

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 November 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***

Public

**Decision shortening time for observations on the
“Registry report to the Chamber on the feasibility of the modalities of specific
arrangements in relation to witness testimony”**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Petra Kneuer

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

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

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* issues the following Decision shortening time for observations on the “Registry report to the Chamber on the feasibility of the modalities of specific arrangements in relation to witness testimony”.

1. On 6 July 2012, the Chamber issued its “Decision on the ‘Third Defence Submission on the Presentation of its Evidence’”,¹ in which, *inter alia*, it noted a series of obstacles faced by the defence and the Victims and Witnesses Unit (“VWU”) in ensuring the appearance of witnesses to provide testimony at the seat of the Court in The Hague. In light of these obstacles, in the interest of justice and in order to ensure an efficient presentation of evidence and a fair and expeditious trial, the Chamber ordered the Registry to carry out consultations and feasibility, security and budgetary assessments in relation to the possibility of hearing the testimony of a number of witnesses either *via* video-link or *in situ* at the seat of the International Criminal Tribunal for Rwanda in Arusha, Tanzania.²
2. During the status conference held on 2 October 2012, the Chamber reiterated that it was considering alternatives to live testimony at the seat of the Court for hearing the testimony of a number of witnesses and that an appropriate decision on the matter would be taken after receiving the Registry’s and the parties’ and participants’ observations.³ By emails of 22 October and 20 November 2012,⁴ the Chamber instructed the Registry to

¹ Decision on the “Third defence Submission on the Presentation of its Evidence”, 6 July 2012, ICC-01/05-01/08-2242-Conf-Exp and Public Redacted version of “Decision on the ‘Third defence Submission on the Presentation of its Evidence’” of 6 July 2012, 28 September 2012, ICC-01/05-01/08-2242-Red.

² ICC-01/05-01/08-2242-Red, paragraph 31(vi).

³ Transcript of hearing of 2 October 2012, ICC-01/05-01/08-T-252-ENG ET, page 5, lines 14 to 22.

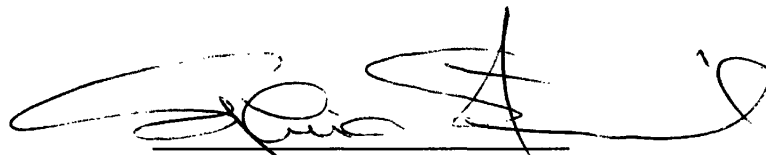
⁴ Email from the Chamber’s Legal Officer to the Director of the Division of Court Services of 22 October 2012 at 09.49 and email from the Chamber’s Assistant Legal Officer to the Registry Liaison Officer of the Immediate Office of the Registrar of 19 November 2012 at 16.00.

file a report on specific issues relating to the appearance of defence witnesses.

3. On 28 November 2012, the Registry filed its confidential "Registry report to the Chamber on the feasibility of the modalities of specific arrangements in relation to witness testimony" ("Report"), in which it provided an initial assessment concerning the issues referred to by the Chamber.⁵
4. In light of the above, considering the time that would be required in order to make the necessary arrangements and in order to avoid gaps in the witness schedule and to ensure an efficient presentation of evidence, the modalities of hearing the relevant witnesses need to be determined as soon as possible. Accordingly, pursuant to Articles 64(2) and 67(1)(c) of the Rome Statute and Regulations 24, 34 and 43 of the Regulations of the Court, the Chamber finds that a reduction of the time limit for the parties' and participants' submissions on the Report, if any, is warranted.
5. For these reasons, should the Office of the Prosecutor, the defence and the legal representatives wish to file any observations on the Report, the Chamber hereby DECIDES that they shall do so by no later than 16.00 on Friday, 7 December 2012.

⁵ Registry report to the Chamber on the feasibility of the modalities of specific arrangements in relation to witness testimony, 28 November 2012, ICC-01/05-01/08-2447-Conf.

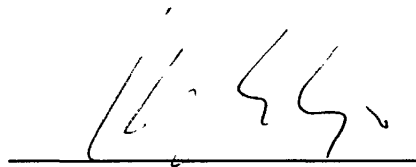
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 30 November 2012

At The Hague, The Netherlands