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

Date: 19/08/2013

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

Submissions to amend the extended hearing schedule

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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

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A. BACKGROUND

1. On 16 July 2013, Trial Chamber III (“the Chamber”) rendered its *Decision on the timeline for the completion of the defence’s presentation of evidence and issues related to the closing of the case*.¹

2. In this Decision, the Chamber informed the parties that the hearings after the summer recess would resume on 20 August 2013 and ordered as follows:²

ORDERS that the presentation of evidence by the defence be concluded by **25 October 2013**, at the latest; [...]

. DECIDES that the Chamber will sit in extended sessions of **six hours per day**, until the completion of the defence's presentation of evidence;

3. On 15 August 2013, the Chamber rendered its *Decision on the “Submissions on the remaining Defence evidence” and the appearance of Witnesses D04-23, D04-26, D04-25, D04-36, D04-29, and D04-30 via video-link*,³ in which it approved the proposed Defence order for the appearance of its remaining witnesses, namely Witnesses D04-15, D04-23, D04-26, D04-25, D04-36, D04-29, D04-30, D04-44, D04-14, and D04-41, as from 20 August 2013.

4. On 16 August 2013, the Defence was informed via email from the Victims and Witnesses Unit (“VWU”) that Witnesses D04-23 and D04-25 would not be in a position to give testimony for 6 hours per day.

5. On 19 August 2013, the Defence was informed via email from VWU that Witness D04-15 was not in a position to testify from 20 August 2013 and that his testimony would need to be postponed.

¹ ICC-01/05-01/08-2731

² ICC-01/05-01/08-2731, para. 38.

³ ICC-01/05-01/08-2740.

B. SUBMISSIONS

6. Given that VWU has informed the Defence that Witnesses D04-23 and D04-25 are not in a position to give testimony for a full 6-hour day, the Defence requests that the hearing schedule as set out in Decision 2731 be amended to allow the parties to hear one witness per day.

7. The Defence is cognisant of the Chamber's order that the Defence must close its case by 25 October 2013. Given the number of remaining witnesses to be heard, and the anticipated hearing times for these witnesses, the Defence submits that there is no necessity to present two witnesses per day, despite the fact that Witnesses D04-23 and D04-25 have been deemed unable to sit full days by VWU. The Defence's past experience with calling two witnesses concurrently is that this is an extremely difficult exercise, which interferes with the coherent presentation of Defence evidence. The Defence notes that it does not have the same resources as the Prosecution to put two separate teams in court to present two witnesses concurrently. The Defence also notes that this requirement was never imposed on the Prosecution, who was permitted to call its witnesses successively throughout the duration of its case. The Defence again undertakes to comply with the Chamber's deadline for the closure of its case and submits that calling its witnesses successively will not interfere with its meeting this deadline.

C. RELIEF REQUESTED

8. As such, the Defence respectfully requests that the Chamber amend its hearing schedule of 6 hours per day during the presentation of evidence of Defence Witnesses D04-23 and D04-25.

The whole respectfully submitted.

A handwritten signature in blue ink, consisting of a large, stylized 'K' followed by a smaller, more complex scribble.

Aimé Kilolo

Lead Counsel of Mr. Jean-Pierre Bemba

Done this day 19 August 2013

In The Hague, The Netherlands