

**ANNEX 28**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 05 December 2022 14:24  
**To:** Massidda, Paolina; Trial Chamber V Communications  
**Cc:** V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; Chamber Decisions Communication; Associate Legal Officer-Court Officer; [REDACTED]  
**Subject:** Decision on the CLRV Request to establish a procedure aiming at informing witnesses about the possibility to apply to participate in the proceedings as victims

Dear Ms Massidda and Mr Suprun,

The Single Judge considers it more appropriate to rule on your request on the record. Accordingly, he instructs the CLRV to submit the request by way of a formal filing.

Furthermore, he instructs the VPRS to provide its observations to the request within the response deadline applicable to the participants.

Kind regards, TC V

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**From:** Massidda, Paolina [REDACTED]  
**Sent:** 30 November 2022 11:41  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]  
**Subject:** Request to establish a procedure aiming at informing witnesses about the possibility to apply to participate in the proceedings as victims

Dear Ms [REDACTED],

The Common Legal Representatives (the "CLRV") kindly request that the below matter is brought to the attention of the Chamber.

In light of the Chamber's instruction regarding Witness P-2049 and Witness P-2419 for VPRS to contact them to explain the process of applying for participation as victims in the proceedings and, eventually, complete an application form, the CLRV respectfully request the establishment of a procedure aiming at informing upcoming witnesses who are potential victims about the possibility to participate at trial as victims. The establishment of such procedure will contribute to the fairness of the proceedings insofar it will provide an opportunity to apply to participate as victims to the persons who, prior to their testimony, could have been either unaware about such an opportunity or unable to apply to participate for any other reasons.


More concretely, the CLRV respectfully suggest that the Presiding Judge, *proprio motu* or upon an oral or written request by any of the participants, informs witnesses who will testify in the future - after completion of their testimony - of the possibility to apply to be recognised as victims in the proceedings and requests the Registry (VPRS) to contact the person to verify her/his intention in this regard, preferably before she/he leaves The Hague - if the testimony is at the seat of the Court-, or the video-link location - if she/he testifies remotely.

For the witnesses potential victims who already testified, the CLRV note the procedure established by Trial Chamber I in the *Abd-Al-Rahman* case (attached to the present e-mail for easy reference). In this regard, the CLRV respectfully request that said procedure is adopted in the present case.


Should the Chamber deem it more appropriate, the CLRV stand ready to present the current request by way of a formal filing.

Kind regards,  
Paolina Massidda and Dmytro Suprun

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**Paolina Massidda**  
Conseil principal / Principal Counsel  
Bureau du conseil public pour les victimes (BCPV)  
Office of Public Counsel for Victims (OPCV)  
International Criminal Court  
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#VictimsMatter