

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 April 2013

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Christine Van den Wyngaert
Judge Chile Eboe-Osuji

**SITUATION IN THE REPUBLIC OF KENYA
IN THE CASE OF
*THE PROSECUTOR v. UHURU MUIGAI KENYATTA***

**Public
With public annex**

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

Source: Registry

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

The Office of the Prosecutor
Ms Fatou Bensouda

Counsel for Uhuru Muigai Kenyatta
Mr Steven Kay
Ms Gillian Higgins

Legal Representatives of Victims
Mr Fergal Gaynor

Legal Representatives of Applicants

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
Mr Herman von Hebel

Detention Section

Others

Deputy Registrar
Mr Didier Preira

Victims and Witnesses Unit
Ms Maria Luisa Martinod-Jacome

**Victims Participation and Reparations
Section**

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

NOTING the “Victims and Witnesses Unit’s Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony” submitted by the Registrar on 22 August 2011;¹

NOTING the “Decision on witness preparation” (the “Decision”) issued by Trial Chamber V (the “Chamber”) on 2 January 2013;²

NOTING the “Victims and Witnesses Unit’s Submission following the “Decision on witness preparation” (ICC-01/09-02/11-588)” submitted by the Registrar on 21 February 2013;³

NOTING the “Decision on VWU submission regarding witness preparation” issued by the Chamber on 11 April 2013;⁴

NOTING articles 43(6) and 68(1) and (4) of the Rome Statute, rules 16 to 19, 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 in the Decision the Chamber ordered the Registry to “file an updated version of the Familiarisation Protocol”;⁵

¹ ICC-01/09-02/11-260.

² ICC-01/09-02/11-588.

³ ICC-01/09-02/11-659.

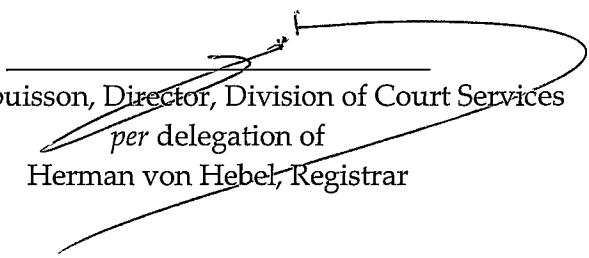
⁴ ICC-01/09-02/11-716.

⁵ ICC-01/09-02/11-588, p. 22.

CONSIDERING that in its submission dated 21 February 2013 the VWU sought a “clarification from the Chamber as to whether the absence of the prohibition of contact between the calling party and the witness during the pre-testimony meeting (which ends at least 24 hours before the testimony) should be extended to the 24 hours’ time period preceding the testimony and further throughout the duration of the testimony or if a prohibition of contact between the witness and the calling party shall be in place once the pre-testimony meeting ends (i.e. 24 hours before the testimony) and until the end of the testimony”.⁶

CONSIDERING that the Chamber provided an answer to the above question in its Decision dated 11 April 2013;

RESPECTFULLY SUBMITS in the annex to the current document the Victims and Witnesses Unit’s “Amended Protocol on the practices used to familiarise witnesses for giving testimony”.



 Marc Dubuisson, Director, Division of Court Services
per delegation of
 Herman von Hebel, Registrar

Dated this 24 April 2013

At The Hague, The Netherlands

⁶ ICC-01/09-02/11-659, p. 5.