

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/14-01/21**
Date: **11 November 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

**Public redacted version of “Common Legal Representative of Victims’ response to the
Defence’s request to lift redactions concerning P-2400 (a/70304/22)”,
No. ICC-01/14-01/21-518-Conf-Exp, dated 28 October 2022**

Source: Office of Public Counsel for Victims

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

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I. INTRODUCTION

1. Counsel representing the collective interests of future applicants as well as of applicants in the proceedings and participating victims (the “Common Legal Representative”, “CLR” or “Counsel”)¹ opposes the Defence’s request to lift the redactions applied to the name of the interpreter who assisted her in her interaction with P-2400 (a/70304/22).²

2. The Common Legal Representative notes that this is not the first time that the Defence makes suggestions of irregularities concerning the process of victims’ participation and the involvement of the CLR. These recurrent attempts to discredit the legal representation and restrict victims’ ability to participate in the proceedings are leading not only to fishing expeditions of information immaterial to the preparation of the Defence, such as the present request, but also to cross-examining dual status witnesses on issues that are entirely unrelated to the crimes they suffered, their motivations to participate in the proceedings, or their credibility in general.³

3. For the sake of clarity and expeditiousness and in order to protect her clients from future line of questioning concerning the behaviour of their counsel, the Common Legal Representative hereby sets out in full “[TRANSLATION] *the process by which victims ended up participating in the proceedings*” and provides detailed information in relation to the organisation of the legal representation.

4. Counsel posits that obtaining the name of the interpreter who facilitated the meeting with P-2400 (a/70304/22) has no bearing whatsoever on the understanding of said process, is immaterial to the preparation of the Defence and would unduly prejudice the interpreter and [REDACTED].

¹ See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG CT](#) and [No. ICC-01/14-01/21-T-007-Red-ENT CT WT](#), p. 47, lines 12-24; the “Decision on matters relating to the participation of victims during the trial” (Trial Chamber VI), [No. ICC-01/14-01/21-278](#), 13 April 2022, para. 29; and the “Decision authorising 20 victims to participate in the proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-331](#), 27 May 2022 (the “First Decision on Participation”).

² See the “*Requête visant à obtenir la levée d’expurgations apposées par l’Accusation dans le cadre de la préparation du contre-interrogatoire de P-2400*”, [No. ICC-01/14-01/21-515-Conf](#), 26 October 2022 (the “Formal Request”).

³ See, concerning P-0547, the transcript of the hearing held on 7 October 2022, [No. ICC-01/14-01/21-T-017-CONF-ENG ET](#), pp. 20-24; and, concerning P-3056, the transcript of the hearing held on 13 October 2022, [No. ICC-01/14-01/21-T-021-CONF-ENG RT](#), pp. 97-105.

II. PROCEDURAL BACKGROUND

5. P-2400 is a dual status witness. He was granted victim's status in the proceedings as a victim (a/70304/22) on 27 May 2022.⁴ He is scheduled to start testifying on 1 November 2022.

6. On 19 October 2022, the Common Legal Representative was made aware by the Prosecution of a Defence's request to lift the redaction applied to P-2400's (a/70304/22) application form (CAR-OTP-2135-3882-R01), namely the name of the [REDACTED] interpreter who assisted during the CLR's interview with the victim (the "Request").⁵ The Prosecution requested the CLR to transmit her position on the issue so that it could be shared with the Defence.⁶

7. On 20 October 2022, the CLR informed the Prosecution that she opposes the Request.⁷ The Prosecution shared the CLR's position with the Defence on the same day.⁸

8. On 21 October 2022, the Defence requested to know the Prosecution's position on the Request,⁹ and on 24 October 2022, the Prosecution informed the Defence that it concurs with the position expressed by the CLR, opposing the Request.¹⁰

9. On 26 October 2022, the Defence submitted a formal request to lift redactions to documents related to P-2400 (a/70304/22) for the purpose of the preparation of the cross-examination (the "Formal Request").¹¹ Specifically, the Defence requests that: (i) the phone numbers and place of residence between 2014 and 2019 of the victim as appearing on CAR-OTP-2136-1017, CAR-OTP-2130-4712-R02 and CAR-OTP-2104-0411-R02 be revealed to the Defence (the "First Prong of the Formal Request"); and (ii) that the name of the interpreter who assisted during the process of filling the application form (CAR-OTP-2135-3882-R01) be revealed as well (the "Second Prong of the Formal Request").

10. On the same day, Trial Chamber VI (the "Chamber") – noting the impending start of the testimony of P-2400 – shortened the deadline to respond to Friday 28 October 2022.¹²

⁴ See the First Decision on Participation, *supra* note 1.

⁵ See the email from the Prosecution to the CRL on 19 October 2022 at 16:45.

⁶ *Ibid.*

⁷ See the email from the CLR to the Prosecution on 20 October 2022 at 10:25.

⁸ See the email from the Prosecution to the Defence, copying the CLR, on 20 October 2022 at 16:58.

⁹ See the email from the Defence to the Prosecution, copying the CLR, on 21 October 2022 at 15:54.

¹⁰ See the email from the Prosecution to the Defence, copying the CLR, on 24 October 2022 at 11:45.

¹¹ See the Formal Request, *supra* note 2.

¹² See the email from the Chamber to the parties and participants on 26 October 2022 at 9:14.

III. CLASSIFICATION

11. Pursuant to regulation 23bis(2) of the Regulations of the Court, the present filing is classified as confidential, *ex parte*, only available to the Prosecutor, as it contains details concerning certain victims and the legal representation that are not available to the Defence. A confidential redacted version is filed simultaneously. A public redacted version will be filed in due course.

IV. SUBMISSIONS

12. Throughout the proceedings, the Common Legal Representative has ensured to fully discharge her duties while remaining squarely within the limits of her mandate. In doing so, she has abstained from formulating requests or making observations that would exceed the scope of the personal interests of victims she represents. In this spirit, she notes that the First Prong of the Request concerns documents emanating from the Prosecution, and relates to information relevant to the role of P-2400 (a/70304/22) as a witness before this Court (as opposed to as a victim), and she therefore takes no position thereon. The below submissions are thus limited to the Second Prong of the Request.

13. The CLR notes that the Defence seeks such a disclosure as it deems it “[TRANSLATION] *critical*” to understand the “[TRANSLATION] *process by which victims ended up participating in the proceedings*”.¹³ This is not the first time that the Defence makes suggestions of irregularities concerning the process of victims’ participation and the involvement of the CLR. These recurrent attempts to discredit the legal representation and restrict victims’ ability to participate in the proceedings are leading not only to fishing expeditions of information immaterial to the preparation of the Defence, such as the present Formal Request, but also to cross-examining dual status witnesses on issues that are entirely unrelated to the crimes they suffered, their motivations to participate in the proceedings, or their credibility in general.¹⁴

¹³ See the Formal Request, *supra* note 2, para. 25. In support of its Formal Request, the Defence indicates that: (i) disclosing information to the Defence does not amount to disclosing information to the public (or in certain circumstances not even to the accused); (ii) it is necessary to disclose this information, as the testimony of P-0547 and P-3056 have revealed irregularities concerning the process of filling out participation application forms; (iii) these same irregularities also appear to materialise in relation to P-2400’s application form; (iv) it appears that at least one victim was put in contact with the Office of Public Counsel for Victims through “Maître Bekoy”, whose name was never revealed prior to the opening statements (see paras. 21-24).

¹⁴ See, concerning P-0547, the transcript of the hearing held on 7 October 2022, [No. ICC-01/14-01/21-T-017-CONF-ENG ET](#), pp. 20-24; and, concerning P-3056, the transcript of the hearing held on 13 October 2022, No. ICC-01/14-01/21-T-021-CONF-ENG RT, pp. 97-105.

14. Thus, for the sake of clarity and expeditiousness and in order to protect her clients from future line of questioning concerning the behaviour of their counsel, the Common Legal Representative hereby sets out in full “[TRANSLATION] *the process by which victims ended up participating in the proceedings*” and provides detailed information in relation to the organisation of the legal representation. Counsel posits that obtaining the name of the interpreter who facilitated the meeting with P-2400 (a/70304/22) has no bearing whatsoever on the understanding of said process.

15. As a preliminary matter, the Common Legal Representative underlines that, as a matter of collegiality, the Defence Counsel should have contacted her, on an *inter partes* basis, to discuss any issue concerning her clients, rather than approaching first the Prosecution, and then the Chamber. In the present case, had she been informed from the outset of the reason underlying the Defence request to lift the redaction, she would have readily shared all the below information with the Defence, thereby avoiding a misconceived and unnecessary litigation, as well as putting her clients in an undue situation of distress.

A. The process of filling out applications for participation

On the identification of potential victims at trial and on the assistance provided

16. The present case is characterised by a peculiar situation in which all 27 individuals initially admitted to participate in the proceedings were victims of incidents related to the *Comité Extraordinaire pour la Défense des Acquis Démocratiques*. These incidents were not confirmed by Pre-Trial Chamber II.¹⁵ Thus, the trial phase of the present proceedings started with no victim admitted to participate in the proceedings.

17. These specific circumstances (that is that victims were identified after the decision on the confirmation of charges) dictate that the Court, in particular those involved with (potential) victims, *i.e.* the Registry and the Office of Public Counsel for Victims (“OPCV” or “Office”), act in accordance with the *do no harm* principle and avoid taking actions that would unduly raise expectations among the broader victim community. Indeed, as correctly pointed out by the Defence, “[TRANSLATION] *from the moment that the charges that will be discussed at*

¹⁵ See the “Decision on the confirmation of charges against Mahamat Said Abdel Kani” (Pre-Trial Chamber II), [No. ICC-01/14-01/21-218-Conf](#) and [No. ICC-01/14-01/21-218-Red](#), 9 December 2021.

*trial are clear to the public, the many initiatives taken to encourage victims to participate in the proceedings can be organised in a targeted manner [...]”.*¹⁶

18. This is precisely what happened in the present case: instead of an untargeted, vast outreach campaign aiming at locating potential victims – which would have resulted in unduly raising victims’ expectations and unnecessarily increasing the litigation before the Chamber – targeted steps were taken by the OPCV and the Registry to provide victims with the opportunity to exercise their right to participate in the proceedings.¹⁷

19. Indeed, and as communicated to the Chamber and the parties by the Registry in its submissions ahead of the first status conference,¹⁸ the Prosecution reminded its crime-based witnesses who suffered crimes at the OCRB that the Rome Statute provides victims with the possibility to request to participate in the proceedings.¹⁹ In this context, some of the witnesses expressed their wish to participate in the proceedings to the Prosecution and requested more information thereon.

20. In February 2022, that is after the OPCV had been appointed by the Chamber to represent the collective interest of future applicants,²⁰ the Prosecution shared this information with the Office.

21. In line with her mandate, Counsel for OPCV proceeded to contact these individuals to

¹⁶ See the “*Version publique expurgée de la ‘Réponse de la Défense au ‘First Registry Transmission of Groups A and Group C Victims Applications for Participation in Trial Proceedings’ (ICC-01/10-01/21-296)’ (ICC-01/14-01/21-316-Conf) déposée le 19 mai 2022.*”, [No. ICC-01/14-01/21-316-Red](#), 25 May 2022, para. 17. The original reads as follows: « à partir du moment où il est clair pour le public quelles sont les accusations qui seront discutées lors du procès, les nombreuses initiatives pour encourager les victimes à participer à la procédure peuvent s’organiser de manière ciblée [...] ».

¹⁷ The CLR notes that during the first status conference, the Registry – confirming its written submission (see “Public redacted version of Annex II to the Registry Submissions in view of the 28 January 2022 Status Conference”, [ICC-01/14-01/21-229-AnxII-Red](#), paras. 9-15 (“Annex II to the Registry Submissions”) - indicated its intention to launch an outreach campaign with a view to locating an estimated number of 40 to 50 potential victims and assisting them to fill out application forms to be communicated to the Chamber within the first semester of 2022 (See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG CT](#) and [No. ICC-01/14-01/21-T-007-Red-ENT CT WT](#), p. 44). Unfortunately, the Registry’s efforts led to the collection of 11 application forms, which were all reassessed, on 11 October 2022 (See the “Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings”, with Confidential Annex, [No. ICC-01/14-01/21-498](#), 11 October 2022) as either incomplete or falling in Group C [REDACTED].

¹⁸ See Annex II to the Registry Submissions, *supra* note 17, para. 14 and footnote 16: “The OTP will inform the alleged victims of the OCRB charges confirmed of their right to participate in proceedings and to request reparations under the Statute”.

¹⁹ This information is always given to the witnesses at the time of their interviews with the Prosecution as evidenced by the clear mention in their respective statements. See, *inter alia*, [REDACTED].

²⁰ See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG CT](#) and [No. ICC-01/14-01/21-T-007-Red-ENT CT WT](#), p. 47, lines 12-24.

provide them with the requested information. In this context, some individuals requested assistance to fill out an application form.

22. Assisting victims to exercise their right to participate in the Court's proceedings is squarely in line with the mandate of the OPCV, which is to provide general support and assistance to victims as per regulation 81(4)(a) of the Regulations of the Court, as unanimously recognised by chambers of this court, including by the Chamber itself.²¹ In the present case, Counsel had been appointed to represent the collective interests of future applicants,²² and assisting them to exercise their right to participate in the proceedings was therefore not only a possibility, but also Counsel's duty. Besides, at that time Counsel was aware that these individuals were Prosecution witnesses and as such, article 68 of the Rome Statute imposes on her – and on every other stakeholder from the Court – to guarantee their safety and well-being.

On the completeness of the forms

23. In support of its request to lift the redaction, the Defence appears to suggest that the CLR deliberately concealed her involvement in the participation process [REDACTED].²³

24. Contrary to what the Defence seems to suggest, the CLR did not conceal in any way the fact that she assisted individuals to fill out application forms – including individuals who also happen to be Prosecution witnesses. It is merely a standard practice that bears no consequence for the rights of accused persons before this court.

25. First, the fact that the Common Legal Representative was involved in the filling out of P-2400's (a/70304/22) application form was already plainly apparent from the redacted version of his application – and of others' – which was transmitted to the Defence as early as 6 May 2022.²⁴ [REDACTED]. [REDACTED]. [REDACTED].

26. Second, the purported incompleteness of the form is misconceived as application forms are transmitted to the parties only once the VPRS deems them complete. In the present case, as

²¹ See the transcript of the hearing held on 28 January 2022, *supra* note 1, p. 47, lines 12-24. See also, *inter alia*, the "Order on the conduct of the confirmation of charges proceedings" (Pre-Trial Chamber II), [No. ICC-01/14-01/22-62](#), 27 June 2022, para. 45; and the "Decision supplementing the Chamber's first decision on victims' participation and representation and providing additional guidance" (Pre-Trial Chamber II, Single Judge), [No. ICC-02/05-01/20-277](#), 5 February 2021, paras. 15, and 19.

²² See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG CT](#) and [No. ICC-01/14-01/21-T-007-Red-ENT CT WT](#), p. 47, lines 12-24.

²³ See the Formal Request, *supra* note 2, para. 22.

²⁴ See "Annex 21 to the First Registry Transmission of Group A and Group C Victim Applications for Participation in Trial Proceedings", [No. ICC-01/14-01/21-296-Conf-Anx21-Red](#), 6 May 2022.

in all other similar instances whether in the present case or in other cases, the VPRS deemed it complete and transmitted it to the parties and the Chamber.²⁵

27. Third, the Defence was provided with (and used) the opportunity to make observations on application forms. While this context was the most conducive to making observations on the process of collecting applications and the purported incompleteness of the forms, none of the Defence's observations concerned the alleged irregularity [REDACTED].²⁶

28. Fourth, the CLR underlines the fact that members of the Office, or, for that matter, any counsel assisting their clients to exercise their rights to participate in the proceedings, are neither organisations nor intermediaries [REDACTED]. The CLR recalls in this regard that application forms are not filled out with the purpose of becoming evidence. Rather, they are a tool designed to enable victims to exercise their rights to participate in the proceedings and for parties to make observations thereon. As such, [REDACTED]. [REDACTED]. In the present case however, the Office had already been appointed to represent the collective interests of future applicants and therefore no such need arose.

29. Fifth and last, the fact that the CLR assisted individuals to fill out application forms was clearly stated by her when the first dual status witness came to testify.²⁷

30. For the sake of clarity, and to avoid future distressing line of questioning to be put to victims who happen to be dual status individuals, the CLR clarifies that – together with her team, being members of the team based in The Hague or in Bangui – she assisted the following [REDACTED] victims to fill out their application forms: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],²⁸ [REDACTED],²⁹ [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],

²⁵ See the “First Registry Transmission of Group A and Group C Victim Applications for Participation in Trial Proceedings”, [No. ICC-01/14-01/21-296](#), 6 May 2022.

²⁶ See the “*Réponse de la Défense au ‘First Registry Transmission of Groups A and Group C Victims Applications for Participation in Trial Proceedings’ (ICC-01/10-01/21-296)*” [No. ICC-01/14-01/21-316-Conf](#) and [No. ICC-01/14-01/21-316-Red](#), 19 May 2022; and the “*Réponse de la Défense au ‘Second Registry Transmission of Groups A and Group C Victims Applications for Participation in Trial Proceedings’ (ICC-01/10-01/21-406)*”, [No. ICC-01/14-01/21-422-Conf](#) and [No. ICC-01/14-01/21-422-Red](#), 21 July 2022.

²⁷ See the transcript of the hearing held on 3 October 2022, [No. ICC-01/14-01/21-T-014-CONF-ENG ET](#), p. 34, l.14. See also the transcript of the hearing held on 7 October 2022, [No. ICC-01/14-01/21-T-017-CONF-ENG ET](#), p. 23, l.9 – p. 24, l.11.

²⁸ [REDACTED].

²⁹ [REDACTED].

[REDACTED],³⁰ [REDACTED], [REDACTED],³¹ [REDACTED], [REDACTED], [REDACTED].³² Most of them were assessed as Group A and were reassessed as still falling in Group A.

31. When conducting these interviews, Counsel was assisted by her field counsel – Maître Dibert-Bekoy – and by an interpreter when required. When necessary, interpreters were contracted by way of the standard procedure to be followed to contract Registry field interpreters.

B. The organisation of the legal representation

32. In support of its argument that lifting the name of the interpreter is critical to understand the participation process, the Defence avers that it appears that at least one victim was put in contact with the OPCV through Maître Dibert-Bekoy, [REDACTED].³³

33. In so arguing, the Defence misleads the Chamber as it relies on [REDACTED].³⁴ As a matter of fact, and as described *supra*, it is the CLR herself who established contact with potential victims, following their request to be informed on the participation process.

34. That being said, in order to avoid future unnecessary litigation and insinuations concerning the composition of her team, the Common Legal Representative hereby provides complete information in this regard.

35. As per its standard practice, and as communicated to Pre-Trial Chamber II and the parties as early as July 2021, in order to ensure that the victims can participate in the proceedings in a meaningful manner, that they are regularly kept apprised of the proceedings and can have an easy and approachable point of contact, Counsel recruited a counsel acting in the field, whose role is “*to maintain regular contact with the victims*”.³⁵

³⁰ [REDACTED].

³¹ [REDACTED].

³² [REDACTED].

³³ See the Formal Request, *supra* note 2, para. 24.

³⁴ See the transcript of the hearing held on 13 October 2022, No. ICC-01/14-01/21-T-021-CONF-ENG RT, p. 100, ll. 3-4.

³⁵ See the “Notification pursuant to the ‘Decision on legal representation of victims and related matters’ (No. ICC-01/14-01/21-119)”, [No. ICC-01/14-01/21-121](#), 12 July 2021, para. 11.

36. Similar to the Defence and the Prosecution having taken specific steps to disclose the exact composition of their teams, the CLR had no earlier opportunity – nor any reason for that matter – than [REDACTED]. [REDACTED]. [REDACTED].

37. Maître Dibert-Bekoy is bound by the Code of Professional Conduct for Counsel and, in any event, [REDACTED]. [REDACTED].³⁶ [REDACTED].

38. [REDACTED],³⁷ [REDACTED].

39. In sum, the Common Legal Representative clarifies that so far: (i) she assisted [REDACTED] victims to fill out their participation forms; and (ii) that she is assisted by a team, comprised, *inter alia*, of a lawyer based in Bangui – Maître Dibert-Bekoy. This having been clarified, disclosing the identity of the interpreter appears entirely irrelevant and unnecessary to shed light on issues concerning the legal representation.

C. The interpreter’s name is immaterial to the preparation of the Defence and lifting the redaction will shed no light on the irregularities alleged by the Defence and will unduly prejudice the interpreter [REDACTED]

40. When requesting the lifting of a redaction, it is incumbent on the Defence to demonstrate that the information sought is material for the preparation of its defence. While the standard is low, it is not met in the present case. Indeed, the above submissions fully clarify the “[TRANSLATION] *process by which victims ended up participating in the proceedings*”,³⁸ which the Defence sought to uncover by lifting the redaction to the name of the [REDACTED] interpreter who assisted the Common Legal Representative to interact with her client. Accordingly, the Formal Request is moot as lifting the redaction would no longer serve any purpose while jeopardising the security of the interpreter [REDACTED].

41. Besides, the Defence is already in possession of relevant information concerning this interpreter, namely the fact that [REDACTED], an information shared with the Defence immediately upon request of the name of the interpreter.³⁹

³⁶ [REDACTED].

³⁷ See, *inter alia*, [REDACTED].

³⁸ See the Formal Request, *supra* note 2, para. 25.

³⁹ See the email from the CLR to the Prosecution on 20 October 2022 at 10:25; and the email from the Prosecution to the Defence, copying the CLR, on 20 October 2022 at 16:58.

42. That being said, for the sake of completeness of the record, the Common Legal Representative reiterates the arguments she made when asked to share her position on the Request with the Prosecution. She posits that the interpreter's identity is [REDACTED].⁴⁰ Disclosing the interpreter's identity to the Defence could both hinder [REDACTED] work in the field and put [REDACTED] own security at risk. The Common Legal Representative has in fact legitimate security concerns in relation to this interpreter, [REDACTED]. Being associated with the International Criminal Court would undoubtedly put [REDACTED] in a particularly vulnerable position. More generally, the interpreter is expected to continue providing [REDACTED] services to the Registry in this capacity. Redaction of [REDACTED] name remains thus necessary to protect the Registry's ongoing activities in the field.

43. Assuming that, by extraordinary, the Chamber would be minded to consider the Formal Request, Counsel [REDACTED]. While it is not disputed that the Defence is bound by and adheres to the Code of Professional Conduct for Counsel, the Common Legal Representative recalls that – as put forward multiple times by all parties and participants – the Central African context is very volatile in terms of security and marked by a rampant fear of any individual to be associated with the Court, in any capacity.

D. Conclusion: confusion on the role of the victims in the proceedings

44. The present case is unique in that a large number of crime-base witnesses are also victims admitted – or seeking to be admitted – to participate in the proceedings. While it is not unusual that crime-base witnesses are also participating victims, the issue appears more blatantly in the present case, as a result of the limited scope of the charges and corresponding limited number of crime-base witnesses. Similarly, the Decision on the Scope of the Charges, and the subsequent order on reassessment of participation applications, may drastically reduce the number of potential participating victims, leading to a situation in which an important number of the Common Legal Representative's clients are in fact Prosecution witnesses.

45. This situation often seems to lead to a confusion as to the scope of the participation of victims and their specific role – distinct to that of the Prosecutor. Yet, at no point during the present proceedings did the Common Legal Representative attempt to expand the existing framework nor to seek undue rights nor to automatically support the Prosecution's position. On

⁴⁰ [REDACTED].

the contrary, the CLR has always strictly adhered to the statutory framework and has always remained squarely within the limits of her mandate.

46. She recalls in this respect article 68(3) of the Rome Statute, which has often been considered as one of the most important steps forward in international criminal justice, as it enables victims to participate in the proceedings – independently from the Prosecution – before the Court at any stage, provided that their personal interests are affected. Throughout the years, chambers of this Court have produced a rich jurisprudence that has clarified and delineated the role that victims may play in the proceedings. The main principle established stipulates that the participation of victims in the proceedings shall be meaningful and effective as opposed to purely symbolic.

47. In the present case, victims merely seek to participate in the proceedings, by being able to provide their views and concerns on issues relevant to their personal interests and by making focussed submissions on issues similarly affecting their personal interests. For their participation to remain meaningful, victims – and those associated with them – must continue to enjoy the protection accorded to them by the Rome Statute.

FOR THESE REASONS, the Common Legal Representative requests the Trial Chamber to:

- Take note of the “[TRANSLATION] *process by which victims ended up participating in the proceedings*”; and
- Reject the Formal Request accordingly.



Sarah Pellet

Dated this 11th day of November 2022

At The Hague, The Netherlands