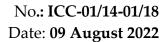
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Cour Pénale Internationale

## International Criminal Court

Original: English



# TRIAL CHAMBER VI

**Before:** 

Judge Miatta Maria Samba, Presiding Judge Judge María del Socorro Flores Liera Judge Sergio Gerardo Ugalde Godínez

# SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI

> PUBLIC with Public Annexes I and II

Registry's Submissions of the Protocol on the practices to be used to familiarise witnesses for giving testimony at trial and of the Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

<b>The Office of the Prosecutor</b> Mr Karim A.A. Khan QC Mr Mame Mandiaye Niang	<b>Counsel for Defence</b> Ms Jennifer Naouri Mr Dov Jacobs
<b>Legal Representatives of the Victims</b> Ms Sarah Pellet Ms Caroline Walter	Legal Representatives of the Applicants
Unrepresented Victims	Unrepresented Applicants (Participation/Reparation)
The Office of the Public Counsel for Victims	The Office of the Public Counsel for the Defence
States' Representatives	Amicus Curiae
REGISTRY	
<b>Registrar</b> Mr Peter Lewis	Counsel Support Section
<b>Victims and Witnesses Unit</b> Mr Nigel Verrill	Detention Section
Victims Participation and Reparations Section	Other

#### I. Introduction

1. The Registry herewith submits two protocols to be adopted in the current case: the "Protocol on the practices to be used to familiarise witnesses for giving testimony at trial" ("Familiarisation Protocol"), in Annex I, and the "Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses" ("Vulnerability Protocol"), in Annex II.

### II. Submissions

2. The Victims and Witnesses Unit ("VWU") proposes the adoption of the two aforementioned protocols. Unless the parties or participants object, and pending the agreement of the Chamber, the VWU will use these two protocols to prepare for the start of trial.

## A. Familiarisation Protocol

- 3. As per its usual practice, the VWU is required to carry out a witness familiarisation procedure prior to the testimony of each witness. For this purpose, a Familiarisation Protocol was adopted in most of the cases before the Court.
- 4. The Familiarisation Protocol outlines the procedures that serve the best interests of witnesses and provides for sustainable working solutions for all entities involved. It covers issues pertinent to the familiarisation process, taking into account the practices and experiences concerning witnesses appearing before the Court and matters related to, *inter alia*, travel preparations for the witnesses in the field, arrangements for witnesses falling under the scope of rule 74 of the Rules of Procedure and Evidence ("Rules"), and courtroom familiarisation.
- 5. The VWU notes that the Chamber in the present case adopted the Protocol on witness preparation.<sup>1</sup> The VWU would therefore recommend using the

<sup>&</sup>lt;sup>1</sup> ICC-01/14-01/21-251-AnxA.

version of the Familiarisation Protocol filed in the cases of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* ("Abd-Al-Rahman")<sup>2</sup> and *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* ("Al Hassan").<sup>3</sup> The Protocol filed in those two cases is a slightly amended version of the Familiarisation Protocol adopted in the case of *The Prosecutor v. Bosco Ntaganda* ("Ntaganda")<sup>4</sup>. In those cases the Familiarisation protocols adopted take into account the fact that witness preparation has been granted by the Chambers as is the case in the *Kani* case<sup>5</sup>.

6. The VWU therefore submits, as Annex I, the text of the "Protocol on the practices to be used to familiarise witnesses for giving testimony at trial."

## **B.** Vulnerability Protocol

- 7. In accordance with rule 88 of the Rules, the VWU provides its assessment on the need for special measures to be implemented for the benefit of potentially vulnerable witnesses. This practice is laid out in the Vulnerability Protocol.
- 8. The VWU considers it necessary to implement in the present case, as per its usual practice, the Vulnerability Protocol which was adopted in, *inter alia*, the cases of *Abd-Al-Rahman<sup>6</sup>*, *Al Hassan<sup>7</sup>*, *Gbagbo and Blé Goudé*<sup>8</sup>, and *Bemba.*<sup>9</sup>
- 9. In all these cases, the same version of the Vulnerability Protocol was adopted. The last version used in *Abd-Al-Rahman* has been slightly amended to include minor terminological and non-substantial changes in order to reflect the changes in the VWU's internal structure.

<sup>&</sup>lt;sup>2</sup> ICC-02/05-01/20-688-Anx I.

<sup>&</sup>lt;sup>3</sup> ICC-01/12-01/18-705-AnxI.

<sup>&</sup>lt;sup>4</sup> ICC-01/04-02/06-656-AnxA.

<sup>&</sup>lt;sup>5</sup> ICC-01/14-01/21-251-AnxA.

<sup>&</sup>lt;sup>6</sup> ICC-02/05-01/20-688-AnxII.

<sup>&</sup>lt;sup>7</sup> ICC-01/12-01/18-562, para. 5.

<sup>&</sup>lt;sup>8</sup> ICC-02/11-01/15-357 and ICC-02/11-02/11-110-Anx2.

<sup>&</sup>lt;sup>9</sup> ICC-01/05-01/08-974-Anx2.

10. The VWU therefore submits, as Annex II, the text of the "Protocol on the vulnerability assessment and support procedure used to facilitate the testimony of vulnerable witnesses."

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

Dated this 09 August 2022 At The Hague, the Netherlands