

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 4 November 2014

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

Order on closing oral statements

Order 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 Peter Haynes

Ms Kate Gibson

Ms Melinda Taylor

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

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

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* ("*Bemba case*"), issues the following Order on closing oral statements.

1. On 16 July 2013, the Chamber issued its "Decision on the timeline for the completion of the defence's presentation of evidence and issues related to the closing of the case".¹ In this decision, the Chamber decided on, *inter alia*, a timeline for closing oral statements.²
2. On 1 November 2013, the Chamber issued its "Decision on unsworn statement by the accused pursuant to Article 67(1)(h) of the Rome Statute" ("Decision 2860").³ In this decision, the Chamber noted the defence for Mr Jean-Pierre Bemba Gombo's ("defence") submission that the accused will not give a sworn statement in the *Bemba* case and request that Mr Bemba be permitted to make an unsworn statement directly following the completion of the testimony of the last defence witness.⁴ The Chamber decided that the accused shall be given an opportunity to make an unsworn statement pursuant to Article 67(1)(h) of the Rome Statute ("Statute") as part of the presentation of the closing statement by the defence.⁵
3. On 2 October 2014, the Chamber decided that the closing oral statements of the Office of the Prosecutor ("prosecution"), the defence, and the legal representative of victims ("legal representative") (together "participants") will

¹ Decision on the timeline for the completion of the defence's presentation of evidence and issues related to the closing of the case, 16 July 2013, ICC-01/05-01/08-2731.

² ICC-01/05-01/08-2731, paragraphs 37 and 38(r).

³ Decision on unsworn statement by the accused pursuant to Article 67(1)(h) of the Rome Statute, 1 November 2013, ICC-01/05-01/08-2860

⁴ ICC-01/05-01/08-2860, paragraph 2 (citing Defence Submission as to the current timetable for the completion of the case, 6 September 2013, ICC-01/05-01/08-2796), paragraphs 2 and 5.

⁵ ICC-01/05-01/08-3860, paragraph 9(i).

be presented during the week of 10 November 2014, unless otherwise decided.⁶

4. On 24 October 2014, the Chamber issued an oral decision confirming the timing of the closing oral statements⁷ and ordered the participants to inform the Chamber of the time they intend to use for their statements.⁸ Further, the Chamber recalled Decision 2860,⁹ and ordered the defence to, *inter alia*, inform the Chamber and the participants of the anticipated length of the unsworn statement.¹⁰
5. On 30 October 2014, the defence informed the Chamber and the participants that the accused no longer intends to make an unsworn statement.¹¹
6. On 31 October 2014, (i) the prosecution stated that the presentation of its closing oral arguments would last approximately three hours;¹² (ii) the legal representative stated that the presentation of her closing oral arguments would last approximately one and a half hours;¹³ and (iii) the defence stated that the presentation of its closing oral arguments would last approximately three hours.¹⁴
7. As regards the content of the closing oral statements, the Chamber directs the participants to limit their statements to issues arising from the evidence

⁶ Decision on “Prosecution’s Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169” (ICC-01/05-01/08-3138-Conf-Red) and “Defence Urgent Submissions on the 5 August Letter” (ICC-01/05-01/08-3139-Conf), 2 October 2014, ICC-01/05-01/08-3154-Conf. A public redacted version of the decision was filed on 10 October 2014: ICC-01/05-01/08-3154-Red.

⁷ Transcript of hearing on 24 October 2014, ICC-01/05-01/08-T-363-CONF-ENG-ET, page 35, lines 3 to 4.

⁸ ICC-01/05-01/08-T-363-CONF-ENG-ET, page 35, lines 5 to 8.

⁹ ICC-01/05-01/08-2860, paragraph 9.

¹⁰ ICC-01/05-01/08-T-363-CONF-ENG-ET, page 35, line 8 to 16.

¹¹ Email from the defence to the Chamber *et al* on 30 October 2014 at 14.41. This information is contrary to information previously provided. Defence Submissions on the proposed unsworn statement of the accused, 18 October 2013, ICC-01/05-01-2838.

¹² Email from the prosecution to the Chamber *et al* on 31 October 2014 at 14.43.

¹³ Email from the legal representative of victims to the Chamber *et al* on 31 October 2014 at 15.01.

¹⁴ Email from the defence to the Chamber *et al* on 31 October 2014 at 15.21. The Chamber notes that this information is contrary to the defence’s earlier statement that it could supplement its written filings within four to six hours of oral argument. Email from the defence to the Chamber *et al* on 30 October 2014 at 14.41.

admitted in the *Bemba* case¹⁵ and the participants' written closing statements.¹⁶ In particular, the Chamber instructs the participants to refrain from discussing issues arising out of the ongoing proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda, Fidèle Babala Wandu and Narcisse Arido*,¹⁷ unless in relation to relevant evidence that has been admitted in the *Bemba* case.

8. In line with the Chamber's usual practice, the Chamber may intervene at any time during the parties or the legal representative's closing oral statements in order to obtain clarification.
9. In view of the above and pursuant to Articles 64(2), 64(8)(b) and 67(1)(b), (g) and (h) of the Statute, Rule 141 of the Rules of Procedure and Evidence and Regulation 54(a) of the Regulations of the Court, the Chamber hereby **ORDERS** that:

- (a) A public hearing for the closing oral statements of the parties and the legal representative will take place on Wednesday, 12 November 2014 and Thursday, 13 November 2014 from 9.30 to 16.00;
- (b) The prosecution and defence shall have approximately three hours each and the legal representative shall have one and a half hours to make their final submissions;

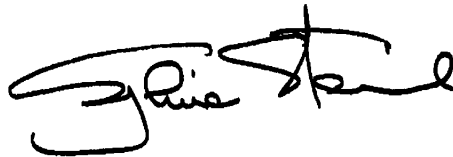
¹⁵ The evidence admitted in the *Bemba* case consists of the testimony of 77 witnesses and 733 items of documentary evidence.

¹⁶ The participants' written closing statements consist of the: Corrected version of "Prosecution's Closing Brief" 2 June 2014, ICC-01/05-01/08-3079-Conf; Conclusions écrites de la Représentante légale des victimes, Me. Douzima-Lawson, 2 June 2014, ICC-01/05-01/08-3078-Conf; Closing Brief of Mr. Jean-Pierre Bemba Gombo, 25 August 2014, ICC-01/05-01/08-3121-Conf; Prosecution's Response to the Defence Closing Brief, 15 September 2014, ICC-01/05-01/08-3141-Conf; Réponse de la Représentante légale des victimes, Me Douzima-Lawson Marie-Edith à « Closing Brief of Mr. Jean-Pierre Bemba Gombo », 15 September 2014, ICC-01/05-01/08-3140-Conf; Mr Bemba's Reply Brief, 29 September 2014, ICC-01/05-01/08-3153-Conf; Prosecution's Additional Submissions to the Closing Brief regarding P-169, 31 October 2014, ICC-01/05-01/08-3182-Conf; Conclusions additionnelles de la Représentante légale des victimes, 31 October 2014, ICC-01/05-01/08-3181-Conf; and the pending Defence additional submission to the Closing Brief regarding Witness P-169.

¹⁷ *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda, Fidèle Babala Wandu and Narcisse Arido*, ICC-01/05-01/13.

- (c) The participants' closing oral statements shall be limited to issues arising from the evidence admitted in the *Bemba* case and the participants' written closing statements.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 4 November 2014

At The Hague, the Netherlands