

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08

Date: 2 October 2009

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge Joyce Aluoch

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

Public Document

Scheduling Order and Agenda for the Status Conference on 6 October 2009

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo-Musamba

Legal Representatives of the Victims

Ms Marie-Edith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod Jacome

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

1. In accordance with Rule 132(1) of the Rules of Procedure and Evidence which provides that “[p]romptly after it is constituted, the Trial Chamber shall hold a status conference in order to set the date of the trial”, a status conference shall be held on 6 October 2009 starting at 14.00. It may continue on 7 October.
2. In order to facilitate the preparation for the status conference of the Office of the Prosecutor ("prosecution") and the defence (the "parties"), and of the participants in the proceedings, the Trial Chamber issues this agenda.
3. The following items shall be dealt with at the status conference:
 - A. The Court Officer is to read out the summary of the charges as confirmed by the Pre-Trial Chamber in its Decision on the confirmation of the charges and the accused and his lawyers should be in a position to deal, as appropriate, with Article 64(8)(a) of the Rome Statute.
 - B. The funding of Jean-Pierre Bemba Gombo's defence.
 - C. Date of the trial.
 - D. Anticipated length of the trial.
 - E. Discussion on whether the prosecution should file a summary of its presentation of evidence, which has been defined as “a document which explains its [the prosecution's] case by reference to the witnesses it intends to call and the other evidence it intends to rely upon. Furthermore, this document shall explain how the evidence relates to the charges.”¹

¹ Decision Regarding the Timing and Manner of Disclosure and the Date of Trial, 9 November 2007, ICC-01/04-01/06-1019, paragraph 26.

- F. Discussion on whether the prosecution, pursuant to Articles 64(8)(a), 67(1), 64(2) and 64(6)(f) of the Rome Statute, should submit an amended document containing the Charges, drafted in accordance with Regulation 52 of the Regulations of the Court.²
- G. The languages to be used in the proceedings (whether interpretation into languages other than English and French will be required for some or all of the proceedings).
- H. The timing and manner of disclosure of outstanding Prosecution evidence, if any (including an indication as to whether the investigation is still ongoing).
- I. Whether there is outstanding evidence falling within the scope of Article 67(2) of the Rome Statute or Rule 77 of the Rules of Procedure and Evidence, which is yet to be disclosed.
- J. Whether the E-court protocol used for the Confirmation Hearing should be adopted or amended for the trial proceedings.
- K. Any issues concerning expert witnesses.
- L. Whether there are any outstanding issues concerning the protection of witnesses or participating victims.
- M. Whether there are any outstanding issues concerning redactions.

² See for instance, Order for the prosecution to file an amended document containing the charges”, 9 December 2008, ICC-01/04-01/06-1548, paragraph 15.

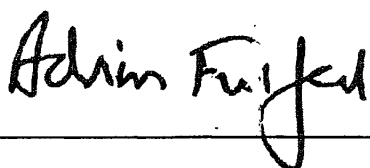
- N. Whether there are any outstanding issues relating to Article 54(3)(e) of the Rome Statute.
- O. Whether there are English translations available for all the witness statements of the witnesses the prosecution intends to call.
- P. The manner in which evidence shall be submitted, subject to Article 64(8)(b) of the Rome Statute and Rule 140 of the Rules of Procedure and Evidence.
- Q. Agreements existing between the parties as to facts.³
- R. Disclosure by the defence.⁴
- S. Whether the participating victims anticipate applying to call evidence.
4. The parties and participants have requested discussion of the following items, which are added to the agenda:
- T. Trials *in situ*.
- U. The issue of the right to a fair trial in relation to equality of arms between the defence team and the Office of the Prosecutor.
- V. The issue of the admissibility of the case as regards complementarity in the context of the Court's jurisprudence and the decision of pre-Trial Chamber II of 18 September 2009 (ICC-01/05-01/08-529).

³ See for instance, Decision on agreements between the parties, 20 February 2008, ICC-01/04-01/06-1179.

⁴ See for instance, Decision on disclosure by the defence, 20 March 2008, ICC-01/04-01/06-1235-Corr, and Decision on the defence request for leave to appeal the "Decision on disclosure by the defence", ICC-01/04-01/06-1313.

W. The issue of the continuous applicability of certain aspects of the jurisprudence of the Chamber on matters relevant to the interests of victims (i.e. dual status, access to redacted versions of standard applications forms etc).

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge Joyce Aluoch

Dated this 2 October 2009

At The Hague, The Netherlands