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Pénale
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**International
Criminal
Court**

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TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND
PATRICE-ÉDOUARD NGAÏSSONA***

Public

**Lesser Redacted Version of the Corrigendum of the “Joint Response by the
Common Legal Representatives of Victims to the Prosecution’s Request for in-
court protective measures (ICC-01/14-01/18-821-Conf)”**

Source: Common Legal Representatives of 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 Representative of the Former Child Soldiers and the Common Legal Representatives of the Victims of Other Crimes (jointly the “Common Legal Representatives”) hereby file their joint response to the Prosecution’s request for in-court protective measures (the “Request”).¹

2. The Common Legal Representatives support the Request for in-court protective measures for witnesses appearing at trial. The measures sought are necessary to protect the safety, security, well-being and dignity of the witnesses concerned, and are not prejudicial to or inconsistent with the rights of both Accused.

3. The personal circumstances of the witnesses concerned, as described in the Request, 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.

4. The Common Legal Representatives support in particular the Prosecution’s request for protective measures for [REDACTED] P-2582, P-2620, P-2354, P-1666, P-2389. However, the Common Legal Representatives of the Victims of the other crimes note that the Prosecution does not ask for voice distortion for P-2354, P-1666 and P-2389 and, therefore, they respectfully request the Chamber to also grant said measure to the benefit of the witnesses concerned. Moreover, the Common Legal Representatives reserve their right to raise any issues related to in-court protective measures and/or special measures [REDACTED].

5. Furthermore, noting the Prosecution’s approach to special measures, the Common Legal Representatives stress the importance of granting specific measures to particularly vulnerable witnesses and advocate for a flexible approach by the

¹ See the “Confidential redacted version of “Prosecution’s Request for in-court protective measures” 7 December 2020, (ICC-01/14-01/18-757-Conf-Exp)”, [No. ICC-01/14-01/18-757-Conf-Red](#), 18 December 2020, with confidential Annex [No. ICC-01/14-01/18-757-Conf-Anx-Red](#) (the “Request”).

Chamber allowing for reassessing and adapting the necessary measures shortly before the start of the testimony.

6. Finally, in relation to the [REDACTED] who will testify by video-link, the Common Legal Representatives underline the importance of having [REDACTED] at the location of the testimony.

II. PROCEDURAL BACKGROUND

7. On 26 August 2020, the Presiding Judge of Trial Chamber V (the “Chamber”) issued the “Initial Directions on the Conduct of the Proceedings”.²

8. On 18 December 2020, the Prosecution filed its Request.³

9. On 21 December 2020, the Defence for Mr Ngaïssona filed an application to vary the time limit to respond to the Request.⁴

10. On 22 December 2020, the Chamber extended by e-mail the deadline for responses to the Request until 15 January 2021.⁵

III. CLASSIFICATION

11. Pursuant to regulation 23*bis* (1) and (2) of the Regulations of the Court, the present submission is classified as confidential following the classification chosen by the Prosecution and because it refers to the content of documents likewise classified as confidential. A public redacted version will be filed in due course.

² See the “Initial Directions on the Conduct of the Proceedings” (Trial Chamber V), [No. ICC-01/14-01/18-631](#), 26 August 2020.

³ See the Request, *supra* note 1.

⁴ See the “Defence Request Pursuant to Regulation 35 to vary time Limit to respond to ‘Confidential redacted version of “Prosecution’s Request for in-court protective measures’ 7 December 2020, (ICC-01/14-01/18-757-Conf-Exp)”, [No. ICC-01/14-01/18-789-Conf](#), 21 December 2020.

⁵ See the E-mail communication by the Trial Chamber of 22 December 2020 at 10:07.

IV. SUBMISSIONS

12. Article 68(1) and (2) of the Statute, read together 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 or inconsistent with the rights of the accused to a fair and impartial trial. Thus, protective (and/or 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 should be proportionate to the rights of the Accused.⁷

13. The Common Legal Representatives agree with the Prosecution that the risks to the witnesses in this case are substantial, particularly in the context of [REDACTED];⁸ and in light of the fact that [REDACTED].⁹

14. In this regard, the Common Legal Representatives recall their previous submissions on the Victims' concerns about [REDACTED].¹⁰ During the meetings held in the past months, Victims continued also to express their concern about [REDACTED].

⁶ See the "Decision on the 'Prosecution's application for in-court protective and special measures'" (Trial Chamber IX, Single Judge), [No. ICC-02/04-01/15-612-Red](#), 30 November 2016, paras. 8-10. See also, *inter alia*, 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](#), 3 September 2013, paras. 10-11.

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'" (Trial Chamber III), [No. ICC-01/05-01/08-2741-Red](#), 29 June 2016, para. 7; the "Decision on protective measures for Witness 44" (Trial Chamber III), [No. ICC-01/05-01/08-2107-Red](#), 29 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 Request, *supra* note 1, paras. 4, and 9-13.

⁹ *Idem*, paras. 14-22.

¹⁰ See the "Common Legal Representatives' Joint Response to the 'Yekatom Defence Application for Interim Release'", [No. ICC-01/14-01/18-450](#), 16 March 2020, para. 31. See also the "Annex II to the Transmission of observations from the Kingdom of the Netherlands and the Central African Republic on interim release of Alfred Yekatom", [No. ICC-01/14-01/18-478-Conf-AnxII](#), 14 April 2020, p. 8.

15. In the Third Decision on [REDACTED], the Chamber indicated that [REDACTED].¹¹ This factor should also be considered by the Chamber when assessing the Request.

16. A witness' profession can also constitute a relevant factor in determining the need for protective measures, considering that the presence of active armed groups,¹² or the general security situation, in a region may be relevant to the specific circumstances of a witness.¹³

17. A witness who is not currently facing critical security risks, may still need protective (and/or special) measures. 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. 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. Said measures are intended to protect against any such attempts of interference with a witness's or victim's physical and psychological well-being in the first place. They should thus be implemented to prevent any concrete incidents and are intended to be prospective rather than retrospective.

¹¹ See the [REDACTED] (Trial Chamber V), [No. ICC-01/14-01/18-727-Conf](#), 11 November 2020, para. 22.

¹² 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. 6; and 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. 9.

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 "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; 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", (Trial Chamber VI), [No. ICC-01/04-02/06-956-Red](#), 28 October 2015, para. 7; 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. 11; and the transcript of the hearing held on 15 August 2011, [No. ICC-01/04-01/07-T-291-Red-ENG WT](#), p. 10, line 22 to p. 15, line 13.

18. The safety of witnesses is one of the most critical factors to be assessed in relation to the matter at hand.¹⁴ 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*”.¹⁵ In this sense, in deciding whether to grant protective measures, Chambers have taken into consideration any fear or anxiety expressed by the witnesses.¹⁶ 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*”.¹⁷

19. The Prosecution requests the use of a pseudonym and face distortion for all 72 witnesses concerned by the Request and, in addition, the voice distortion for

¹⁴ 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.

¹⁵ See the transcript of the hearing held on 20 February 2014, [No. ICC-01/09-01/11-T-91-Red-ENG 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.

¹⁶ See the “Public Redacted Version of ‘Decision on in-court protective measures for Witness D04-15’”, *supra* note 7, para. 8. See also the “Public Redacted Version of ‘Decision on in-court protective measures for Witness 45’”, *supra* note 15, 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, [No. ICC-01/04-01/07-T-291-Red-ENG WT](#), p. 10, line 22 to p. 15, line 13.

¹⁷ 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](#), 2 November 2016, para. 7.

[REDACTED] out of the 72 witnesses in order to protect their safety or physical and psychological well-being, dignity, and privacy.¹⁸

20. In this regard, the Common Legal Representatives of the Victims of the other crimes note that the Prosecution has not requested voice distortion [REDACTED] P-2354, P-1666 and P-2389. There is no justification in the Request for not asking for said measure which was provided for in the Prosecution's List of Witnesses.¹⁹ All three individuals are included in the "vulnerable witnesses" category. For P-2354, the Prosecution indicates that [REDACTED].²⁰ For P-1666, the Prosecution indicates that [REDACTED].²¹ For P-2389, the Prosecution indicates that [REDACTED].²² The risk for retaliation has justified the request for voice distortion for other witnesses concerned by the Request (*i.e.* P-2462 and P-2657); the fact that [REDACTED],²³ let alone for someone who [REDACTED]. In any case, the additional protective measure seems also justified by the Prosecution's argument that the "*attendant risks to the witnesses in this case are substantial*".²⁴ Therefore, the Common Legal Representatives of the Victims of the other crimes respectfully request the Chamber to grant the additional measure of voice distortion to P-2354, P-1666 and P-2389.

21. In this regard, the Common Legal Representatives submit that the need for protective measures applies even more forcefully to [REDACTED].²⁵ As underscored by Trial Chamber I in the *Lubanga* case, [REDACTED].²⁶

22. [REDACTED].

¹⁸ See the Annex to the Request, *supra* note 1.

¹⁹ See the Annex A to the "Prosecution's List of Witnesses and Evidence", [No. ICC-01/14-01/18-724-Conf-AnxA](#), 10 November 2020, p. 35 (number 60) for P-1666; p. 38 (number 68) for P-2354; and p. 37 (number 64) for P-2389.

²⁰ See the Annex to the Request, *supra* note 1, page 10 (number 63).

²¹ *Idem*, page 11 (number 67).

²² *Idem*, page 12 (number 71).

²³ See *infra*, para. 9 and footnote 19.

²⁴ See the Request, *supra* note 1, para. 4.

²⁵ See the "Public redacted version of 'Decision on Prosecution's request for in-court protective measures for Witness P-0790'", *supra* note 13, para. 9.

²⁶ [REDACTED].

23. 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”²⁷ or “the usual menu”,²⁸ and are therefore frequently applied in cases where a witness could be at risk on the account of his or her testimony. This is especially the case when witnesses live in an easily identifiable community or could be readily targeted by hostile individuals,²⁹ and when the provision of protective measures will increase their chances to continue to live in their own community or to continue their activities without the fear of being threatened or harassed as a result of their cooperation with the Court.³⁰

24. In terms of the fairness of the proceedings, the measures sought seek to protect the witness’ identity solely with regard to the general public³¹ and do not curtail the Defence’s knowledge of the witnesses’ identity. 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. Moreover, the public will still be able to listen to the major parts of the testimonies; therefore, the protective measures sought are proportionate, will not cause prejudice to the Defence and are consistent with the

²⁷ 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.

²⁸ See, for example, the transcript of the hearing held on 18 June 2014, [No. ICC-01/09-01/11-T-118-Red-ENG WT](#), p. 6, line 15 to p. 7, line 3; the transcript of the hearing held on 4 March 2014, [No. ICC-01/09-01/11-T-98-Red-ENG WT](#), p. 7, line 4 top. 8, line 19; the transcript of the hearing held on 14 October 2003, [No. ICC-01/09-01/11-T-48-Red2-ENG WT](#), p. 25, line 25 to p. 26, line 23.

²⁹ See the “Public redacted version of ‘Decision on Prosecution’s request for in-court protective measures and special measure for Witness P-0815’”, *supra* note 13, para. 5.

³⁰ See the “Decision on in-court protective measures for Witness 65”, *supra* note 27, para. 10.

³¹ See the “Decision on the ‘Prosecution’s application for in-court protective and special measures’”, *supra* note 6, para. 13. See also, the “Public Redacted Version of Decision on in-court protective measures for Witness D04-02’”, *supra* note 13, 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.

Accused's fundamental right to a fair and public trial, as enshrined in article 67 of the Statute.³²

25. Consequently, the Common Legal Representatives consider that the use of a pseudonym, face and voice distortion are justified, necessary and proportionate measures in relation to the witnesses identified in the Request.

26. The Common Legal Representatives further note the intention of the Prosecution to use closed or private session for a limited portion of the testimony as necessary to protect the identity of the witness or information particularly private or sensitive.³³ The Common Legal Representatives also support this approach which in fact constitutes an indispensable part of the measures to protect the safety and well-being of the witnesses. 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"*.³⁴

27. The Common Legal Representatives support the Prosecution's suggestion on the use of closed or private sessions when the questioning relates to sensitive matters, including details of sexual violence perpetrated against the witness or instances in which the witness was forced to participate in grave crimes. Indeed, the nature of a

³² See the "Public Redacted Version of 'Decision on in-court protective measures for Witness 45'", *supra* note 15, 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 13, 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-tENG](#), 9 December 2009, para. 13.

³³ See the Request, *supra* note 1, para. 45.

³⁴ See the "Public Redacted Version of 'Decision on in-court protective measures for Witness 45'", *supra* note 15, para. 18. See also the "Public Redacted version of 'Decision on in-court protective measures for Witness 32'", *supra* note 7, para. 12.

witness's victimisation is a critical factor to be considered when assessing the need for protective (and/or special) measures.³⁵

28. As far as special measures are concerned, the Common Legal Representatives note the Prosecution's approach according to which said measures "*albeit highly recommended, will be left to the independent assessment of the Victims and Witnesses Unit*".³⁶ It is recalled that 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.³⁷ Specific measures for vulnerable witnesses may include not only the use of private or closed sessions but also: (i) the use of curtains 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.³⁸

29. The Prosecution is seeking protective measures for witnesses P-2582 and P-2620 who were children under the age of 15 at the time of their conscription in the Anti-Balaka group, and [REDACTED]. In this regard, the Common Legal Representative of the Former Child Soldiers submits that in the practice of the Court, witnesses who are still young, or who were of a young age at the time of the events,

³⁵ See the "Public redacted version of 'Decision on Prosecution request for in-court protective measures for Witness P-0019'", *supra* note 12, para. 5. See also, the "Decision on Prosecution request for in-court protective measures for Witness [REDACTED]", *supra* note 17, para. 6; the "Public redacted version of 'Decision on Prosecution request for in-court protective measures for Witness P-0018'", *supra* note 12, para. 10; the "Public redacted version of 'Decision on Prosecution's request for in-court protective measures and special measure for Witness P-0815'", *supra* note 13, para. 5; and 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](#), 3 June 2016, paras. 7 and 10.

³⁶ See the Request, *supra* note 1, para. 8.

³⁷ See the transcript of the hearing held on 10 May 2019, [No. ICC-01/04-01/07-T-138-Red-ENG WT](#), p. 16, line 4 to p. 21, line 11; and the transcript of the hearing held on 27 January 2010, [No. ICC-01/04-01/07-T-91-Red-ENG WT](#), p. 6, line 1 to p. 8, line 24.

³⁸ See the transcript of the hearing held on 15 November 2010, [No. ICC-01/04-01/07-T-216-Red-ENG WT](#), p. 4, line 18 to p. 6, line 22; and the transcript of the hearing held on 6 September 2010, [No. ICC-01/04-01/07-T-183-Red-ENG WT](#), p. 73, line 24 to p. 76, line 3.

are also considered to be “vulnerable” only because of their age.³⁹ Former child soldiers constitute a particularly vulnerable group.⁴⁰ Once conscripted or enrolled in an armed group, children typically witness extreme violence and are directly subjected to various forms of violence and threats. Risks to the children’s life and well-being, including being wounded and killed, when participating in hostilities have an effect of increasing the vulnerability of the children concerned,⁴¹ often resulting in long-term traumatising and other consequences, including PTSD, drug addiction, depression and suicidality, dissociation and derealisation, cognitive and educational impairment, and social stigma.⁴² The vulnerability of children entails a need for an enhanced protection, going beyond that which applies to the general population.⁴³ Former child soldiers, [REDACTED], should therefore benefit from various additional special measures. Said measures may 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) in court assistance in writing or reading.⁴⁴

30. While VWU is best placed to assess whether and when such measures are necessary, and which measures are most appropriate,⁴⁵ the Common Legal Representatives stress the importance of implementing special measures for

³⁹ See the “Decision on the ‘Prosecution’s application for in-court protective and special measures’”, *supra* note 6, paras. 16 and 28. See also, e.g. the transcript of the hearing held on 20 May 2010, [No. ICC-01/04-01/07-T-144-Red2-ENG WT](#), p. 3, line 13 to p. 6, line 11.

⁴⁰ See e.g. the “Sentencing Judgment” (Trial Chamber VI), [No. ICC-01/04-02/06-2442](#), 7 November 2019, paras. 193 and 195.

⁴¹ *Idem*, para. 179.

⁴² See the “Report of Ms. Elisabeth Schauer following the 6 February 2009 ‘Instructions to the Court’s expert on child soldiers and trauma’”, [No. ICC-01/04-01/06-1729-Anx1](#), 25 February 2009, pp. 10-29.

⁴³ See the “Sentencing Judgment”, *supra* note 40, para. 179.

⁴⁴ See the transcript of the hearing held on 14 June 2010, [No. ICC-01/04-01/07-T-155-Red2-ENG WT](#), p. 3, line 16 to p. 5, line 18.

⁴⁵ See the “Public Redacted Version of ‘Prosecution’s application for in-court protective and special measures’”, 26 October 2016, ICC-02/04-01/15-578-Conf”, [No. ICC-02/04-01/15-578-Red](#), 11 November 2016, para. 27.

particularly vulnerable witnesses, including the presence of a support person during the witness' testimony. The need for these kinds of additional special measures may become evident shortly before the start of the testimony or even during the testimony of the concerned witness. Therefore, the Common Legal Representatives advocate for a flexible approach by the Chamber allowing for amending and adapting the necessary measures to the evolving circumstances.⁴⁶

31. In relation to [REDACTED] by video-link, the Common Legal Representatives underline the importance of having a [REDACTED] next to the witness at the same location contributes to reassuring the person concerned, particularly because [REDACTED].⁴⁷

32. Finally, it is recalled that in accordance with the practice of the Court, legal representatives are allowed to request the Chambers to grant new⁴⁸ or additional⁴⁹ protective measures [REDACTED], if necessary. Accordingly, the Common Legal Representatives reserve their right to raise any issues related to in-court protective measures and/or special measures [REDACTED].

⁴⁶ *Idem*, paras. 6 and 56-60.

⁴⁷ See *e.g.*, the decision issued by Trial Chamber IX in relation to the testimonies of dual status individuals P-0396 and P-0352, available in Annex 6 to the "Registry's Monthly Report implementing the "Decision on Publicity of Case Record", [No. ICC-02/04-01/15-819-Anx 6](#), 28 April 2017, p. 2.

⁴⁸ See the "Decision on the application for the institution of protective measures for Witnesses a/0381/09, a/0018/09, a/0191/08, pan/0363/09 and Victim a/0363/09, issued on 27 January 2011" (Trial Chamber II), [No. ICC-01/04-01/07-2663-Red-tENG](#), 22 February 2011, p. 10.

⁴⁹ See the transcript of the hearing held on 30 November 2010, [No. ICC-01/04-01/07-T-225-Red-ENG WT](#), p. 3, line 23 to p. 5, line 1.

IV. CONCLUSION

33. For the foregoing reasons, the Common Legal Representatives respectfully request the Chamber to grant the Request and to add the measure of the voice distortion for P-2354; P-1666 and P-2389.

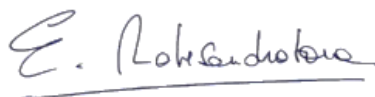


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Common Legal Representatives
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Dated this 15th day of March 2021

At The Hague (The Netherlands), Bangui (Central African Republic), La Rochelle (France) and Saint Louis (Senegal)