

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14-01/21

Date: 3 June 2022

TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF *THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI*

Public

**Victims' consolidated response to the Prosecution's Requests to introduce prior
recorded testimony pursuant to rule 68(3)
(ICC-01/14-01/21-322-Red and ICC-01/14-01/21-326-Red)**

Source: Office of Public Counsel for Victims

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

The Office of the Prosecutor

Mr Karim A.A. Khan

Mr Mame Mandiaye Niang

Counsel for the Defence

Ms Jennifer Naouri

Mr Dov Jacobs

Legal Representatives of the Victims

Ms Sarah Pellet

Mr Tars Van Litsenborgh

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Counsel representing the collective interests of future applicants as well as of applicants in the proceedings and participating victims (the “Legal Representative”)¹ facing the same considerate workload as the Defence as a result of the Prosecution’s simultaneous applications,² hereby submits her consolidated response in support of the “Prosecution’s fifth request to introduce prior recorded testimony pursuant to rule 68(2)(b)” (the “Fifth Application”) and the “Prosecution’s sixth request to introduce prior recorded testimony pursuant to rule 68(2)(b)” (the “Sixth Application”), (jointly the “Applications”).³

2. In particular, the Legal Representative submits that the requirements of rule 68(3) of the Rules of Procedure and Evidence (the “Rules”) are met regarding the documents identified by the Prosecution in its Applications and in its Annexes. The introduction of previously recorded testimony will ensure the efficiency and expeditiousness of the proceedings and it will reduce the emotional burden of the concerned witnesses.

3. While the express wording of rule 68(3) of the Rules only refers to the possibility for the parties and the Chamber to question the concerned witnesses, the appointed

¹ See the transcript of the hearing held on 28 January 2022, [No. ICC-01/14-01/21-T-007-CONF-ENG CT](#), p. 47, lines 1-13; the “Decision on matters relating to the participation of victims during the trial”, [No. ICC-01/14-01/21-278](#), 13 April 2022, para. 29; and the “Decision authorising 20 victims to participate in the proceedings”, [No. ICC-01/14-01/21-311](#), 27 May 2022.

² See the “Decision on Defence Request for Extension of Time for Responses to Rule 68 Applications and Bar Table Motion (ICC-01/14-01/21-333-Conf)” (Trial Chamber VI), [No. ICC-01/14-01/21-341](#), 1 June 2022, para. 6: “*The Chamber considers that the efficacy of proceedings is best served by allowing sufficient time for responses to applications under rule 68 of the Rules and bar table motions to be carefully considered. [...] the Chamber is mindful of the fact that the Prosecution has been unable to file the rule 68 applications within the time frame originally envisaged and has itself required an extension of time limit. In these circumstances, the Chamber considers that good cause has been shown to extend the time limit set for the filing of the Defence responses to the sixth bar table motion, the first and second rule 68(3) applications and the fifth and sixth rule 68(2)(b) applications*” (footnote omitted). See also the Defence Request for Extension of Time, *supra* note 8, paras. 25 and 46.

³ See the “Prosecution’s fifth request to introduce prior recorded testimony pursuant to rule 68(2)(b)”, with Confidential Annex A, [No. ICC-01/14-01/21-323-Conf](#) and [No. ICC-01/14-01/21-323-Red](#), 23 May 2022 (the “Fifth Application”); and the “Prosecution’s sixth request to introduce prior recorded testimony pursuant to rule 68(2)(b)”, with Confidential Annex A, [No. ICC-01/14-01/21-328-Conf](#) and [No. ICC-01/14-01/21-328-Red](#), 23 May 2022 (the “Sixth Application”) (jointly the “Applications”).

legal representative may also be authorised to question said witnesses if the personal interests of the participating victims are affected by the testimony.

II. PROCEDURAL BACKGROUND

4. On 8 March 2022, the Trial Chamber VI (the “Chamber”) issued the Directions on the Conduct of Proceedings (the “Directions”).⁴ The Defence filed a request for reconsideration or leave to appeal said Directions on 15 March 2022,⁵ which the Chamber rejected on 8 April 2022.⁶

5. On 23 May 2022, the Prosecution filed the Applications.⁷

6. On 30 May 2022, the Defence requested an extension of time to respond to, *inter alia*, the Applications (the “Defence Request for Extension of Time”).⁸ On the same day, the Chamber ordered any responses to said request to be filed by 1 June, at the latest.⁹

7. On 1 June 2022, the Legal Representative filed her response to the Defence Request for Extension of Time not opposing the latter and seeking an equivalent extension of time in case the Chamber would grant any extension.¹⁰

⁴ See the “Directions on the Conduct of Proceedings” (Trial Chamber VI), [No. ICC-01/14-01/21-251](#), 9 March 2022 (the “Directions”).

⁵ See the “*Demande de reconsidération ou, subsidiairement, demande d’autorisation d’interjeter appel des ‘Directions on the Conduct of Proceedings’ (ICC-01/14-01/21-251) déposées le 9 mars 2022*”, [No. ICC-01/14-01/21-259-Conf](#) and [No. ICC-01/14-01/21-259-Red](#), 15 March 2022.

⁶ See the “Decision on Defence Request for Reconsideration or Leave to Appeal the ‘Directions on the Conduct of Proceedings’ (ICC-01/14-01/21-251)” (Trial Chamber VI), [No. ICC-01/14-01/21-275](#), 8 April 2022.

⁷ See the Applications, *supra* note 3.

⁸ See the “*Requête de prorogation en vertu de la Norme 35 du Règlement de la Cour portant sur le délai de réponse aux requêtes de l’Accusation déposées en vertu de la Règle 68 ICC-01/14-01/21-322-Conf, ICC-01/14-01/21-323-Conf, ICC-01/14-01/21-326-Conf et ICC-01/14-01/21-328-Conf, et à la ‘Sixth Application for Submission of Documents from the Bar Table Pursuant to Article 64(9)’ (ICC-01/14-01/21-325-Conf) notifiées à la Défense le 23 mai 2022*”, [No. ICC-01/14-01/21-334-Conf](#), 30 May 2022 (the “Defence Request for Extension of Time”).

⁹ See the email from Trial Chamber VI to the parties and participants entitled “Decision reducing time limit for response to Defence filing ICC-01/14-01/21-344-Conf”, 30 May 2022 at 15:02.

¹⁰ See the “Victims’ response to the ‘*Requête de prorogation en vertu de la Norme 35 du Règlement de la Cour portant sur le délai de réponse aux requêtes de l’Accusation déposées en vertu de la Règle 68 ICC-01/14-01/21-322-Conf, ICC-01/14-01/21-323-Conf, ICC-01/14-01/21-326-Conf et ICC-01/14-01/21-328-Conf, et à la ‘Sixth Application for Submission of Documents from the Bar Table Pursuant to Article 64(9)’ (ICC-01/14-01/21-325-Conf) notifiées à la Défense le 23 mai 2022*’”, [No. ICC-01/14-01/21-339](#), 1 June 2022.

8. On the same day, the Chamber partially granted the Defence Request for Extension of Time,¹¹ but did not similarly vary the deadline for the OPCV to respond to the same filings on the basis that “*good cause has not been shown*”,¹² and considering that said decision does not constitute an automatic right for the Defence to reply to the Legal Representative’s responses.¹³

III. SUBMISSIONS

9. The Legal Representative recalls that in the Directions, the Chamber established that:

*“The Prosecution shall file applications pursuant to Rule 68(2) and (3) of the Rules as soon as possible and latest by the deadline set for the final list of witnesses. The applications shall be filed together with: i) copies of the previously recorded testimony or hyperlink to same; ii) other material referred to in the previously recorded testimony, without which the testimony would not be understandable, if this material is available to the Prosecution; and iii) a specification as to whether the Prosecution seeks to ask further questions to the witness and the specific time sought for such examination, and an indication of the topics to be addressed orally with the witness”.*¹⁴

10. It also specified that:

*“Concerning applications pursuant to Rule 68(3) of the Rules, the Chamber will issue preliminary rulings ahead of the relevant in-court testimony. The final determination will be made at the time of the appearance of the witness before the Chamber and when all conditions of Rule 68(3) have been fulfilled. The Chamber expects the calling party to streamline its questioning considerably when the introduction of the previously recorded testimony is allowed”.*¹⁵

11. As recalled by the Appeals Chamber, rule 68(3) of the Rules provides for an exception to the principle of orality established in article 69(2) of the Rome Statute,¹⁶

¹¹ See the “Decision on Defence Request for Extension of Time for Responses to Rule 68 Applications and Bar Table Motion (ICC-01/14-01/21-333-Conf)”, *supra* note 2.

¹² *Idem*, para. 8.

¹³ *Ibid.*

¹⁴ See the Directions, *supra* note 4, para. 38.

¹⁵ *Idem*, para. 39.

¹⁶ See the “Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled ‘Decision on the admission into evidence of materials contained in the prosecution’s list of evidence’” (Appeals Chamber), [No. ICC-01/05-01/08-1386 OA5 OA6](#),

and allows for the introduction of previously recorded testimony “to protect victims and witnesses or an accused”.¹⁷ Furthermore, according to the jurisprudence of the Court, several factors may be relevant for the Chamber’s determination to allow the introduction of such type of testimony, including whether the evidence: (i) relates to issues that are not materially in dispute; (ii) is not central to core issues in the case, but only provides relevant background information; and (iii) is corroborative of other evidence.¹⁸ Additionally, as stated by the Appeals Chamber, expeditiousness is also a factor relevant to the application of rule 68(3) of the Rules, “since its use in principle aims at reducing the amount of time devoted to hearing oral testimony in court”.¹⁹ Yet, these are *only factors but not requirements* under rule 68(3) of the Rules and prior recorded testimonies may still be introduced even if they relate to issues that are materially in dispute and central to core issues of the case or are uncorroborated.²⁰

12. Additionally, in order to make its determination under rule 68(3) of the Rules, a chamber must analyse the importance of each witness statement in light of the charges and the evidence already presented or intended to be presented before it.²¹

13. The Legal Representative agrees with the Prosecution’s approach according to which the introduction of previously recorded testimony under rule 68(3) would ensure the efficiency of the proceedings by: (i) enabling the Prosecution to present its

3 May 2011, para. 77. See also, *inter alia*, the “Decision on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness P-0055” (Trial Chamber VI), [No. ICC-01/04-02/06-961](#), 29 October 2015, para. 8; and the “Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies under Rule 68(3) of the Rules concerning Witnesses P-1962, P-0925, P-2193, P-2926, P-2927, P-1577 and P-0287, and the Ngaißsona Defence Motion to Limit the Scope of P-2926’s Evidence” (Trial Chamber V), [No. ICC-01/14-01/18-907-Red](#), 1 April 2021 (the “*Yekatom & Ngaißsona* Rule 68(3) Decision”), para. 8.

¹⁷ See article 68(2) of the Rome Statute.

¹⁸ See the “Decision on Prosecution’s Application to Introduce Prior Recorded Testimony and Related Documents Pursuant to Rule 68(3) of the Rules” (Trial Chamber IX), [No. ICC-02/04-01/15-621](#), 5 December 2016 (the “*Ongwen* Rule 68(3) Decision”), para. 7. See also the *Yekatom & Ngaißsona* Rule 68(3) Decision, *supra* note 16, para. 14.

¹⁹ See the “Judgment on the appeals of Mr Laurent Gbagbo and Mr Charles Blé Goudé against the decision of Trial Chamber I of 9 June 2016 entitled ‘Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)’” (Appeals Chamber), [No. ICC-02/11-01/15-744 OA8](#), 1 November 2016 (the “*Gbagbo & Blé Goudé* Judgment”), para. 61.

²⁰ *Idem*, paras. 67 and 69.

²¹ *Idem*, para. 71.

evidence in a more concise and streamlined manner; and (ii) reducing the estimated duration of its case, while minimising unnecessary repetition of the evidence.²² In this regard, the introduction of evidence under rule 68(3) of the Rules has the potential to significantly enhance the expeditiousness of the proceedings.²³ Indeed, the principal intention behind the amendment to the original rule 68, which resulted in the adoption of the current rule 68(3) of the Rules, was to reduce the length of the proceedings before the Court and streamline the presentation of evidence.²⁴ This *rationale* is confirmed by the duty of the Chamber to ensure that the trial unfolds in a focused and expeditious manner in accordance with articles 64(2) and 67(1)(c) of the Rome Statute, while respecting the procedural rights of all participants.²⁵ Therefore, this factor is relevant when implementing rule 68(3) of the Rules.²⁶

14. The Legal Representative also posits that the introduction of the prior recorded testimonies will reduce the emotional burden of the concerned witnesses since they will not have to describe again painful parts of their personal stories.²⁷ This is especially true for the three witnesses concerned by the Second Application who are victims (or relatives of victims) of the charged crimes at the OCRB,²⁸ and who, as such, run a risk of re-traumatisation which “*ought to be minimised where possible*”.²⁹ Moreover,

²² See the First Application, *supra* note 3, paras. 2 and 18; and the Second Application, *supra* note 3, paras. 3 and 20.

²³ See the “Preliminary ruling on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness [REDACTED] and associated material” (Trial Chamber VI), 2 November 2016, [No. ICC-01/04-02/06-1602-Red](#), 2 November 2016, para. 9. See also, the “Decision on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness P-0055”, *supra* note 16, para. 13; and the “Preliminary ruling on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness P-0931” (Trial Chamber VI), [No. ICC-01/04-02/06-845](#), 21 September 2015, para. 8. See also the *Yekatom & Ngaïssona* Rule 68(3) Decision, *supra* note 16, para. 16.

²⁴ See the *Gbagbo & Blé Goudé* Judgment, *supra* note 19, para. 60. See also the *Yekatom & Ngaïssona* Rule 68(3) Decision, *supra* note 16, para. 15.

²⁵ See, *inter alia*, the “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)” (Trial Chamber I), [No. ICC-02/11-01/15-573-Red](#), 9 June 2016, para. 25.

²⁶ See the *Gbagbo & Blé Goudé* Judgment, *supra* note 19, para. 61.

²⁷ See in this sense the First Application, *supra* note 3, para. 23.

²⁸ See the Second Application, *supra* note 3, para. 2.

²⁹ See the “Decision on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness P-0010” (Trial Chamber VI), [No. ICC-01/04-02/06-988](#), 6 November 2015, para. 13.

due to their personal victimisation, the documents related to these witnesses may be characterised as “*crime-base evidence*” for which their introduction under rule 68(3) of the Rules is more conducive, as recalled by the Appeals Chamber.³⁰

15. In relation to the relevance and reliability of the documents that the Prosecution seeks to introduce, the Legal Representative notes that the prior recorded testimony, including the witness’ statements, transcripts of interviews and associated exhibits, were taken pursuant to rules 111 and 112 of the Rules.³¹ The Legal Representative submits that the documents are reliable since the formal requirements contained in said provisions, which constitute the most important factor to be considered in this context,³² are fulfilled.

16. The Legal Representative further concurs with the Prosecution that the Accused will suffer no prejudice as a result of the introduction of the prior recorded testimony under rule 68(3).³³ Indeed, said introduction carries a lower risk of interfering with the fair trial rights of the Accused since the witnesses will still appear before the Chamber and will be available for questioning by the Defence.³⁴

17. In compliance with the *chapeau* element of rule 68(1) of the Rules, the Chamber shall also ensure that the introduction of previously recorded testimony would not be

³⁰ See the “Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled ‘Decision on the admission into evidence of materials contained in the prosecution’s list of evidence’”, *supra* note 16, para. 80.

³¹ See the First Application, *supra* note 3, para. 19; and the Second Application, *supra* note 3, para. 21. In the established practice of the Court, the statements recorded pursuant to rule 111 of the Rules constitute prior recorded testimony for the purposes of rule 68 of the Rules. See the “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)”, *supra* note 25, para. 5. See also, the “Corrigendum of public redacted version of Decision on Prosecution Rule 68(2) and (3) Requests (Trial Chamber VII)”, [No. ICC-01/05-01/13-1478-Red-Corr](#), 12 November 2015, paras. 29-31; and the *Yekatom & Ngaïssona* Rule 68(3) Decision, *supra* note 16, para. 11.

³² The Appeals Chamber concluded that the main considerations taken into account in specifically assessing indicia of reliability, were those related to the formal requirements for the taking of the witness statement and thus, in their assessment of indicia of reliability, Trial Chambers are not obliged to consider factors beyond formal requirements. See the *Gbagbo & Blé Goudé* Judgment, *supra* note 19, paras. 3, and 103-104.

³³ See the First Application, *supra* note 3, para. 21; and the Second Application, *supra* note 3, para. 23.

³⁴ See the “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)”, *supra* note 25, para. 24.

prejudicial to or inconsistent with the rights of the accused. This evaluation requires a cautious assessment and the Chamber may take into account, *inter alia* : (i) whether the evidence relates to issues that are not materially in dispute; (ii) whether that evidence is not central to core issues in the case, but only provides relevant background information; and (iii) whether the evidence is corroborative of other evidence.³⁵ However, these elements are not *per se* requirements but, rather, factors that may be considered in assessing whether the introduction of prior recorded testimony under rule 68(3) of the Rules is prejudicial to or inconsistent with the rights of the accused or with the fairness of the trial generally.³⁶

18. Furthermore, the Appeals Chamber also held that, while no factor is determinative, where statements relate to issues that are materially in dispute, central to core issues of the case or are uncorroborated, a Chamber must be extra vigilant that the introduction of the prior recorded testimony in question will not be prejudicial to or inconsistent with the rights of the accused or the fairness of the trial generally.³⁷ Whether such testimony may be introduced under rule 68(3) of the Rules will, therefore, depend upon the circumstances of the case. Even when the statements sought to be introduced under rule 68(3) relate to facts which are central to the case, and are materially in dispute, there is no overriding reason preventing the streamlining of the presentation of evidence by allowing their admission, provided that the Defence is given adequate opportunity to examine the witnesses.³⁸

³⁵ See the *Gbagbo & Blé Goudé* Judgment, *supra* note 19, para. 65.

³⁶ *Idem.*, paras. 2, 73 and 81. As an example, Trial Chamber VI, in its assessment of rule 68(3) documents, took into account the centrality of the prior recorded testimony in question to the case against the accused (in other words, the nature and content of the tendered material, *e.g.* whether the statements address the direct acts and conduct of the accused person and whether they are corroborated by other evidence which has previously been heard in the case or which is expected to be heard). See the “Preliminary ruling on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness [REDACTED] and associated material”, *supra* note 23, para. 9. See also, the “Decision on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness P-0010”, *supra* note 29, para. 11; and the “Decision on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness P-0055”, *supra* note 16, para. 10.

³⁷ See the *Gbagbo & Blé Goudé* Judgment, *supra* note 19, para. 69.

³⁸ See the “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)”, *supra* note 25, para. 38.

19. In order to make its determination under rule 68(3) of the Rules, a Chamber needs to carry out an individual assessment of the evidence sought to be introduced based on the circumstances of each case, by analysing the importance of each witness' statement in light of the charges and the evidence already presented or intended to be presented before it.³⁹ In this regard, the importance of the evidence for the case, and their volume and detail are relevant factors for said assessment.⁴⁰

20. Having assessed the content of the documents sought for introduction under rule 68(3) of the Rules against the above established principles in the practice of the Court, the Legal Representative considers that the documents: (i) do relate to issues that are not materially in dispute; (ii) are not central to core issues in the case; and (iii) are corroborative of other evidence to be presented at trial.

21. Finally, the Legal Representative notes that the wording of rule 68(3) only envisages the Prosecutor, the Defence, and the Chamber having the opportunity to question the witnesses concerned.⁴¹ However, the Legal Representative may also be allowed to question said witnesses if deemed necessary to present the views and concerns of her clients.

22. In this regard, during the amendment process leading to the current version of rule 68(3) of the Rules, it was agreed that the rights of victims under article 68(3) of the Rome Statute would not be prejudiced by said amendment.⁴² This was confirmed by the text of the resolution amending rule 68, where it was expressly provided that the current text for said rule would replace its former version "[w]ith the understanding that

³⁹ See the *Gbagbo & Blé Goudé* Judgment, *supra* note 19, para. 71.

⁴⁰ See the "Decision on the Prosecutor's application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)", *supra* note 25, para. 25.

⁴¹ See rule 68(3) of the Rules of Procedure and Evidence ("[...] if he or she does not object to the submission of the previously recorded testimony and the Prosecutor, the defence and the Chamber have the opportunity to examine the witness during the proceedings").

⁴² See Assembly of States Parties, "Report of the Working Group on Amendments", [No. ICC-ASP/12/44](#), 24 October 2013, para. 10 ("Some delegations who originally had concerns expressed appreciation that those concerns had been addressed and that these amendments [to Rule 68] appeared to help expedite the workings of the Court in addition to providing safeguards for the rights of the accused and without prejudice to Article 68(3) of the Rome Statute") (emphasis added).

*the rule as amended is without prejudice to article 67 of the Rome Statute related to the rights of the accused, and to article 68, paragraph 3, of the Rome Statute related to the protection of the victims and witnesses and their participation in the proceedings”.*⁴³

23. Accordingly, the Legal Representative may be authorised to question any of the four witnesses who are intended to be present in court pursuant to rule 68(3) of the Rules on any issue addressed in their statements, if said issues affect the personal interests of the victims which have not been fully addressed during the prior questioning by the Prosecution.

24. Against this background, should any of the concerned individuals be dual status, the Legal Representative already foresees the need to question them with respect to areas relevant to the interests of her clients and to the harm they suffered as a result of the crimes charged. In light of the purpose of rule 68(3) of the Rules, namely to shorten the in-court testimony of witnesses and expedite the proceedings,⁴⁴ the Legal Representative’s questions will be limited to the extent of the victimisation and the prejudice suffered by the concerned witnesses.

25. Concerning the other witnesses, the Legal Representative will further assess the need to preserve her clients’ interests, and she may eventually introduce a request for questioning, in compliance with the Chamber’s instructions on the matter.⁴⁵

26. Last but not least, the Legal Representative notes that, by virtue of the fact that the Applications – if granted – will reduce the time necessary for the Prosecution to question the concerned witnesses, the Chamber may consider reducing the time granted to the Defence for questioning. This approach would be consistent with the duty of the Court under article 68(1) of the Rome Statute to take appropriate measures

⁴³ See Assembly of States Parties, Resolution [No. ICC-ASP/12/Res.7](#) (Amendments to the Rules of Procedure and Evidence), 27 November 2013, para. 2 (emphasis added).

⁴⁴ See the “Corrigendum of public redacted version of Public redacted version of Decision on Prosecution Rule 68(2) and (3) Requests”, *supra* note 31, paras. 31 and 48. See also, the “Preliminary ruling on Prosecution application under Rule 68(3) of the Rules for admission of prior recorded testimony of Witness P-0931”, *supra* note 23, paras. 8 and 10.

⁴⁵ See the Directions, *supra* note 4, paras. 26-27.

to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. This approach will also further limit the risk of re-traumatising the witnesses and will be in their best interest.

IV. CONCLUSION

27. For the foregoing reasons, the Legal Representative respectfully requests the Chamber to grant the Applications.

A handwritten signature in black ink, appearing to read 'Sarah Pellet', followed by a period.

Sarah Pellet

Dated this 3rd day of June 2022

At The Hague, The Netherlands