

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 April 2014

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

Decision on closure of evidence and other procedural matters

Decision 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 Peter Haynes

Ms Kate Gibson

Ms Melinda Taylor

Legal Representatives of the Victims

Ms Marie-Édith Douzima-Lawson

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman Von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Patrick Craig

Detention Section

**Victims Participation and Other
Reparations Section**

Trial Chamber III ("Chamber") of the International Criminal Court ("Court") in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* ("Bemba case") issues the following Decision on closure of evidence and other procedural matters ("Decision").

1. On 16 July 2013, the Chamber issued its "Decision on the timeline for the completion of the defence's presentation of evidence and issues related to the closing of the case" ("Decision 2731"),¹ in which it, *inter alia*, established a schedule and gave directions for the filing of closing briefs and the presentation of final oral submissions by the parties and participants. In this context, the Chamber decided that the deadlines for the filing of closing briefs were to be counted as from "the date on which the Presiding Judge declares the presentation of evidence in the case to be closed pursuant to Rule 141 of the Rules."²
2. At a public status conference held on 28 November 2013,³ the Chamber indicated that "a decision declaring the presentation of evidence in the case to be closed pursuant to Rule 141 of the Rules will only be taken once the Chamber has decided on the admissibility into evidence of all materials submitted by the parties or participants or by the Chamber."⁴
3. Having decided on the admission into evidence of all materials submitted in this case, the Chamber, in accordance with Rule 141(1) of the Rules of Procedure and Evidence ("Rules"), hereby declares the submission of evidence closed. Accordingly, without prejudice to the Chamber's discretion under Article 69(3) of the Rome Statute ("Statute") to, at any stage, request the submission of additional relevant evidence where it considers it appropriate and necessary for the determination of the truth, the evidence admitted in the

¹ Decision on the timeline for the completion of the defence's presentation of evidence and issues related to the closing of the case, 16 July 2013, ICC-01/05-01/08-2731.

² ICC-01/05-01/08-2731, paragraph 27.

³ See Order convening a status conference, 27 November 2013, ICC-01/05-01/08-2907.

⁴ Transcript of hearing of 28 November 2013, ICC-01/05-01/08-T-359-ENG ET WT, page 10, lines 21 to 25.

Bemba case consists of the transcripts of the testimony of 77 witnesses and 704 items of documentary evidence, admitted by this Chamber in its various decisions on the admission of evidence, following an item-by-item analysis of the submitted documents.

4. In view of the closure of the case and the schedule established in Decision 2731, and in order to ensure the continued expeditious conduct of the proceedings in accordance with Article 64(2) of the Statute, the Chamber considers it appropriate to address two procedural issues in the context of the present Decision.
5. First, the Chamber wishes to explore possibilities to streamline the schedule for the submission of closing briefs, responses and replies as set out in Decision 2731. In this context, the Chamber notes that the interval of 12 weeks between the submission of the Office of the Prosecutor's ("prosecution") and the defence's closing briefs is partly due to the defence's request to receive a French translation of the prosecution's closing brief.⁵ Noting the recent changes in the composition of the defence team, in particular the fact that all counsel are now Anglophone, the Chamber invites the defence to consider whether it still requires a French translation of the prosecution's closing brief. Upon clarification of this matter, the Chamber will provide a consolidated schedule for the submission of the defence's closing brief, related responses and replies and the presentation of final oral submissions.
6. Second, the Chamber seeks submissions on whether its decision pursuant to Article 74 of the Statute and, in the event of a conviction, any decision on the sentence to be imposed pursuant to Article 76 of the Statute, should be addressed in separate decisions,⁶ or whether both matters should be addressed in a single judgement.

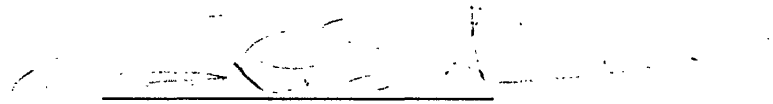
⁵ Transcript of hearing of 27 June 2013, ICC-01/05-01/08-T-331-CONF-ENG ET, page 45, lines 8 to 17.

⁶ The Chamber notes that this corresponds to the approach adopted by Trial Chamber I and Trial Chamber II.

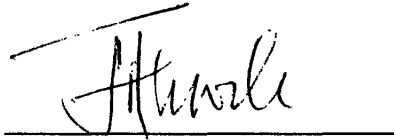
7. In view of the above, the Chamber hereby:

- (i) DECLARES the submission of evidence closed pursuant to Rule 141(1) of the Rules;
- (ii) ORDERS the prosecution and Maître Marie-Édith Douzima-Lawson to file their respective closing briefs by 2 June 2014;
- (iii) INVITES the defence to inform the Chamber, by 14 April 2014, whether it still considers it necessary to receive a French translation of the prosecution's closing brief;
- (iv) REMINDS the parties and participants to comply with the directions on format and content of the closing briefs as set out in Decision 2731;
- (v) REMINDS the parties and participants to base their closing briefs on the evidence admitted in this case as specified in paragraph 3 of the present Decision;
- (vi) ORDERS the parties and participants, pursuant to Article 64(3)(a) of the Statute, to file submissions on the issue of whether the Chamber should (a) take its decisions pursuant to Article 74 of the Statute and, in the event of a conviction, on the appropriate sentence to be imposed under Article 76 of the Statute separately, or (b) render a single decision pursuant to Article 74 and, in the event of a conviction, Article 76 of the Statute, by 21 April 2014.

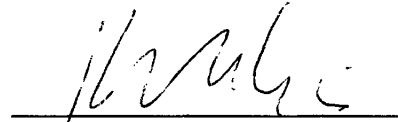
Done in both English and French, the English version being authoritative.



Judge Sýlvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 7 April 2014

At The Hague, the Netherlands