

Annex 3

Public

From: Trial Chamber I Communications
Sent: 22 December 2022 16:50
To: [REDACTED] Trial Chamber I Communications; Abd Al Rahman Prosecution Team; D31 Abd-Al-Rahman Defence Team; V47 Abd Al Rahman LRV Team
Cc: Office of the Director DJSS; Ambach, Philipp; [REDACTED]; [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer
Subject: RE: VPRS request to TC I on Paternal Proof of Kinship

Dear Mr [REDACTED]
Dear all,

The Chamber has taken note of the VPRS's request in relation to the documents to be accepted as proof of kinship between indirect and direct victims.

The Chamber agrees with the VPRS that, in accordance with the Arabic naming convention, the full name appearing on any official identification document intrinsically provides a proof of kinship for the patriarchal descent of any given person.

The Chamber therefore authorises the approach proposed by the VPRS and considers that any identity documents displaying the full name of the applicant are sufficient to establish proof of identity of/ kinship with an applicant's father/grandfather.

Finally, the Chamber instructs VPRS to include a mention of the chosen approach, the present consultation and the Chamber's decision in their next transmission report.

Kind regards,

[REDACTED]
(on behalf of Trial Chamber I)

From: [REDACTED]
Sent: 20 December 2022 09:54
To: Trial Chamber I Communications [REDACTED]
Cc: Office of the Director DJSS [REDACTED] Ambach, Philipp [REDACTED]
 [REDACTED]
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]
Subject: VPRS request to TC I on Paternal Proof of Kinship

Confidential ex parte

Dear Trial Chamber I,
Dear Colleagues,

The VPRS kindly seeks the Chamber's guidance in relation to the documents provided by applicants for participation to be accepted as proof of kinship between indirect and direct victims.

In line with the Court's jurisprudence, indirect victims must establish the identity of both themselves and the direct victims as well as their respective kinship. The VPRS has noted in the present case that in many instances, while applicants hold identity documents which display their full names and consequently their patrilineality (see attached samples), they do not possess other specific documents establishing kinship.

For the reasons described further below, the VPRS respectfully requests that the Chamber may want to consider identity documents such as those in attachment as sufficient to prove one's identity and relationship with one's father and, in some cases, grandfather.

Unlike other naming conventions, which usually consist of First name and Surname, the Arabic naming convention, in print (i.e. in official documents), follows a system that consists of, *inter alia*: *Ism* (a given name), *Nasab* (parentage), and in some cases *Laqab* (epithet or surname; for more information on the Arabic naming system see: <https://www.councilscienceeditors.org/wp-content/uploads/v28n1p020-021.pdf>). Therefore, the full name appearing on any official identification document intrinsically provides a proof of kinship for the patriarchal descent of any given person.

To illustrate, the attached identification document - which have been extracted from applications for participation show how full names appear on official documents.

In the attached excerpt 1, the full name appears as: [REDACTED] Dissecting the full name, one can deduce that:

- the given name (*ism*) is [REDACTED]
- The two middle names reflect the linear descent (*nasab*) from the father's side. This means that:
 - [REDACTED] is the given name of the father, and
 - [REDACTED] is the given name of the grandfather
- The last name, [REDACTED], is the family name, or epithet (*Nota bene*: not everyone has a family name and sometimes the fourth name, if it appears, is the given name of the next in line in the patriarchal descent (i.e. the great grandfather))

The VPRS therefore respectfully suggests that such documents sufficiently provide a proof of kinship between a person ([REDACTED]), her father ([REDACTED]), and her grandfather ([REDACTED]). Similarly, other official documents such as the refugee card or the certificate of civil registration follow the same Arabic naming convention. In the case of certificates of civil registration (see attached Excerpt 2), in addition to the name of the father being included in the person's own name, the name of the mother is also (separately) indicated.

The VPRS therefore respectfully seeks the Chamber's authorisation to consider that any identity documents displaying the full name of the applicant are sufficient to establish proof of identity of/ kinship with an applicant's father/grandfather. It considers that the Chambers' approval on this matter will allow a significant number of applications received to date to be considered complete and within the scope of the case.

Kind regards,

[REDACTED]
(VPRS)