

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 June 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 Redacted Document

Public redacted version of "Prosecution's Observations on the « Defence Response to the "Requête de la Représentante légale de victimes afin d'être autorisée à interroger le témoin 33" of 29 August 2011 »", 9 September 2011, ICC-01/05-01/08-1721-Conf

Source: The Office of the Prosecutor

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

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1. On 7 September 2011, the Defence filed a request asking Trial Chamber III (“Chamber”) to limit the questioning of Witness CAR-OTP-PPPP-0033 by the Legal Representative of Victims, Ms. Douzima-Lawson (“Defence Request”).¹ On 8 September 2011, the Chamber invited the Office of the Prosecutor (“Prosecution”) and Ms. Douzima-Lawson to submit their observations by 9 September 2011.²

2. The Prosecution opposes the Defence’s position. The Prosecution incorporates by reference its observations submitted on 7 September³ in response to the Defence request to limit the questioning of the Legal Representative of Victims, Mr. Zarambaud.⁴ In particular, the Prosecution rejects the Defence’s assumption that insiders’ evidence cannot impact upon the personal interests of the victims.⁵ The Prosecution further submits that it is for the Chamber and not for the Defence to determine on a case-by-case basis⁶ whether the personal interests of the victims are affected.

3. The Prosecution requests that this document be received as “Confidential” as it responds to the Defence Request which is currently classified as confidential.

¹ ICC-01/05-01/08-1716-Conf, Defence Response to the “Requête de la Représentante légale de victimes afin d’être autorisée à interroger le témoin 33” of 29 August 2011, 7 September 2011.

² Email by Legal Officer [REDACTED] on behalf of the Chamber to the parties and Legal Representatives, 8 September 2011.

³ ICC-01/05-01/08-1712-Conf, Prosecution’s Observations on the « Defence Response to the application of the Legal Representative of Victims Mr Zarambaud to question witness 0033 », 7 September 2011, in particular paras. 4-7.

⁴ ICC-01/05-01/08-1679-Conf, Defence Response to the application of the Legal Representative of Victims Mr Zarambaud to question witness 0033, 1 September 2011.

⁵ ICC-01/05-01/08-1679-Conf, paras 4 and 5.

⁶ ICC-01/04-01/06-925, *Prosecutor v. Thomas Lubanga Dyilo*, Decision of the Appeals Chamber on the Joint Application of Victims a/0001/06 to a/0003/06 and a/0105/06 concerning the “Directions and Decision of the Appeals Chamber” of 2 February 2007, 13 June 2007, para. 28.

4. In light of the foregoing, the Prosecution respectfully requests that the Chamber rejects the Defence Request.



Fatou Bensouda, Prosecutor

Dated this 28th Day of June 2016
At The Hague, The Netherlands