

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 September 2024

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung
Judge Beti Hohler, Alternate Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-ÉDOUARD NGAÏSSONA***

Public

**Public Redacted Version of the “Common Legal Representatives’ Joint
Response to the ‘Prosecution’s Request the Formal Submission of
Prior Recorded Testimony pursuant to Rule 68(2)(b)’”
(No. ICC-01/14-01/18-731-Conf, dated 16 November 2020)**

Source: Common Legal Representatives of Victims

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

Mr Karim A. A. Khan KC

Mr Kweku Vanderpuye

Counsel for Alfred Yekatom

Ms Mylène Dimitri

Ms Anta Guissé

Mr Thomas Hannis

Ms Sarah Bafadhel

Counsel for Patrice-Édouard Ngaïssona

Mr Geert-Jan Alexander Knoops

Ms Marie-Hélène Proulx

Ms Lauriane Vandeler

Legal Representatives of the Victims

Mr Dmytro Suprun

Mr Abdou Dangabo Moussa

Ms Marie Édith Douzima Lawson

Mr Yaré Fall

Ms Paolina Massidda

Ms Elisabeth Rabesandratana

Legal Representatives of the Applicants**Unrepresented Victims****Unrepresented Applicants
(Participation/Reparation)****The Office of Public Counsel for
Victims**

Ms Paolina Massidda

Mr Dmytro Suprun

**The Office of Public Counsel for the
Defence****States' Representatives****Amicus Curiae****REGISTRY****Registrar**

Mr Osvaldo Zavala Giler

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations Other
Section**

I.INTRODUCTION

1. The Common Legal Representative of the Former Child Soldiers and the Common Legal Representatives of the Victims of Other Crimes (jointly the “Common Legal Representatives”) hereby file their joint response to the “Prosecution’s Request the Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(b)” (the “Prosecution’s Request” or the “Request”).¹

2. The Common Legal Representatives submit that the Request to have admitted the prior recorded testimonies and related documents of witnesses P-0289, P-1773, P-1864, P-1871, P-2132, P-2324, P-2325, P-2326 and P-2393 (the “Concerned Witnesses”) under rule 68(2)(b) of the Rules of Procedure and Evidence (the “Rules”) should be granted.

3. In particular, the Common Legal Representatives support the Request since (i) the prior recorded testimonies and related documents in question go to proof of a matter other than the acts and conduct of the Accused; (ii) the evidence contained in said testimonies have *indicia* of reliability; (iii) their introduction will best serve the interests of justice and will not be prejudicial to the fairness of the proceedings and the rights of the Accused; and (iv) this course of action will also promote the rights of the Victims to fair and expeditious proceedings.

¹ See the “Prosecution’s Request the Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(b), [No. ICC-01/14-01/18-710-Conf](#), 03 November 2020 (the “Prosecution’s Request” or the “Request”) with Confidential Annexes [No. ICC-01/14-01/18-710-Conf-AnxA](#) and [No. ICC-01/14-01/18-710-Conf-AnxB](#).

II. PROCEDURAL BACKGROUND

4. On 6 May 2020, Trial Chamber V (the “Chamber”) issued the “Decision on the Prosecution’s Request to Designate a Person Authorised to Witness a Declaration under Rule 68(2)(b) of the Rules of Procedure and Evidence”.²
5. On 26 August 2020, the Presiding Judge of the Chamber issued the “Initial Directions on the Conduct of the Proceedings” (the “Initial Directions”).³
6. On 16 October 2020, the Chamber issued the “Decision on the Prosecution Extension Request and Initial Guidance on Rule 68 of the Rules” (the “Guidance on Rule 68 Decision”).⁴
7. On 3 November 2020, the Prosecution filed its Request.⁵

III. CLASSIFICATION

8. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, the present submission is classified as confidential following the classification chosen by the Prosecution and because it refers to the content of documents likewise classified as confidential. A public redacted version will be filed in due course.

² See the “Decision on the Prosecution’s Request to Designate a Person Authorised to Witness a Declaration under Rule 68(2)(b) of the Rules of Procedure and Evidence” (Trial Chamber V), [No. ICC-01/14-01/18-508](#), 6 May 2020. See also, the “Prosecution’s Request to Designate a Person Authorised to Witness a Declaration under Rule 68(2)(b) of the Rules of Procedure and Evidence”, [No. ICC-01/14-01/18-489](#), 22 April 2020.

³ See the “Initial Directions on the Conduct of the Proceedings” (Trial Chamber V), [No. ICC-01/14-01/18-631](#), 26 August 2020 (the “Initial Directions”).

⁴ See the “Decision on the Prosecution Extension Request and Initial Guidance on Rule 68 of the Rules (Trial Chamber V)”, [No. ICC-01/14-01/18-685](#), 16 October 2020 (the “Guidance on Rule 68 Decision”). See also, the “Prosecution’s Request pursuant to Regulation 35 to vary the Time Limit for the Submission of Applications pursuant to Rule 68”, [No. ICC-01/14-01/18-652](#), 14 September 2020.

⁵ See the Request, *supra* note 1.

IV.SUBMISSIONS

9. The Common Legal Representatives recall that, in the Initial Directions, the Presiding Judge held that the Chamber will rule on applications under rule 68(2) of the Rules as follows:

“[...] Submission Approach [...] Article 69(4) of the Statute, as confirmed by the Appeals Chamber, gives the Chamber discretion on whether to rule on the admissibility of each piece of evidence upon its submission. [...] In accordance with the established practice of other chambers, this Chamber will adopt the so-called ‘Submission Approach’. Consequently, it will not rule on the admissibility of each item of evidence during the course of the proceedings. Rather, the Chamber will assess the standard evidentiary criteria (namely the relevance, probative value and potential prejudice) of each item as part of its holistic assessment when deliberating its judgment pursuant to Article 74(2) of the Statute. [Nonetheless] the Court’s legal framework contains a number of exclusionary rules, including procedural bars, obstacles and preconditions, which require the Chamber to rule on the admissibility of evidence prior to its assessment of evidence for the purposes of Article 74 of the Statute. [Thus] Chambers thus have to rule on applications under Rule 68 of the Rules prior to the assessment of evidence for the purposes of Article 74 of the Statute”.⁶

10. Moreover, the Chamber held in the “Guidance on Rule 68 Decision” that:

“[...] Rule 68 of the Rules permits the “introduction of previously recorded audio or video testimony of a witness, or the transcript or other documented evidence of such testimony, provided that this would not be prejudicial to or inconsistent with the rights of the accused and that the requirements of one or more of the following sub-rules are met”. [While] the principle of orality enshrined in Article 69(2) of the Statute [...] provides that the “testimony of a witness shall be given in person” [...] Rule 68 of the Rules represents one of the statutory exceptions to the rule of orality and publicity. This means that this way of introducing prior recorded testimony is per se generally considered compatible with the rights of the accused. [...] Moreover, Rule 68 of the Rules is widely acknowledged as a useful tool to expedite and streamline the proceedings and its use therefore encouraged. [...] Nonetheless, it must be noted that Rule 68 of the Rules itself requires that its application is not “prejudicial to or inconsistent with the rights of the accused”.⁷

⁶ See the Initial Directions, *supra* note 3, paras. 34, 52-56.

⁷ See the Guidance on Rule 68 Decision, *supra* note 4, paras. 20-26. See also the “Decision on the prosecution’s application for the admission of the prior recorded statements of two witnesses” (Trial Chamber I), [No. ICC-01/04-01/06-1603](#), 15 January 2009, paras. 22 and 24.

11. Moreover, “Rule 68(2) of the Rules provides that a chamber, in certain narrow and exhaustively listed instances, may allow the introduction of previously recorded testimony of a witness who is not present before the trial chamber.”⁸ Therefore, according to rule 68(2)(b)(i) to (iii) of the Rules, a prior recorded testimony must:

- (a) go to proof of a matter other than the acts and conduct of the accused, meaning the evidence in question relates to issues that are not materially in dispute or is of a cumulative or corroborative nature in that other witnesses will give or have given oral testimony of similar facts or relates to background information;
- (b) be such that the interests of justice are best served by its introduction;
- (c) have sufficient *indicia* of reliability and;
- (d) be accompanied by a declaration by the testifying person that the content of the prior recorded testimony is true and correct to the best of that person’s knowledge and belief and witnessed by a person authorised to that effect by the relevant Chamber.⁹

12. The Common Legal Representatives submit that these four requirements are fulfilled by the Prosecution’s Request. Firstly, the statements of the Concerned Witnesses are evidentiary material falling within the meaning of “prior recorded testimony” in the context of rule 68(2)(b) of the Rules since: (a) they are written statements taken pursuant to rules 111 and 112 of the Rules and; (b) the Concerned Witnesses understood - when giving their respective statements - that they were providing information which may be relied upon in the context of legal proceedings or were questioned in the capacity as a witness.¹⁰ Associated exhibits to these

⁸ *Idem*, para. 29.

⁹ See the “Decision on the Prosecution’s Applications for Introduction of Prior Recorded Testimony under Rule 68(2)(b) of the Rules (Trial Chamber IX)”, [No. ICC-02/04-01/15-596-Conf](#), 18 November 2016, para. 5 (the “Ongwen Rule 68(2)(b) Decision”).

¹⁰ *Idem*, para. 9. See also, the “Public Redacted Version of Corrigendum: Decision on Prosecution Request for Admission of Prior Recorded Testimony” (Trial Chamber V(a)), [No. ICC-01/09-01/11-1938-Corr-Red2](#), 28 August 2015, paras. 32-33; the “Corrigendum of public

statements are an integral part of the prior recorded testimony itself under the established practice of the Court.¹¹

13. Most importantly, said statements provide evidence concerning the overall nature and extent of the widespread Anti-Balaka attacks carried out between September 2013 and December 2014 in the Central African Republic. In particular, the Common Legal Representatives observe that the Concerned Witnesses provide evidence mostly about the following general matters:

- a. **P-0289:** the arrival of the ANTI-BALAKA in CARNOT, the commission of crimes by the ANTI-BALAKA in CARNOT, targeting the Muslim population and its properties and the displacement of the Muslim population from CARNOT.¹²
- b. **P-1773:** the state of Muslim population living in BODA before the arrival of the Seleka in BODA, the subsequent arrival of the ANTI-BALAKA and the violence imposed by the latter against the Muslim population, the forced displacement of Muslims from BODA, the arrival of Muslim refugees in BODA from surrounding areas and the evacuation of Muslim civilians from BODA.¹³
- c. **P-1864:** the state of Muslim population living in BODA before the arrival of the Seleka in BODA, the attack conducted by the ANTI-BALAKA on 5 December 2013 in BANGUI leading to the displacement of civilians to BODA, the subsequent attacks in BODA

redacted version of Public redacted version of Decision on Prosecution Rule 68(2) and (3) Requests", (Trial Chamber VII), [No. ICC-01/05-01/13-1478-Red-Corr](#), 12 November 2015, para. 29; the "Decision on Prosecution application under Rule 68(2)(c) of the Rules for admission of prior recorded testimony of P-0022, P-0041 and P-0103" (Trial Chamber VI), [No. ICC-01/04-02/06-1029](#), 20 November 2015, paras. 23 and 35; the "Decision on Prosecution application under Rule 68(2)(c) of the Rules for admission of prior recorded testimony of Witness P-0103, (Trial Chamber VI), [No. ICC-01/04-02/06-1205](#), 11 March 2016, paras. 7 and 15; and the "Decision on the Prosecutor's application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)", [No. ICC-02/11-01/15-573-Red](#), 09 June 2016, para. 5.

¹¹ See Ongwen Rule 68(2)(b) Decision, *supra* note 9, para. 10.

¹² See Annex B to the Prosecution's Request, *supra* note 1, pp. 134-152.

¹³ *Idem*, pp. 88-108.

and the crimes committed by the ANTI-BALAKA, including the crime [REDACTED] and the killing [REDACTED].¹⁴

- d. **P-1871:** the attack conducted on BODA and the crimes perpetrated by the ANTI-BALAKA, including the crime [REDACTED] and the murder of [REDACTED].¹⁵
- e. **P-2132:** the arrival of the ANTI-BALAKA in CARNOT, the commission of crimes by the ANTI-BALAKA in CARNOT, targeting the Muslim population and its properties and the displacement of the Muslim population from CARNOT.¹⁶
- f. **P-2324:** the state of Muslim population living in BERBERATI before the conflict, the arrival of the SELEKA in BERBERATI and its impact upon the civilian population, the ANTI-BALAKA attacks in the surrounding areas of BERBERATI and the eventual arrival of the ANTI-BALAKA in BERBERATI and the ensuing atrocities committed against the Muslim communities and their evacuation towards CAMEROON.¹⁷
- g. **P-2325:** the arrival and departure of the SELEKA in BERBERATI, the arrival of the ANTI-BALAKA and its commission of crimes, targeting the Muslim population and properties and the forcible displacement of the Muslims population from BERBERATI to CAMEROON and the commission of crimes by the ANTI-BALAKA against Muslims in other locations.¹⁸
- h. **P-2326:** the state of Muslim population living in BERBERATI before the conflict, the arrival of the SELEKA in BERBERATI and its impact upon the civilian population, the arrival of the ANTI-BALAKA in BERBERATI and the ensuing violence exacted upon civilians and their

¹⁴ *Idem*, pp. 109-121.

¹⁵ *Idem*, pp. 122-133.

¹⁶ *Idem*, pp. 153-174.

¹⁷ *Idem*, pp. 2-34.

¹⁸ *Idem*, pp. 67-87.

displacement to CHAD or CAMEROON and other crimes committed by the ANTI-BALAKA outside of BERBERATI.¹⁹

- i. **P-2393:** the commission of crimes by the ANTI-BALAKA in CARNOT, targeting the Muslim population and properties and the forcible displacement of Muslims from CARNOT.²⁰

14. Consequently, the Common Legal Representatives observe that these prior recorded statements do not concern the acts or conduct of the Accused. As held by Trial Chamber IX in the *Ongwen* case, the expression “*acts and conduct of the accused*” must be interpreted in its plain natural meaning, referring to the personal actions and omissions of the accused.²¹ Accordingly, a prior recorded testimony must not be excluded even if it contains evidence with respect to the acts and conduct of other persons, whether alleged co-perpetrators, subordinates or otherwise, which are attributed to the accused in the charges by reason of the mode of liability alleged.²² Therefore, the expression “*acts and conduct of the accused*” within the meaning of rule 68(2)(b) of the Rules must be understood as referring *exclusively* to those actions of the accused which are described in the charges brought against him or her or which are otherwise relied upon to establish his or her criminal responsibility for the crimes charged.²³ Indeed, as summarised above, the prior recorded statements of the Concerned Witnesses do not at all go to proof of the acts and conduct of both Accused in this case.

15. Rather, the Common Legal Representatives note that said statements demonstrate the existence of contextual elements for war crimes and crimes against humanity under articles 7 and 8 of the Rome Statute (the “Statute”), going to the proof of a matter other than the acts and conduct of the Accused. Therefore, the

¹⁹ *Idem*, pp. 35-66.

²⁰ *Idem*, pp. 175-208.

²¹ See the Ongwen Rule 68(2)(b) Decision, *supra* note 9, para. 11.

²² *Idem*, para. 12.

²³ *Ibid.*

evidence in question only relates to the issues that are not materially in dispute. In this regard, Trial Chamber IX held in the *Ongwen* case that the criterion that the prior recorded testimony “relates to issues that are not materially in dispute” cannot be understood as providing either party with a veto power simply by indicating that issues addressed in the testimony are “materially in dispute”.²⁴ Rather, the Chamber shall consider whether said prior recorded testimony relates to matters which are soundly and conceivably disputed between the parties and are crucial or of at least sufficient significance for the Chamber’s eventual determination of the charges against the accused in its judgment under article 74 of the Statute.²⁵

16. Moreover, the evidence contained in the prior recorded testimonies of the Concerned Witnesses is of a cumulative or corroborative nature. In other words, it is – in light of its relative importance in the body of evidence expected to be presented at trial – of such nature that it is unnecessary that the witnesses be called to testify live and examination by the parties may rather be dispensed of without prejudicing the rights of the Accused.²⁶ Hence, the Common Legal Representatives submit that, due to the extensive evidence to be elicited from other “live-witnesses” called by the Prosecution²⁷, said prior recorded testimonies can be introduced without calling the Concerned Witnesses. As a result, the first requirement for the admission of prior recorded testimonies under rule 68(2)(b) of the Rules is met.

17. Secondly, the Common Legal Representatives posit that the interests of justice shall be best served by the introduction of the prior recorded testimonies of the Concerned Witnesses. As held by Trial Chamber IX in the *Ongwen* case, within the context of rule 68(2)(b) of the Rules, the “interests of justice” are best served by the introduction of a prior recorded testimony when such introduction allows, *inter alia*,

²⁴ *Idem*, para. 15.

²⁵ *Ibid.*

²⁶ *Idem*, para. 20.

²⁷ See the “Notification of the Provisional List of Prosecution Witnesses with a Summary of their Anticipated Testimony, [No. ICC-01/14-01/18-642-Conf](#) and Annex A [No. ICC-01/14-01/18-642-Conf-AnxA](#), 31 August 2020.

to safeguard the expeditiousness of the proceedings (which is a recognised right of the Accused, as well as one of the primary goals of any judicial institution), streamline the presentation of evidence, focus live testimony on those topics of greatest relevance to the proceedings, minimise cumulative in-court testimony on aspects which are expected to be addressed by other witnesses, save Court's resources and/or avoid witnesses having to travel in order to appear in court.²⁸

18. Furthermore, the Common Legal Representatives contend that the interests of justice shall also be served by the introduction of said testimonies in so far it spares the witnesses the burden of appearing, recounting their painful experiences and of potential re-traumatisation.²⁹ [REDACTED].³⁰ Consequently, the second requirement under rule 68(2)(b) of the Rules is also met.

19. Thirdly, the prior recorded testimonies of the Concerned Witnesses do have sufficient *indicia* of reliability. As held by Trial Chamber IX in the *Ongwen* case, the relevant standard is not that the Chamber must be satisfied that the prior recorded testimony is in fact reliable – which is a determination that shall only be made at the end of the trial – but requires the Chamber to only “consider”, conducting an assessment which can be more cursory in nature, whether there are sufficient

²⁸ See the Ongwen Rule 68(2)(b) Decision, *supra* note 9, para. 16.

²⁹ See the “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)”, *supra* note 10, para. 21.

³⁰ See also in this regard the Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, COM (2011) 275 final, 18 May 2011, pp. 9-10. This proposal for EU’s minimum standards on victims states that “[a] victims of crime are *per se* vulnerable and accordingly require sensitive and careful treatment. However, some victims are particularly vulnerable to further victimisation or intimidation by the accused or suspected person or his associates. In addition, some victims are particularly at risk of being further distressed or harmed by their involvement in criminal proceedings whether through the giving of evidence or through other forms of participation. Such victims require special measures in order to minimise the likelihood of further harm occurring. [...] [S]econdary victimisation [should be prevented] by ensuring that the victim is interviewed as early as possible and that interaction with authorities should be as easy as possible whilst limiting the number of unnecessary interactions the victim has with them.” See also, for UN standards - Handbook on Justice for Victims on the use and application of the Declaration of Basic Principles and Justice for Victims of Crime and Abuse of Crime, 1999, pp. 34-40, 69-71.

“*indicia*” of such reliability.³¹ As held by the Appeals Chamber, in assessing whether a statement bears “*sufficient indicia of reliability*”, Chambers retain discretion to consider those factors that may be relevant to their determination on a case-by-case basis.³² In the jurisprudence of the Court, “*indicia of reliability*” have been understood to include formal aspects concerning the prior recorded testimony, including that said testimony: (i) was obtained by the Prosecution in the ordinary course of its investigations and signed by the witness and the investigator(s) conducting the interview; (ii) was given voluntarily; (iii) was obtained in the presence of a qualified interpreter; and (iv) was declared to be accurate by the witness at the time of giving it and includes information that the witness was given an explanation of the procedure and was informed of the significance of providing the statement concerned to the Prosecution.³³ As held by the Appeals Chamber, in the assessment of *indicia* of reliability under rule 68(2)(b)(i) of the Rules, Chambers are not obliged to consider factors beyond formal requirements.³⁴ In view of this approach, any consideration of the substance of the statement for the purposes of the determination concerning the “*sufficient indicia of reliability*” is limited to establishing whether or not problems as to the credibility of the information provided by a witness in his or her prior recorded testimony are so manifest and of such nature that the questioning of the witness at trial would be more appropriate.³⁵ The Common Legal Representatives observe that the prior recorded testimonies of the Concerned Witnesses meet the formal requirements for obtaining written statements in the course of the Prosecution’s

³¹ See the Ongwen Rule 68(2)(b) Decision, *supra* note 9, para. 17. See also, the “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)”, *supra* note 10, para. 22.

³² See the “Judgment on the appeals of Mr Laurent Gbagbo and Mr Charles Blé Goudé against the decision of Trial Chamber I of 9 June 2016 entitled ‘Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)’” (Appeals Chamber)”, [No. ICC-02/11-01/15-744 OA8](#), 01 November 2016, para. 103.

³³ See the Ongwen Rule 68(2)(b) Decision, *supra* note 9, para. 18.

³⁴ See the “Judgment on the appeals of Mr Laurent Gbagbo and Mr Charles Blé Goudé against the decision of Trial Chamber I of 9 June 2016 entitled “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)”, *supra* note 32, para. 104.

³⁵ See the Ongwen Rule 68(2)(b) Decision, *supra* note 9, para. 19.

investigations and do not at all appear to be problematic. Hence, the third requirement under rule 68(2)(b) of the Rules is fulfilled.

20. Fourthly, the prior recorded testimony must be accompanied by a declaration by the testifying person that its content is true and correct to the best of that person's knowledge and belief and witnessed by a person authorised to that effect by the relevant Chamber. As mentioned above, the Chamber had already decided to designate the Registry's Senior Legal Advisor or anyone delegated by him to witness the declarations of the Concerned Witnesses. Consequently, this requirement is formally but conditionally met.

21. In conclusion, the Common Legal Representatives submit that the introduction of the prior recorded testimonies of the Concerned Witnesses is not prejudicial to the fairness of the proceedings and, more specifically, the rights of the Accused since, as argued above, the evidence in question: (i) relates to issues that are not materially in dispute and is not central to core issues in the case; (ii) only provides background information; and (iii) is cumulative and corroborative of other evidence.³⁶

22. In addition, the Common Legal Representatives submit that this course of event will also promote the rights of Victims to fair and expeditious proceedings. Indeed, Victims have been waiting for justice since many years now. They are concerned with the speed which the investigation conducted by the Prosecution has taken so far and the prospective of a lengthy trial. Thus, any procedural steps that would unnecessarily prolong the total duration of the trial proceedings will further frustrate the legitimate expectations of Victims to promptly receive justice.

³⁶ See the "Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled 'Decision on the admission into evidence of materials contained in the prosecution's list of evidence'" (Appeals Chamber), [No. ICC-01/05-01/08-1386 OA5 OA6](#), 3 May 2011, para. 78.

23. Finally, granting the Request will also be in line with the Chamber's duty to ensure that not only the trial is fair and expeditious but also is conducted with due regard to the protection of victims and witnesses pursuant to article 64(2) of the Statute. Equally, this also falls with the Chambers' obligation to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses, according to article 68(1) of the Statute.

V.CONCLUSION

24. For the foregoing reasons, the Common Legal Representatives respectfully request the Chamber to grant the Prosecution's Request and admit into evidence the prior recorded statements and related documents of the Concerned Witnesses pursuant to rule 68(2)(b) of the Rules.



Dmytro Suprun

Common Legal Representative
Victims Former Child Soldiers



Paolina Massidda

Elisabeth Rabesandratana

Yaré Fall

Abdou Dangabo Moussa

Marie-Edith Douzima-Lawson

Common Legal Representatives
Victims of Other Crimes

Dated this 6th day of September 2024

At The Hague (The Netherlands), Bangui (Central African Republic), La Rochelle (France) and Saint Louis (Senegal)