

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 8 January 2016

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

**Redacted Version of "Decision on the legal representatives of victims'
applications to question Witness D04-19"**

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 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

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* hereby issues the following Decision on the legal representatives of victims’ applications to question Witness D04-19 (“Decision”).

1. On 19 February 2013, Maître Zarambaud filed his “Requête du Représentant légal de victimes afin d’être autorisé à interroger le témoin 19” (“Maître Zarambaud’s Application”).¹ The application contains a list of 33 sets of questions.
2. On 21 February 2013, Maître Douzima-Lawson filed her “Requête de la Représentante légale de victimes afin d’être autorisé à interroger le témoin 19” (“Maître Douzima’s Application”).² The application contains a list of 22 sets of questions.
3. For the purpose of the present Decision, the Chamber has considered, in accordance with Article 21(1) of the Rome Statute (“Statute”), Articles 67 and 68(1) and (3) of the Statute and Rules 91(3) and 93 of the Rules of Procedure and Evidence (“Rules”).
4. At the outset, the Chamber notes that Maître Douzima’s application was sent *via* email to the Court Management Services (“CMS”) within the Registry on 20 February 2013 at 14:44; although it appears that the email was never received by CMS. The document was therefore re-submitted

¹ Requête du Représentant légal de victimes afin d’être autorisé à interroger le témoin 19, 19 February 2013, ICC-01/05-01/08-2510-Conf.

² Requête de la Représentante légale de victimes afin d’être autorisé à interroger le témoin 19, 21 February 2013, ICC-01/05-01/08-2511-Conf.

one day later and outside the set deadline in a hard copy on 21 February 2013, at 09:30.³ Taking this into account, the Chamber is satisfied that Maître Douzima was not able to file her application on the set deadline for reasons outside her control and her application will be considered by the Chamber as filed within the corresponding deadline.⁴

5. Turning to the Legal Representatives' Applications, the Chamber is satisfied, that they fulfil the criteria set down in Article 68(3) of the Statute and Rule 91(3) of the Rules. First, both legal representatives have effectively demonstrated that the personal interests of the victims they represent have a potential to be affected by the testimony of Witness D04-19. [REDACTED] the witness may testify, *inter alia*, on the crimes allegedly suffered by the CAR civilian population.⁵

6. Turning to the proposed questions, the Chamber allows all questions presented in Maître Douzima's Application. In relation to Maître Zarambaud's Application, the Chamber notes that questions 30 and 33 might identify individuals who previously appeared as witnesses in the trial proceedings and who were granted protective measures. Since such protective measures remain in effect for the entirety of the trial proceedings, Maître Zarambaud is allowed to ask all his questions, save for questions 30 and 33 which should be rephrased so as to avoid identifying the individuals concerned.

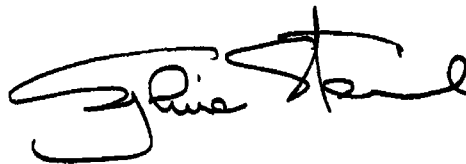
³ Email from the Court Management – Court Records, 21 February 2013, at 11.49; *see also* Email from the Legal Representative of Victims' Case Manager to the Trial Chamber III's Assistant Legal Officer, 21 February 2013, at 9.48.

⁴ Decision on issues related to the testimony of Witness D04-19 *via* video-link, 15 February 2013, ICC-01/05-01/08-2509, paragraphs 14 and 20(c).

⁵ *See* ICC-01/05-01/08-2510-Conf, page 3 and ICC-01/05-01/08-2511-Conf, page 3.

7. For these reasons, the Chamber **GRANTS** the Legal Representatives' Applications and authorises Maître Zarambaud and Maître Douzima-Lawson to ask their questions with the restrictions set out in paragraph 6 above.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 8 January 2016

At The Hague, the Netherlands