

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 11 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 Redacted

With a Confidential Annex A-Ex parte Defence and VWU Only

Defence submissions to the Chamber concerning its witnesses

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

Counsel for the Defence

Mr. Aimé Kilolo-Musamba

Mr. Peter Haynes

Legal Representatives of the Victims

Legal Representatives of the 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

Silvania Arbia

Deputy Registrar

Didier Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

A. BACKGROUND

1. Since **February 2011**, the Bemba Defence team has been meeting with VWU with a view to the organisation of the presentation of its Defence case.

2. Following extensive missions and investigations, the Defence met with VWU on **27 April 2012** to provide a list of its anticipated witnesses and relevant accompanying identifying information. The provision of this information was in compliance with the recommended timeframe conveyed to the Defence team by VWU. The Defence team was not advised by VWU that this list must be authorised by the Chamber before preparations could begin for the movement of Defence witnesses.

3. Following a further meeting with the Registry on **3 May 2012** to discuss administrative obstacles to calling certain Defence witnesses, the Defence team was first advised to raise these issues with the Chamber in the context of an *ex parte* Status Conference. A request was made on **8 May 2012**,¹ and the Status Conference was held on **10 May 2012**.

4. [REDACTED]

¹ ICC-01/05-01/08-2212-Conf-Exp

5. [REDACTED]

B. SUBMISSIONS

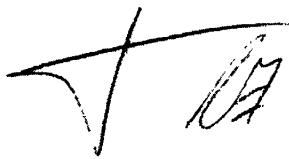
6. At no time has the Defence fallen in breach of any provision of the Statute of the ICC ("Statute"), the Rules, or any order of the Chamber in the way in which it has provided information concerning the presentation of its Defence case. The Defence team provided all information when (or before) required, and has also been proactive in raising and seeking to find solutions to administrative issues encountered by the status or location of its witnesses.

7. [REDACTED]

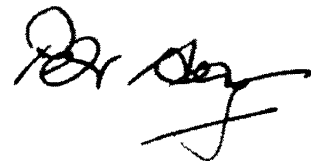
8. [REDACTED]

9. While the Defence in no way asserts that the designation of a certain number of hours is a fair or efficient calibration of the time to be allocated for the presentation of its case, the Defence notes that it is requesting an approximate total of 230 hours for the Defence questioning of its witnesses, being almost the same than the 228 hours taken by the Prosecution.²

The whole respectfully submitted.



Aimé KiloloMusamba
Lead Counsel



Peter Haynes
Co- Counsel

Done on the 11th of May 2012
At The Hague, The Netherlands

² ICC-01/05-01/08-T-226-CONF-EXP-ENG ET 10-05-2012, page 18.