

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/05-01/08
Date: 3 December 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

Available only to Victims and Witnesses Unit and the Office of the Prosecutor

With Confidential, *ex parte*, Victims and Witnesses Unit only, Annex 1

**Victims and Witnesses Unit's Complementary Information to the "Registry's
Observations relating to the "Decision requesting the Registry's observations on the
prosecution's request relating to Article 70 investigation" (ICC-01/05-01/08-2421-
Conf-Exp)"**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Petra Kneuer

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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

Deputy Registrar

Mr Didier Daniel Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court ("the Court");

NOTING the "Prosecution's Request for Record of Payments made by the Registry to Witnesses called by the Defence of Mr. Jean-Pierre Bemba Gombo" submitted on 15 November 2012;¹

NOTING the "Decision requesting the Registry's observations on the prosecution's request relating to Article 70 investigation" issued by Trial Chamber III (the "Chamber") on 19 November 2012;²

NOTING the "Registry's Observations relating to the "Decision requesting the Registry's observations on the prosecution's request relating to Article 70 investigation" ("Registry's Observations");³

NOTING articles 43(6) and 68(1) and (4) of the Rome Statute, rules 16 to 19, 86 to 88 of the Rules of Procedure and Evidence, regulations 23*bis*, 24*bis* and 41 of the Regulations of the Court and regulations 79 to 96 of the Regulations of the Registry;

CONSIDERING that the Registry in its Observations informed the Chamber that the Victims and Witnesses Unit (the "VWU") started preparing a table containing expenses on all Prosecution witnesses and intended to file it on case record on Monday, 3rd December 2012;⁴

RESPECTFULLY SUBMITS the "Victims and Witnesses Unit's Complementary Information to the "Registry's Observations relating to the "Decision requesting the

¹ ICC-01/05-01/08-2412-Conf-Exp.

² ICC-01/05-01/08-2421-Conf-Exp.

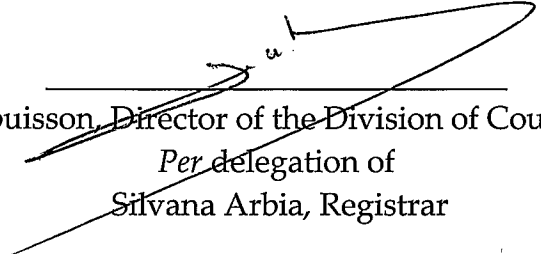
³ ICC-01/05-01/08-2441-Conf-Exp.

⁴ ICC-01/05-01/08-2441-Conf-Exp, para. 7.

Registry's observations on the prosecution's request relating to Article 70 investigation" (ICC-01/05-01/08-2421-Conf-Exp)":

1. The VWU submits the table illustrating the expenses in relation to the Prosecution witnesses as confidential, *ex parte*, VWU only Annex 1, for the same reason as provided in the Registry's Observations, which is related to the fact that this table contains information on the expenses which has never been shared with the party (unless it was required for the implementation of VWU services) referring the witnesses to the VWU, in this case the Office of the Prosecutor.
2. The VWU is not aware of any expenses made directly by the calling parties to the witnesses. In particular, as stated in the Registry's Observations, it is the calling party that decides whether and to what extent to remunerate the services provided by its expert witnesses. In this regard, the Registry has no information in relation to any amount which has been paid to the OTP expert witnesses by the OTP.
3. The VWU draws the attention of the Chamber that the Unit provides expert witnesses only with daily subsistence allowances in accordance with regulation 87 of the Regulations of the Court, and bears expenses related to their travel and accommodation.
4. The VWU would also like to clarify that the tables attached to the present report and to the Registry's Observations do not take into consideration the expenses incurred by the witnesses entering into ICCPP.

5. Should the Chamber decide to provide the parties with the Annex 1, the VWU kindly requests to be granted a sufficient time to propose, where necessary, the redactions for the Chamber's consideration.



Marc Dubuisson, Director of the Division of Court Services
Per delegation of
Silvana Arbia, Registrar

Dated this 3 December 2012

At The Hague, The Netherlands