



Original: **English**

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

Date: 30/05/2013

**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**

*Public*  
*Urgent*

**Second Further Revised Defence Submissions on the Order of 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**

Ms. Fatou Bensouda

Mr. Jean-Jacques Badibanga

**Counsel for the Defence**

Mr. Aimé Kilolo-Musamba

Mr. Peter Haynes QC

**Legal Representatives of the Victims**

Ms. Marie-Edith Douzima-Lawson

Mr. A Zarambaud ssingambi

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented**

(Participation/Reparation)

**Applicants**

**The Office of Public Counsel for the Victims**

Ms. Paolina Massida

**The Office of Public Counsel for the Defence**

Mr. Xavier-Jean Keita

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr. Herman von Hebel

**Deputy Registrar**

Mr. Didier Preira

**Defence Support Section**

**Victims and Witnesses Unit**

Mr. Patrick Craig

**Detention Section**

**Victims Participation and Reparations Other Section**

## A. BACKGROUND

1. On 28 May 2013, the Defence filed its *Further Defence Submissions on the Order of Witnesses*.<sup>1</sup> The Defence sought authorisation of Trial Chamber III (“the Chamber”) to propose a new order and schedule for the next group of Defence witnesses. This request was based on the fact that the next two witnesses scheduled to testify, namely Witness D04-13 and **Witness D04-18**, had not received authorisation to testify before the International Criminal Court from the authorities of the state in which they are currently residing. The Defence therefore requested the authorisation of the Chamber to commence with another group of witnesses on Monday, 3 June 2013.

2. Following this filing, the Defence was informed by Court Management Services, by way of an email, that the hearings on 3 June and 4 June 2013 had been cancelled.<sup>2</sup> As such, the Defence filed its *Further Revised Defence Submissions on the Order of Witnesses* on 29 May 2013 to take this change into account.<sup>3</sup>

3. Today, on 30 May 2013, the Defence was informed at 14.30 during the course of its weekly coordination meeting with VWU that **Witness D04-18** has now received authorization to testify before the International Criminal Court, but that this authorization was at risk of being revoked should he not be called immediately by the Defence. The Registry representative informed the Defence that it should urgently file another request to the Chamber to amend the schedule of Defence witnesses, given the possibility that Witness D04-18’s testimony could commence on Tuesday, 4 June 2013.

## B. SUBMISSIONS

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<sup>1</sup> ICC-01/05-01/08-2638.

<sup>2</sup> Email CMS to the Defence: “Bemba case: Cancellation of hearings Monday 3 and Tuesday 4 June 2013”, sent 28 May 2013 at 16:35.

<sup>3</sup> ICC-01/05-01/08-2640.

4. The Defence has no direct or firsthand information concerning Witness D04-18's authorization (of which the Defence has not received a copy), nor the status of negotiations between the relevant Ministry and the Registry, nor the status of any application for a visa to allow his travel to the seat of the Court in The Hague. The Defence also notes that the hearings on 4 June 2013 are currently cancelled. However, given these developments, and based on the information provided this afternoon by the Registry, the Defence proposes the following further revised schedule of witnesses for the authorization of the Chamber:

**Witness D04-18:** 4 June – 10 June 2013

**Witness D04-02:** 11 June – 14 June 2013

**Witness D04-09:** 17 June – 20 June 2013

**Witness D04-03:** 21 June – 26 June 2013

**Witness D04-04:** 27 June – 2 July 2013

**Witness D04-06:** 3 July – 8 July 2013

5. The Defence confirms that these witnesses remain willing and available to testify.

6. The Defence notes that it no longer intends to present Witness D04-08 as a witness in this case, due to ongoing and significant security concerns surrounding this witness. The Defence will provide further information as to this situation as soon as possible.

The whole respectfully submitted.



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Aimé Kilolo Musamba  
Lead Counsel



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Peter Haynes  
Co- Counsel

Done on the 30th of May 2013  
At The Hague, The Netherlands