

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 September 2011

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***

Confidential

**Decision inviting observations on
« Defence Response to the application of the Legal Representative of Victims
Mr Zarambaud to question witness 0033 »**

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-Lawson
Mr Assingambi Zarambaud

Legal Representatives of the 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

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III ("Chamber") of the International Criminal Court in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* issues the following Decision inviting observations on the "Defence Response to the application of the Legal Representative of Victims Mr Zarambaud to question witness 0033".

1. On 26 May and 29 August 2011, Maître Zarambaud and Maître Douzima submitted applications to question Witness 33 on behalf of the victims they represent ("Applications").¹
2. On 1 September 2011, the defence filed its "Defence Response to the application of the Legal Representative of Victims Mr Zarambaud to question witness 0033" ("Defence Response").² In its response, the defence submits that Witness 33's evidence is "at best of tangential interest to the Victims represented by Mr Zarambaud" and that "many of the proposed questions do nothing to advance the personal interests of his clients at all".³ Accordingly, the defence urges the Chamber to "limit the questioning of the Legal Representative of Victims, Mr Zarambaud, in the terms set out [in the Defence Response]."⁴
3. In accordance with Article 21(1) of the Rome Statute ("Statute"), the Chamber has considered Article 68 of the Statute, Rules 91 and 93 of the Rules of Procedure and Evidence and Regulations 24 and 34 of the Regulations of the Court ("Regulations").
4. Under Regulations 24 and 34 of the Regulations, a Chamber may permit legal representatives to file a reply and may alter the default time limits for

¹ Requête du Représentant légal de victimes afin d'être autorisé à interroger le témoin W33, 26 May 2011, ICC-01/05-01/08-1458-Conf; Requête de la Représentante légale de victimes afin d'être autorisée à interroger le témoin 33, 29 August 2011 (notified on 30 August 2011), ICC-01/05-01/08-1669-Conf.

² Defence Response to the application of the Legal Representative of Victims Mr Zarambaud to question witness 0033, ICC-01/05-01/08-1679-Conf.

³ ICC-01/05-01/08-1679-Conf, paragraph 6.

⁴ ICC-01/05-01/08-1679-Conf, paragraph 21.

the filing of responses and replies. In ruling on the Applications, the Chamber believes that it may benefit from receiving observations from the Office of the Prosecutor ("prosecution") and the legal representative on the Defence Response. Because Witness 33 is provisionally scheduled to start his testimony by 7 September 2011 and because the legal representatives' questioning of Witness 33 is provisionally scheduled to take place on 12 September 2011, it is necessary to reduce the usual time limit provided under Regulation 34 of the Regulations for the filing of any such observations.

5. For these reasons, the Trial Chamber hereby invites
- (a) The prosecution to make submissions, if any, to the Defence Response no later than 10.00 on 7 September 2011;
 - (b) Maître Zarambaud to reply, if he so wishes, to the Defence response and the prosecution's submissions no later than 10.00 on 8 September 2011;
 - (c) The parties to make filings no longer than 5 pages and to refrain from recounting the procedural history related to the Applications.

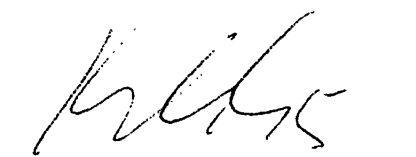
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 6 September 2011

At The Hague, The Netherlands