

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 30 January 2013

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

**Decision setting a schedule for observations on the "Defence Motion for
Disclosure of VWU Security Assessments of Defence Witnesses"**

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr Jean-Jacques Badibanga

Counsel for the Defence

Mr Aimé Kilolo Musamba

Mr Peter Haynes

Legal Representatives of the Victims

Ms Marie Edith Douzima-Lawson

Mr Assingambi Zarambaud

Legal Representatives of the 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

Defence Support Section

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber III ("Chamber") of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, issues the following Decision setting a schedule for observations on the "Defence Motion for Disclosure of VWU Security Assessments of Defence Witnesses".

1. On 28 January 2013, the defence filed its "Defence Motion for Disclosure of VWU Security Assessments of Defence Witnesses" ("Request"),¹ making a number of requests based on its submission that during the presentation of evidence by the defence, the Presiding Judge has questioned witnesses on the basis of information from internal Victims and Witnesses Unit ("VWU")'s Security Assessment Reports, which have not been disclosed to the defence and do not form part of the case file.² Specifically, the defence requests that the Chamber order (i) the reclassification as public of (a) the portions of the transcripts cited in the Request, (b) the two relevant underlying decisions issued by the Chamber on 26 October and 14 November 2012,³ and (c) the Request, with the necessary redactions; (ii) that the defence be provided with the Registry's filing providing observations in relation to the testimony of Witness D04-64⁴ and its justification for this document having been filed *ex parte*; (iii) that the defence be provided with the VWU's Security Assessment Reports for Witnesses D04-64, D04-55, D04-51 and D04-57 and "any other material improperly received by the Trial Chamber from VWU or the Registry concerning Defence witnesses";⁵ and (iv) that the defence be given an opportunity "to make submissions on the prejudice

¹ Defence Motion for Disclosure of VWU Security Assessments of Defence Witnesses, 28 January 2013, ICC-01/05-01/08-2491-Conf.

² ICC-01/05-01/08-2491-Conf, paragraphs 1 and 2.

³ Decision ordering the VWU to provide further information in relation to the statement of Witness D04-64, 26 October 2012, ICC-01/05-01/08-2394-Conf; Decision on the "Registry's Observations in connection with the 'Decision requesting the VWU to provide further information in relation to the statement of Witness D04-64' (ICC-01/05-01/08-2394-Conf)", ICC-01/05-01/08-2410-Conf.

⁴ Registry's Observations in connection with the "Decision requesting the VWU to provide further information in relation to the statement of Witness D04-64 (ICC-01/05-01/08-2394-Conf)", 1 November 2012, ICC-01/05-01/08-2400-Conf-Exp.

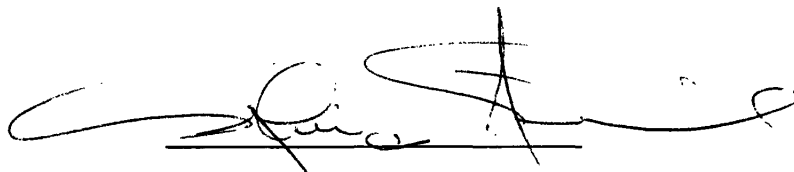
⁵ ICC-01/05-01/08-2491-Conf, paragraph 47.

suffered as a result of this procedural anomaly and request additional remedies as necessary.”⁶

2. In order to take an informed and timely decision on the Request, pursuant to Article 64(6)(f) of the Rome Statute and Regulations 24, 24*bis*, 28 and 34 of the Regulations of the Court, the Chamber considers it appropriate to request the VWU's observations on the Request, directly addressing the issues raised by the defence, and to set a schedule for the filing of further submissions by the Office of the Prosecutor (“prosecution”), the legal representatives of victims and the defence.
3. In view of the foregoing, the Chamber hereby ORDERS
 - (i) the VWU to file its observations on the Request confidentially, by no later than 16.00 on 6 February 2013;
 - (ii) the prosecution and the legal representatives of victims to file their responses to the Request and the VWU's observations, if any, by no later than 16.00 on 11 February 2013;
 - (iii) the defence to file its reply, if any, to the VWU's observations and the prosecution's and legal representatives' responses, by no later than 16.00 on 14 February 2013.

⁶ Ibid.

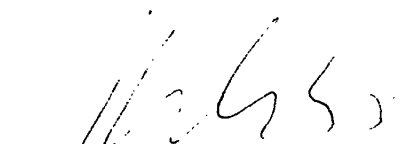
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 30 January 2013

At The Hague, The Netherlands