

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 May 2013

TRIAL CHAMBER III

Before: Judge Sylvia Steiner, Presiding Judge
Judge Joyce Aluoch
Judge Kuniko Ozaki

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

Public

**Public redacted version of "Decision ordering the VWU to provide further
information in relation to the statement of Witness D04-64"
of 26 October 2012**

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor
Mr Jean-Jacques Badibanga, Trial Lawyer

Counsel for the Defence

Mr Aimé Kilolo Musamba
Mr Peter Haynes

Legal Representatives of the Victims

Ms Marie Edith Douzima-Lawson
Mr Assingambi Zarambaud

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

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III (“Chamber”) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, issues the following Decision requesting the VWU to provide further information in relation to the statement of Witness D04-64.

1. On 18 October 2012, the Chamber received a protection report in relation to Witness D04-PPPP-0064 (“Witness D04-64”) from the Victims and Witnesses Unit (“VWU”).¹ The report provides in relevant part:

[REDACTED]

2. During the hearing of 22 October 2012, when asked by the Chamber how many times Mr Bemba came to Bangui during the time of the fighting between October 2002 and March 2003, Witness D04-64 replied that he only saw Mr Bemba once.²
3. The apparent inconsistency between the information provided in the protection report and the witness’s response to the Chamber’s questions was explored by the Chamber during the hearing of 23 October 2012:³

[REDACTED]

4. In light of the above and pursuant to Article 64(6)(f) of the Statute, the Chamber hereby requests the VWU to provide clarification as to:

- (i). Whether the information provided in the VWU protection report to the effect that the witness informed the VWU that [REDACTED] is accurate;

¹ Email from the VWU’s Associate Protection Officer to the Chamber of 18 October 2012 at 19.54.

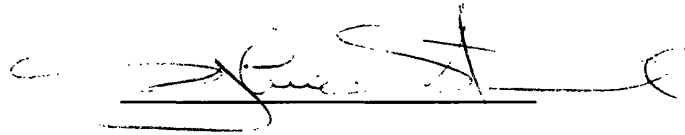
² Transcript of hearing of 22 October 2012, ICC-01/05-01/08-T-259-CONF-ENG CT, page 25, lines 17 to 21.

³ Transcript of hearing of 23 October 2012, ICC-01/05-01/08-T-260-CONF-ENG ET, page 38, line 11 to page 39, line 4 and page 39, lines 19 to 22.

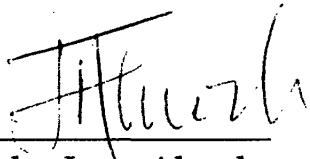
- (ii). Whether the interview was video or audio recorded; and
- (iii). The language of the interview and the identities of the individuals who attended the interview.

This information should be submitted via a confidential report, available to the parties and participants, to be filed by 16.00 on 31 October 2012.

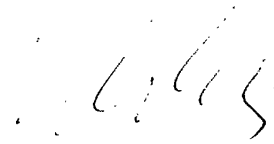
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 13 May 2013

At The Hague, The Netherlands