

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11

Date: 12 August 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

**SITUATION IN THE REPUBLIC OF KENYA
IN THE CASE OF THE PROSECUTOR V. WILLIAM SAMOEI RUTO, HENRY
KIPRONO KOSGEY AND JOSHUA ARAP SANG**

PUBLIC

**Victims and Witnesses Unit's Unified Protocol on the practices used to prepare and
familiarise witnesses for giving testimony**

Source: Registrar

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo
Ms Fatou Bensouda

Counsel for William Samoei Ruto

Mr Joseph Kipchumba Kigen-Katwa
Mr David Hooper

Mr Kioko Kilukumi Musau

Counsel for Henry Kiprono Kosgey

Mr George Odinga Oraro

Counsel for Joshua Arap Sang

Mr Joseph Kipchumba Kigen-Katwa

Legal Representatives of Victims

Ms Sureta Chana

Legal Representatives of Applicants

Ms Liesbeth Zegveld

Mr Peter Njenga Mwangi

Mr Francis Kissinger Kakai

Mr Nicholas Kaufman

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Deputy Registrar

Mr Didier-Daniel Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING the hearing held on 7 April 2011¹;

NOTING the “Order to the Defence to Reduce the Number of Witnesses to Be Called to Testify at the Confirmation of Charges Hearing and to Submit an Amended List of *Viva Voce* Witnesses” (the “Order”) issued by Pre-Trial on 25 July 2011²;

NOTING the e-mail exchange between the Chamber and the Victims and Witnesses Unit (the “VWU”) which took place on 8 August 2011;

NOTING articles 43(6) and 68(1) and (4) of the Rome Statute, rules 16 to 19, 74, 86 to 88 of the Rules of Procedure and Evidence, regulation 41 of the Regulations of the Court and regulations 79 to 96 of the Regulations of the Registry;

CONSIDERING that the Chamber announced during the hearing held on 7 April 2011 that the Confirmation of Charges hearing will start on 1st September 2011³;

CONSIDERING that the Defence teams in accordance with the Chamber Order will call 6 *viva voce* witnesses for the purpose of the Confirmation of Charges;

CONSIDERING that the Victims and Witnesses Unit (the “VWU”) will have to carry out a witness familiarisation procedure for the benefit of those witnesses;

CONSIDERING that the VWU requested the Chamber’s guidance concerning the familiarisation process to follow and respectfully suggested in an e-mail dated 8 August 2011 that the “Unified Protocol on the practices used to prepare and

¹ ICC-01/09-01/11-T-1-ENG

² ICC-01/09-01/11-221

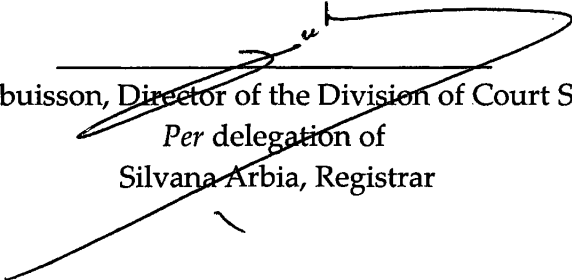
³ ICC-01/09-01/11-T-1-ENG page 17, lines 12 to 25

familiarise witnesses for giving testimony at trial”⁴ filed in the *Bemba* case which reflects the relevant jurisprudence of the Court as well as the various substantial achievements reached over the years of experience in the area of familiarisation be used for the purpose of the Confirmation of Charges hearing;

CONSIDERING that on the same day the Chamber agreed with the said suggestion;

CONSIDERING that in accordance with this instruction the VWU modified the terminology of the document filed in the *Bemba* case to reflect the fact that the document should be applicable not only during the Trial phase of a case but whenever witnesses are to appear before the Court;

RESPECTFULLY FILES in the annex to the current document “Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony”.



Marc Dubuisson, Director of the Division of Court Services
Per delegation of
Silvana Arbia, Registrar

Dated this 12 August 2011

At The Hague, The Netherlands

⁴ ICC-01/05-01/08-1081-Anx