

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11

Date: 22 August 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Single Judge

**SITUATION IN THE REPUBLIC OF KENYA
IN THE CASE OF THE PROSECUTOR V. FRANCIS KIRIMI MUTHAURA,
UHURU MUIGAI KENYATTA AND MOHAMMED HUSSEIN ALI**

**Public
With a public annex**

**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, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor

**Counsel for the Defence of Francis
Kirimi Muthaura:**

Mr Karim Khan
Mr Kennedy Ogetto

**Counsel for the Defence of Uhuru
Muigai Kenyatta:**

Mr Steven Kay QC
Ms Gillian Higgins

Counsel for Mohammed Hussein Ali:

Mr Gregory Kehoe
Mr Evans Monari
Mr Gershom Otachi
Mr John Philpott

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Defence Support Section

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 8 April 2011¹ before Pre-Trial Chamber II (the “Chamber”);

NOTING the “Decision Requesting the Parties to Submit Information for the Preparation of the Confirmation of Charges Hearing”² issued by the Chamber on 20 July 2011;

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”³ (the “Order”) issued by the Chamber on 10 August 2011 ;

NOTING the e-mail exchange between the Chamber and the Victims and Witnesses Unit (the “VWU”) which took place on 22 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 8 April 2011 that the Confirmation of Charges hearing will start on 21 September 2011⁴;

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

¹ ICC-01/09-02/11-T-1-ENG

² ICC-01/09-02/11-181

³ ICC-01/09-02/11-226

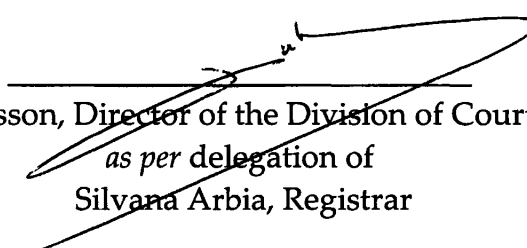
⁴ ICC-01/09-02/11-T-1-ENG page 14, lines 11 to 13

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 22 August 2011 that the “Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony”⁵ filed in the Case *the Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* 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 above suggestion;

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



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

Dated this 22 August 2011

At The Hague, The Netherlands

⁵ ICC-01/09-02/11-259-Anx