

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 12/09/2013

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**

Confidential

**Submissions on the anticipated witness schedule and the testimony of Witness
D04-54**

Source: Defence for Mr. Jean-Pierre Bemba Gombo

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

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Victims Participation and Reparations Other Section

A. BACKGROUND

1. On 16 July 2013, Trial Chamber III (“the Chamber”) rendered its *Decision on the timeline for the completion of the defence’s presentation of evidence and issues related to the closing of the case*. (“the Decision”).¹

2. In the Decision the Chamber informed the parties that the hearings after the summer recess would resume on 20 August 2013 and further:²

ORDER[ED] that the presentation of evidence by the defence be concluded by 25 October 2013, at the latest; [...]

ORDER[ED] the defence to file by 12 August 2013, a proposed order of appearance for the remaining witnesses.

3. On 30 August 2013, the Chamber asked to be informed about the status of the remaining witnesses currently on the Defence List³, namely Witness D04-54; Witness D04-32; Witness D04-33; Witness D04-27; Witness D04-37; Witness D04-38; Witness D04-34; Witness D04-35; Witness D04-35 and Witness D04-10.

4. On 6 September 2013, the Defence filed its submissions on the status of its remaining witnesses, planning Witness D04-54 to start his testimony on September 24, 2013 via videolink.

5. On 9 September 2013, the Chamber, recalling that it will not sit between the 23 and 27 September 2013, instructed the Defence to amend the witness schedule. The Chamber also requested the Defence, in coordination with the VWU, to provide further justifications in support of its request to hear Witness D04-54 via videolink.

¹ ICC-01/05-01/08-2731

² ICC-01/05-01/08-2731, para. 38.

³ ICC-01/05-01/08-T-339-CONF-ENG, page 67

6. The Defence presents the following submissions in relation to (i) the amended witness schedule and (ii) the further justifications supporting the request to hear Witness D04-54 via videolink.

B. SUBMISSIONS ON THE AMENDED WITNESS SCHEDULE

7. Witness D04-54 is [REDACTED] He is currently [REDACTED] The requirement [REDACTED] [REDACTED] to have authorization from the government of the DRC to testify is well documented throughout the Defence case. He is without the authority of his superiors to travel to The Hague. Neither does he currently possess the requisite permission to testify. However, he will be [REDACTED] [REDACTED] and would be available to testify from there from 24 September, should VWU secure the requisite authorization for him to testify.

8. However, taking into account the deadline of 25 October 2013 set by the Chamber for the completion of the Defence case, the fact that the Chamber apparently cannot sit during the week commencing 23 September, and the fact that the witness cannot [REDACTED] the Defence will accordingly amend its schedule of witnesses so that witness D04-54 will commence at the earliest date after the Chamber resumes, namely 30 September, 2013. The Defence hereby notifies the Chamber and the parties and participants of that proposed change to the schedule. The Defence notes that this witness still requires authorization to testify from the relevant DRC authorities, and urges VWU to secure this authorization as soon as possible to facilitate his testimony.

C. SUBMISSIONS ON THE REQUEST TO HEAR WITNESS D04-54 VIA VIDEOLINK

9. As noted above, Witness D04-54 is [REDACTED]

[REDACTED] He is currently [REDACTED]

[REDACTED] Given the rapidly approaching completion date of the Defence presentation of evidence, and the heavy workload of the witness and [REDACTED] [REDACTED] the Defence, in coordination with the VWU, submits therefore, that this witness' testimony should be heard via videolink in order to ensure the presentation of his evidence before 25 October 2013.

D. WITNESSES D04-14, D04-41, AND D04-44

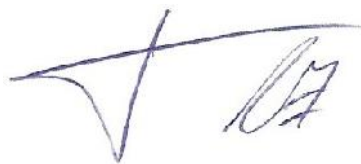
10. Witnesses D04-14, D04-41 and D04-44 remain provisionally listed to testify between 7 and 14 October. However, they lack governmental authorizations to testify and/or travel, and they are unwilling to testify in Kinshasa for reasons of their personal security. As such, the Defence has suggested that measures be taken to allow them to testify [REDACTED]

11. The Defence met with VWU today, 12 September 2013 for further discussions on these witnesses. VWU informed the Defence that they have [REDACTED] [REDACTED] Witnesses D04-14, D04-41, and D04-44 to testify [REDACTED] [REDACTED] [REDACTED] [REDACTED]

E. RELIEF REQUESTED

12. The Defence respectfully requests that the Chamber approve the amended witness schedule and authorise Witness D04-54 to testify via videolink [REDACTED] [REDACTED]

The whole, respectfully submitted.



Aimé Kilolo Musamba
Lead Counsel



Peter Haynes
Co- Counsel

Done on the 12th of September 2013
At The Hague, The Netherlands