**Cour
Pénale
Internationale**

**International
Criminal
Court**

Original: **English**

No**.: ICC-01/05-01/08**
Date: **29 June 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 relating to the Registry's 'Information to the Chamber on difficulties with the appearance of witnesses 12, 13 and 17'", ICC-01/05-01/08-2466 of 4 December 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 Mr Jean-Jacques Badibanga	**Counsel for the Defence** Mr Peter Haynes Ms Kate Gibson Ms Melinda Taylor
Legal Representatives of the Victims Ms Marie-Édith 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**

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* issues the following Decision relating to the Registry's "Information to the Chamber on difficulties with the appearance of witnesses 12, 13 and 17".

1. On 6 July 2012, the Chamber issued its "Decision on the Third Defence Submissions on the Presentation of its Evidence",[1] in which, *inter alia*, it instructed the Victims and Witnesses Unit ("VWU") to submit a report every two weeks to keep the Chamber informed of the situation in relation to the arrangements for witnesses' appearance before the Court and any viable alternatives to live testimony at the seat of the Court.[2]

2. On 28 November 2012, the Registry filed its "Information to the Chamber on difficulties with the appearance of witnesses 12, 13 and 17",[3] in which it informs the Chamber of difficulties faced in relation to the arrangements for the appearance of witnesses CAR-D04-PPPP-0017 ("D04-17"), CAR-D04-PPPP-0013 ("D04-13") and CAR-D04-PPPP-0012 ("D04-12").[4] The Registry states that, [REDACTED].[5] However, the Registry informs the Chamber that the defence has submitted to the VWU that witnesses D04-17, D04-13, and D04-12 [REDACTED].[6] [REDACTED].[7] [REDACTED].[8] [REDACTED].[9] For these reasons, the Registry seeks the Chamber's guidance on the most appropriate way to proceed under these circumstances.[10]

---

[1] Decision on the Third Defence Submissions on the Presentation of its Evidence, 28 September 2012, ICC-01/05-01/08-2242-Red.

[2] ICC-01/05-01/08-2242-Red, paragraph 31 (vii).

[3] Information to the Chamber on difficulties with the appearance of witnesses 12, 13 and 17, Confidential *Ex Parte* Defence and Victims and Witnesses Unit only, 28 November 2012, ICC-01/05-01/08-2446-Conf-Exp.

[4] ICC-01/05-01/08-2446-Conf-Exp, paragraphs 1 – 6.

[5] ICC-01/05-01/08-2446-Conf-Exp, paragraph 3.

[6] ICC-01/05-01/08-2446-Conf-Exp, paragraphs 1 and 6.
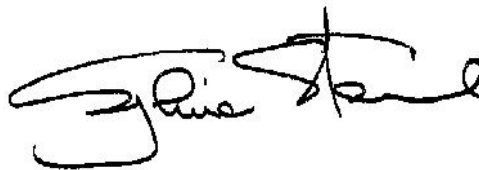
[7] [REDACTED].

[8] [REDACTED].

[9] [REDACTED].

[10] ICC-01/05-01/08-2446-Conf-Exp, paragraph 7.

3. In view of the foregoing, and pursuant to Article 68(1) and (4) of the Rome Statute and Rules 16 to 19 and 86 of the Rules of Procedure and Evidence, the Chamber hereby INSTRUCTS the VWU:

    (i)   Not to arrange for witnesses D04-12, D04-13 and D04-17 to travel to the seat of the Court unless [REDACTED];

    (ii)   To explore the feasibility of alternatives to live testimony at the seat of the Court for these witnesses; and

    (iii)   To report to the Chamber accordingly by no later than 16.00 on 7 December 2012.

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

_____

Judge Sylvia Steiner

_____   _____

    Judge Joyce Aluoch   **Judge Kuniko Ozaki**

Dated this 29 June 2016

At The Hague, the Netherlands