

ANNEX B

Public



**Protocol on the practices to be used to familiarise witnesses
for giving testimony at trial**

1. The Victims and Witnesses Unit ("VWU") will facilitate the testimony of witnesses in the best possible circumstances. For this purpose, the VWU intends to follow the protocol on the practices used to familiarise witnesses to give testimony before the Court as outlined below.
2. This protocol reflects the jurisprudence on familiarisation and its related procedures and also takes into account the practices and experiences concerning witnesses appearing before the Court at any stage of the proceedings. The protocol aims to outline the procedures that serve the best interests of witnesses and provide for sustainable working solutions for all entities involved.
3. Unless ordered otherwise, the VWU will apply the protocol to all witnesses called to testify before the Court in [*The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud Alfred Yekatom and Patrice-Edouard Ngaïssona*](#) (ICC-01/142-01/18). However, the protocol could be adjusted according to the needs of witnesses who might not require such detailed attention and explanation. Adjustments will also be warranted if detained witnesses are called to testify.

1. Initial Familiarisation Phase

4. The initial phase commences when the ~~entity~~ calling entity introduces the witness to the VWU prior to the scheduled travel of the witness to the location of testimony.

5. ~~This phase takes place in the field, whereby T~~the calling entity ~~calling the witness~~ facilitates an introductory meeting between the VWU and the witness, informing the witness that the VWU will henceforth be responsible for the necessary arrangements to facilitate the witness's travel for the purpose of giving testimony.

6. During this period, the witness is in the care of the VWU in terms of the witness's safety, welfare, logistics and allowances, as specified by the Regulations of the Registry. This entails covering all costs related to the witness's travel, full board and accommodation, incidental and attendance allowances. In some extraordinary cases, the Registrar may provide for an allowance for lost earnings. Should this be the case, the Registrar will inform the relevant party of the granting of an allowance for loss of earnings.

7. The initial period may be divided into two stages. During the first stage, the witness may be required to travel within the country of residence to arrange for his/her passport, which will be facilitated by the VWU. This process may be lengthy in some areas where the Court operates and may require the witness to travel well in advance of his/her travel to the location of testimony. Upon conclusion of this first stage, the VWU arranges for the safe return of the witness to his/her residence and informs the calling entity ~~calling the witness~~ of the above. At this point in time, the witness is again in the care of the calling entity.

8. During the second stage, the witness will be required to travel to the location of testimony. The witness is in the care of the VWU from the moment he or she leaves

his/her residence, and while he or she provides testimony before the Court, undergoes the "cooling down" period where necessary and returns safely to his/her residence. Henceforth, the calling entity ~~calling the witness~~ bears the responsibility ~~to of~~ taking care of the witness as outlined below.

9. The VWU will arrange for the witnesses to be present at the location of testimony. Careful planning is required to ensure sufficient time for all the necessary logistical and operational arrangements and to allow proceedings to run smoothly. The VWU relies on the calling entity ~~calling the witness~~ to communicate the necessary and recently updated information in a timely manner in the Witness Information Form/"WIF").

10. The VWU will only be able to arrange the witness's availability for testimony as long as the individual consents to appear as a witness. Should problems occur in that respect, the VWU will contact the calling entity ~~calling the witness~~ without delay.

11. Support services will commence in the field. The witnesses will be shown the film "Being a witness at the ICC". Additionally, the brochures "Travel to The Hague" and "Being a Witness at the International Criminal Court in The Hague" will be made available to the witnesses. The travel arrangements will be explained. A basic medical check-up will be conducted to ensure that the witness is fit to travel. If, based on the VWU's assessment, thea witness requires an accompanying person to travel, in accordance with Regulation 91 of the Regulations of the Registry, such arrangements will be made. Furthermore, the witness'es' special needs will be provided for, including, for example, providing appropriate clothing. When the witnesses ~~are-is~~ to travel with small children, appropriate arrangements will be made to accommodate their specific needs.

1.1 Scheduling of witnesses

12. When an entity intends to call a witness to testify, it is required to submit the WIF to the VWU. In the WIF, the ~~parties calling entity is~~ are asked, inter alia, to identify the potential vulnerability of ~~thea~~ witness and any need for protective measures in relation to his/her testimony and logistical arrangements. The ~~calling entity calling the witness~~ is invited to consult with the VWU about specific requirements that ~~thea~~ witness may have.

13. In order to facilitate the logistical arrangements and to ensure the timely appearance of ~~thea~~ witness, the WIF needs to be submitted to the VWU not less than 35 days before the witness is scheduled to arrive at the location of testimony.

14. Notwithstanding the prerogative of the ~~calling entity calling the witness~~ to determine both the order and the scheduling of witnesses, the VWU strongly recommends avoiding unnecessary waiting times or last minute changes to the schedule of witness appearance for the benefit of the witness~~es~~' well-being. The VWU emphasizes the fact that the practice of standby witnesses is not only extremely resource-intensive but can also significantly impact on a witness'~~s~~ well-being due to the unpredictable waiting times and the constant pressure of being ready to give testimony.

15. For this reason, the VWU strongly recommends ~~to~~ havinge one stand-by witness only ready to testify by the time the preceding witness is scheduled to finish giving testimony.

16. In addition, the VWU strongly recommends avoiding a system whereby witnesses are required to be on standby at the location of testimony during the testimony of the preceding witness. Instead, the VWU recommends that those witnesses who have already undergone the familiarisation process and who are fully

equipped for their testimony be permitted to stay in their accommodation or engage in other social activities while they wait to give their testimony.

17. For protection reasons, it will be important to limit the time spent away from the witness's location of residence to the extent possible. Moreover, travelling and awaiting scheduled testimony can be a very stressful experience for a witness. Keeping the psychological and physical well-being of witnesses in mind and demonstrating respect for their efforts to testify before the Court, the VWU stresses the need for detailed planning and careful scheduling of the witnesses' appearances before the Court.

18. Subject to approval by the Chamber, it is possible for victims to testify. In this case, the application to do so is made by the Legal Representative of the victim. Should the application be granted, the Legal Representative of the victim must contact the VWU in order to make all necessary arrangements and discuss any possible security concerns.

1.2 Early needs and vulnerability assessment

19. The parties are under an obligation to identify, protect and respect the well-being and dignity of witnesses. Parties should, therefore, alert the VWU as early as practicable if they intend to call a vulnerable witness¹ or if they identify the need for procedural protective and/or special measures. The same applies if the calling entity ~~calling the witness~~ envisages the need for a witness to be accompanied by a VWU

¹ For the purposes of this protocol, witnesses are considered to be vulnerable if they face an increased risk ~~to~~ of suffering psychological harm through the process of testifying, and/or ~~to~~ of experiencing psychosocial or physical difficulties which affect their ability to testify. The vulnerability of a witness can be determined by different factors, ~~such as~~ factors related to the person: age (children or elderly), personality, disability (including cognitive impairments), mental illness or psychosocial problems (such as trauma-related problems and/or lack of social support); factors related to the nature of the crime: in particular victims of sexual or gender-based violence, children ~~that who~~ are victims of violence, and victims of torture or other crimes involving excessive violence; factors related to particular circumstances, such as significantly increased stress or anxiety due to relocation/resettlement or fear of retaliation, adaptation difficulties related to cultural differences or other factors.

staff member, pursuant to Regulation 91 of the Regulations of the Registry. The parties are invited to consult with the VWU on this matter to allow for appropriate arrangements for the testimony of the witness. The calling entity ~~calling the witness~~ should make use of the WIF to indicate that assistance is needed ~~with~~ for the arrangements for ~~the witness for giving~~ testimony and to share relevant information about the vulnerable witness.

20. Based on the information provided by the calling entity ~~calling the witness~~ or where the VWU identifies the vulnerability of a witness, appropriate actions to support and/or protect the witnesses will be assessed on a case-by-case basis. Following the preparatory assessment, the VWU, in consultation with the calling entity ~~calling the witness~~, determines appropriate measures to fully equip the vulnerable witness for his/her testimony.

21. The VWU will also raise with the Chamber, the calling party entity and the Legal Representative (where applicable), at an early stage, any specific concerns regarding the integrity and well-being of a witness, especially in relation to those who may be traumatised or vulnerable.

22. If applicable at this stage, the calling entity ~~calling the witness~~ should inform the VWU about protective measures granted by the Chamber pursuant to rules 87 and 88 of the Rules of Procedure and Evidence.²

1.3 Travel to the location of testimony

23. Upon receipt of the WIF from the calling entity ~~calling the witness~~, the VWU will make travel arrangements for the witness. These arrangements will include, but are not limited to, making local and international travel arrangements, organising

² This is of particular importance as the VWU support staff will explain the practical implications of such measures to the witnesses in the course of the court room familiarisation.

passports, visas, and accommodation, and providing travel escorts when necessary.

The VWU will take into consideration the particular needs of the ~~respective~~-witness when providing for the different logistical and operational arrangements.

24. ~~Wherever possible~~³-~~The~~ VWU may, in consultation with the calling ~~party~~ entity and Legal Representative (where applicable), arrange for witnesses to travel jointly to the seat of the Court or at a different location of testimony in case of video-link.⁴ In determining whether or not witnesses should travel jointly, regard shall be had, in particular, to whether ~~any~~the witness is participating in the Court's protection programme ("ICCPP"), whether joint travel might compromise confidentiality in respect of the witnesses's interaction with the Court, ~~and~~ the risk of 'contamination' of the witnesses's evidence, and the profile of the witness.⁵ In the event of irreconcilable disagreement between the calling ~~party~~ entity and the VWU, the Chamber shall be ~~seiz~~ed of the matter in a timely manner.

25. All witnesses travelling together will be reminded with appropriate regularity that they must not discuss their impending evidence with each other or anyone else. All witnesses are also to be reminded of their role in preserving their evidence and in avoiding any unnecessary exposure.

³ ~~As a general rule, this will not apply to witnesses who participate in the Court's protection programme and who do not live together.~~

⁴ ~~As a general rule, this will not apply to witnesses who participate in the Court's protection programme and who do not live together.~~

⁵ ~~In particular, contact between witnesses who are victims of crimes with witnesses belonging to or associated with perpetrator groups should be avoided.~~

2. Pre-appearance Familiarisation

2.1 Witness preparation and familiarisation

26. Witness familiarisation by the VWU is to be carried out in parallel with ~~the~~ any witness preparation conducted by the calling party, in case the latter is conducted at the seat of the Court.

27. Witness preparation is the responsibility of the calling party, who shall determine practical arrangements in co-ordination with the VWU.⁶

28. VWU representatives are not required to be present during the witness preparation meetings. However, if necessary, the VWU is available to assist the calling party with its witness preparation of vulnerable witnesses.⁷

29. The calling party shall endeavour to complete its witness preparations sessions as early as possible and in any event at least ~~24 hours~~ one day before the witness's testimony is due to commence.⁸

2.2 Limitation of contact

30. Non-substantive contact between the calling party entity and the witness in the 24 hours preceding the witness's testimony should be exceptional and should only be allowed if authorised by the Chamber. It should be appropriate in the circumstances and guided by due regard to professional responsibility.

⁶ ~~See Prosecution's proposed Directions on the Conduct of the Proceedings, para. 14. ICC-01/12-01/18-666-AnxA, para. 5.~~

⁷ ~~See Prosecution's proposed Directions on the Conduct of the Proceedings, para. 14. ICC-01/12-01/18-666-AnxA, para. 5.~~

⁸ ~~See Prosecution's proposed Directions on the Conduct of the Proceedings, para. 20. ICC-01/12-01/18-666-AnxA, para. 11.~~

31. From the time the witness begins to testify until the end of the witness's testimony, the calling ~~party's entity's~~ contact with the witness is restricted to its examination in Court, unless otherwise authorised by the Chamber.

32. Therefore, the VWU will not facilitate any further contact between the witness and the calling entity ~~calling the witness~~ from the time the witness starts to testify and until the witness has finished testimony. Should urgent matters arise that may have an impact on the witness's testimony, the VWU will draw the matter to the attention of the calling entity ~~calling the witness~~ or to the attention of the Chamber, as appropriate.

33. Discussion between the parties and their expert witnesses may take place at any stage prior to calling the witness.

34. The Legal Representatives of a dual status witnesses, when not acting as calling partyentity,⁹ ~~are is~~ entitled to speak with their clients during the whole duration of the witness's stay at the location of testimony. However the Legal Representatives should refrain from holding substantive discussions with the witnesses about topics that are to be dealt with in Court during their evidence or the exhibits which may be produced. Instead, discussion with thea witness about his/her testimony should only occur after the close of the evidence in the case.

35. Counsels of witnesses are also, subject to any specific direction of the Chamber, entitled to speak to their clients during the whole duration of the witnesses' stay at the location of testimony. As the locations where witnesses are accommodated must remain confidential, contact with witnesses during their stay at the location of testimony will only be established through and facilitated by the VWU.

⁹ When a Legal Representative acts as a calling partyentity, the regime described in paragraphs 30 to 32 applies.

2.3 At the location of testimony

2.3.1 Commencement of the familiarisation process

36. The starting point of the familiarisation process is when the witness arrives in the Netherlands¹⁰ or at the location of testimony where different from the seat of the Court, prior to giving evidence.

37. The VWU informs the calling entity ~~calling the witness~~ when the witness is scheduled to arrive and if any major delays or disruptions occur.

38. Excluding witness preparation meetings,¹¹ all meetings with witnesses, excluding expert witnesses, and the calling entity ~~calling the witness or Legal Representative~~ will be conducted within the premises of the VWU.

2.3.2. Separation of witnesses at the accommodation

39. ~~Wherever possible, the~~ VWU may, in consultation with the calling party entity and Legal Representative (where applicable), arrange for witnesses to be accommodated jointly at the location of testimony.¹² In determining whether or not witnesses should be accommodated jointly, regard shall be had, in particular, to whether ~~the any~~ witness is participating in the ~~Court's protection programme ICCPP~~, whether joint accommodation might compromise confidentiality in respect of the witnesses's interaction with the Court, ~~and~~ the risk of 'contamination' of the witnesses's evidence, and the profile of the witness.¹³ In the event of irreconcilable

¹⁰ In cases where testimony will be given by video-link in accordance with ~~r~~ Regulation 45 of the Regulations of the Registry, the familiarisation process starts at the moment the witness arrives at the location of the video-link.

¹¹ See Prosecution's proposed Directions on the Conduct of the Proceedings, paras. 17 and 18. ~~ICC-01/04-02/06/652-Anx, paras. 8 and 9.~~

¹² As a general rule, this will not apply to witnesses who participate in the Court's protection programme and who do not live together.

¹³ In particular, contact between witnesses who are victims of crimes with witnesses belonging to or associated with perpetrator groups should be avoided.

disagreement between the calling ~~party~~ entity and the VWU the Chamber shall be seized of the matter in a timely manner.

40. The VWU will, once again, remind witnesses with appropriate regularity that they must not discuss their impending evidence with each other or anyone else and will remind witnesses of their role in preserving their evidence and in avoiding any unnecessary exposure.¹⁴

41. In cases in which the accounts of witnesses overlap or there is a risk of evidence being tainted by contact during and after testimony, the VWU, in consultation with the ~~party calling the witness~~ calling entity shall, to the extent possible, take the following measures: (i) once a witness commences giving evidence, he or she should be separated from other witnesses; (ii), the VWU shall arrange supervised social contact between ~~the any~~ witness who has testified and ~~the any~~ remaining witnesses at least for a few hours each day;¹⁵ (iii) the VWU shall warn the witnesses that they should not discuss their evidence with each other; (iv) the VWU shall, as far as possible, jointly accommodate ~~the~~ witnesses who have finished giving evidence; and, (v) in the event that the witnesses breach these conditions, the matter shall be brought by the VWU to the Chamber's attention for review.

42. Expert witnesses may also be jointly accommodated and will be reminded not to discuss the evidence they have given or will give.

2.3.3 Support Services

43. The VWU arranges for accommodation for the witness at the location of testimony. Furthermore, the VWU provides local transport between the

¹⁴ The principles applicable to separate travel shall also apply to the determination of the need for separate accommodations (see [Chapter-section 1.3](#) above).

¹⁵ [Again, subject to the restriction on contact between victims of crimes and witnesses belonging to or associated with perpetrator groups.](#)

accommodation and the Court or the site of video link testimony, where applicable. The witnesses are received by a VWU staff member at the site of the accommodation. The VWU staff member provides a welcome briefing and orientation of the accommodation and its facilities, explaining to the witness, *inter alia*, the support services available, their day-to-day schedule to the extent known, and the allowances the witnesses receive and the expenses covered by the Court.

44. The VWU will have support services available 24 hours a day, seven days a week to witnesses during their stay at the location of testimony. During this time the VWU attends to the psycho-social and physical well-being and the practical needs of witnesses including any special needs vulnerable witnesses may have.

45. Those support services will include, but are not limited to, a welcome briefing, courtroom familiarisation, de-briefing after testimony and conducting an activity programme. The support staff will also attend to [the](#) practical and medical needs of the witnesses.

2.4 Assessment of vulnerable witnesses for special measures

46. Upon arrival at the location of testimony, and subject to the witness's consent, [any](#) vulnerable witness is given a further assessment by the VWU Psychologist, which builds upon the preliminary vulnerability assessment as indicated in section 1.2.

47. At the end of the assessment, the Psychologist discusses the relevant special measures with the witness and seeks his/her consent. The support and familiarisation process are then coordinated and, where applicable, adapted accordingly. This assessment is done following a clinical care model and on the basis of the assessment.

48. The assessment summary is sent to the Chamber on a confidential ex parte basis prior to testimony of the witness. It sets out the recommended special measures, as well as a summary of the evaluation that is relevant for testimony. The recommended measures (without the summary) are also sent to the Court Management Section (the "CMS") so that the measures, if granted, can be implemented in a timely manner. The VWU will provide the same information to the parties and participants.

49. The VWU's assessment does not address the credibility of the witness.

50. The witness is informed about the measures granted by the Chamber prior to testimony. The granted special measures are demonstrated to the witness during the (repeated) courtroom familiarisation.

2.4.1. In-court reading assistance

51. The VWU will also assess the need for the witness to be provided with reading assistance in the courtroom during his/her testimony. The assessment is based on the information about the literacy level provided by the ~~party~~-calling ~~the witness~~entity, information about the level of education provided by the witness, and observations by the VWU of the witness's capacity to read and write during the familiarisation process (for instance, during courtroom familiarisation). For vulnerable witnesses, the literacy level may be determined from the information provided and the observations made during the vulnerability assessment.

52. In case there is an indication that the witness has a limited literacy level, the capacity of the witness is explored further. It is often difficult to predict how witnesses with a limited literacy level will perform in the courtroom as they might be able to read during the familiarisation but may nevertheless feel uncomfortable doing so in public, in particular during their potentially stressful testimony in the

courtroom. Therefore, the VWU does not address the question of whether thea witness can or cannot read. Instead, the VWU asks for full reading assistance (for the oath and for reading names and texts) if ~~the Unit~~ assesses that the literacy level is too limited and/or if the witness clearly indicates that he/she does not feel comfortable reading out loud. Following this procedure avoids ambiguity and potentially embarrassing situations in the courtroom for the witness. In the exceptional case where it is assessed that thea witness only needs assistance for a very particular task, the VWU will specify this in the assessment.

53. When the VWU assesses the need for reading assistance, it will inform the Chamber and the calling entity ~~calling the witness~~ as soon as possible.¹⁶ It will also inform the Court Management Section's Associate Legal Officer/Courtroom Officer to ensure that proper arrangements are in place in the courtroom.

2.5 (In-Court) protective and sSpecial measures as per rule 87 and rule 88 of the Rules of Procedure and Evidence

54. The VWU informs ~~each the~~ witness of the availability of in-court protective and special measures when it meets ~~the witness~~ him or her in the field to prepare the travel to the location of testimony.

55. In order to determine the necessity for in-court protective and special measures as early as possible, the VWU invites the calling entity ~~calling the witness~~ to indicate to the VWU any particular matter relating to the security, safety and vulnerability of the witnesses. To the extent possible, this information should be submitted to the VWU in the WIF.

¹⁶ As the calling party must “provide the witness with an opportunity to review his or her prior statements” as per the proposed Directions on the Conduct of the Proceedings (para. 25) “~~Witness preparation protocol~~” (ICC-01/12-01/18-666-Anx, para.18), the calling party will be responsible ~~to for~~ take the necessary measures to arrange for reading assistance to be provided for the statement reading process.

56. Any request for in-court protective and special measures will promptly be brought to the attention of the Chamber by the calling ~~party~~entity. Upon consultation with the VWU, the calling entity ~~calling the witness~~ will, if applicable, file a motion to request protective measures to be granted by the Chamber. Should the calling entity ~~calling the witness~~ and the VWU not agree on the request for protective measures, the VWU will draw this matter to the attention of the Chamber pursuant to rRegulation 41 of the Regulations of the Court, irrespective of the motion filed or not filed by the calling entity ~~calling the witness~~.

2.6 Witnesses falling under the scope of rRule 74 of the Rules of Procedure and Evidence

57. Where witnesses have dual status and have consequently been assigned legal representation, it lies within the responsibility of the Legal Representative to ensure that the witness is fully aware and informed about the consequences of potential self-incrimination and the content of rRule 74 of the Rules of Procedure and Evidence. Where victims are otherwise testifying in proceedings before the Court, it also lies within the responsibility of the Legal Representative to ensure that the victim is fully aware and informed about this issue.

58. For all other witnesses, it is the responsibility of the calling entity ~~calling the witness~~ to identify witnesses who may potentially incriminate themselves and to notify the VWU accordingly. Additionally, the calling entity ~~calling the witness~~ must inform such witnesses of their right to obtain legal advice. For witnesses who participate in the ~~Court's protection programme~~ ("ICCPP"), the entity referring the witness provides this information with the application for protection referral. For witnesses who do not participate in the ICCPP, the calling entity ~~calling the witness~~ provides this information by submitting it to the VWU in the WIF. If the potential for self-incrimination is discovered after an initial WIF is submitted, the calling entity

~~calling the witness~~ must provide an updated WIF to the VWU. It is also the responsibility of the calling entity ~~calling the witness~~ to communicate this information to the relevant section of the Registry, currently being the Counsel Support Section ("CSS"). Once the Registry has been made aware that the witness may make self-incriminating statements during his / her testimony, it is the responsibility of the Registry to ensure that the witness is provided with independent legal advice from a qualified lawyer. It is preferable if the lawyer can speak directly to the witness in a language he/she understands. Therefore, as soon as the dates of the witnesses' s presence at the location of testimony are known, the VWU notifies the CSS, which identifies a person – based on specific requirements expressed, if any – qualified and able (i.e. not conflicted) to furnish “legal advice” to the witness(es) so concerned in accordance with rRule 74.10 of the Rules of Procedure and Evidence. The legal adviser need not be at any time physically present in The Hague or during the proceedings but, rather, can provide advice and assistance remotely.

59. The legal adviser identified by the Registry requires access to the relevant material to be in the position to advise the witness on the issue of self-incrimination. The CSS makes the necessary arrangements to ensure that the legal adviser reviews all relevant materials in connection with the case. The calling entity ~~calling the witness~~ will furnish the legal adviser with the relevant materials, such as witness statements and transcripts of interviews. At all times, due respect for confidentiality must be maintained.

60. The legal adviser is responsible for the safe keeping of the relevant material.

61. VWU staff informs the witness that a meeting or a consultation by phone with the legal adviser will take place. If the witness does not want to consult with the

~~latter~~ legal advisor, this decision is brought to the attention of the Chamber and of the ~~party~~ calling ~~the witness~~ entity.

62. The VWU facilitates ~~the~~ contact between the legal adviser and the witness in the course of the familiarisation process and, at the latest, on the day before the witness's testimony. The VWU is required to ensure that during the familiarisation process, the lawyer is given sufficient time along with the witness to give advice, so a minimum of an hour is set aside for this purpose. The consultation, either by phone or in person, takes place within the premises of the VWU, but the VWU will not participate in it.

63. It is the responsibility of the legal adviser to explain to the witness his/her mandate and to advise the witness that the meeting is restricted to issues relating to self-incrimination and that no other aspects of the testimony must be discussed. Should the witness require assurance under rule 74(3)(c) of the Rules of Procedure and Evidence, it will be the responsibility of the legal adviser to immediately inform the Chamber and Prosecution of this request, with reasons.

2.7 Courtroom familiarisation

64. As a general rule, the VWU will conduct the courtroom familiarisation prior to the witness preparation meetings with the calling ~~party~~ entity.

2.7.1. Showing the VWU facilities

65. The witness waiting rooms and other relevant VWU facilities are shown to the witness. As there might be a number of witnesses who are required to be separated at the VWU premises, witnesses are strictly required to stay inside the witness waiting rooms at all times. The VWU staff member explains, however, how to call for assistance and what to do if the witness needs to leave the room.

66. All of the witness waiting rooms are equipped with an alarm system that enables the witness to contact a VWU staff member at any time.

67. In cases where ~~the~~ witness ~~will~~ requires in-court assistance, the in-court assistant will be present during the courtroom familiarisation, if possible.

68. The VWU staff confirms the language of ~~the~~ testimony with the witness. In case the information provided by the witness differs from the information in the WIF, the VWU brings this discrepancy to the attention of the ~~calling~~ entity ~~calling the witness~~, the Chamber, and other relevant Sections of the Registry including the Court Management Section's Associate Legal Officer/Courtroom Officer.

2.7.2. Meeting with the persons who will examine the witness ("courtesy meeting")

69. The witnesses are provided with an opportunity to acquaint themselves with the people who may examine them in court ("courtesy meeting"). The ~~entity~~ ~~calling the witness~~ ~~entity~~, the non-calling parties and the Legal Representatives, where applicable, must provide the VWU with the names of the persons who will examine the witness in Court. The VWU will require this information prior to the arrival of the witness to the location of testimony, thereby allowing the VWU to facilitate contacts in a timely manner.

70. Legal Representatives assigned to a specific case will be reminded by the VWU of the possibility for such courtesy meetings between the witnesses and the persons who will examine them in court. The Legal Representatives, who have submitted to the Chamber a request to question the witness, must inform the VWU in a timely manner to allow the VWU to facilitate the meeting.

71. Based on this information provided by the parties and participants, and subject to the witness's consent, the VWU will notify all the people who have been listed to

examine the witness in Court, including the Legal Representative of a [dual](#) witness, where applicable, on when the courtesy meeting is scheduled to take place.

72. Separate courtesy meetings for each entity will take place on the premises of the VWU, immediately before the courtroom familiarisation. The staff of the VWU shall attend the meeting.

73. In relation to the time allocated to the courtesy meetings, each party is allocated 10 minutes. If there is one Legal Representative team, it is allocated 10 minutes. If there are two Legal Representative teams, they attend the courtesy meeting at the same time for a maximum of 15 minutes. If there are more than two teams, then a maximum of 20 minutes is allocated to all. The VWU recommends joint courtesy meetings for the Legal Representatives because they are less burdensome for the witnesses.

2.7.3. Showing the courtroom and explaining the proceedings

74. The VWU staff member will guide the witness to the courtroom. All individuals who have participated in the separate courtesy meetings may attend the courtroom familiarisation. The VWU notes that during this procedure, the various representatives are not allowed to speak about the evidence and, as a result, they are only allowed to watch the courtroom familiarisation passively to ensure that no interference occurs. VWU staff will remind the attending representatives of the parties and participants accordingly.

75. The witness will be introduced to the courtroom. Where the Chamber has authorised the witness to testify from a remote witness room, either in headquarters or in the field, the witness will also be introduced to this room.

76. The technical devices will be explained to the witness. Where possible, the witness will practice using the equipment.

77. The VWU staff member will explain the proceedings before the Court, in particular the role of a witness and the process of examination. This includes, where applicable, demonstrating to the witness the recommended and/or granted special and protective measures.

78. The VWU staff member will explain to the witness who he/she will see in the courtroom and who might directly address the witness. The VWU staff member also points out where ~~the respective persons~~such persons will sit.

79. The in-court familiarisation is repeated if it is assessed to be necessary for the benefit of the witness because the witness is vulnerable and/or has shown difficulties in understanding the proceedings. This repetition also presents the opportunity to provide or repeat the demonstration of the granted special and protective measures.

2.7.4. Questionnaire

80. After the in-court familiarisation, but prior to testimony, the VWU will conduct the first part of the "witness feedback programme".¹⁷

2.8. Day of testimony

81. On the day of testimony, the VWU will arrange for the appearance of the witness in Court.

¹⁷ In order to capture both immediate as well as more long-term feedback of witnesses with regard to their court appearance and the services provided to them, the VWU implemented a "witness feedback programme" *See*, for more details, paragraphs 96 to 98.

82. If the mental state of the witness so requires, the witness can be monitored by the Psychologist, and any urgent concerns that arise will be communicated to the Chamber.

83. Before the examination of a witness commences, the Presiding Judge invites the witness to make ~~the a~~ solemn declaration to tell the truth, in accordance with rule 66 of the Rules of Procedure and Evidence.

84. Support services will be available before, during and after testimony.

2.9. Providing witnesses with copies of statements after testimony

85. In case a witness requests to retain a copy of his/her statement or any related material, the VWU shall inform the Chamber which will decide on a case-by-case basis.

3. After Testimony

3.1 Immediately after testimony

86. Once the witness's evidence in court is completed, the prohibition of contact between the witness and the calling entity – which started when the witness began testifying ~~between the party introducing the evidence and the witness~~ – is lifted, unless the Chamber directs otherwise. If ~~the a~~ witness is in the ICCPP, the VWU will, sufficiently in advance of the end of the witness's evidence, give details to the party who called him or her calling entity of any future protective measures. The VWU will ensure that adequate time is allowed to enable suggested deficiencies in the VWU's proposal to be raised with, and resolved by, the Chamber.

87. After the witness has concluded giving testimony, the VWU strongly encourages and will facilitate, subject to the witness's consent, a "thank you" meeting

between the witness and the calling entity ~~calling the witness~~. This practice is a valuable and direct tool to recognise and express appreciation for the witness's cooperation with the Court in giving testimony.

88. The VWU will conduct a de-briefing and will arrange for the travel arrangements back to the witness's location of residence. The VWU will also use this opportunity to assess the immediate impact of the testimony with the post-testimony questionnaire.¹⁸

3.2 Cooling down period

89. After the witness has concluded giving testimony, while at the location of the testimony, the witness receives a de-briefing and will go through a security questionnaire with VWU staff. ~~The~~A witness is also given an opportunity to contact his/her family, relatives and other trusted sources to find out any potential reactions to the testimony given by the witness that might have to be taken into consideration when planning the witness's return.

90. In the field, the VWU field staff conducts a risk assessment to determine whether the witness can return to his/her location of residence. The VWU also assesses whether further follow-up support measures are required.

91. Where appropriate, ~~the~~a witness may go through a cooling down period. The cooling down period may entail that ~~the~~witnesses remains in a safe holding area instead of returning immediately to their location of residence. While the VWU recognises the need to return ~~a~~the witness to the location of residence as soon as possible, ideally within ten ~~calendar~~ days of testimony, the witness's return will only be recommended if and when it is assessed to be sufficiently safe. The period of time spent at the holding area can be extended accordingly, subject to the witness's

¹⁸ See Chapter-section 3.3 for more details.

consent. Throughout the “cooling down period”, VWU staff maintains regular contact with the witness to provide psycho-social support when necessary and address any issues that may arise from the witness’s absence from his/her residence.

92. Should concerns about the security situation at the location of residence persist, the VWU will communicate this to the calling entity ~~that called the witness~~ as soon as possible and will provide its advice on suitable protective measures for the witness. If necessary, and in consultation with the calling entity ~~that called the witness~~, the VWU will conduct an assessment procedure for participation in the ICCPP.

93. Should concerns about the witness’s psycho-social condition or necessity for follow-up support measures arise, the VWU will communicate ~~this~~ to the calling entity ~~that called the witness~~ as soon as possible.

94. Should concerns about the security of ~~the~~ witness arise after ~~the witness~~ she/she has returned to the location of residence, the VWU invites the calling entity ~~that called the witness~~ to bring those concerns to ~~the Unit's~~ attention. The VWU will advise on the appropriate protection measures. If necessary, and in consultation with the calling entity ~~that called the witness~~, the VWU will conduct an assessment procedure for participation in the ICCPP.

95. Security concerns of sufficient gravity arising after testimony will be brought to the attention of the Chamber and the ~~party that called the witness~~ calling entity as soon as possible. In this context, the VWU will also convey to the Chamber and the ~~party that called the witness~~ calling entity any influence that the situation could have on witnesses who have not yet testified and on any procedural protective measures the Chamber may consider granting to them.

3.3 Witness feedback program

96. The VWU has developed a comprehensive witness feedback program that aims to capture the experiences of ICC witnesses in a detailed, yet streamlined, manner.

97. Witnesses will be invited to complete detailed questionnaires before and shortly after [their](#) testimony. The questionnaire protocol follows a standardised and scientific approach to monitoring and evaluating ~~the~~-witnesses' experiences.

98. The witness feedback program is designed to provide information to the VWU that would allow ~~the Unit~~ to improve its provision of services to witnesses and to share outcomes and information with other relevant areas of the Court. The [Unit VWU](#) intends to use this information for, *inter alia*, monitoring the familiarisation of witnesses, and it will suggest changes to the Unit's practices and protocols, when appropriate.