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Date: 11 November 2016

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Raul C. Pangalangan

SITUATION IN UGANDA

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

Confidential Document

Common Legal Representative's Response to the Prosecution's application for in-court protective and special measures

Source: Office of Public Counsel for Victims

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

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I. INTRODUCTION

1. The Common Legal Representative¹ supports the Prosecution's Application² for in-court protective and special measures for witnesses appearing at trial on the basis that the measures sought are necessary to protect the safety, security and well-being of the witnesses concerned, and are not prejudicial to or inconsistent with the rights of the Accused.

2. The Common Legal Representative argues that the personal circumstances of the witnesses concerned, as described in the Application, show a concrete and objectively justifiable risk to their security and well-being and/or to the safety of their family members, as well as a specific risk of re-traumatisation in relation to particular vulnerable individuals.

3. The Common Legal Representative supports in particular the Prosecution's request for protective and/or special measures for dual status individuals P-0006, P-0097, P-0199, P-0249, P-0250, P-0275, P-0314, P-0330, P-0352, P-0366, P-0374, P-0396 represented by her. In this regard, she reserves her right to raise any issues related to in-court protective measures and/or special measures in the event that she deems it necessary in order to respond to the evolving security situation or personal circumstances of those individuals.

¹ See the "Decision on contested victims' applications for participation, legal representation of victims and their procedural rights" (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-350, 27 November 2015, p. 19; the "Decision on issues concerning victims' participation" (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-369, 15 December 2015, pp. 10-11; the "Second decision on contested victims' applications for participation and legal representation of victims" (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-384, 24 December 2015, pp. 20-22; the "Decision concerning 300 Victim Applications and the Deadline for Submitting Further Applications", (Trial Chamber IX, Single Judge), No. ICC-02/04-01/15-543, 26 September 2016, para. 8 and p. 5; and the "Decision Concerning 610 Victim Applications (Registry Report ICC-02/04-01/15-544) and 1183 Victim Applications (Registry Report ICC-02/04-01/15-556)", No. ICC-02/04-01/15-586, 04 November 2016, p. 8, paras. 9, 15 and 16.

² See the "Prosecution's application for in-court protective and special measures", No. ICC-02/04-01/15-578-Conf, 26 October 2016 (the "Application").

II. PROCEDURAL HISTORY

4. On 13 July 2016, in its Decision on the Initial Directions on the Conduct of the Proceedings, Trial Chamber IX (the "Chamber") ordered the Prosecution to file any applications for protective and/or special measures for all its witnesses by 28 October 2016.³

5. On 26 October 2016, the Prosecution filed its Application, seeking in-court protective measures and/or special measures for 52 witnesses, pursuant to articles 64(6)(e) and 68 of the Rome Statute (the "Statute") and rules 87 and 88 of the Rules of Procedure and Evidence (the "Rules").⁴

6. On 27 October 2016, the Chamber shortened the time limit for any responses to the Application to 11 November 2016.⁵

7. Pursuant to regulation 23*bis*(2) of the Regulations of the Court, this response is filed confidential following the classification chosen by the Prosecution. A public redacted version of this response will be filed in due course.

III. SUBMISSIONS

8. Article 68(1) and (2) of the Statute, read in conjunction with article 64(2) and (6)(e) and Rules 87 and 88 of the Rules, allow the Chamber to order any measures necessary to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.⁶ However, said measures shall not be prejudicial to

³ See the "Initial Directions on the Conduct of the Proceedings" (Trial Chamber IX), No. ICC-02/04-01/15-497, para. 35.

⁴ See the Application, *supra* note 2.

⁵ See the email from the Chamber sent on 27 October 2016 at 11:05 a.m.

⁶ See the "Decision on 'Prosecution's First Request for In-Court Protective Measures for Trial Witnesses'" (Trial Chamber V), No. ICC-01/09-01/11-902-Red2, 11 September 2013, paras. 10 – 11. See

or inconsistent with the rights of the accused to a fair and impartial trial. Thus, protective and special measures should be granted only on an exceptional basis, following a case-by-case assessment of whether they are necessary in light of an objectively justifiable risk, and are proportionate to the rights of the accused.⁷

9. The Common Legal Representative agrees with the Prosecution's submission that the fact that the majority of the witnesses it intends to call to testify before the Chamber "*currently face no acute security risk*"⁸, does not mean that the said individuals do not need protective and/or special measures. Indeed, the express language of article 68(1) of the Statute requires the Chamber to take appropriate measures to protect not only the safety, but also the physical and psychological well-being, dignity and privacy of victims and witnesses.⁹

10. The absence of current threats or intimidations should not lead to the conclusion that measures are not necessary to protect the witness from security risks due to his or her interaction with the Court, and in particular from the possibility of reprisals. In fact, waiting for the occurrence of concrete incidents of threats or intimidation before taking any action would squarely defeat the purpose of protective measures. Indeed, these measures are intended to protect against any such attempts of interference with a witness' or victims' physical and psychological well-being in the first place. Said measures should thus be implemented to prevent any concrete incidents and are intended to be prospective rather than retrospective.

also the "Public Redacted Version of 'Decision on in-court protective measures for Witness D04-15'" (Trial Chamber III), No. ICC-01/05-01/08-2741-Red, 30 June 2016, para. 6.

⁷ See the "Decision on 'Prosecution's First Request for In-Court Protective Measures for Trial Witnesses'", *supra* note 6, paras. 11 and 13. See also the "Public Redacted Version of 'Decision on in-court protective measures for Witness D04-15'", *supra* note 6, para. 7; the "Decision on protective measures for Witness 44" (Trial Chamber III), No. ICC-01/05-01/08-2107-Red, 30 June 2016, para. 8; and the "Public Redacted version of 'Decision on in-court protective measures for Witness 32'" (Trial Chamber III), No. ICC-01/05-01/08-1774-Red, 29 June 2016, para. 11.

⁸ See the Application, *supra* note 2, para. 4.

⁹ *Idem.*, para. 7.

11. The Common Legal Representative submits that the safety of witnesses is one of the most critical factors to be assessed in relation to the matter at hand.¹⁰ In this regard, Trial Chamber V(A) held that *“the Rome Statute was careful to mandate the Chamber with the obligation to not only respect the rights of the accused fully but also to respect the rights of victims and witnesses in a manner it does not unduly prejudice the rights of the Defence. [...] The Chamber notes in particular that the provisions of article 68(1) of the Statute not only recognizes the need to protect witnesses against physical threats and interferences, but also it requires the Chamber to take into account the need to protect the psychological well-being of witnesses, and it isn't the view of an outsider always that should explain need for psychological well-being of a witness. The Chamber has to take into account the witness's own concerns such as may affect his or her psychological well-being when they're sitting in the courtroom and giving testimony.”*¹¹ In this sense, in deciding whether to grant protective measures, Chambers have taken into consideration any fear or anxiety expressed by the witnesses.¹² Moreover, *“evidence of prior direct threats to a witness, or his/her family, are not required in order to determine that they face an objectively justifiable risk sufficient to support the granting of protective measures.”*¹³

12. The Prosecution seeks three general categories of in-court protective and/or special measures for witnesses appearing at trial, including: (i) measures intended to protect their identity from the public; (ii) closed or private sessions intended to

¹⁰ See the « Décision prononçant des mesures de protection au profit du témoin 323 lors de sa déposition à l'audience » (Trial Chamber II), No. ICC-01/04-01/07-1795-Red, 27 January 2010, paras. 8-9.

¹¹ See the transcript of the hearing held on 20 February 2014, No. ICC-01/09-01/11-T-91 WT, p. 28, lines 11 - 23 (Emphasis added.) See also the “Public Redacted Version of ‘Decision on in-court protective measures for Witness 45’” (Trial Chamber III), No. ICC-01/05-01/08-2063-Red, 29 June 2016, para. 18.

¹² See the “Public Redacted Version of “Decision on in-court protective measures for Witness D04-15” *supra* note 6, para. 8. See also the “Public Redacted Version of ‘Decision on in-court protective measures for Witness 45’”, *supra* note 11, paras. 19 and 21; the “Public Redacted version of ‘Decision on in-court protective measures for Witness 32’”, *supra* note 7, para. 11; and the transcript of the hearing held on 15 August 2011, Transcript No. ICC-01/04-01/07-T-291 WT, p. 10 line 22 – p. 15 line 13.

¹³ See the “Decision on ‘Prosecution's First Request for In-Court Protective Measures for Trial Witnesses’”, *supra* note 6, para. 14. See also the “Decision on request for in-court protective measures relating to the first Prosecution witness” (Trial Chamber VI), No. ICC-01/04-02/06-824-Red, 16 September 2015, para. 14; and the “Decision on Prosecution request for in-court protective measures for Witness [REDACTED]” (Trial Chamber VI), No. ICC-01/04-02/06-1605-Red, 02 November 2016, para. 7.

protect particular portions of their testimony from public disclosure; and (iii) measures intended to support them psychologically before, during, and after their testimony.¹⁴

13. In particular, the Prosecution requests (a) the use of a pseudonym and face or voice distortion for 48 witnesses in order to protect their safety or physical and psychological well-being, dignity, and privacy; and (b) the use of voice distortion for two witnesses for whom hearing their voice poses a risk of identification.¹⁵

14. The Common Legal Representative notes that, in accordance with the established jurisprudence of the Court, limited measures such as image and voice distortion and the assignment of pseudonyms are considered “*non-intrusive*”¹⁶ or “*the usual menu*”¹⁷ of protective measures, and are therefore frequently and normally applied in cases where a witness could be at risk on the account of his or her testimony before the Court. This is especially the case when witnesses live in a small and easily identifiable community or could be readily targeted by hostile individuals,¹⁸ and when the provision of said protective measures will increase their chances to continue to live in their own community without the fear of being threatened or harassed as a result of their cooperation with the Court.¹⁹

15. Moreover, the Common Legal Representative recalls that the Single Judge of Pre-Trial Chamber II found that Mr Ongwen, while being detained in The Hague,

¹⁴ See the Application, *supra* note 2, para. 20.

¹⁵ *Idem.*, para. 21.

¹⁶ See the “Decision on protective measures for Witness 44”, *supra* note 7, para. 8; and the “Decision on in-court protective measures for Witness 65” (Trial Chamber III), No. ICC-01/05-01/08-1809-Red, 28 June 2016, para. 9.

¹⁷ See for example the transcript of the hearing held on 18 June 2014, No. ICC-01/09-01/11-T-118 WT, p. 6 line 15 – p. 7 line 3; the transcript of the hearing held on 4 March 2014, No. ICC-01/09-01/11-T-98 WT, p. 7 line 4 – p. 8 line 19; the transcript of the hearing held on 14 October 2003, No. ICC-01/09-01/11-T-48 WT, p. 25 line 25 – p. 26 line 23.

¹⁸ See the “Public redacted version of ‘Decision on Prosecution’s request for in-court protective measures and special measure for Witness P-0815’” (Trial Chamber VI), No. ICC-01/04-02/06-1236-Red2, 30 March 2016, para. 5.

¹⁹ See the “Decision on in-court protective measures for Witness 65”, *supra* note 16, para. 10.

was able to contact certain potential witnesses, demonstrating the existence of risks on his part of interfering with witnesses.²⁰ In this regard, the relevant practice of the Court indicates that any attempts to interfere with the witnesses should be taken into account when deciding whether to grant protective measures.²¹ This factor should still be considered by the Chamber even if it is not alleged that the witnesses concerned by the Application have been subject to interference.²²

16. Furthermore, in terms of the fairness of the proceedings, the measures sought seek to protect the witness' identity solely with regard to the general public.²³ The granting of said measures (i) do not curtail the Defence's knowledge of the witnesses' identity; (ii) the Defence will be able to listen to and see the witnesses in court without any distortions and its ability to question the witnesses will not be affected by said measures. Moreover, the public will still be able to listen to the major parts of the testimonies; therefore, (iii) the protective measures sought are proportionate, will not cause prejudice to the Defence and are consistent with the Accused's fundamental right to a fair and public trial, as enshrined in article 67 of the Statute.²⁴

²⁰ See the "Decision on a request by the Prosecutor under article 57 of the Rome Statute and regulation 101(2) of the Regulations of the Court" (Pre-Trial Chamber II), No. ICC-02/04-01/15-254, 25 June 2015, paras. 4 and 6.

²¹ See the transcript of the hearing held on 4 March 2014, No. ICC-01/09-01/11-T-98 WT, p. 7 line 4 - p. 8 line 19. See also the "Public redacted version of 'Decision on Prosecution request for in-court protective measures for Witness P-0019'" (Trial Chamber VI), No. ICC-01/04-02/06-1433-Red, 04 July 2016, para. 6; the "Decision on in-court protective measures for Witness 65", *supra* note 16, para. 10; and the "Public redacted version of 'Decision on Prosecution's request for in-court protective measures and special measure for Witness P-0815'", *supra* note 18, para. 5.

²² See the "Public redacted version of 'Decision on Prosecution's request for in-court protective measures for Witness P-0290'" (Trial Chamber VI), No. ICC-01/04-02/06-1133-Red2, 01 February 2016, para. 7.

²³ See the "Public Redacted Version of Decision on in-court protective measures for Witness D04-02'" (Trial Chamber III), No. ICC-01/05-01/08-2663-Red2, 29 June 2016, para. 14; and the "Public Redacted Version of 'Decision on in-court protective measures for Witness D04-06'" (Trial Chamber III), No. ICC-01/05-01/08-2701-Red2, 29 June 2016, para. 12.

²⁴ See the "Public Redacted Version of 'Decision on in-court protective measures for Witness 45'", *supra* note 11, para. 20. See also the "Public Redacted version of 'Decision on in-court protective measures for Witness 32'", *supra* note 7, para. 13; the "Public redacted version of 'Decision on Prosecution's request for in-court protective measures and special measure for Witness P-0815'", *supra* note 18, para. 6; and the "Order on protective measures for certain witnesses called by the Prosecutor and the Chamber (Rules 87 and 88 of the Rules of Procedure and Evidence)" (Trial Chamber II), No. ICC-01/04-01/07-1667-Red-tEN, 29 November 2012, para. 13.

17. As a result, the Common Legal Representative considers that the use of a pseudonym and face and/or voice distortion are justified, necessary and proportionate measures in relation to the witnesses identified in the Application.

18. Concerning the request for closed or private sessions for limited portions of most of the witnesses' testimony, including in circumstances where questioning might reveal the name or other identifying information, the Common Legal Representative also supports this component of the Application which in fact constitutes an indispensable part of *"the usual menu."*²⁵ In fact, protective measures such as image and voice distortion and the assignment of pseudonyms *"need to be combined with limited private session testimony, in order not to defeat their purpose and to ensure effective protection of the identities of the witnesses concerned."*²⁶

19. The Common Legal Representative also particularly supports the Prosecution's approach suggesting the use of closed or private sessions when the questioning will relate to sensitive matters, such as details of sexual violence perpetrated against the witness or instances in which the witness was forced to participate in grave crimes.²⁷ Indeed, the nature of a witness' victimisation is an appropriate factor to be considered when assessing the need for protective and/or special measures.²⁸ In the present case, in relation to gender-based crimes, the Prosecution's witnesses are expected to testify about Mr Ongwen's direct involvement in the commission of those atrocities.²⁹ In this regard, the *"nature"* of the

²⁵ See for example, the transcript of the hearing held on 18 June 2014, No. ICC-01/09-01/11-T-118 WT, p. 6 line 15 – p. 7 line 3; the transcript of the hearing held on 4 March 2014, No. ICC-01/09-01/11-T-98 WT, p. 7 line 4 - p. 8 line 19; and the transcript of the hearing held on 14 October 2013, No. ICC-01/09-01/11-T-48 WT, p. 25 line 25 – p. 26 line 23.

²⁶ See the "Public Redacted Version of 'Decision on in-court protective measures for Witness 45'", *supra* note 11, para. 18. See also the "Public Redacted version of 'Decision on in-court protective measures for Witness 32'", *supra* note 7, para. 12.

²⁷ See the Application, *supra* note 2, paras. 22 – 24.

²⁸ See the "Public redacted version of 'Decision on Prosecution request for in-court protective measures for Witness P-0019'" (Trial Chamber VI), No. ICC-01/04-02/06-1433-Red, 04 July 2016, para. 5.

²⁹ See the "Prosecution's Document Containing the Charges", No. ICC-02/04-01/15-375-AnxA-Red, 22 December 2015, paras. 128 – 134.

witnesses' testimony,³⁰ namely the fact that the witnesses are expected to provide direct evidence about the Accused's acts and conduct in relation to a significant number of the charges, constitutes an important factor in establishing an objectively justifiable risk.³¹

20. Moreover, in the practice of the Court, witnesses who had been victims of gender-based crimes or who have been traumatised by extremely violent events are considered to be "vulnerable" and are entitled to additional or special measures.³² Specific measures for vulnerable witnesses may include not only the use of private or closed sessions but also: (i) the use of curtain in order to prevent eye contact between the witness and the accused; (ii) the absence of the accused when the witness enters and leaves the courtroom in public and in closed session; and (iii) the presence of a psychologist from the VWU in the courtroom during the testimony.³³

21. Furthermore, the Prosecution is seeking protective and/or special measures for 42 witnesses who were children (under 18 years old) at the time of their abduction by the LRA. In this regard, the Common Legal Representative submits that in the practice of the Court, witnesses who are still young,³⁴ or who were of a young age at

³⁰ See the "Decision on Prosecution request for in-court protective measures for Witness [REDACTED]", *supra* note 13, para. 6. See also the "Public redacted version of 'Decision on Prosecution request for in-court protective measures for Witness P-0018'" (Trial Chamber VI), No. ICC-01/04-02/06-1418-Red2, 22 June 2016, para. 10; and the "Public redacted version of 'Decision on Prosecution's request for in-court protective measures and special measure for Witness P-0815'", *supra* note 18, para. 5.

³¹ See the "Public redacted version of 'Decision on Prosecution's request for in-court protective measures for Witness P-0190'" (Trial Chamber VI), No. ICC-01/04-02/06-1359-Red, 06 June 2016, paras. 7 and 10. See also the "Decision on Prosecution's request for in-court protective measures for Witness P-0039" (Trial Chamber VI), No. ICC-01/04-02/06-956-Red, 28 October 2015, para. 8; and the "Public redacted version of 'Decision on Prosecution's request for in-court protective measures for Witness P-0290'", *supra* note 22, para. 7.

³² See the transcript of the hearing held on 10 May 2019, No. ICC-01/04-01/07-T-138 WT, p. 16 line 4 - p. 21 line 11; and the transcript of the hearing held on 27 January 2010, No. ICC-01/04-01/07-T-91 WT, p. 6 line 1 - p. 8 line 24.

³³ See the transcript of the hearing held on 15 November 2010, No. ICC-01/04-01/07-T-216 WT, p. 4 line 18 - p. 6 line 22; and the transcript of the hearing held on 6 September 2010, No. ICC-01/04-01/07-T-183 WT, p. 73 line 24 - p. 76 line 3.

³⁴ See the transcript of the hearing held on 20 May 2010, No. ICC-01/04-01/07-T-144 WT, p. 3 line 13 - p. 6 line 11.

the time of the events, are also considered to be vulnerable and should therefore benefit from various additional special measures. Said measures include: (i) the restriction of visual contact between the witness and the accused (the witness enters and exits the courtroom in the absence of the accused), (ii) the presence of a VWU psychologist in the courtroom; (iii) the use of simple and easy-to-understand questions; (iv) the use of segmented hearings (duration of 50 minutes, with 10 minute breaks) and (v) the presence of an interpreter who shall assist the witness in writing or reading.³⁵

22. Consequently, the Common Legal Representative supports this second category of proposed measures sought in the Application, as well as the use of the third category of measures requested and intended to provide psychological support to a witness, including the presence of a support person during the witness' testimony.³⁶

23. As indicated by the Prosecution, the Common Legal Representative also considers that the VWU is best placed to assess whether and when such measures are necessary, and which measures are most appropriate.³⁷

24. The Common Legal Representative submits that the need for these kinds of additional special measures may become evident before the start of the testimony or even during the testimony of the concerned witness and she therefore advocates for a flexible approach by the Chamber which will allow for requests for amendment or modification of the necessary measures.³⁸

25. In relation to the measures sought for two witnesses based on their professional circumstances, the Common Legal Representative submits that said

³⁵ See the transcript of the hearing held on 14 June 2010, No. ICC-01/04-01/07-T-155 WT, p. 3 line 16 – p. 5 line 18.

³⁶ See the Application, *supra* note 2, para. 26.

³⁷ *Idem.*, para. 27.

³⁸ *Ibid.*, paras. 6 and 56 – 60.

circumstances constitute a relevant factor in determining the need for protective measures, considering that the presence of active armed groups in a region,³⁹ or the general security situation in a region may be relevant in relation to the circumstances of a specific witness.⁴⁰

26. Finally, the Common Legal Representative notes that the Prosecution is requesting protective and/or special measures for P-0006, P-0249, P-0250⁴¹, P-0097, P-0199, P-0275, P-0314, P-0330, P-0352, P-0366, P-0374, P-0396⁴², who are dual status individuals represented by her. In this regard, the Common Legal Representative submits that the need for those measures applies even more forcefully to a dual status individual.⁴³ As underscored by Trial Chamber I in the *Lubanga* case, “[p]rotective and special measures for victims are often the legal means by which the Court can secure the participation of victims in the proceedings, because they are a necessary step in order to safeguard their safety, physical and psychological well-being, dignity and private life in accordance with article 68(1) of the Statute [and thus] protective measures are not favours but are instead the rights of victims, enshrined in article 68(1) of the Statute”.⁴⁴

³⁹ See the “Public redacted version of ‘Decision on Prosecution request for in-court protective measures for Witness P-0019’”, *supra* note 21, para. 6; and the “Public redacted version of ‘Decision on Prosecution request for in-court protective measures for Witness P-0018’”, *supra* note 30, para. 9.

⁴⁰ See the “Decision on ‘Prosecution’s First Request for In-Court Protective Measures for Trial Witnesses’”, *supra* note 6, para. 14. See also the “Public redacted version of ‘Decision on Prosecution’s request for in-court protective measures and special measure for Witness P-0815’”, *supra* note 18, para. 5; the “Public redacted version of ‘Decision on Prosecution’s request for in-court protective measures for Witness P-0790’” (Trial Chamber VI), No. ICC-01/04-02/06-1083-Red, 09 February 2016, para. 8; the “Decision on Prosecution’s request for in-court protective measures for Witness P-0039”, *supra* note 31, para. 7; the “Public Redacted Version of ‘Decision on in-court protective measures for Witness D04-02’”, *supra* note 23, para. 11; and the transcript of the hearing held on 15 August 2011, No. ICC-01/04-01/07-T-291 WT, p. 10 line 22 – p. 15 line 13.

⁴¹ The Common Legal Representative indicates that it is certain that these 3 individual are represented by her.

⁴² The Common Legal Representative indicates that she has received notification of the applications forms of these 9 individuals and that said applications do not contain a power of attorney in favour of Mr Manoba and Mr Cox. However, she has not yet received from the Registry the list identifying the participating victims by legal representative, following the last decision of the Chamber on participation issued on 4 November 2016.

⁴³ See the “Public redacted version of ‘Decision on Prosecution’s request for in-court protective measures for Witness P-0790’” *supra* note 40, para. 9.

⁴⁴ See the “Decision on victims’ participation” (Trial Chamber I), No. ICC-01/04-01/06-1119, 18 January 2008, paras. 128-129. See also, the “Decision defining the status of 54 victims who participated at the

27. The Common Legal Representative argues that the trauma sustained by most of the victims she represents has been left untreated and in many instances has become more aggravated over time, leaving these persons in an on-going state of extreme vulnerability. Those victims who have agreed to testify before the Chamber are already re-traumatised because they are forced to remember details of their painful and shocking experiences. Therefore, the Court should avoid any unnecessary additional re-traumatisation by failing to address any real and objectively justifiable risk for their personal safety and that of their family members.

28. While fully supporting the Application, the Common Legal Representative reserves her right to raise any issues related to in-court protective measures and/or special measures in the event that she deems it necessary in order to respond to the evolving security situation or personal circumstances of those individuals. Indeed, in accordance with the practice of the Court, legal representatives are allowed to request the Trial Chambers to grant new⁴⁵ or additional⁴⁶ protective measures for dual status individuals, if necessary.

pre-trial stage, and inviting the parties' observations on applications for participation by 86 applicants" (Trial Chamber III), No. ICC-01/05-01/08-699, 22 February 2010, para. 24.

⁴⁵ See the « Décision sur la requête aux fins de prononcé de mesures de protection au bénéfice des témoins a/0381/09, a/0018/09, a/0191/08, pan/0363/09 et de la victime a/0363/09, rendue le 27 janvier 2011 » (Trial Chamber II), No. ICC-01/04-01/07-2663-Red, 22 February 2011, p. 10.

⁴⁶ See the transcript of the hearing held on 30 November 2010, No. ICC-01/04-01/07-T-225 WT, p. 3 line 23 – p. 5 line 1.

IV. CONCLUSION

For the foregoing reasons, the Common Legal Representative respectfully requests the Chamber to grant the Application.

A handwritten signature in black ink, which appears to read "Paolina Massidda". The signature is written in a cursive style and is underlined with two horizontal lines.

Paolina Massidda
Principal Counsel

Dated this 11th day of November 2016

At The Hague, The Netherlands