

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/05-01/08
Date: 27 January 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***

**URGENT
Confidential**

**Registrar's report in response to the "Prosecution request for additional sitting
hours to hear the testimony of Witness CAR-OTP-PPPP-0045 "
(ICC-01/05-01/08-2068-Conf-Red)**

Source: Registry

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Petra Kneuer

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 Applicants**Unrepresented Victims****Unrepresented Applicants
(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

Counsel Support Section**Deputy Registrar**

Mr Didier-Daniel Preira

Victims and Witnesses Unit

Ms Maria-Luisa Martinod-Jacome

**Victims Participation and Reparations
Section****Detention Section****Other**

THE REGISTRAR of the International Criminal Court (the “Court”);

NOTING the “*Confidential Redacted Version of “Prosecution request for additional sitting hours to hear the testimony of Witness CAR-OTP-PPPP-0045”*” submitted by the Prosecution on 26 January 2012 (the “Prosecution’s Request”);¹

NOTING the Chamber’s email instructions dated 26 January 2012 by which the Chamber instructed the Defence and the Legal Representatives to submit their observations on the Prosecution’s Request by 15.00 on Friday 27 January 2012. The Registry was also instructed by email dated 27 January 2012 to file its observations as to the sitting hours requested, by the deadline set out above;²

NOTING article 68(1) of the Rome Statute and regulation 64(1) and (4) of the Regulations of the Registry;

SUBMITS hereinafter its report together with an additional proposal for the Chamber’s consideration;

I. Registry’s response to the Prosecutor’s proposals

1. The Prosecutor submits that “due to the exceptional circumstances prevailing at present, and depending on the availability of Registry staff such as interpreters and stenographers, the Prosecution proposes that Witness 45 can commence on Sunday, 29 January 2012 with the Court sitting for three

¹ ICC-01/05-01/08-2068-Conf-Red.

² Email sent on behalf of Trial chamber III dated 26 January 2012 at 7:17PM and email dated 27 January 2012 at 10:09AM.

sessions of two hours each or four sessions of one hour and thirty minutes each on 29, 30, and 31 January 2012 ("First Proposal")"³.

2. The Prosecutor further proposes that in the alternative, "Witness 45 commence his testimony on Monday, 30 January 2012 with the Court sitting four days that week (30 January to 2 February) in three sessions of two hours each or four sessions of one hour and thirty minutes each ("Second Proposal")"⁴.
3. The First Proposal amounts to a total of 18 court hours over three days while the Second Proposal amounts to a total of 24 court hours over four days.
4. It is extremely difficult for the Registry to accommodate the First Proposal at this stage for the following reasons:
 - Budgetary implications that would cause extensive overtime or compensation to be allocated to staff, in particular for working on a Sunday;
 - Budgetary implications also for interpreters to be recruited to reinforce the interpretation teams;
 - VWU recommends for all witnesses a day of rest before the start of their testimony;
5. The Registry could accommodate the Second Proposal but highlights the difficulties stated below:
 - Budgetary implications that would cause extensive overtime or compensation to be allocated to staff;
 - Budgetary implications also for interpreters to be recruited to reinforce the interpretation teams;

³ ICC-01/05-01/08-2068-Conf-Red paragraph 11.

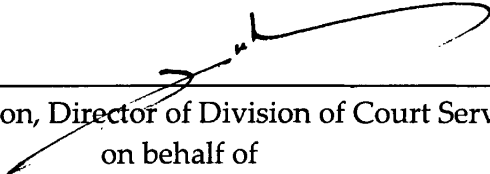
⁴ ICC-01/05-01/08-2068-Conf-Red paragraph 12.

6. However, the Registry submits a third alternative for the Chamber's consideration.

II. Registry's new proposal for the Chamber's consideration

7. The Registry respectfully suggests the following:
8. In light of the urgency and exceptional circumstances of the situation the Registry suggests postponing its regular courtroom maintenance scheduled on 3 February 2012. This would allow Trial Chamber III to have one extra court day. The new proposed schedule would therefore be:
 - Monday 30 January to Wednesday 1 February 2012 from 9h30 to 16h30 (additional 30 minutes to normal sitting times)
 - Thursday 2 and Friday 3 February 2012 from 9h30 to 16h00
9. This solution is preferred by the Registry in that it would alleviate the difficulties highlighted in the two previous proposals above and also provides for the requested maximum of 24 court hours.

10. The Registrar respectfully submits this report as confidential in accordance with the classification given to the Prosecution's Request.



Marc Dubuisson, Director of Division of Court Services
on behalf of
Silvana Arbia, Registrar

Dated this 27 January 2012

At The Hague, The Netherlands