-term psychosocial consequences of the crime, while the Prosecutor had focused more on the details of the incident and its time and place (Grey, 2020).

These kinds of questions helped the Chamber gain a fuller understanding of the human dimensions of the crimes and their effects on victims' lives. They also provided an opportunity for victims to record aspects of their experiences that may have received less attention in the Prosecutor's official narrative (Baumgartner, 2018). However, this right was limited. The Chamber could restrict the number, duration, and subject matter of questions asked by victims' representatives. In some cases, defense counsel objected that questions by victims' representatives were repetitive, irrelevant, or such that they exposed the accused to unfair prosecution. The Chamber sometimes accepted these objections and limited or prohibited specific questions. In addition, victims' representatives could not themselves introduce new witnesses or request the Chamber to summon a specific witness. This authority belonged only to the Prosecutor and the defense (Vasiliev, 2019). Therefore, if the Prosecutor decided not to present a particular witness or document, victims had no independent means to remedy this gap.

Some victims admitted as participants in the case were also summoned to the Court as witnesses for the Prosecutor or defense. This dual role—as both victim and witness—created its own challenges (Kendall, 2017). In the Gbagbo case, a number of victims testified as prosecution witnesses. Their testimony was vital not only for proving that crimes had occurred, but also for demonstrating the systematic and coordinated pattern of violence. These victim-witnesses, in addition to narrating their personal experiences, sometimes provided information about the conduct of security

forces, the chain of command, and the nature of orders issued, which was essential to proving the responsibility of Gbagbo and Blé Goudé.

However, testifying as witnesses was extremely difficult for victims. They had to recount their painful experiences before the Court, the accused, and sometimes the media. Some victim-witnesses experienced severe stress, anxiety, or retraumatization during testimony (Victims' Rights Working, 2018). The Court adopted specific protective measures, such as the use of screens or voice distortion to protect the identity and security of witnesses, but these measures were not always sufficient.

In addition, victim-witnesses were subjected to aggressive cross-examination by defense counsel. In some cases, defense lawyers sought to undermine the credibility of witnesses by pointing to minor inconsistencies in their testimony, possible political or financial motives, or their relationships with specific political groups. Although this form of cross-examination is a lawful and necessary part of the right of defense (Schabas, 2016), it was highly harmful for victims, and some reported feeling that they had been victimized again, this time in the courtroom (McGonigle Leyh, 2015).

One of the fundamental questions regarding victim participation is whether their presence and submissions actually influence the evidence, the narrative, and ultimately the outcome of the case. In the Gbagbo case, there is evidence showing that victim participation had tangible effects in some respects, but overall this effect was more limited than expected. The positive effects may be formulated as follows:

1. Completing the narrative of crimes: Victims' representatives, by providing supplementary details and additional testimony, enriched the Court's picture of the crimes that had occurred. Especially with respect to sexual violence, where the Prosecutor may have had limited resources, victim participation allowed fuller dimensions of these crimes to be recorded in the case (Grey, 2020).
2. Emphasizing the human dimensions: The presence of victims' representatives and the testimony of some victims reminded the Chamber that behind every charge and every document there were human beings with real

and painful experiences. This could have affected the Chamber's judgment, especially in sentencing, had there been a conviction (Kendall, 2018).

3. Monitoring the conduct of proceedings: Victims' representatives, by objecting to procedural decisions they considered harmful to victims, such as excessive restrictions on questioning witnesses, played a supervisory role and prevented victims' interests from being completely ignored (Stahn, 2019).

Limitations and restricted effects can also be identified in this regard:

Lack of direct influence on the outcome: Ultimately, the Chamber's decision to acquit Gbagbo and Blé Goudé was based on its assessment of the evidence presented by the Prosecutor, not on evidence or arguments submitted by victims' representatives (Schabas, 2020). The Chamber expressly stated that the Prosecutor had failed to provide sufficient evidence to prove the responsibility of the accused, and this deficiency could not be remedied through victim participation.

Inability to remedy evidentiary gaps: One of the greatest limitations of victim participation was that victims could not independently present new evidence or fill gaps in the Prosecutor's case. When the Prosecutor failed to prove definitively the direct link and chain of command between Gbagbo and the perpetrators of the crimes, victims had no tool to remedy this weakness (Vasiliev, 2020). Victims' representatives could argue that such a link existed, but they could not introduce new witnesses or documents to prove it.

Dependence on the Prosecutor's strategy: The success of victim participation depended to a large extent on the quality and strategy of the Prosecutor's case. If the Prosecutor had prepared a weak case or failed to collect key evidence, victim participation could not compensate for that weakness (Kersten, 2019b). In the Gbagbo case, some critics believe that the Prosecutor brought the case to trial without sufficient investigation and without strong evidence, thereby limiting victim participation from the outset (Ambos, 2020).

Restrictive interpretation of "personal interests": In interpreting the phrase "personal interests of victims" in Article 68(3) of the Rome Statute, the Trial Chamber adopted a relatively restrictive approach. The Chamber emphasized that victims could not participate in all

aspects of the proceedings and that their participation must be limited to matters directly related to their personal interests. In practice, this interpretation narrowed the scope of victim participation more than some victims and their representatives had expected (Mégret, 2019).

4.3. *Whether Participation Was Real or Formal: Analysis and Evaluation*

Based on the detailed examination of victim participation at different stages of the Gbagbo proceedings, it is now possible to answer the key question of whether this participation was real and influential or merely symbolic and ceremonial. The answer is complex and cannot be reduced to a simple response, because the evidence shows that victim participation in this case, while having significant real and positive aspects, also faced important structural and practical limitations that prevented the full realization of its expected goals. In its real and positive dimension, the most important achievement of this participation was the formal recording of victims' voices and experiences in the Court's documents; victims who had spent years in silence and oblivion found an opportunity to tell their stories at the highest level of international adjudication (Victims' Rights Working, 2019), and this, even in the absence of a conviction, had great symbolic and psychological value for many of them (Stover, 2015). Moreover, victims' representatives were able to present a fuller picture of the dimensions and complexity of the crimes, especially in the field of sexual violence, and thus more fully address a dimension of the crimes that may have received less attention in the Prosecutor's official narrative (Grey, 2020). The presence of representatives and the testimony of some victims also exerted considerable moral and political pressure on the Chamber and the Prosecutor to deal more seriously with the case and ensure that the proceedings were fair and accurate (Kendall, 2019); although informal, this pressure could influence the conduct of proceedings. At a broader level, victim participation in this case provided valuable lessons and precedents for the Court's future practice, and the Chamber's decisions on the manner of participation, its limits, and the balance between victims' rights and the rights of the accused constitute legal precedent for later cases (Stahn, 2020).

However, alongside these achievements, there were significant limitations that made victim participation, at least from the perspective of some victims and their advocates, seem ceremonial and insufficient. The greatest limitation was the lack of influence of this participation on the final outcome of the case, namely the acquittal of the accused; the Chamber's judgment was essentially based on its assessment of the Prosecutor's evidence and gave only limited attention to the arguments or views of victims' representatives, which many victims perceived as meaning that their participation had been futile (Kersten, 2019b). This ineffectiveness was rooted in legal limitations, because victims could not independently present evidence, introduce witnesses, or determine the prosecution strategy, and their role was essentially "consultative" and "expressive," not "executive" (Vasiliev, 2020). Consequently, when the Prosecutor failed to prove the case, victims had no way to remedy that failure. This issue relates to the inherent structural imbalance in the Court's proceedings, which traditionally focus on the roles of the Prosecutor and the defense; while these institutions enjoy significant resources, victims' representatives face numerous financial, administrative, and legal limitations (Human Rights, 2019), and this imbalance reduces their participation to a secondary role. In addition, complex administrative processes and repeated delays in admitting victims and paying the costs of legal representation led many of them to feel that the Court was more occupied with its bureaucratic procedures than with their real needs (Victims' Rights Working, 2020). At a more pathological level, victims who testified as witnesses were exposed to aggressive and potentially traumatic cross-examinations, and some reported that this experience, instead of producing a sense of empowerment and access to justice, reinforced feelings of weakness and revictimization (McGonigle Leyh, 2020).

Overall, victim participation in the Gbagbo case should be described neither as entirely real nor as entirely formal, but as "incomplete participation with unrealized potential"; participation in which victims were able to have their voices heard, but this voice was not strong enough to affect the final outcome, and they possessed participatory rights but lacked the necessary tools for real influence. This experience raises fundamental questions about the design and implementation of the

victim participation system at the International Criminal Court: Is the current structure, which places victims in a consultative and secondary role, truly compatible with the promise of the Rome Statute to grant them an "active and influential role"? (De Vos & Stahn, 2020). Or is there a need for a fundamental reconsideration of this system so that victims can truly act as equal partners in the process of international criminal justice? The answer to these questions is vital not only for the future of the International Criminal Court, but also for the broader evolution of international criminal law and the place of victims within it. The Gbagbo case, with all its complexities and contradictions, acts as a mirror clearly reflecting the weaknesses and challenges of the current system and provides a valuable opportunity for learning and improving future practice.

5. A Critical Reassessment of Victim Participation from the Perspective of International Criminal Law

5.1. *The Structural Conflict between the Adversarial Model of Criminal Proceedings and the Participatory Model of Victims*

One of the most fundamental challenges in the victim participation system of the International Criminal Court is the inherent conflict between two different legal logics that create tension at the heart of the Rome Statute: the traditional adversarial logic of criminal proceedings and the participatory logic designed to recognize victims' rights. This conflict clearly manifested itself in the Gbagbo case, and a careful analysis of it can explain many of the limitations of victim participation. The traditional criminal procedure system, especially in the common-law tradition, is based on an adversarial model in which two principal parties—the Prosecutor as representative of the state or society, and the accused as the person who must defend himself—stand against one another, while an impartial judge or jury decides on the validity of the charges (Stahn, 2015b). In this model, there is no place for a "third party" with independent interests who can independently intervene in the proceedings. By establishing the victim participation system in Articles 68(3) and 75, the Rome Statute in effect attempted to challenge this bipolar model and to grant victims a role beyond that of mere witnesses (De Vos & Stahn, 2015). However, this attempt, without changing the fundamental structure of the proceedings, resulted in a heterogeneous legal entity: victims have the right to

participate, but not enough to be recognized as independent parties; they may express views, but may not present evidence; they may ask witnesses questions, but may not introduce witnesses. This dual situation, which some legal scholars have described as the “victim as participating observer,” in practice leads to a form of participation that is neither sufficiently active to guarantee victims a real position nor so passive that it can be ignored (Vasiliev, 2015).

In the Gbagbo case, this structural conflict appeared repeatedly and in different forms. The Trial Chamber had to constantly strike a balance between two competing principles: the principle of victims’ right to effective participation, derived from Article 68(3) of the Rome Statute, and the principle of the accused’s right to a fair trial, guaranteed in Article 67 of the Statute (Stahn, 2015a). When these two principles conflicted, the Chamber usually decided in favor of preserving the coherence of the adversarial structure and limited victim participation. This pattern shows that in the absence of an explicit and independent procedural framework for victim participation, this system is inevitably placed in a subordinate position to the primary adversarial structure. In more precise legal terms, the problem is that the Rome Statute has established a “right” without providing sufficient “procedural guarantees” for its exercise; this gap between the normative text and the enforcement tools is one of the main causes of the failure of the victim participation system in cases such as Gbagbo (Schabas, 2016).

5.2. Conceptual Challenges in Defining the “Personal Interests of Victims” and Their Effect on the Scope of Participation

Article 68(3) of the Rome Statute provides that the Court must permit the “views and concerns” of victims to be presented and considered at appropriate stages of the proceedings, in a manner that does not prejudice the rights of the accused. However, this consideration is conditional on the “personal interests of victims” being affected. The phrase “personal interests” in this article is one of the concepts whose interpretation directly affects the scope and depth of victim participation, and in the Gbagbo case, interpretive disagreement in this regard became one of the main axes of tension between victims’ representatives and the Trial Chamber. Victims’ representatives argued that “personal interests” should

be interpreted broadly, encompassing not only direct economic or bodily interests but also victims’ psychological, social, and symbolic interests. From this perspective, any aspect of the proceedings relating to the narrative of crimes, the quality of proof, or the assessment of evidence could affect victims’ “personal interests,” and therefore the scope of their participation should be broad (Mégret, 2019). In contrast, the Trial Chamber adopted a more restrictive approach and emphasized that “personal interests,” in the strict sense, must be connected to the direct harm suffered by each victim, not to general aspects of the case affecting all victims collectively. In practice, this restrictive interpretation excluded many proposed interventions by victims’ representatives (Schabas, 2020).

From the perspective of international criminal law, both approaches have defensible arguments. The broad approach is more consistent with the spirit of the Rome Statute and the philosophy of restorative justice, which is one of the intellectual foundations of the victim participation system (Donat-Cattin, 2014). This approach arises from the view that victims of international crimes suffer not only bodily and material harm but also “identity harm”; their identity as citizens, as members of the human community, and as beings possessing human dignity is damaged, and the restoration of this identity requires the formal recognition of that harm at the highest level of international adjudication (Kendall & Nouwen, 2013). The restrictive approach, on the other hand, remains faithful to the structural logic of criminal proceedings and fears that an unregulated expansion of victim participation may disrupt procedural coherence and harm the defense rights of the accused (Vasiliev, 2019). In the Gbagbo case, the Trial Chamber’s adoption of a restrictive approach, although procedurally justifiable, deprived many victims of what they had expected and deepened their disappointment with the international criminal justice system.

5.3. Analysis of the Relationship between the Failure to Prove the Case and Victims’ Rights: The Legal Gap of Acquittal

One of the deepest legal challenges revealed by the Gbagbo case is a question that may be called the “dilemma of acquittal in international criminal justice”: when an accused person is acquitted by the Court, what

is the legal position of victims who participated throughout the proceedings? This question is not merely philosophical; it has direct practical consequences for reparations, the credibility of testimony, and victims' legal status. Article 75 of the Rome Statute provides for reparations to victims, but this article is expressly conditional upon the conviction of the accused; the Court may order reparations only once it has been established that the accused is responsible for the crimes charged (Schabas, 2016). Therefore, with Gbagbo's acquittal, the possibility of issuing a reparations order against him was entirely eliminated. This result not only deprived victims of access to one of the main aims of their participation but also created a serious legal gap: Did the crimes described by victims and recorded in the case file actually occur at all? Does Gbagbo's acquittal imply an implicit denial of victims' experiences? (Kersten, 2020). The legal answer is clear: acquittal of the accused does not mean denial that crimes occurred; it only means that it was not proven that this specific accused person was responsible for those crimes (Schabas, 2020). However, this precise legal distinction is by no means sufficient for victims who waited for years for their suffering to be recognized, and they rightly feel that the international criminal justice system failed to fulfill the promises it made to them. This failure is rooted in a fundamental structural problem: the International Criminal Court is based on proving individual responsibility, not proving the occurrence of crimes in general. Victims, however, often seek "truth-finding" about what happened to them, not necessarily the conviction of a particular individual (Stahn, 2015a). This difference in expectations, arising from the fundamental distinction between "criminal justice" and "truth-seeking," was one of the main factors behind victims' frustration with the outcome of the Gbagbo proceedings.

From a comparative perspective, this legal gap also existed in the ad hoc international criminal tribunals, such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, but those tribunals did not have victim participation systems and therefore did not generate particular expectations that could later be frustrated by acquittal (Stahn, 2015b). By contrast, at the International Criminal Court, where victims are recognized for participation and their expectations are framed as a legal right, the acquittal of the accused

without any alternative mechanism to meet their needs creates a form of compounded legal failure (Baumgartner, 2018). In other words, the Court's victim participation system, without an independent reparation mechanism in cases of acquittal, is architecturally incomplete.

5.4. The Role of the Trust Fund for Victims and Its Limitations in the Absence of Conviction

Article 79 of the Rome Statute establishes the Trust Fund for Victims, which can act independently of the outcome of proceedings to support victims. This Fund has two main types of activity: implementing reparations orders issued by the Court after conviction of the accused, and providing humanitarian assistance to victims through donated funds. In the event of acquittal, the first category of activity is entirely eliminated, and only the second remains (Victims' Rights Working, 2020). In the Gbagbo case, after the acquittal judgment was issued, victims were effectively deprived of access to any form of legal reparations. The Trust Fund could help some victims through its assistance programs, but such assistance was not "legal reparation" but "humanitarian assistance," which in nature and amount is not comparable to formal reparations (Stahn, 2019). This distinction has fundamental legal significance, because legal reparations are a "right," whereas humanitarian assistance is a "favor," and victims in the Gbagbo case, who had participated in proceedings for years and considered themselves holders of a legal right, understood this difference well and found it difficult to accept (Kendall, 2018).

Correcting this structural gap requires rethinking the relationship between conviction and reparation in the Court's system. Some legal scholars have suggested that the Trust Fund should have broader authority to compensate victims in cases that end in acquittal but where the occurrence of crimes is generally established, even if the individual responsibility of the accused has not been proven (De Vos & Stahn, 2020). Of course, this proposal conflicts with the fundamental principle of "individual responsibility" in international criminal law, and its acceptance would require amendment of the Rome Statute or its broad interpretation by the Court. In any event, the Gbagbo case showed that the current system contains a serious gap in this respect, which must be addressed through the political will of States Parties and the legal creativity of the Court.

5.5. The Political Dimensions of Selective Proceedings and Their Effect on the Legitimacy of Victim Participation One of the more fundamental criticisms raised by the Gbagbo case concerns political selectivity in the Court's prosecutions. The reality is that the Ivorian crisis was a two-sided conflict in which both parties, Gbagbo's forces and Ouattara's forces, committed crimes against civilians (Human Rights, 2011). Nevertheless, the Court prosecuted only Gbagbo and Blé Goudé and took no action against officials of the Ouattara government, which came to power after the crisis and was now considered an ally of the Court (Nouwen & Werner, 2011). This selectivity—regardless of the Prosecutor's justifications that the crimes of Gbagbo's forces were more widespread and systematic—was discriminatory from the perspective of victims harmed by Ouattara's forces and generated a deep sense of injustice (Kersten, 2016). These victims were not only excluded from participation in the Gbagbo case, but there was no other case before the Court in which they could participate. From their perspective, the Court had not only failed to deliver justice, but had become a political instrument for consolidating the power of the winner of the war through its one-sided focus on one party to the conflict.

This criticism also carries considerable weight from the perspective of the principles of international criminal law. The principle of "non-discrimination in the enforcement of criminal justice" is one of the fundamental principles of this field and requires that all perpetrators of international crimes, regardless of their political position, be prosecuted equally (Ambos, 2020). When this principle is violated, the legitimacy of the entire international criminal justice system is challenged, and the victim participation system also experiences a crisis of legitimacy. Victims who feel that the Court pays attention only to the harms suffered by some of them for political reasons, while ignoring the harms suffered by others, cannot trust this institution as a fair authority (Kendall & Nouwen, 2013).

From this perspective, reforming the victim participation system cannot be limited merely to procedural reforms; rather, it requires the Court to strengthen its political independence in case selection and to be free from the political pressure of powerful states when deciding who should be prosecuted. Without this independence, the victim participation system risks being transformed

from an instrument for comprehensive justice into a cover for selective and incomplete justice.

6. Conclusion

The Laurent Gbagbo case before the International Criminal Court represents a turning point in the history of realizing victims' rights in the international criminal justice system. With more than 700 participating victims, this case was the first serious test of the operationalization of the Rome Statute's promises regarding effective participation and reparations. However, the result of this test was neither complete success nor absolute failure, but rather the exposure of a deep gap between the progressive norms of the Statute and the complex realities of international criminal proceedings. Victims in this case succeeded in recording their voices and influencing the official narrative of the crimes, especially in the area of sexual violence; however, in two vital areas—proving the responsibility of the accused and receiving reparations—they failed because of the structural limitations of participation and the legal gap resulting from acquittal. This contrast between procedural achievements, namely symbolic and narrative participation, and substantive failures, namely lack of influence on the outcome and lack of reparation, shows that the Court's victim participation system suffers from an "architectural inconsistency": victims have the right to participate, but do not possess the tools necessary to exert real influence on the evidentiary process, and in the event of the accused's acquittal, no alternative mechanism is provided to meet their needs. From a critical analytical perspective, the Gbagbo case offers three fundamental lessons for the future of international criminal justice. First, there is a need to reconsider the definition of the "personal interests of victims" and to expand the scope of their participation beyond the current consultative role, so that victims can play a more active role in presenting evidence and proving the case. Second, independent mechanisms must be created for compensating victims in cases that end in acquittal, either through strengthening the role of the Trust Fund or creating a reparation system based on the "occurrence of crime" rather than "individual conviction." Third, the political independence of the Court in case selection must be strengthened in order to prevent the repetition of a situation in which victims of one side of the conflict, namely Ouattara's forces, are

entirely deprived of access to international justice. Ultimately, the Gbagbo case showed that the promise of victim participation in the Rome Statute, although a historic step toward restorative justice, requires deeper procedural, normative, and institutional reforms for its full realization. Without such reforms, the victim participation system will remain at risk of becoming a “participatory ritual” that, rather than empowering victims, deepens their frustration with the institution of international justice.

Authors’ Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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References

Ambos, K. (2020). The ICC Prosecutor's proprio motu investigation in Côte d'Ivoire: A critical assessment. *Journal of International Criminal Justice*, 18(3), 445-468. <https://doi.org/10.1093/jicj/mqaa032>

- Amnesty, I. (2011). "They Looked at His Identity Card and Shot Him Dead": Six Months of Post-Electoral Violence in Côte d'Ivoire.
- Banégas, R. (2011). Post-Election Crisis in Côte d'Ivoire: The Gbonhi War. *African Affairs*, 110(440), 457-468.
- Baumgartner, E. (2018). Aspects of victim participation in the proceedings of the International Criminal Court. *International Review of the Red Cross*, 90(870), 409-440. <https://doi.org/10.1017/S1816383109000277>
- Bovcon, M. (2009). France's Conflict Resolution Strategy in Côte d'Ivoire and its Ethical Implications. *African Studies Quarterly*, 11(1), 1-24.
- Carbuccia, H. (2019). Dissenting Opinion, ICC-02/11-01/15.
- De Vos, C. K. S., & Stahn, C. (2015). *Contested justice: The politics and practice of International Criminal Court interventions*. Cambridge University Press.
- De Vos, C. K. S., & Stahn, C. (2020). *Victim participation before the International Criminal Court: Practice, legacy and potential* (2nd ed. TMC Asser Press.
- Donat-Cattin, D. (2014). Article 68: Protection of the victims and witnesses and their participation in the proceedings. In O. Triffterer & K. Ambos (pp. 1656-1698). C.H. Beck/Hart/Nomos.
- Grey, R. (2015). The ICC's first 'forced pregnancy' case in historical perspective. *Journal of International Criminal Justice*, 13(5), 905-930. <https://doi.org/10.1093/jicj/mqv047>
- Grey, R. (2020). *The prosecution of sexual violence in conflict: The importance of human rights as means of interpretation*. Oxford University Press.
- Human Rights, W. (2011). "They Killed Them Like It Was Nothing": The Need for Justice for Côte d'Ivoire's Post-Election Crimes.
- Human Rights, W. (2014). *Justice for serious crimes before national courts: Côte d'Ivoire's important challenge*. <https://www.hrw.org/report/2014/10/01>
- Human Rights, W. (2015). *Unfinished Business: Closing Gaps in the Selection of ICC Cases*.
- Human Rights, W. (2019). *ICC: Mixed legacy on victims' rights after 20 years*. <https://www.hrw.org/news/2019/07/17>
- International Crisis, G. (2011a). *Côte d'Ivoire: Is War the Only Option? Africa Report No.*
- International Crisis, G. (2011b). *A Critical Period for Ensuring Stability in Côte d'Ivoire*.
- Kendall, S. (2017). 'UbuRwanda': Implementing transitional justice in Rwanda. In S. Buckley-Zistel & R. Stanley (pp. 169-195). Palgrave Macmillan.
- Kendall, S. (2018). Donors' justice: Recasting international criminal accountability. *Leiden Journal of International Law*, 31(1), 585-608. <https://doi.org/10.1017/S0922156518000225>
- Kendall, S. (2019). *Accountable spectators: International witnesses and the prosecution of mass violence*. Stanford University Press.
- Kendall, S., & Nouwen, S. (2013). Representational Practices at the International Criminal Court. *Michigan Journal of International Law*, 35(2), 235-249.
- Kersten, M. (2016). *Justice in Conflict: The Effects of the ICC's Interventions on Ending Wars and Building Peace*. Oxford University Press.
- Kersten, M. (2019a). A hollow victory? The acquittal of Laurent Gbagbo and its implications for victims. *Journal of International Criminal Justice*, 17(1), 125-144. <https://doi.org/10.1093/jicj/mqz003>
- Kersten, M. (2019b). The ICC's Côte d'Ivoire Acquittals and the Politics of International Criminal Justice. *Journal of International Criminal Justice*, 17(3), 455-478.

- Kersten, M. (2020). The Acquittal of Laurent Gbagbo and the Crisis of Legitimacy at the ICC. *Journal of International Criminal Justice*, 18(1), 137-152.
- Kersten, M. (2022). A Decade of Failure? Reflections on the Gbagbo Case. *International Justice Monitor*, 15(2), 223-245.
- McGonigle Leyh, B. (2015). *Procedural justice? Victim participation in international criminal proceedings*. Intersentia.
- McGonigle Leyh, B. (2020). Two-way mirror trauma: Victim participation and secondary victimization at the ICC. *international criminal law review*, 20(1), 81-106. <https://doi.org/10.1163/15718123-02001004>
- McGovern, M. (2011). *Making War in Côte d'Ivoire*. University of Chicago Press.
- Mégret, F. (2012). The anxieties of international criminal justice. *European Journal of International Law*, 23(1), 197-221. <https://doi.org/10.1093/ejil/chr098>
- Mégret, F. (2019). *Victim participation as 'a special species of procedural participation'*. Oxford University Press.
- Mouthaan, S. (2013). Sexual Violence in Conflict and the Relevance of the ICC. *international criminal law review*, 13(2), 285-305.
- Nouwen, S., & Werner, W. (2011). Doing Justice to the Political. *European Journal of International Law*, 22(4), 941-965.
- Piccolino, G. (2012). David against Goliath in Côte d'Ivoire? Laurent Gbagbo's War against Global Governance. *African Affairs*, 111(442), 1-23.
- Schabas, W. A. (2016). *The International Criminal Court: A Commentary on the Rome Statute (2nd ed.* Oxford University Press.
- Schabas, W. A. (2020). Acquittals at the ICC: Three problems with the Gbagbo case. *Journal of International Criminal Justice*, 18(2), 443-467. <https://doi.org/10.1093/jicj/mqaa025>
- Smeulers, A. W. M., & Hola, B. (2015). The Selection of Situations by the ICC. *international criminal law review*, 15(1), 225-246.
- Stahn, C. (2015a). *The Law and Practice of the International Criminal Court*. Oxford University Press.
- Stahn, C. (2015b). *Taking complementarity seriously: On the sense and sensibility of 'classical', 'positive' and 'negative' complementarity*. Oxford University Press.
- Stahn, C. (2019). *A critical introduction to international criminal law*. Cambridge University Press.
- Stahn, C. (2020). Justice delivered? The legacy of the Gbagbo acquittal. *Criminal Law Forum*, 31(3), 725-758. <https://doi.org/10.1007/s10609-020-09398-w>
- Stover, E. (2015). *The witnesses: War crimes and the promise of justice in The Hague*. University of Pennsylvania Press.
- United Nations Human Rights, C. (2011). *Report of the International Commission of Inquiry on Côte d'Ivoire*.
- Vasiliev, S. (2015). *Victim participation revisited: What the ICC is learning about itself*. Oxford University Press.
- Vasiliev, S. (2019). The ICC and the problem of witness proofing. *international criminal law review*, 19(4), 545-592. <https://doi.org/10.1163/15718123-01904003>
- Vasiliev, S. (2020). Consistency of jurisprudence, finality of acquittals, and ne bis in idem at the ICC. *Journal of International Criminal Justice*, 18(1), 69-107. <https://doi.org/10.1093/jicj/mqaa003>
- Victims' Rights Working, G. (2010). *The Position of Victims in the Proceedings of the International Criminal Court*.
- Victims' Rights Working, G. (2014). *Participation and Reparations: Enhancing Victims' Rights*.
- Victims' Rights Working, G. (2015a). *Access to Justice for Victims at the ICC*.
- Victims' Rights Working, G. (2015b). *Victim participation at the ICC: Analysis and recommendations*. <https://www.vrwg.org/publications/2015>
- Victims' Rights Working, G. (2016a). *Financial Aspects of Victims' Participation at the ICC*.
- Victims' Rights Working, G. (2016b). *Procedural challenges for victims at the ICC: The Côte d'Ivoire cases*. <https://www.vrwg.org/publications/2016>
- Victims' Rights Working, G. (2018). *Witness protection and victim participation: Finding the balance*. <https://www.vrwg.org/publications/2018>
- Victims' Rights Working, G. (2019). *Victim participation in the Gbagbo case: Achievements and shortcomings*. <https://www.vrwg.org/publications/2019>
- Victims' Rights Working, G. (2020). *Reparations after acquittal: The forgotten victims*. <https://www.vrwg.org/publications/2020>