

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **7 July 2010**

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

The Prosecution's Updated Order of Witnesses

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

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Legal Representatives of Applicants

Unrepresented Victims

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Detention Section

Victims Participation and Reparations Other Section

1. Pursuant to Trial Chamber III (“Chamber”)’s order,¹ the Office of the Prosecutor (“Prosecution”) submitted on 10 June 2010 the anticipated order in which it intended to call its witnesses (“Original Order”).²

2. The Prosecution respectfully provides an Updated Order of witnesses with minimal amendments to the Original Order submitted on 10 June 2010. The changes to the Original Order will enhance its effective presentation of evidence and promote an expeditious conduct of the proceedings.³

3. Under the Updated Order, Witness 38 will be the first witness, followed by the witnesses who will testify on sexual violence and the two experts on sexual violence and gender matters. Witnesses 6 and 9, originally listed as the first and second witnesses, now will testify *after* the sexual violence and two expert witnesses.

4. Following their testimony, Witness 63 and the linguistics expert will testify. They will be followed by three pillaging victims (Witnesses 209, 110, and 112) and then persons who, by virtue of their contacts with the *Mouvement de Libération du Congo*, provide inside information about the militia and its operations (Witnesses 169, 173, and 178). Witness 47 who appeared in this sequence in the Original Order after Witness 63 will be heard later in the trial. Other than this change, the Updated Order does not change the sequence of witnesses in the Original Order submitted on 10 June 2010.

5. Following those witnesses, the Prosecution proposes to shift the order within the group of political and military insiders. In the Updated Order, the Prosecution seeks to call all the political insiders (Witnesses 33, 45, 44, and 15) first, followed by the military expert witness and four military insiders (Witnesses 36, 65, 31, 151). Then, Witness 47, who can provide evidence on the soldiers’ activities, should be heard before Witness 213, who is a former MLC officer, since their evidence is corroborative. The last witness would remain Witness 69.

¹ ICC-01/05-01/08-785.

² ICC-01/05-01/08-793-AnxA.

³ Other trial chambers have allowed updating and amending the order of witnesses’ appearance. See for instance: ICC-01/04-01/06-T-104-ENG at P. 5, L. 6-25, P. 6, L. 1-20, and ICC-01/04-01/07-1665-Corr, para 8-9.

6. The change in the order of witnesses will not be prejudicial to the Defence. When the Prosecution initially provided an order of witnesses on 10 June 2010, it was contemplated that witnesses would testify beginning in July 2010. Since then, the Chamber issued a revised schedule. Under the new schedule, witnesses will not begin to testify until 30 August 2010. Thus, the Defence has ample time within which to prepare for the advanced testimony of our new first witness, Witness 38, and the succeeding witnesses.

7. The Prosecution, therefore, submits its updated order of witnesses it intends to call at trial as follows:

1. CAR-OTP-WWWW-0038;
2. CAR-OTP-WWWW-0022;
3. CAR-OTP-WWWW-0075;
4. CAR-OTP-WWWW-0023;
5. CAR-OTP-WWWW-0081;
6. CAR-OTP-WWWW-0082;
7. CAR-OTP-WWWW-0042;
8. CAR-OTP-WWWW-0068;
9. CAR-OTP-WWWW-0073;
10. CAR-OTP-WWWW-0079;
11. CAR-OTP-WWWW-0029;
12. CAR-OTP-WWWW-0119;
13. CAR-OTP-WWWW-0087;
14. Expert witness on sexual violence as a tool of war - Dr. Binaifer Nowrojee;
15. Expert witness on gender crime and PTSD - Dr. Adeyinka M. Akinsulure-Smith;
16. CAR-OTP-WWWW-0006;
17. CAR-OTP-WWWW-0009;
18. CAR-OTP-WWWW-0063;
19. Expert witness on linguistics - Professor William Samarin;
20. CAR-OTP-WWWW-0209;
21. CAR-OTP-WWWW-0110;
22. CAR-OTP-WWWW-0112;
23. CAR-OTP-WWWW-0169;
24. CAR-OTP-WWWW-0173;

- 25. CAR-OTP-WWWW-0178;
- 26. CAR-OTP-WWWW-0033;
- 27. CAR-OTP-WWWW-0045;
- 28. CAR-OTP-WWWW-0044;
- 29. CAR-OTP-WWWW-0015;
- 30. Military expert witness - General Daniel Opande;
- 31. CAR-OTP-WWWW-0036;
- 32. CAR-OTP-WWWW-0065;
- 33. CAR-OTP-WWWW-0031;
- 34. CAR-OTP-WWWW-0151;
- 35. CAR-OTP-WWWW-0047;
- 36. CAR-OTP-WWWW-0213;
- 37. CAR-OTP-WWWW-0069.



Luis Moreno-Ocampo, Prosecutor

Dated this 7th Day of July 2010

At The Hague, The Netherlands