

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **12 October 2009**

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Joyce Aluoch
Judge Elisabeth Odio-Benito

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
V. JEAN-PIERRE BEMBA GOMBO**

Public
Prosecution's Submission to Conduct Part of the Trial *In Situ*

Source: The Office of the Prosecutor

Document to be notified in accordance with Regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence of Jean-Pierre Bemba

Mr Nkwebe Liriss

Mr Aimé Kilolo-Musamba

Legal Representatives of Victims

Ms Marie Edith Douzima-Lawson

Legal Representatives of 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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Other Section

Ms Fiona McKay

Introduction

1. During the first status conference in the case of The Prosecutor v. Jean-Pierre Bemba Gombo of 7 October 2009, the Trial Chamber III (“the Chamber”) invited the Office of the Prosecutor (“the Prosecution”) to file its submission regarding the conduct of part of the trial *in situ*, by 12 October 2009.¹

Prosecution’s Submission

2. Article 3(3) of the Rome Statute (“the Statute”) provides that the Court may sit elsewhere, whenever it considers it desirable. The Prosecution is of the opinion that all efforts should be made by the Court to reach out to affected communities. Accordingly, the Prosecution proposes that parts of the trial, such as the opening, the examination of victims/crime-based witnesses and the decision be conducted *in situ*, in Bangui, the Central African Republic (“CAR”). This would provide maximum access to the trial process for the public and the victims and would therefore be in the interest of justice.
3. This proposal is subject to the condition that the CAR Government, possibly with external support, can manage the logistical requirements and provide sufficient guarantees for the security of the Court and the participants in the trial proceedings. As per Rule 100(3) of the Rules of Procedure and Evidence, this proposal also requires the consent of the CAR Government.
4. This Court’s practice in Lubanga indicates that, in order to determine whether Bangui is a location which satisfies all the criteria necessary for the proper *in situ* conduct of the trial, the Court may choose to request the conduct of a

¹ ICC-01/05-01/08-T-14-ENG, Page 26, lines 10-17

detailed feasibility study.² The Prosecution for its part can offer its experience in terms of logistics of past activities conducted in the CAR, including town hall meetings with victims, crime scene investigations, day long hearings of potential witnesses.

5. In this regard the Prosecution notes that Presidential elections are expected to be held in the CAR between March and April 2010.
6. The Prosecution expresses its availability, if the Chamber so requires, to contact its witnesses in order to seek their views and concerns related to the conduct *in situ* of parts of the trial.



Luis Moreno-Ocampo, Prosecutor

Dated this 12th Day of October 2009

At The Hague, The Netherlands

² ICC-01/04-01/06-1295-US-Exp, Paras. 55-56