

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 10/07/2013

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
Ex Parte Defence and Registry only*

Defence Response to the "Registry report on the organisation of the appearance of the witnesses located in the Republic of the Congo pursuant to Trial Chamber III's 'Decision on the "Third Defence Submissions on the Presentation of its Evidence' dated 6 July 2012"

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

Mr. Herman von Hebel

Defence Support Section

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

1. The Defence continues to take all steps possible to assist the Registry in facilitating the presentation of the remainder of its witnesses.
2. The witnesses listed in the Registry filing ICC-01/05-01/08-2726-Conf-Exp are spread (and often moving) throughout a large geographical area, do not all have access to mobile telephones, and are accordingly not always easily contactable. Moreover, the Defence is operating without the assistance of a resource person or investigator in the region where they are situated. Given that the VWU staff members with whom the Defence is working speak neither Lingala nor Sango, interpretation is required for the introductory meetings. As such, the Defence has been trying at all times to ensure that witnesses will be contactable via telephone at particular times to avoid the Registry having to schedule meetings with interpreters which will ultimately prove fruitless when witnesses cannot be reached.
3. In spite of these logistical difficulties, the Defence continues to work towards ensuring that the introductory meetings can be completed as soon as possible, in order for the witnesses to be heard during the session commencing 19 August 2013 (which will in any event be achievable in relation to the 5 witnesses with whom telephone introductions have already been held). The Defence notes that at the time of the Registry filing on 5 July 2013, a further mutually convenient introductory meeting had already been scheduled for 12 July 2013, as documented in the VWU Minutes of the weekly coordination meeting held on 4 July 2013.¹ To that extent the Registry's assertions that "the defence must be able to facilitate the introduction of all witnesses" and that the "VWU needs to plan its future operations...and allocate resources...by 11 July" is both surprising and operationally unhelpful.

¹ Email VWU to Defence, entitled: VWU-Defence coordination meeting 04 07 2013, received on 8 July 2013 at 3:09 PM

The whole, respectfully submitted.



Aimé Kilolo Musamba
Lead Counsel



Peter Haynes
Co- Counsel

Done on the 10th of July 2013

At The Hague, The Netherlands