

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 May 2016

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

Order on the schedule for the sentencing hearing

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 Jean-Jacques Badibanga

Counsel for the Defence

Mr Peter Haynes

Ms Kate Gibson

Ms Melinda Taylor

Legal Representatives of the Victims

Ms Marie-Edith 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 Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

Trial Chamber III ("Chamber") of the International Criminal Court, in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* ("Bemba case"), issues the following Order on the schedule for the sentencing hearing ("Order").

1. On 4 May 2016, the Chamber issued its "Decision on requests to present additional evidence and submissions on sentence and scheduling the sentencing hearing" in which it, *inter alia*, (i) scheduled a hearing from 16 to 18 May 2016 for the presentation of evidence and submissions on the appropriate sentence; (ii) decided to hear the testimony of Dr Daryn Reicherter and Monseigneur Fridolin Ambongo; (iii) granted each of the parties one hour and the Legal Representative of Victims ("Legal Representative") 30 minutes to examine each of the witnesses; (iv) decided to hear the views and concerns of victims a/0555/08 and a/0480/08; (v) granted each victim one hour to present their views and concerns; (vi) decided to hear final oral submissions from the parties and the Legal Representative; (vii) granted each of the parties two hours and the Legal Representative 30 minutes to make final oral submissions; and (viii) informed the parties and participants that a decision on the schedule for the hearing, including the order of appearance of witnesses and victims, once their availability could be established, would be issued in due course ("Decision 3384").¹
2. The Chamber has been informed by the parties, the Legal Representative, and the Victims and Witnesses Unit ("VWU") that the witnesses and victims are available, as follows: (i) Monseigneur Fridolin Ambongo is available to appear in person before the Chamber, in The Hague, on Monday 16 May 2016; (ii) Dr Daryn Reicherter is available to appear in person before the Chamber, in The Hague, on 16 or 17 May 2016; and (iii) victims a/0555/08 and a/0480/08 are available to present their views and concerns to the Chamber on 16 or 17 May 2016 by means of video-link technology.

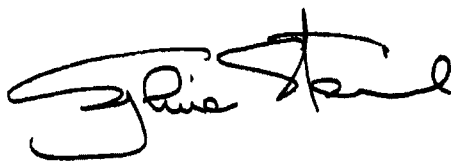
¹ Decision on requests to present additional evidence and submissions on sentence and scheduling the sentencing hearing, 4 May 2016, ICC-01/05-01/08-3384, paras 15, 28, 40, 50, and 52.

3. For purposes of the present Order, the Chamber has considered, *inter alia*, Articles 64(2) and (8)(b), 67(1)(c) and (e), 68(3), 69, and 76(2) of the Rome Statute, Rules 67, 91(3), 101, 140(2), and 141 of the Rules of Procedure and Evidence, and Regulations 34 and 43 of the Regulations of the Court ("Regulations").
4. The Chamber stresses that, pursuant to the abovementioned provisions and in compliance with its duty to "ensure that the trial is fair and expeditious", the Chamber has the power to "determine the mode and order of questioning witnesses and presenting evidence so as to: (a) make [it] effective for the determination of the truth; (b) avoid delays and ensure the effective use of time."² In this regard, and ensuring that the proceedings are "conducted with full respect to the rights of the accused", the Chamber is mindful of the right of the Defence for Mr Jean-Pierre Bemba Gombo ("Defence") to "be the last to examine a witness" and, in the context of closing statements, "always have the opportunity to speak last".
5. In view of the above, the Chamber hereby:
 - (i) **DECIDES** to hear the witnesses in person, in The Hague, in the following order:
 - a. Dr Daryn Reicherter, at 9.00 on Monday, 16 May 2016; and
 - b. Monseigneur Fridolin Ambongo, on Monday, 16 May 2016, as soon as the testimony of Dr Daryn Reicherter is concluded;
 - (ii) **ORDERS** the Legal Representative to submit, by Thursday, 12 May 2016, a list of the questions she intends to ask the witnesses;
 - (iii) **ORDERS** the parties and Legal Representative to strictly comply with the time limits imposed by the Chamber in Decision 3384 for the complete examination of each of the witnesses, bearing in mind the Defence's right to question a witness last;

² Regulation 43 of the Regulations.

- (iv) **ORDERS** the Registry and the Legal Representative to make all necessary arrangements for victims a/0555/08 and a/0480/08 to present their views and concerns by means of video-link technology at 9.30 on Tuesday, 17 May 2016;
- (v) **ORDERS** the Legal Representative to, by Friday, 13 May 2016, inform the Chamber and parties of the order of appearance of the victims and to liaise with the VWU in order to determine whether any member of her team should be present at the location from where the video-link will be broadcast;
- (vi) **DECIDES** to hear the final, oral submissions of the parties and Legal Representative on Tuesday, 17 May 2016, immediately following the conclusion of the views and concerns of victims a/0555/08 and a/0480/08, and Wednesday, 18 May 2016, in the following order: Prosecution, Legal Representative, and Defence; and
- (vii) **ORDERS** the parties and Legal Representative to strictly comply with the time allotted for final, oral submissions in Decision 3384.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 10 May 2016

At The Hague, the Netherlands