

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05-01/13
Date: 23 February 2015

TRIAL CHAMBER VII

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Robert Fremr

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF
THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA WANDU
and NARCISSE ARIDO

Public

Order seeking submissions in advance of first status conference

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

The Office of the Prosecutor

Ms Fatou Bensouda

Mr James Stewart

Mr Kweku Vanderpuye

Counsel for Jean-Pierre Bemba Gombo

Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba

Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo

Mr Christopher Gosnell

Counsel for Fidèle Babala Wandu

Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido

Mr Göran Sluiter

Legal Representatives of Victims

Legal Representatives of 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

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Others

Trial Chamber VII (the ‘Chamber’) of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, having regard to Article 64(2) and (3) of the Rome Statute (the ‘Statute’), Rule 132(1) of the Rules of Procedure and Evidence (the ‘Rules’) and Regulation 54 of the Regulations of the Court, issues the following ‘Order seeking submissions in advance of first status conference’.

1. In order to facilitate the preparation of the first status conference,¹ the Chamber seeks submissions from the parties on certain potential agenda items. At the outset, the Chamber emphasises that the list below is without prejudice to whether or how it may address these matters during the trial phase of proceedings.
2. Submissions are sought on the following:
 - a) Timing, volume and modalities of disclosure.² This item includes the impact the volume of estimated disclosure may have on the trial commencement date and the length of time following full disclosure after which the trial could commence.
 - b) Protocols to be adopted on specific issues, including: (i) redactions;³ (ii) handling confidential information and contacting opposing party witnesses;⁴ (iii) witness familiarisation/preparation⁵ and (iv) vulnerable witnesses.⁶

¹ See Rule 132(1) of the Rules.

² See especially Article 67(2) of the Statute and Rules 76-77 of the Rules.

³ Eg Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Decision on the Protocol establishing a redaction regime, 12 December 2014, ICC-01/04-02/06-411 (with annex).

⁴ Eg Trial Chamber VI, *The Prosecutor v. Bosco Ntaganda*, Decision on adoption of a ‘Protocol on the Handling of Confidential Information During Investigations and Contact Between a Party or Participant and Witnesses of the Opposing Party or a Participant’, 12 December 2014, ICC-01/04-02/06-412 (with annex).

⁵ Compare VWU, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Victims and Witnesses Unit’s amended version of the “Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial” submitted on 22 October 2010, 7 December 2010, ICC-01/05-01/08-1081 (with annex) with Trial Chamber V, *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Decision on witness preparation, 2 January 2013, ICC-01/09-01/11-524 (with annex); VWU, *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Victims and

- c) Estimated number of: (i) witnesses and any known protection issues, including possible referrals to the Court's witness protection programme and (ii) documentary and other non-testimonial evidence to be relied upon at trial. This item is primarily addressed to the Prosecution - the defence teams are not obligated to provide this information at this time unless they wish to do so.
- d) Admissions and/or agreements as to evidence.⁷
- e) Languages to be used in the proceedings. In particular, the languages spoken by the witnesses the parties intend to call.
- f) Conduct of the proceedings.⁸
- g) Commencement date of the trial.

3. Following receipt of the aforementioned submissions, a scheduling order will be issued confirming the date and agenda of the first status conference.

FOR THE FOREGOING REASONS THE CHAMBER HEREBY

ORDERS the parties to submit their written observations on the abovementioned potential agenda items, and to inform the Chamber of any items they wish to have added to the agenda, by 20 March 2015.

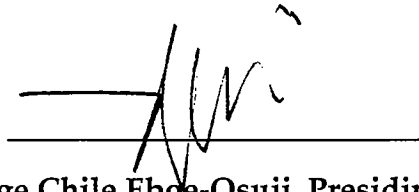
Witnesses Unit's Amended Protocol on the practices used to familiarise witnesses for giving testimony, 24 April 2013, ICC-01/09-01/11-704 (with annex).

⁶ *Eg* VWU, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Annex 2: Victims and Witnesses Unit's additional observations on protective measures for vulnerable witnesses, 25 October 2010, ICC-01/05-01/08-974-Anx2.

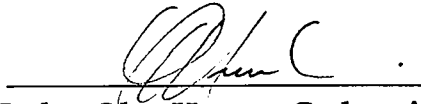
⁷ Rule 69 of the Rules.

⁸ *See generally* Rule 140 of the Rules.

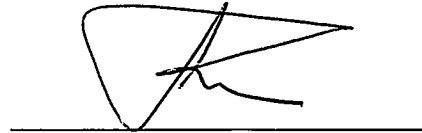
Done in both English and French, the English version being authoritative.

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Judge Chile Eboe-Osuji, Presiding

A handwritten signature in black ink, featuring a large, stylized 'O' followed by a cursive 'H' and 'C'.

Judge Olga Herrera Carbuccia

A handwritten signature in black ink, featuring a large, stylized 'R' followed by a cursive 'F' and 'M'.

Judge Robert Fremr

Dated 23 February 2015

At The Hague, The Netherlands