



Original: English

No.: ICC-02/05-03/09

Date: 11 April 2014

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernandez de Gurmendi
Judge Chile Eboe-Osuji

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDALLAH BANDA ABAKAKER NOURAIN***

**Public
With one Confidential Annex**

**Victims and Witnesses Unit's Report on the Proposed Mechanisms for Exchange of
Information on individuals Enjoying Dual Status pursuant to
Decision ICC-02/05-03/09-545**

Source: The 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

Mr Julian Nicholls

Counsel for the Defence

Mr Karim A.A. Khan

Legal Representatives of the Victims

Ms Hélène Cissé

Mr Jens Dieckmann

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Counsel Support Section

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

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

NOTING the “Decision on certain practicalities regarding individuals who have the dual status of witness and victim” issued by Trial Chamber I on 5 June 2008 (the “Trial Chamber I’s Decision”);¹

NOTING the “Decision on the participation of victims in the trial proceedings” issued by Trial Chamber IV (the “Chamber”) on 20 March 2014 (the “Decision”);²

NOTING the instructions of the Chamber to the Victims and Witnesses Unit (the “VWU”) “to discuss with the parties and the participants the proposed mechanisms (the “proposed mechanisms”) for the sharing of information concerning dual status individuals” and “to file a report with the Chamber by 4 April 2014”;³

NOTING the e-mails sent by the VWU to the Victims Participation and Reparations Section (the “VPRS”) on 27 March 2014, to Prosecution, the Defence, the Legal Representative of the Victims and the Office of Public Counsel for Victims (the “OPCV”) on 31 March 2014 asking for their proposals and observations on the proposed mechanisms and on 4 April 2014 requesting them to comment on the proposed submissions;⁴

NOTING the e-mails received by the VWU from the VPRS on 28 March 2014, the OPCV on 4 March 2014, the Prosecution, the Defence, the Legal Representative of the

¹ ICC-01/04-01/06-1379.

² ICC-02/05-03/09-545.

³ *Idem.*

⁴ E-mails sent by the VWU on 27 March 2014 at 11h59 on 31 March 2014 at 16h48 and on 4 April 2014 at 17h35.

Victims on 3 April 2014 with their proposals and observations on the proposed mechanisms and on 8 April 2014 with their comments on the proposed submissions;⁵

NOTING the e-mail sent by the VWU to the Chamber on 4 April 2014 requesting the Chamber for an extension of time in order to file the report;⁶

NOTING the e-mail sent by the Chamber to the VWU on 4 April 2014 granting the extension of time and directing the VWU to provide the Chamber with its report by 11 April 2014;⁷

NOTING articles 43(6) and 68(1) and (4) of the Rome Statute, rules 16 to 19 of the Rules of Procedure and Evidence, regulations 23*bis* of the Regulations of the Court and regulations 79, 80 and 92 to 96 of the Regulations of the Registry;

CONSIDERING that in order to promote a uniform practice, the VWU submitted in its e-mail dated 4 April 2014 the procedures contained in the Trial Chamber I's Decision or the purpose of the parties and participants' considerations⁸ and suggested to use the procedures described in this Decision as a basis for further discussion on a mechanism for the sharing of information concerning dual status individuals in the Banda case;

⁵ E-mails sent by the VPRS on 28 March at 18h17, the OPCV on 4 March 2014 at 16h04, the Prosecution on 3 and 8 April 2014 at 17h20 and 16h32, the Defence on 3 and 8 April 2014 at 17h 33 and 17h49 and by the legal representative of Victims on 3 and 8 April 2014 at 18h49 and 16h28.

⁶ E-mail sent by the VWU to the Legal Officer of the Chamber on 4 April 2014 at 11h27.

⁷ E-mail sent by the Legal Officer of the Chamber to the VWU on 4 April 2014 at 17h57.

⁸ E-mails sent by the VWU to the Prosecution, the Defence, the legal representative and the OPCV on 31 March 2014 at 16h48.

CONSIDERING that the document annexed to this submission contains information that was discussed internally between the parties and participants and is therefore classified as confidential pursuant to regulation 23*bis* of the Regulations of the Court;

RESPECTFULLY SUBMITS Victims and Witnesses Unit's Report on the Proposed Mechanisms for Exchange of Information on Individuals Enjoying Dual Status Pursuant to Decision ICC-02/05-03/09-545;

1. The VWU notes that the term of "Individual enjoying dual status" mentioned in the document annexed to the present filing refers to an individual who is both a witness and a person who has applied to participate in the proceedings and/or has asked for reparations or a victim participating in the proceedings;
2. The VWU herewith submits to the Chamber, as Confidential Annex to this present filing, a document containing the proposed mechanisms submitted by the VWU to the parties and participants including their proposals and comments which were subsequently communicated by the VWU to all of them. The Annex therefore reflects the points of agreement and disagreement between the parties and participants on the mechanisms enabling them to deal with a situation of an individual enjoying dual status.



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

Dated this 11 April 2014

At The Hague, The Netherlands