

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 10/09/2012

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**

Confidential

**Defence Response to the Request by the Legal Representatives for leave to
examine Witness D-60**

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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Legal Representatives of the Victims

Ms. Marie-Edith Douzima-Lawson
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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

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

A. BACKGROUND

1. On 4 September 2012, both the Legal Representatives of Victims ('LRVs') sought leave from Trial Chamber III ('the Chamber') to question the Defence Linguistic Expert, Professor Georges Bokamba ('Witness D-60').¹
2. The Defence files the present response pursuant to Rule 91(3)(a) of the Rules of Procedure and Evidence; paragraphs 18-20 of the *Decision on the Directions for the Conduct of Proceedings of 19 November 2010*;² and paragraph 14 of the *Decision (i) ruling on legal representatives' applications to question Witness 33 and (ii) setting a schedule for the filing of submissions in relation to future applications to question witnesses*.

B. SUBMISSIONS

(a) Request of Maitre Zarambaud

3. The Defence has no objection to the proposed questions of Maitre Zarambaud, apart from its standing objection based on the time-limits for the presentation of the Defence case imposed by the Chamber, as set out in previous filings.
4. The Defence, however, requests that Maitre Zarambaud's request be reclassified as Public. Professor Bokamba (Witness D-60) seeks no protective measures, his evidence will be given in open session, and there is, accordingly, no basis for the Request of Maitre Zarambaud to be made confidentially.
5. The Defence notes, moreover that Maitre Zarambaud has plainly digested and understood Professor Bokamba's report sufficiently well to be able to formulate

¹ ICC-01/05-01/08-2294-Conf; ICC-01/05-01/08-2296-Conf (together 'LRV Requests')

² ICC-01/05-01/08-1023

these questions. This fact will be prayed in aid in the response to Maitre Douzima-Lawson's request hereafter.

(a) Request of Maitre Douzima-Lawson

6. Maitre Douzima Lawson's request (together with its Annex) ought similarly to be reclassified as Public.

7. Professor Bokamba's report has been in the possession of all parties since mid-July 2012.

8. All parties and participants to the proceedings are deemed to have the ability to deal with evidence in either of the two working languages operating in the present proceedings. Self-evidently, Maitre Zarambaud does.

9. The Defence, moreover, notes that Maitre Douzima-Lawson has the assistance of support staff who can work in both English and French, not to mention the considerable resources of OPCV, whose assistance in this regard did not require the leave of the Chamber, as Professor Bokamba's report was not confidential.

10. On 24 August 2012 (40 days after it had been received and 18 days before he was scheduled to commence testifying), Maitre Douzima-Lawson sought a translation of the Professor's report from English into French.³

11. On 27 August 2012, Maitre Douzima-Lawson was informed that the translation service of the ICC was busy.

³ ICC-01/05-01/08-2296-Conf-Anx1

12. In relation to this witness, there is no discernible distinction between the interests of Maitre Zarambaud's clients and those of Maitre Douzima-Lawson.

13. The Defence is required to present its case in 8 months. It has 230 hours to deal with its own witnesses. Thus far, the LRVs have declined (unlike the Prosecution) to indicate how much time they require for the examination of Defence witnesses.

14. Maitre Douzima-Lawson does not seek any leave to ask any questions in particular. The proper order, in accordance with the Chamber's proscribed and accepted practice and procedure, is that her request to question the witness is denied.

C. RELIEF REQUESTED

15. On the basis of the arguments set out above, the Defence respectfully requests that the Chamber:

DENY Maitre Douzima-Lawson's Requête de la Représentante légale de victimes relative à l'interrogatoire du témoin 60.

The whole, respectfully submitted.



Aimé Kilolo Musamba
Lead Counsel



Peter Haynes
Co- Counsel

Done on the 10th of September 2012

At The Hague, The Netherlands