

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **14 May 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***

Public Document

Request for Status Conference

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 Victims

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Legal Representatives of Applicants

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Detention Section

Victims Participation and Reparations Other Section

I. Introduction

1. The Office of the Prosecutor ("Prosecution") respectfully requests that Trial Chamber III ("Chamber") convene a status conference, pursuant to Rule 132(2) of the Rules of Procedure and Evidence, to clarify and resolve issues that are pertinent to the fair and expeditious conduct of the proceedings.

II. Background

2. On 24 February 2012, the Chamber issued its "Decision on defence disclosure and related issues" ("Defence Disclosure Decision") detailing the procedure to be followed prior to the Defence presentation of evidence.¹ The Chamber ordered the Defence, *inter alia*, to disclose not less than two weeks prior to the commencement of the Defence case a list of Defence witnesses and their statements or summaries of statements.² The Chamber did not order the Defence to commence its case on a specific date set by the Chamber.

3. On 26 March 2012 the Defence filed its "Submissions concerning the scheduled Status Conference on the presentation of Defence evidence" stating that it anticipated commencing its case on 15 July 2012.³

4. On 27 March 2012 the Chamber held a status conference in which the Defence shifted its previously anticipated date to commence the presentation of its evidence, stating, "[...] we are working very hard and we anticipate that we will be in a position to

¹ ICC-01/05-01/08-2141, Decision on defence disclosure and related issues, 24 February 2012.

² ICC-01/05-01/08-2141, Decision on defence disclosure and related issues, 24 February 2012, at para. 36.

³ ICC-01/05-01/08-2175-Conf-Red, Submissions concerning the scheduled Status Conference on the presentation of Defence evidence, 26 March 2012, at para. 12.

file the appropriate pre-Defence brief, together with its list of witnesses and documents, ready for a start [of the Defence case] after the summer recess.”⁴ The Chamber did not order the Defence to commence its case on a specific date set by the Chamber.

III. Submissions

5. The Prosecution wishes to address the Chamber on three issues related to the fair and expeditious conduct of the proceedings:

- i. The date for the commencement of the Defence presentation of evidence;
- ii. Modalities of regulating contact between the Prosecution and Defence witnesses;
- iii. The intent of the Defence to call expert witnesses as it has previously stated on the record.⁵

6. The Prosecution requests a status conference to resolve these issues because they impact the fair and expeditious conduct of the proceedings. The Prosecution must make necessary preparations well in advance of the Defence presentation of evidence. Namely, the Prosecution must take into account staffing and administrative issues of the Prosecution team, budgetary issues, and the management of other resources within the Office of the Prosecutor. The Prosecution submits that it is imperative that the Chamber fix the date for the commencement of the Defence presentation of evidence in order for the Prosecution sufficiently to prepare. Prior to trial, the Chamber fixed the date of the

⁴ ICC-01/05-01/08-T-219-ENG ET, p. 22, line 10 to line 12, 27 March 2012.

⁵ ICC-01/05-01/08-T-90-CONF-ENG ET, p. 20, line 3 to line 9, 28 March 2011.

commencement of the Prosecution's presentation of evidence. The Prosecution now seeks the same with respect to the Defence case.⁶

7. In the Decision on the Prosecution's Requests to Lift, Maintain and Apply Redactions to Witness Statements and Related Documents, the Chamber allowed for contact with opposing party witnesses prior to their testimony at trial.⁷ The Prosecution wishes to inquire into the modalities and location(s) of such witness contact.

8. The Defence has previously stated its intent to call expert witnesses in this trial.⁸ The Prosecution would like to inquire whether the Defence intends to call further expert witnesses. Additionally, should the Chamber allow further expert testimony presented by the Defence, the Prosecution is uncertain regarding the disclosure procedures the Chamber will adopt with regard to expert witnesses and any reports generated from a Defence expert witness.

⁶ ICC-01/05-01/08-598, Decision on the Date of Trial, 5 November 2009, at para. 6.

⁷ ICC-01/05-01/08-813-CONF, Decision on the Prosecution's Requests to Lift, Maintain and Apply Redactions to Witness Statements and Related Documents, 7 July 2010, at paras. 67 - 68.

⁸ ICC-01/05-01/08-T-90-CONF-ENG ET, p. 20, lines 3 to 9, 28 March 2011.

9. As the above issues bear directly on the fair and expeditious conduct of the proceedings, the Prosecution respectfully requests that the Chamber convene a status conference.



Luis Moreno-Ocampo, Prosecutor

Dated this 14th Day of May 2012

At The Hague, The Netherlands