

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/18

Date: 09 August 2022

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:

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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

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REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

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.¹ The VWU would therefore recommend using the

¹ 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”)² and *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (“Al Hassan”).³ 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”)⁴. 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* case⁵.

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*⁶, *Al Hassan*⁷, *Gbagbo and Blé Goudé*⁸, and *Bemba*.⁹
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.

² ICC-02/05-01/20-688-Anx I.

³ ICC-01/12-01/18-705-AnxI.

⁴ ICC-01/04-02/06-656-AnxA.

⁵ ICC-01/14-01/21-251-AnxA.

⁶ ICC-02/05-01/20-688-AnxII.

⁷ ICC-01/12-01/18-562, para. 5.

⁸ ICC-02/11-01/15-357 and ICC-02/11-02/11-110-Anx2.

⁹ 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