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

Date: 18/05/2012

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

Defence Response to the Prosecution Request for a Status Conference

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for the Victims

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**Victims Participation and Reparations Other
Section**

A. Introduction

1. The Defence responds herein to the Prosecution's Request for a Status Conference dated 14 May 2012. The Defence opposes the Request on the basis that a Status Conference is both unnecessary and inappropriate.

B. Submissions

2. The Trial Chamber's "Decision on Defence Disclosure and related issues" requires no clarification such as necessitates all the parties assembling in court for a Status Conference. The timetable of events leading to the commencement of the Defence case is clear and unambiguous. The Defence concedes that the date for the commencement of the Defence case has not yet been set, but that can be remedied by the simple issue of a Scheduling Order by the Trial Chamber, which the Defence does not doubt will be done in a timely manner.

3. The calling of expert witnesses is governed by the Rules of Procedure and Evidence as well as the Decision on Defence Disclosure *supra*. Again the timetable for the disclosure of the witness' name and details, as well as the service of any report are clear and unambiguous. In this context, a Status Conference is wholly otiose.

4. As far as the Defence is concerned, the Prosecution and the Legal Representatives for Victims will have contact with Defence witnesses at the familiarization meeting immediately prior to the witness' testimony. That has been the procedure which has endured throughout the whole of this trial to date.

5. If, however, the Prosecution intends to seek some sort of mandatory procedure whereby Defence witnesses are made available for interview by representatives of the OTP, then the legal basis and/or precedent for such a

procedure needs to be set forth in detail in a written filing, such that each of the parties has the full opportunity to respond within the proscribed time limits. Raising such a matter *ad hoc* at a Status Conference is an inappropriate procedure in the submission of the defence.

6. The Defence observes moreover, that, the apparent basis for the request for clarification of this procedure is a decision of 7 July 2010 (22 months ago), it is over 2 months since the prosecution closed its case, and that the Defence case is unlikely to start for a further 3 months. The need for clarification can thus hardly be termed urgent.

7. In answer to paragraph 6 of the Request, the Defence observes that it too, like the prosecution needs carefully to manage its resources (though on a far smaller scale). The Defence is heavily involved in investigations at the present times, substantially away from the Hague. Requests for the parties to attend at court for clarifications of this sort are disruptive, potentially costly, and ultimately unhelpful to the smooth running of the trial.

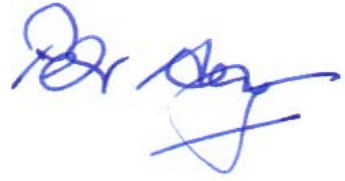
C. Relief Sought

- i. Refuse the Prosecution's Request for a Status Conference
- ii. Issue a Scheduling Order for the Commencement of the Defence Case as soon as practicable

The whole respectfully submitted.



Aimé KiloloMusamba
Lead Counsel



Peter Haynes
Co- Lead Counsel

Done on the 18th of May 2012
At The Hague, The Netherlands