

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 24 February 2012

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**

**URGENT
Public document**

**Order postponing a status conference and on issues related to the presentation
of evidence by the defence**

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

The Office of the Prosecutor

Ms Fatou Bensouda, Deputy Prosecutor
Ms Petra Kneuer, Senior Trial Lawyer

Counsel for the Defence

Mr Nkwebe Liriss
Mr Aimé Kilolo Musamba

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

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Other

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”) in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Order on the scheduling and preparation of the presentation of evidence by the defence.

1. By email of 22 February 2012,¹ the Chamber informed the Office of the Prosecutor (“prosecution”) and the defence, *inter alia*, that a status conference on the scheduling and preparation of the presentation of evidence by the defence would be held on 28 February 2012.
2. The defence sought a postponement of the status conference until 1 or 2 March 2012. To that end, it was submitted that due to the timing of a pre-arranged mission of the defence, a status conference prior to 1 March 2012 would make it difficult for the defence to obtain proper information and instructions in order to be able to assist the Chamber with accuracy as to the preparation and presentation of its evidence.²
3. In accordance with Article 21(1) of the Rome Statute (“Statute”), for the purpose of the present Order, the Chamber has considered Article 64(2) of the Statute, Rule 132 of the Rules of Procedure and Evidence and Regulations 30 and 54 of the Regulations of the Court.
4. Having considered the reasons provided by the defence for a postponement of the status conference, the Chamber is of the view that the request should be granted. Due to the scheduling difficulties and given that the testimony of Witness 36 has had to be postponed,³ the Chamber

¹ Email from the Assistant Legal Officer of the Chamber to the Office of the Prosecutor (“prosecution”) and the defence on 21 February 2012, at 17.01.

² Email from the defence’s Case Manager to the Assistant Legal Officer of the Chamber on 22 February 2012, at 17.56; Email from the defence’s Case Manager to the Assistant Legal Officer of the Chamber on 22 February 2012, at 13.59 (replying to an Email from the Assistant Legal Officer of the Chamber to the defence’s Case Manager on 22 February 2012, at 16.09, in whichg the Chamber inquired whether 29 February 2012 would be a convenient date for the defence).


³ Email from the Assistant Legal Officer of the Chamber to the Office of the Prosecutor (“prosecution”) and the defence on 21 February 2012, at 17.01.

decides that the status conference will be postponed until the week of 12 March 2012, depending on the scheduling of the testimony of Witness 36. Information as to the precise date will be provided in due course and at least 48 hours before the status conference.


5. In the meantime, in order to expedite the procedure and to enable the Chamber, prosecution, and legal representatives as necessary, to plan and make the necessary arrangements, the defence is ordered to submit, by 5 March 2012, written information on the issues set out below. The filing should be made available to the prosecution and the legal representatives. If the defence considers that the document includes information that should not be communicated to the prosecution and the legal representatives or the public at this stage, this document may be filed on an *ex parte* basis, with an appropriate justification for the chosen level of confidentiality in accordance with Regulation 23*bis* of the Regulations of the Court. A confidential or public redacted version shall be filed at the same time.
6. In particular, the Chamber instructs the defence to address the following issues:
 - The estimated amount of time required by the defence to prepare its presentation of evidence;
 - The stage reached by the defence in its investigations;
 - The anticipated number of witnesses to be called by the defence;
 - A preliminary estimate of the amount of time needed for the presentation of its evidence by the defence, including an estimate of the time needed for questioning;
 - Whether protective measures may be required for the witnesses to be called by the defence;

- Whether the defence intends to call expert witnesses;
- Whether, on a preliminary basis, a decision has been made as to whether the accused will testify;
- The reclassification of the defence's "Filing on Preliminary Information on the Defence Case" of 14 December 2011 (filing ICC-01/05-01/08-2005-Conf-Exp);
- Any other matters the defence wishes to be discussed at the status conference on the scheduling and preparation of the presentation of evidence by the defence.

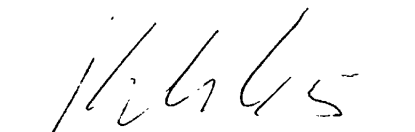
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 24 February 2012

At The Hague, The Netherlands