

VAHIDA NAINER: Thank you once again.

I'll be speaking briefly on the issues of the question of protection of victims and witnesses.

The success of the Court really depends on victims and witnesses coming forward with their testimonies. The culture of impunity thus far is or has been so strong that very few victims and witnesses of mass violence anywhere in the world have had access to real justice. Impunity has been the rule and justice has been more or less the exception. The Office of the Prosecutor and you, Mr. Prosecutor, yourself have a real challenge to begin a process to reverse this environment, and this by beginning to win the confidence of the victims' community before seeking out victims and witnesses to provide testimonies.

The reluctance in coming forward is not only because of lack of confidence in existing justice mechanisms but also a fear of repercussions from those in power or perpetrators. Victims and witnesses, particularly those of gender and sexual violence, both men and women, are often at risk on account of the testimony they provide, so protection of victims and witnesses is one aspect that needs to be taken into account at all stages of the work of the Office of the Prosecutor.

I would imagine there has to be some interaction with the Victims Unit of the Registry for this, but the Victims Unit of the Office of the Prosecutor itself would have, I believe, a role to play so as to not be seen approaching victims with the utility-oriented approach that you need the victims to provide testimony and, therefore, you approach them, but also to take care of their own self-protection. So there is a need to really inspire confidence among victims and witness that they would not be under any risk of repercussion on account of the activities of the Office of the Prosecutor or their engagement with it.

This is indeed a very challenging task. In the Victims Working

Group, the paper that they have put together, the one that Carla mentioned and perhaps would have suggestions on this issue, but some of the steps routinely would, I believe, involve to function ordinarily from the assumption of confidentiality of the identity of victims until otherwise is expressly stated; the obscurity of the ICC's staff or the OTP's staff and personnel as a rule in field visits or communications with victims and witnesses during preliminary examination, investigation, and so-called Prosecution, again unless otherwise necessary or expedient.

It's important to secure lives of key victims and witnesses right from the initial stages of investigation, if necessary through relocation if the victim or witness so consents, and exercise care with regard to movements of victims and witnesses of Prosecution so as to ensure that they are not exposed to the witnesses of Defence.

The paper would hopefully provide other details, and as Carla mentioned, she would make that available to you. Thank you.