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No.: **ICC-02/04-01/15**

Date: **17 June 2016**

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN UGANDA

IN THE CASE OF *THE PROSECUTOR v. DOMINIC ONGWEN*

Public

With public Annexes 1 and 2

**Registry's Submissions on the Protocol on the practices used to prepare and
familiarise witnesses for giving testimony at trial**

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, Prosecutor
Mr James Stewart

Counsel for the Defence

Mr Krispus Ayena Odongo
Mr Charles Achaleke Taku

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox

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

Counsel Support Section

Mr Esteban Peralta-Losilla

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Ms Charlotte Dahuron

I. Introduction

1. In accordance with Trial Chamber IX's (the "Chamber") communication¹ requesting that submissions on any protocols to be adopted in this case be filed on 17 June 2016, and following its "Registry Submissions on the Order Scheduling the First Status Conference and Other Matters" ("Submissions"),² the Registry hereby submits two versions of the "Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial" ("Familiarisation Protocol"), for adoption in the current case.

II. Submissions

2. As stated in the Submissions, the Victims and Witnesses Unit ("VWU") recommends the adoption of the Familiarisation Protocol which outlines the procedures that serve the best interests of witnesses and provides for sustainable working solutions for all entities involved. The Familiarisation Protocol covers issues pertinent to the familiarisation process taking into account the practices and experiences concerning witnesses appearing before the Court.
3. Subject to the approach of the Chamber in the present case, the VWU submits two different versions of the Familiarisation Protocols contingent upon the adoption of a witness preparation protocol in the current case. The protocol attached in Annex 1 is applicable in the event that the Chamber adopts a witness preparation protocol. The version submitted is an amended version of the Familiarisation Protocol adopted in the case of *The Prosecutor v. Bosco Ntaganda*.³ The protocol attached in Annex 2 is applicable in the event the

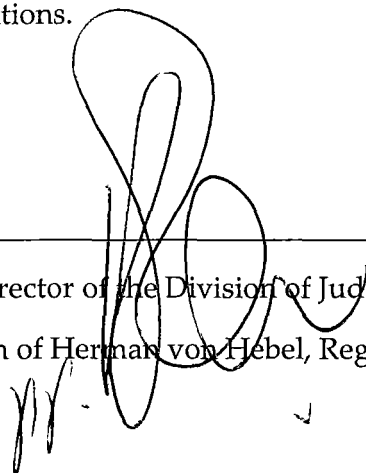
¹ Email sent by the Legal Officer of the Chamber on 23 May 2016 at 18h17.

² Registry "Registry Submissions on the Order Scheduling the First Status Conference and Other Matters", dated 18 May 2016, ICC-02/04-01/15-440.

³ Registry "Protocol on the practices to be used to familiarise witnesses for giving testimony at trial", dated 17 June 2015, ICC-01/04-02/06-656-AnxA.

Chamber does not adopt a witness preparation protocol. The version submitted is an amended version of the Familiarisation Protocol adopted in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*.⁴

4. The VWU recommends the adoption of one of the two Familiarisation Protocols as amended, in order to promote a uniform practice of management of witnesses appearing before the Court. The amendments made consist of minor terminological and non-substantial changes⁵ in order to reflect the recent restructuration of the Registry and to adjust the protocol to the present case.
5. For efficiency purposes, the VWU has already circulated the enclosed amended versions of the Familiarisation Protocols, with the track changes featured, to all parties and participants in the current case,⁶ allowing them to see the amendments made, and in order for them to be in a better position to submit their final observations.



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

Dated this 17 June 2016

At The Hague, the Netherlands

⁴ Registry "Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial", dated 3 December 2015, ICC-02/11-01/15-355-Anx

⁵ Such amendments included the removal of footnotes referring to other cases

⁶ Email sent by the VWU to the parties and participant on 13 June 2016 at 17h27