

REDRESS

Ending Torture. Seeking Justice for Survivors

Comments and proposals on the Legal aid consultation June 2012

REDRESS is pleased to submit the attached comments and proposals. In the context of the ongoing review of the legal aid system of the International Criminal Court, REDRESS stresses that the Court is yet to see a full judicial cycle completed. The practicalities of victims' participation and their role during potential reparation and appeal phases are still unknown and could significantly impact on the legal aid necessary to enable victims' meaningful participation in these upcoming proceedings.

Comments were invited on four distinct issues:

- 1) Remuneration in the case of several mandates;
- 2) Legal aid travel policy;
- 3) Remuneration during phases in which activities are considerably reduced;
- 4) an enhanced role of the Office of Public Counsel for Victims (OPCV).

REDRESS has focused its submission on the issues 3 and 4 above which are of particular concern in relation to the legal representation of victims before the Court.

- *Remuneration during phases in which activities are considerably reduced:* REDRESS is concerned that this proposal may impact the ability of counsel to keep his/her clients informed during such periods when activity is reduced. REDRESS stresses that during such periods, the need for counsel to meet and explain proceedings to victims is accrued. Any reduction in the legal aid provided during these periods should ensure that the legal representatives are able to inform and meet with their clients.
- *Enhanced role of the OPCV:* While REDRESS recognises the invaluable work of the OPCV, it opposes a complete shift of *all* legal representation of victims requiring legal aid to OPCV. If OPCV is appointed to represent *all* victims in all cases, conflicts of interest are likely to arise. External counsels also bring invaluable expertise to the proceedings. REDRESS also submits that the statement in the consultation document according to which "legal aid for victims would disappear as far as takeover is effective" with additional resources only being necessary on a case by case basis, is inaccurate.

REDRESS also raises two additional issues. These include:

- *Presumption of indigence for victims:* Currently, there is no presumption of indigence for victims. They are required to sign a declaration in order to benefit from legal aid. REDRESS submits that this creates an unnecessary burden on both victims and the Registry and urges

the Court to streamline the procedure by which victims are granted legal aid. This would likely lead to increased efficiencies in the management of legal aid for victims.

- *Greater clarity as to the criteria which would automatically lead to additional resources for victims' legal representation teams:* REDRESS recommends that, as appropriate, criteria and circumstances which would automatically lead to additional resources for legal representatives' teams (both financial and human) should be set out clearly in the legal aid framework. The type and scale of extra resources that could be made available to legal representatives of victims in such instances should also be clarified. REDRESS suggests that such a measure would make the administration of legal aid less cumbersome both for counsel and the Registry while ensuring adequate use of resources.

Background

In January 2012, the Registrar invited stakeholders to comment on a discussion paper on the Review of the ICC Legal Aid System. Following input from various stakeholders, including the CICC legal representation team, the Registry issued a second review document on 15th February 2012.¹ The CICC Legal representation team provided comments on 9 March 2012 in which it reiterated several concerns including:

- that the Registry proposal appeared to be driven by a need to identify savings rather an intention to genuinely review the system;
- that the approach chosen was piecemeal and that a comprehensive review of the system would be more appropriate.

On 23 March 2012, the Bureau of the Assembly of States Parties adopted the Decision of the Bureau on Legal Aid in which it adopted a revised remuneration scheme, urged the Court to continue identifying savings in the legal aid system and requested the Court to present a report including proposals on the following issues: 1) Remuneration in the case of several mandates; 2) Legal aid travel policy; 3) Remuneration during phases in which activities are considerably reduced; 4) an enhanced role of the Office of Public Counsel for Victims (OPCV) .

On 20th April 2012, the Registry, invited input from stakeholders on the 4 issues identified as well as other measures that could be proposed.

¹ Proposal for a review of the legal aid system of the Court in accordance with resolution ICC-ASP/10/Res.4 of 21 December 2011.

Legal Aid Consultation 2012 - Comments on amendment options

Area: Remuneration during phases in which activities are considerably reduced

Title: Remuneration during phases in which activities are considerably reduced

Description: Except between the start of the trial phase and the closing arguments, counsel and associate counsel are not based in The Hague and can therefore work for other clients. there might also be other periods where the activity is substantially reduced, such as stays of the proceedings, etc. It might be envisageable that, for the non-presential phases of a case, counsel and associate counsel receive 75 per cent of the basic remuneration, following the payment modalities currently applicable.

Financial implications estimated: Will depend on progression of cases.

Reasons in favour and against the present option:

REDRESS has concerns in relation to this proposal in so far as it relates to the continued counsel-client relationship with victims during periods of reduced activity.

The tasks required of a legal representative include keeping his clients informed of proceedings and any legal or factual issues that may concern them.¹ Stay of proceedings and other proceeding-related delays (such as interlocutory appeals with suspensive effect) are often misunderstood by victims who may interpret these as a finding by the ICC that the case should not proceed.² It is crucial that their counsel keep them apprised of relevant developments during such periods. The legal aid framework should ensure that counsels are able, in periods with reduced activities to fulfil such activities which form the core of their mandate.

¹ The jurisprudence of the Court has established that the support structure to be proposed by the Registrar under the legal aid system, should allow the common legal representative to:

"a. Keep his or her clients informed about the progress of the proceedings and any relevant legal or factual issues that may concern them, in accordance with article 15 of the Code of Conduct for Counsel. The support structure should also allow the common legal representative to respond to a reasonable number of specific legal inquiries from individual victims.

b. Receive general guidelines or instructions from his or her clients as a group and particular requests from individual victims.

c. Maintain up to date files of all participating victims and their whereabouts. ",

Prosecutor v. Bemba, Trial Chamber III, "Decision on common legal representation of victims for the purpose of trial", ICC-01/05-01/08-1005, para. 25; *Prosecutor v. Katanga & Ngudjolo*, Trial Chamber II, "Order on the organisation of common legal representation of victims", ICC-01/04-01/07-1328, para. 17 ICC-01/09-01/11-243, para. 32; *Prosecutor v. Ruto et. Al*, Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings, 5 august 2011, ICC-01/09-01/11-249.

² *Such reactions were observed in relation to the stay of proceedings in the Lubanga case. It has also been reported that similar reactions occurred after the postponement of the confirmation of charges hearing in the Gbagbo case.*

Legal Aid Consultation 2012 - Comments on amendment options

Area: Enhanced role of the Office of Public Counsel for Victims (OPCV)

Title: OPCV would take over common legal representation of victims

Description: The Office of Public Counsel for Victims would act as common legal representative whenever legal aid is required. Depending on the workload and needs of the case, external counsels or support personnel might be called to reinforce or complement the OPCV capacities. For currently active cases, takeover would happen at the end of the current phase or whenever there is a team change, unless the Chamber decides otherwise.

Financial implications estimated: Legal aid for victims would disappear as far as takeover is effective, although it would be necessary to allocate the funds needed to reinforce OPCV on a case-by-case basis where necessary.

Reasons in favour and against the present option:

REDRESS has concerns about effectively replacing external legal representation of victims with representation by OPCV. These concerns were already highlighted during consultations organised by the Registry in July 2009 and in a CICC Legal representation team paper in August 2009 and will not be recalled fully here.¹ Among the advantages of external legal representation identified at the time figured:

- External counsel provide a diversity of legal argumentation to the Court's proceedings as a result of their geographic diversity and experiences which cannot be replicated by in-house, institutional counsel. For instance, external counsel provoked the development of jurisprudence surrounding victims' appearance in person to testify or voice views and concerns in the *Lubanga* case.² In the same case, following repeated questioning in relation to the names of witnesses, it was also external counsel, familiar with the DRC legal system, who suggested to the Chamber that an expert on the use of names in DRC be called, and who were able to identify such an expert.³
- External counsel are able to bring the court's proceedings closer to the victims, communities and nations affected through their own networks, ensuring an outward looking and inclusive Court.⁴

¹ CICC Legal Representation team Comments on the Court's Draft Legal Aid Report "Legal and Financial aspect for funding victims' legal representation before the Court, 15 August 2009, available at http://www.iccnw.org/documents/CICC_Legal_RepTeam_Comments_on_Legal_Aid_Report09_170809_f1.pdf

² *The Prosecutor v Thomas Lubanga*, Decision on the request by victims a/0225/06, a/0229/06 and a/0270/07 to express their views and concerns in person and to present evidence during the trial, 26 June 2009, ICC-01/04-01/06-2002-Conf, see the public version filed on 9 July 2009, ICC-01/04-01/06-2032, <http://www.icc-cpi.int/iccdocs/doc/doc707345.pdf>

³ *The Prosecutor v Thomas Lubanga*, Filing by the Victims legal representatives, Analyse relative à l'attribution et aux composantes du nom en République démocratique du Congo, 20 March 2009, ICC-01/04-01/06-1793 20-03-2009, <http://www.icc-cpi.int/iccdocs/doc/doc647425.pdf>

⁴ CICC Legal Representation team Comments on the Court's Draft Legal Aid Report "Legal and Financial aspect for funding victims' legal representation before the Court, 15 August 2009, available at http://www.iccnw.org/documents/CICC_Legal_RepTeam_Comments_on_Legal_Aid_Report09_170809_f1.pdf.

The 2009 Registry report considering the possibility of an enhanced role of the OPCV, concluded that “there are strong policy reasons to provide resources for external counsel experienced in criminal proceedings to represent victims participating in Court proceedings or seeking reparations, so long as here is no duplication with the role played by in-house counsel.”⁵ It is unclear from the Registry’s new proposal whether, and why, these policy reasons would no longer apply.

OPCV’s core role as support to external counsel

Regulation 81 of the Regulations of the Court which establishes the OPCV states that “The Registrar shall establish and develop an Office of Public Counsel for victims for the purpose of providing assistance as described in sub-regulation 4.” The said sub regulation specifies that:

the Office of Public Counsel for victims shall provide support and assistance to the legal representative for victims and to victims, including, where appropriate:

- (a) Legal research and advice; and
- (b) Appearing before a Chamber in respect of specific issues.

While there have been instances when OPCV was appointed as legal representative of victims, these have often been temporary appointments pending the appointment of a common legal representative, or due to time constraints over the proceedings.⁶ Overall, the jurisprudence of the Court supports the view that the “core” role of OPCV is to provide assistance to external legal representatives, a position that REDRESS fully supports.⁷

Conflict of interest and OPCV’s representation of victims on a systematic basis

Rule 90 of the Rules of Procedure and Evidence requires that “*The Chamber and the Registry shall take all reasonable steps to ensure that in the selection of common legal representatives, [...] any conflict of interest is avoided.*”

Should OPCV be systematically appointed to represent victims, in lieu of external counsel, it is unclear how conflicts of interest could be avoided, without the hiring of new staff members and an exponential growth within OPCV. For example, in order to avoid a conflict of interest, separate legal

⁵ Report of the Court on legal aid: Legal and financial aspects of funding victims’ legal representation before the Court, ICC-ASP/8/25, 5 October 2009, para 50, <http://www.icc-cpi.int/NR/rdonlyres/B57B2475-5B57-49DD-8037-791E20A7D127/0/ICCASP825ENG.pdf>.

⁶ OPCV was recently appointed in the *Gbagbo* case, as common legal representative of victims participating in the confirmation of charges proceedings. However the reason provided for such appointment (as opposed to external counsel proposed by the Registry) was the short timeframe remaining between the appointment and the start of the hearing. *The Prosecutor v. Gbagbo*, Decision on Victims’ Participation and Victims’ Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings, 4 June 2012, ICC-02/11-01/11-138, <http://www.icc-cpi.int/iccdocs/doc/doc1423293.pdf>.

⁷ In *Lubanga*, Trial Chamber 1 (TC1) underlined that the functions in Regulation 81(4), of providing support and assistance to victims and their legal representatives was the “core role” of the Office. TCI stated that: it is critical that the Office concentrates its limited resources on the core functions given to it under the Rome Statute framework which, as set out above, is to provide support and assistance to the legal representatives of victims and to victims who have applied to participate (rather than representing individual victims), *The Prosecutor v Thomas Lubanga [Situation in the Democratic Republic of Congo]*, Decision on the role of the Office of Public Counsel for Victims and its request for access to documents, 6 March 2008, ICC-01/04-01/06-1211, para. 32.

teams within OPCV would need to be constituted to represent victims in the different Kenya cases. In terms of logistics and time allocations, the Chambers in both the *Katanga* and in the *Bemba cases* indicated that “it would be preferable for the common legal representative not to be involved in more than one case before the Court at once” to ensure, *inter alia*, that the quality of the legal representation of victims does not suffer as a result of other competing engagements.⁸ Thus, it would appear that also from a practical point of view additional staff members would need to be added to OPCV in order to cover the growing number of cases.

The estimated financial implication for this proposal, namely that “legal aid for victims would disappear” is inaccurate:

a) *OPCV will need to maintain sufficient resources to continue its assistance to external counsel*

Regulation 81 regulates the mandate of OPCV, and Regulation 81(4) provides that:

The Office of Public counsel for victims shall provide support and assistance to the legal representative for victims and to victims, including, where appropriate:

- (a) Legal research and advice’ and;
- (b) Appearing before a Chamber in respect of specific issues.

The proposal in the Registry’s document only refers to OPCV representing victims “whenever legal aid is required”. In turn, in situations where legal aid would not be required (whether because victims are not indigent, or are able to secure pro bono external support), OPCV would still have to ensure it has sufficient resources to assist and support such external counsels. Financial estimates should ensure that resources for such situations are fully represented.

b) *OPCV will need adequate field structures*

OPCV’s current staff is ten persons. OPCV is not represented in field offices, but has a small travel budget to undertake missions, for face-to-face meetings.

The developing jurisprudence of the Court suggests that when common legal representatives are appointed, a support structure in the field needs to be established. In *Muthaura* the Chamber emphasised that either the counsel or “assistant” should be based in the field.⁹ In *Bemba* the Chamber concurred with other Chambers that each team should have one member based in the field as a minimum.¹⁰ A similar requirement has been suggested in *Gbagbo*, wherein OPCV “should

⁸ *The Prosecutor v. Katanga & Ngudjolo*, Order on the organisation of common legal representation of victims, ICC-01/04-01/07-1328, 22 July 2009, at para 14, <http://www.icc-cpi.int/iccdocs/doc/doc715762.pdf> ; See also *The Prosecutor v. Bemba*, Decision on common legal representation of victims for the purpose of trial, ICC-01/05-01/08-1005, 11 November 2012, at para 10, <http://www.icc-cpi.int/iccdocs/doc/doc965368.pdf>

⁹ *The Prosecutor v Muthaura, Kenyatta and Ali* [Situation in Kenya], Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings, 26 August 2011, ICC-01/09-02/11-267, at para. 92, <http://www.icc-cpi.int/iccdocs/doc/doc1211737.pdf>

¹⁰ *The Prosecutor v. Bemba*, [Situation in Central African Republic], Decision on common legal representation of victims for the purpose of trial, 10 November 2010, ICC-01/04-01/08-1005, <http://www.icc-cpi.int/iccdocs/doc/doc965368.pdf>.

be assisted by a team member with wide knowledge of the context and based in Cote d'Ivoire to be paid by the Court's legal aid budget.”¹¹

REDRESS emphasises that should OPCV be systematically appointed to represent victims, field structures, including field staff, will be required. Whether such costs would come from the regular budget of the office (recruitment of additional staff, extra resources to travel to and within situation countries, etc.) or drawn from the legal aid budget (as ordered in the recent *Gbagbo* case),¹² the statement above in the financial implication section that “**Legal aid for victims would disappear as far as takeover is effective**” is not justified.

c) *OPCV will need sufficient legal staff*

As already mentioned, in order to avoid conflict of interest in the representation of victims, it is likely that additional staff would need to be hired.

¹¹ *The Prosecutor v. Gbagbo*, Decision on Victims' Participation and Victims' Common Legal Representation at the Confirmation of Charges Hearing and in the Related Proceedings, 4 June 2012, ICC-02/11-01/11-138, at para 44, <http://www.icc-cpi.int/iccdocs/doc/doc1423293.pdf>.

¹² *The Chamber ordered that OPCV be assisted by a legal assistant from Cote d'Ivoire to be paid out of the legal aid budget.*

Legal Aid Consultation 2012 - Proposal

Proposal made by: REDRESS

Title: Presumption of indigence for victims as a means of streamlining legal aid requests

Area: Other

Description: Regulation 132 requires “proof of indigence” for legal aid to be granted. The provision was drafted in relation to accused persons and simply added to victims. Currently, for legal aid to be granted in relation to the representation of victims, the Registry requires a declaration to be signed by each and every applicant, authorising the Registry to investigate the financial situation of thousands of victims, without having to further consult them. The administrative burden of such a provision is unwarranted and inappropriate for a process involving mass victimisation.

REDRESS urges the Court to streamline its procedures, only seeking authorisation to investigate an individual victims’ financial means should the need arise in an individual case, rather than for each and every of the thousands of victims participating in proceedings.

Arguments in favour of a specific approach presuming indigence for victims:¹

- The bureaucratic burden of seeking authorisation from each and every victim-applicant is costly and time consuming for the Court, intermediaries, victims and lawyers. No victim has as yet been investigated, and if a need to investigate should arise, authorisation could be sought at this point avoiding the need to replicate thousands of forms, have these individually brought to each victim, scanned and sent to the Court from the field and processed by the Registry.
- Considering the limited contact that victims have with the Court, the wording of the form, seeking victims’ authorisation to have an investigation undertaken into their financial means without further consultation, is difficult for victims to understand and inappropriate. The vast majority of victims are destitute living in post-conflict conditions, suffering from trauma, unhealed injuries and loss of livelihood.
- Other jurisdictions dealing with mass claims have developed presumptions and estimated incomes based on available statistics and personal information supplied by claimants without requiring further bureaucracies.²
- In the event that investigation into indigence should be necessary, an approach should be devised that is reconciled with the collective nature of legal representation. Given that victims are granted common legal representation, it should suffice that one victim within the group is indigent, avoiding the need to administer hundreds of declarations or assessments;

¹ For a more extensive list of arguments in favour of a presumption of indigence see the Situation in the Democratic Republic of Congo, Request for Review of the Registrar’s Decision of 28 March 2008 on the Application for Legal Assistance, 14 April 2008, ICC-01-04-494-tENG, <http://www.icc-cpi.int/iccdocs/doc/doc481706.pdf>

² See for instance the system used for calculating loss at the Inter-American Court for Human Rights.

- Indigence at the ICC is assessed on the basis of disposable income after expenses for dependants are deducted at the UN DSA rate for that country. E.g The DSA rate for Bunia, Eastern DRC (UNDP 2011) is USD 131 per day, while the annual GDP for Congo is USD 345 per day (World Bank). To suppose that victims, the vast majority of whom are rural subsistence farmers would be able to afford a lawyer based in The Hague after having deducted the cost of dependents calculated at a rate of USD 131 per day per dependent, when the average income per year is 345 seems untenable as the basis for an assessment system.

Legal basis and constraints:

Legal aid is paid on the condition that the client is indigent. Regulation 132 of the Registry Regulations that applies to both accused and victims, stipulates that:

1. A person applying for legal assistance paid by the Court must fill out the approved standard forms and provide the information necessary to support their request.
2. Where there are grounds to believe that an application for legal assistance paid by the Court and the supporting evidence are not accurate, the Registry may carry out an investigation into the matter. In doing so, it may request information and/or documents from any person or body that it deems appropriate.
3. The Registrar should make a decision as to whether legal assistance should be paid in full or in part by the Court within 30 calendar days of the submission by the person concerned of all the documentation required. Legal assistance shall be provisionally paid by the Court during that period.
4. The person shall communicate to the Registry any change in his or her financial situation that might affect eligibility for legal assistance paid by the Court. The Registry may carry out random checks to verify whether any changes have occurred.
5. If legal assistance paid by the Court has been granted provisionally, the Registry may investigate the person's means. The person shall cooperate with the Registry in its investigation.

In May 2008, the Registry explained that in the absence of a “financial information form”³ specifically relating to victims, the Registry invites legal representatives to provide particular information about their clients’ means and resources as well as a statement signed by the applicants.

Pointing to Regulation 132(1) it was stated that a presumption of indigence is not allowed under the current legal framework of the Court.

³ ASP, Report on the principles and criteria for the determination of indigence for the purposes of legal aid, 31 May 2007, ICC-ASP/6/INF.1, para. 12, states that: “The financial information form is designed to enable a person properly to inform the Registry of the income and assets at his or her own disposal and at the disposal of the persons living in his or her household. The purpose of this declaration is to commit the person claiming indigence to full cooperation with the Registry in the investigation process in order to facilitate the speedy completion of the initial phase of the investigation, allowing the Registrar, within one month, to make a provisional determination of eligibility and, in the event of a positive determination, to determine the extent of the Court’s contribution to the cost of the person’s legal representation.”

Legal Aid Consultation 2012 - Proposal

Proposal made by: REDRESS

Title: Composition of victims' legal representation teams– criteria for additional resources

Area: Other

Description: At present the legal aid for victims does not spell out criteria for which additional resources are available and only provides a limited and general list of instances which *may* trigger such a possibility.¹ Thus any additional resource (human and financial) needs to be requested by counsel and duly justified. The Registry in turn has to assess the requests and rule on them.

REDRESS is concerned about the amount of time that is spent, both by counsel and the Registry, administering requests for additional resources and, as has been the case, litigating them.² Efficiencies could be found by streamlining the process and providing more clarity with regards to what criteria and circumstances would automatically lead to changes in the composition of the teams as well as the type and scale of extra resources which may be made available. We note that the legal aid system for the Defence, in Annex V of the Report to the ASP on the Operation of the Court's Legal Aid System,³ spells out circumstances which automatically give rise to additional resources, such as the number of charges, number of victims participating, etc.

REDRESS understands that the Registrar needs to ensure legal aid is appropriately disbursed. However, we submit that specific instances and thresholds can be identified where additional resources can reasonably be expected, as has been done for the defence. For example these could include:

- When the number of victims represented by a legal representative is above a certain threshold established by the Registry in consultation with legal representatives ;
- When counsel is given a mandate to represent a significant number of new victims;
- In order for counsel representing a high number of victims to prepare for specific hearings and stages of the proceedings, such as confirmation of charges hearing, opening/closing statements, etc.;
- When victims are spread over a number of different locations;
- When victims are vulnerable, for example victims of gender based violence.

Not all situations can be foreseen, and some flexibility should be retained. However, REDRESS recommends that a framework, similar to what is described as applicable to the Defence, be adopted in relation to legal aid for victims.

¹The *Report on the operation of the Court's legal aid system and proposals for its amendment*, 31 May 2007, ICC-ASP/6/4, at para 57, states that "the possibility of providing additional resources for the legal representation team could be considered in the following cases, among others: when the number of victims in the group exceeds 50; when the reparation proceedings imply the need to request protection measures, pursuant to article 90(1) of the Rome Statute; when the Chamber has decided that it will determine the extent of any damage."

² Regulation 93(4) of the Regulations of the Court provides that: "*Decisions by the Registrar on the scope of legal assistance paid by the Court as defined in this regulation may be reviewed by the relevant Chamber on application by the person receiving legal assistance.*"

³ Report on the Operation of the Court's Legal Aid system and Proposals for its Amendment ASP/6/2, dated 31 May 2007.

Legal basis and constraints:

Regulation 93 of the Regulations of the Court states that:

(2). The scope of legal assistance paid by the Court regarding victims shall be determined by the Registrar in consultation with the Chamber, where appropriate.

(3). A person receiving legal assistance paid by the Court may apply to the Registrar for additional means which may be granted depending on the nature of the case.

According to the jurisprudence of the Court, the Registry should provide victim's legal representatives with a structure allowing them to fulfil their mandate and reflecting *inter alia*, the need to keep clients informed about progress of proceedings, to receive general guidelines or instructions from clients, and to communicate with victims in a language they understand.⁴

REDRESS submits that a framework for victims' legal-aid similar to what is applicable to the Defence is permissible under the current legal provisions.

Financial implications estimated:

Such a measure would likely reduce the time spent by both Registry, Legal representatives of victims and team members, in formulating requests for additional resources, assessing them and in some instances litigating them. It is thus likely to make the administration of the legal aid system more efficient.

⁴ The jurisprudence of the Court has established that a support structure, to be proposed by the Registrar, should allow the common legal representative to:

"a. Keep his or her clients informed about the progress of the proceedings and any relevant legal or factual issues that may concern them, in accordance with article 15 of the Code of Conduct for Counsel. The support structure should also allow the common legal representative to respond to a reasonable number of specific legal inquiries from individual victims.

b. Receive general guidelines or instructions from his or her clients as a group and particular requests from individual victims.

c. Maintain up to date files of all participating victims and their whereabouts.

d. Obtain qualified legal support on a need basis.

e. Store and process any confidential filings or other information, including the identity of his or her clients, in a safe and secure manner.

f. Communicate with victims in a language they understand."

Prosecutor v. Bemba, Trial Chamber III, "Decision on common legal representation of victims for the purpose of trial", ICC-01/05-01/08-1005, para. 25; *Prosecutor v. Katanga & Ngudjolo*, Trial Chamber II, "Order on the organisation of common legal representation of victims", ICC-01/04-01/07-1328, para. 17 ICC-01/09-01/11-243, para. 32; *Prosecutor v. Ruto et. Al*, Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings, 5 august 2011, ICC-01/09-01/11-249.