

ANNEX 20

Public Redacted Version

From: Trial Chamber V Communications
Sent: 15 June 2023 10:39
To: Office of the Director DJSS; Ambach, Philipp
Cc: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Clarifications on the VPRS Query concerning Assistance to P-2475 to Complete Participation Form

[ICC] RESTRICTED

Dear colleagues from the Registry,
 Dear Counsel,

The Single Judge takes note of the request for guidance below.

The Single Judge recalls that, in accordance with the principles applicable to the victims' applications for participation as adopted by the Chamber, it is principally the VPRS which assists applicants with completing their forms (*see* ICC-01/14-01/18-141, para. 26; ICC-01/14-01/18-459, para. 8 (iv)). Furthermore, he recalls that the 'VPRS is best placed to assist the witness with the application process' (*see* email from the Chamber, 2 March 2022, at 15:21; *see also* ICC-01/14-01/18-1744, para. 4).

Therefore, the Single Judge considers that it is for the VPRS to advise or assist P-2475, should the witness continue to request for assistance.

Kind regards,

TC V

From: Ambach, Philipp [REDACTED]
Sent: 02 June 2023 15:01
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]; Office of the Director DJSS [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED] >
Subject: VPRS query on the implementation of Chamber's instructions regarding potential dual status victim applicants

[ICC] RESTRICTED

Dear Trial Chamber V,

Reference is made to the CLRV request regarding the interview of potential dual status victim-witnesses as to their participation in the proceedings as a victim (see Ms Massidda's email below of 22 February 2023 to the Chamber) and the Chamber's decision tasking the VPRS to contact the witnesses as requested by the CLRV (also below). With the present email, the Registry seeks the Chamber's guidance as to whether the CLRV may be authorised to assist a witness with the completion of his application form for participation, upon the witness' request.

The Registry met witness P-2475 (no. 5 on the CLRV's list of potential victims, see email of 22 February 2023 below) and informed him of his right to participate in the case. Following this information session, the witness expressed the wish to discuss further the completion of the form with the CLRV. The Registry informed the CLRV of the group of the Former Child Soldiers (Mr Suprun) accordingly. However, the latter considered in communication with the VPRS that the Chamber's instructions did not expressly refer to the possibility for the CLRV to advise or assist the concerned witnesses in the application process.

The Registry would therefore be grateful if the Chamber could provide guidance as to whether Mr. Suprun is authorized to meet with witness P-2475 following the witness' wish, to advise him and potentially assist him in the completion of the victim application form.

Kind regards,

Philipp Ambach
(VPRS)

From: Trial Chamber V Communications [REDACTED]
Sent: 27 February 2023 12:06
To: [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]
 D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team
 [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED];
 Chamber Decisions Communication [REDACTED]; Trial Chamber V
 Communications [REDACTED]
Subject: Decision on the CLRV Request Following Decision No. ICC-01/14-01/18-1744

Dear counsel,

The Chamber takes note of the CLRV's request below.

Noting its previous findings in this regard (decision ICC-01/14-01/18-1744, paras 4-7), and the lack of objections by the other participants, the Chamber instructs the VPRS to contact the witnesses listed below, as requested by the CLRV.

Kind regards, TC V

From: Massidda, Paolina [REDACTED]
Sent: 22 February 2023 13:01
To: Trial Chamber V Communications [REDACTED]
Cc: V44 LRV Team OPCV [REDACTED]; 'V44LRVTeam [REDACTED]
 V45 LRV Team [REDACTED]; 'D29YekatomDefence [REDACTED]
 [REDACTED]; 'D30NgaissonaDefence [REDACTED]
 [REDACTED] OTP CAR IIB [REDACTED]; Chamber Decisions
 Communication [REDACTED]
Subject: CLRV Request Following Decision No. ICC-01/14-01/18-1744

Dear Trial Chamber V,

The Common Legal Representatives of the Victims (the CLRV), noting the "[Decision on the CLRV Request for a Procedure to Inform Crime-based Witnesses about the Possibility to Apply to Participate in the Proceedings as Victims](#)" (No. ICC-01/14-01/18-1744) - whereby the CLRV were encouraged to bring *ad hoc* requests in relation to potential dual status individuals who testify before the Chamber and are unaware of the possibility to apply as participating victims in the proceedings (para. 7), inform the Chamber that they undertook a review of the testimonies of the crime base witnesses who testified at trial so far.

Following said review, it appears that the following individuals may qualify as victims in the case:

1. P-2682 who testified on 15 and 16 March 2021. See Transcripts [T-17](#) and [T-18](#).
2. P-2462 who testified on 30 and 31 August 2021. See Transcripts [T-59](#) and [T-60](#).
3. P-1811 who testified on 30 and 31 March 2022. See Transcripts [T-114](#) and [T-115](#).
4. P-1704 who testified on 05 May 2022. See Transcript [T-128](#).
5. P-2475 who testified on 24/25 May, 30/31 May and 1 June 2022. See Transcripts [T-129](#), [T-130](#), [T-131](#), [T-132](#) and [T-133](#).
6. P-2658 who testified on 20 to 22 June 2022. See Transcripts [T-134](#), [T-135](#) and [T-136](#).
7. P-2453 who testified on 22 to 24 June 2022. See Transcripts [T-136](#), [T-137](#) and [T-138](#).
8. P-1716 who testified on 20 and 21 July May 2022. See Transcripts [T-147](#) and [T-148](#).
9. P-1528 who testified on 23/24 November 2022. See Transcripts [T-178](#) and [T-179](#).
10. P-0967 who testified on 13 and 14 February 2023. See Transcripts [T-199](#) and [T-200](#).

Consequently, the CLRV respectfully request the Chamber to instruct the VPRS, in coordination with the VWS if necessary, to contact the above mentioned witnesses to explain them the process of applying to be authorised to participate as victim in the proceedings and, eventually, to provide them with an application form for this purpose.

Kind regards,
 Dmytro Suprun and Paolina Massidda



Paolina Massidda

Conseil principal / Principal Counsel
 Bureau du conseil public pour les victimes (BCPV)
 Office of Public Counsel for Victims (OPCV)
 International Criminal Court
 [REDACTED]
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