

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 21 November 2008

PRE-TRIAL CHAMBER III

**Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Mauro Politi**

***SITUATION IN THE CENTRAL AFRICAN REPUBLIC
THE CASE OF
THE PROSECUTOR
V. JEAN-PIERRE BEMBA GOMBO***

Public Document

**Decision Requesting Observations on the Proposed Schedule for the
Confirmation of Charges Hearing**

Decision to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Fatou Bensouda, Deputy Prosecutor

Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence for

Nkwebe Liriss

Tjarda E. Van der Spoel

Aimé Kilolo-Musamba

Karim Asad Ahmad Khan

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. **Pre-Trial Chamber III** (the “Chamber”) of the International Criminal Court (the “Court”) has scheduled the hearing on the confirmation of charges (the “Hearing”) from 8 to 12 December 2008.¹

2. On 10 November 2008 the Chamber issued the “Decision on the Submission of an Updated, Consolidated Version of the In-depth Analysis Chart of Incriminatory Evidence” with a model chart appended as an annex outlining the manner in which the evidence should be presented in relation to the elements of the crimes and individual criminal responsibility (the “Model Chart”).²

3. The Chamber notes article 61 of the Rome Statute (the “Statute”) and rule 122(1) of the Rules of Procedure and Evidence (the “Rules”).

4. Mindful of the right of Mr Jean-Pierre Bemba Gombo to be tried without undue delay and taking into account the views expressed by the parties,³ the Chamber decided that the Hearing will last one week. Accordingly, the Chamber proposes the calendar annexed to this decision (the “Annex”) and requests observations from the parties as well as technical observations from the Registry. Once adopted by the Chamber, the parties are expected to adhere to the calendar during the Hearing.

5. With regard to the evidence to be presented in court by both parties, the Chamber:

(i) recalls that the parties are expected to organise their arguments following the approach proposed in the Model Chart and reflected in the Annex to this decision;

¹ ICC-01/05-01/08-199.

² ICC-01/05-01/08-232-Anx.

³ ICC-01/05-01/08-T-8-CONF-ENG CT 22-10-2008.

(ii) invites the parties to refrain from any repetitive arguments, especially in instances where certain crimes are prosecuted under both qualifications of crimes against humanity and war crimes, since some of the elements of crime may be identical;

(iii) reminds the parties that they should inform the Chamber as soon as practicable before the Hearing of their intention, as the case may be, to rely on live witnesses, to hold closed sessions or to present evidence which should be kept confidential from the public;

(iv) reminds the parties of their obligation to respect the anonymity of witnesses towards the public, to refer to them in court solely by their respective numbers and to avoid making reference to any information leading to their identification;

(v) underlines the importance of receiving detailed information with regard to the time needed by each party to present in court audio and video based evidence as well as geographical maps, if any; and

(vi) reminds the parties that any reference to the evidence presented or referred to should be indicated by its "EVD number" as assigned by the Registry.

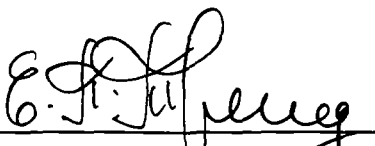
6. The Chamber emphasizes that the parties' observations on the annexed draft schedule should consider the issues in the abovementioned paragraph and provide the Chamber with detailed responses thereto, bearing in mind that the time proposed for each presentation by the parties includes the time necessary for the presentation of all evidence, including video or audio based.

7. The Chamber indicates that the proposed schedule in the Annex is subject to change in relation to further developments in the proceedings, including with regard to the issue of victims' participation which will be addressed in a separate decision.

FOR THESE REASONS, THE CHAMBER

requests the Prosecutor, the Defence and the Registrar to submit, no later than **25 November 2008**, their observations with regard to the issues raised in paragraph 5 and the proposed schedule for the confirmation of charges hearing as set out in the Annex.

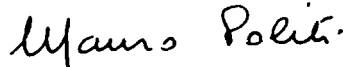
Done in both English and French, the English version being authoritative.



Judge Ekaterina Trendafilova
Presiding Judge



Judge Hans-Peter Kaul



Judge Mauro Politi

Dated this Friday, 21 November 2008

At The Hague, The Netherlands