

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/08
Date: 4 November 2009

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge Joyce Aluoch

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

Public Document

**Decision on the Defence Oral Request for disclosure of the dates of the events
alleged by victims in their applications for participation**

Decision 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
Ms Paolina Massidda

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

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

1. At the status conference convened by Trial Chamber III ("Chamber") of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* on 7 October 2009,¹ the defence indicated that at the pre-trial stage, the dates of the events relevant to each of the victims granted leave to participate in the proceedings had been redacted in their respective applications. The defence applied for an order for disclosure of these dates, indicating that "[T]hat way the Defence would be able or the accused would be able to prepare for his defence. So long as the dates of the facts with respect to the victims with respect to each and every one of the victims are not disclosed it will be impossible for us to prepare our defence" ("request").²
2. The Chamber ordered the legal representatives of victims to reflect on this request and to file their observations on the suggested order for disclosure by 12 October 2009, 16.00.³
3. On 12 October 2009, both legal representatives of victims filed the "Response to the Defence's Oral Request for disclosure of the dates of the events alleged by victims in their applications for participation".⁴ They submitted that they do not object to the communication of this information to the defence and the Office of the Prosecutor.⁵ However, the legal representatives asserted that they "[were] not aware of the extent of the redactions applied to the application forms as transmitted to the Prosecution and the Defence for the purpose of rule 89 of the

¹ ICC-01/05-01/08-540.

² Transcript of hearing of 7 October 2009, ICC-01/05-01/08-T-14-ENG, page 26, lines 22 to 25, and page 27, line 1.

³ ICC-01/05-01/08-T-14-ENG, page 27, lines 2 to 5.

⁴ ICC-01/05-01/08-557.

⁵ ICC-01/05-01/08-557, paragraphs 3 and 5.

Rules of Procedure and Evidence, since they [were] not notified of the redacted versions of their clients' applications for participation."⁶

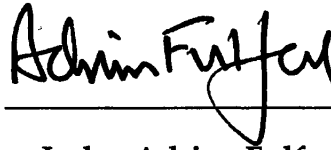
4. The confidential annex to the "Fourth decision on Victim's Participation" issued by Pre-Trial Chamber II on 12 December 2008⁷ was notified to the defence on 15 December 2008. This annex includes a description of the victims' applications to participate in the proceedings, and it sets out, *inter alia*, the date of the events alleged by each and every victims. It follows, therefore, that the defence was notified of the information it now seeks nearly a year ago.

5. For these reasons, the Chamber refuses the request, since it is moot.

⁶ ICC-01/05-01/08-557, paragraph 4.

⁷ ICC-01/05-01/08-320-Conf-Anx.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge Joyce Aluoch

Dated this 4 November 2009

At The Hague, The Netherlands.