

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 2 June 2010

**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**

**Order for the filing of submissions in preparation for  
the commencement of the trial**

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**

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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. In order to facilitate preparation for the commencement of the trial, Trial Chamber III (“Trial Chamber” or “Chamber”), pursuant to Article 64(3)(a) of the Rome Statute (“Statute”), Rule 134(1) of the Rules of Procedure and Evidence (“Rules”) and Regulation 54 of the Regulations of the Court, has identified issues which need to be considered.
2. The Office of the Prosecutor (“prosecution”) is instructed to file by 16.00 on 10 June 2010 a document setting out:
  - a) the order in which the prosecution intends to call its witnesses, together with a general explanation of the proposed order;
  - b) the overall length of the evidence the prosecution intends to rely on;
  - c) the estimated length of the questioning by the prosecution of each witness;
  - d) a summary of the subjects which each witness will testify on (*see the practice of the prosecution in Trial Chamber II*);<sup>1</sup>
  - e) the proposed length of its opening statement;
  - f) whether the prosecution intends to rely on prior recorded testimony (Rule 68 of the Rules);
  - g) whether the prosecution intends to request that evidence is given by means of audio or video-link technology;
  - h) whether the prosecution intends to request the admission of documents from the bar table;
  - i) whether any issue of self incrimination may arise in relation to the witnesses called by the prosecution (Rule 74 of the Rules);
  - j) whether the prosecution intends to file applications for protective measures pursuant to Rules 87 and 88 of the Rules

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<sup>1</sup> See ‘Thèmes principaux sur lesquels les témoins de l’Accusation déposeront’, 7 octobre 2009, ICC-01/04-01/07-1514 and confidential annexes 1 – 29.

[if so, the prosecution is instructed to follow the practice in the *Lubanga* case of liaising with the Victim and Witness Unit in this regard].<sup>2</sup>

k) the ERN numbers of witness statements and their corresponding translations in the form of a table.

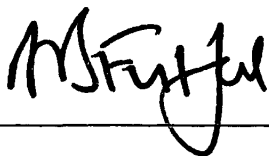
3. The defence is instructed to file by 16.00 on 10 June 2010 a written submission informing the Chamber of:
  - a) whether the defence intends to make an opening statement at the opening of the trial, and if so, its anticipated length;
  - b) whether the defence intends to advance defences (Rules 79(1) (a) and (b) and 80(1) of the Rules).<sup>3</sup>
4. The prosecution and defence are also instructed to file submissions on any agreements as to facts pursuant to Rule 69 of the Rules.
5. The legal representatives of victims are requested to inform the Chamber as to whether any or all of them intend to make an opening statement; and, if so, to indicate the proposed length of any such statement. In this regard, the legal representatives are referred to Trial Chamber I's instructions in the *Lubanga* case as a guide.<sup>4</sup>
6. The parties and participants are instructed to notify the Chamber of their views on any further issues that require determination prior to the commencement of the trial by 16.00 10 June 2010.

<sup>2</sup> See 'Decision on the prosecution's oral request regarding applications for protective measures', 9 December 2008, ICC-01/04-01/06-1547, paragraph 5.

<sup>3</sup> See 'Decision on disclosure by the defence', 20 March 2008, ICC-01/04-01/06-1235-Corr-Anx1.

<sup>4</sup> Transcript of hearing on 12 January 2008, ICC-01/04-01/06-T-101-ENG-ET, and Transcript of hearing on 16 January 2009, ICC-01/04-01/06-T-104-ENG-ET.

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



**Judge Adrian Fulford**



**Judge Elizabeth Odio Benito**



**Judge Joyce Aluoch**

Dated this 2 June 2010

At The Hague, The Netherlands