



Original: English

No.: ICC-01/05-01/13

Date: 10/09/2015

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

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 with Confidential Annex A

**Joint Defence Request pursuant to Regulation 35 of the Regulations of the Court
to defer notification concerning expert witnesses**

Source: Counsel for Jean-Pierre Bemba Gombo
Counsel for Aimé Kilolo Musamba
Counsel for Jean-Jacques Mangenda Kabongo
Counsel for Fidèle Babala Wandu
Counsel for Narcisse Arido

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

The Office of the Prosecutor

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James Stewart

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Paul Djunga

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Christopher Gosnell

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Counsel for the Defence of Fidèle Babala Wandu

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Counsel for the Defence of Mr Narcisse Arido

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Philippe Laroche

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other

Introduction

1. On 2 September 2015, the Trial Chamber issued its Decision on the Conduct of the Proceedings,¹ in which it requested that,

Within ten days of notification of the present decision or no later than 30 days before the anticipated testimony of an expert witness (whichever comes last), any non-calling party may file a notice indicating whether it (i) challenges the qualifications of the witness as an expert, and/or (ii) challenges the relevance of all, or parts of the report written by the expert, if any.

2. On 8 September 2015, the Defence for Mr. Bemba wrote to the Prosecution in order to request the Prosecution to, *inter alia*:

- i. Clarify the status of P-0433, and whether they intended to present him as an ‘expert’ witness or as a witness of fact;
- ii. Indicate when the Prosecution estimated that the testimony of Mr. Pluijmers would be likely to take place, so that the Defence could calculate its deadline for submitting its position as concerns his expertise;
- iii. Disclose the Prosecution’s instructions, which formed the basis for Mr. Pluijmers’s report, and which had only previously been transmitted to the Defence in draft form;
- iv. Disclose Mr. Pluijmers’s report in a format, which would enable the Defence to access the links cited by Mr. Pluijmers in the Report.²

3. Although the Prosecution disclosed its instructions to Mr. Pluijmers on 9 September 2015, it has yet to respond to the Defence queries concerning the likely

¹ ICC-01/05-01/13-1209.

² See Confidential Annex A.

date of his testimony, or the status of P-0433, and scope of his proposed testimony. The Defence has also yet to receive the report of Mr. Pluijmers in a format which would enable the Defence to access information cited therein.

4. Pursuant to Regulation 35 of the Regulations of the Court, the Defence for Mr. Bemba respectfully requests the authorisation of the Trial Chamber for an extension of time, such that the Defence can reserve its position until:

- i. If the Prosecution indicates that it wishes to qualify P-0433's testimony as 'expert testimony', 10 days from the date on which the Prosecution confirms that status;
- ii. As concerns Mr. Pluijmers, either 10 days from the date on which the Defence is informed of the likely date of his testimony, or 30 days before his testimony (whichever is the later).



Melinda Taylor
Counsel of Mr. Jean-Pierre Bemba



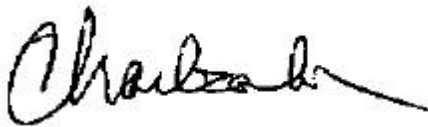
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Charles Achaleke Taku
Lead Counsel of Mr. Narcisse Arido

Dated this 10th day of September, 2015

The Hague, The Netherlands