

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 31 October 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

**Decision on the Motion for clarification of the modalities of the presentation
of evidence by the Trial Chamber**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Jean-Jacques Badibanga

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

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

Other

Victims Participation and Reparations Section

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court” or “ICC”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (the “Bemba case”), issues the following Decision on the Motion for clarification of the modalities of the presentation of evidence by the Trial Chamber (“Decision”).

1. On 18 October 2013, the Chamber issued its “Second decision on issues related to the closing of the case” (“Decision 2837”)¹ in which it, *inter alia*, informed the parties and participants that, pursuant to its powers under Articles 64(6)(d) and 69(3) of the Rome Statute (“Statute”), it was considering hearing the testimony of two individuals whose names had repeatedly been mentioned by witnesses in the proceedings.² The Chamber clearly stated in Decision 2837 that “the modalities of the testimony will be addressed in due course.”³
2. On 30 October 2013, the defence filed its “Motion for clarification of the modalities of the presentation of evidence by the Trial Chamber” (“Defence’s Motion”),⁴ in which, in spite of recalling that the Chamber had stated that “the modalities of their testimony would be addressed in due course”,⁵ it requested for the Chamber to clarify a series of questions “concerning the modalities of presentation of their evidence”, in order to assist the defence in its preparation of “any response to a decision on the part of the Chamber to order their appearance”.⁶
3. For the purpose of the present Decision, the Chamber has considered, in accordance with Article 21(1) of the Statute, Articles 64(2), (6)(b) and (d),

¹ Second decision on issues related to the closing of the case, 18 October 2013, ICC-01/05-01/08-2837-Conf, a public redacted version was filed on the same day, ICC-01/05-01/08-2837-Red.

² ICC-01/05-01/08-2837-Red, paragraphs 19 and 20.

³ ICC-01/05-01/08-2837-Red, paragraph 21.

⁴ Motion for clarification of the modalities of the presentation of evidence by the Trial Chamber, dated 29 October 2013 but notified on 30 October 2013, ICC-01/05-01/08-2853.

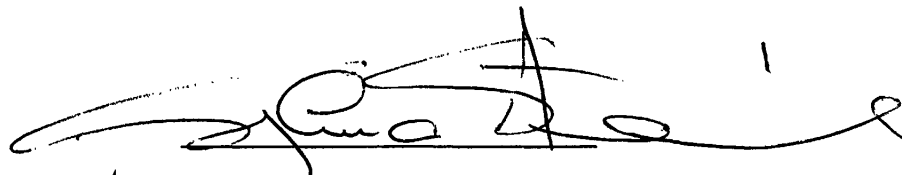
⁵ ICC-01/05-01/08-2853, paragraph 2.

⁶ ICC-01/05-01/08-2853, paragraph 3.


and (8)(b), 67(1), and 69(3) of the Statute, Rules 134(3) and 140 of the Rules of Procedure and Evidence, and Regulations 24, 28, 43, and 54 of the Regulations of the Court.

4. At the outset, the Chamber notes that the parties have no statutory right to “respond” to the Chamber’s decisions. Furthermore, taking into account that the Chamber has clearly indicated that the modalities of the testimony of the witnesses it was considering hearing was to be decided “in due course”, the Trial Chamber hereby **REJECTS**, *in limine*, the Defence’s Motion.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 31 October 2013

At The Hague, the Netherlands