

ANNEX B

Confidential

From: Gibson, Kate <kgibson@iccepn.org>
Sent: 26 October 2012 14:28
To: Saabel, Esther; Kilolo, Aime; Haynes, Peter; Mangenda, Jean-Jacques; Becerra Suarez, Bibiana
Cc: Kneuer, Petra; Scaliotti, Massimo; Badibanga, Jean-Jacques; Iverson, Eric; Vidinha, Sylvie; Zeneli, Shkelzen; Besse, Frédérique; Zarambaud, Assingambi; Douzima Lawson, Marie-Edith; Roche, Virginie; Pineau, Carine; Toumaj, Jasmine; Rojas, Felipe; Wang, Chi; Godart, Stephanie; Salinas Cerda, Ania
Subject: RE: defence witness schedule

Dear Ms. Saabel,

I have been asked to respond to your email on behalf of counsel for Mr. Jean-Pierre Bemba.

As instructed, the Defence has worked with VWU and members of the Registry with a view to securing Witness D-49's testimony prior to the break between 12 and 16 November 2012. We have just now been informed by VWU that this will not be possible, because the relevant DRC authorities have failed to provide the necessary authorisation for his travel. We may address the Chamber again on the question of cooperation by the DRC authorities should the Chamber's assistance become necessary.

As such, the Defence instead proposes to bring Witness D-48, who we understand will be in a position to travel to testify in the week commencing Monday, 5 November.

The Defence was also ordered to provide a witness schedule for the period between 19 November and the winter recess. We have worked with VWU and put together a list based on the availability and ability of the various witnesses to travel. On this basis, the Defence submits the following schedule of witnesses, for the Chamber's consideration, for the period commencing 19 November:

Witness D-49
Witness D-56
Witness D-16
Witness D-17
Witness D-13
Witness D-12
Witness D-14
Witness D-18
Witness D-66.

Should this proposed order be approved by the Chamber, the Defence will then circulate an updated monthly schedule to the parties and participants, who have also been copied on the current email.

Kind Regards,
Kate Gibson
Legal Assistant of Mr. Jean-Pierre Bemba

From: Saabel, Esther [Esther.Saabel@icc-cpi.int]
Sent: 19 October 2012 16:49
To: Kilolo, Aime; Haynes, Peter; Gibson, Kate; Mangenda, Jean-Jacques; Becerra Suarez, Bibiana
Cc: Kneuer, Petra; Scaliotti, Massimo; Badibanga, Jean-Jacques; Iverson, Eric; Vidinha, Sylvie; Zeneli, Shkelzen; Besse, Frédérique; Zarambaud, Assingambi; Douzima Lawson, Marie-Edith; Roche, Virginie; Pineau, Carine; Toumaj, Jasmine; Rojas, Felipe; Wang, Chi; Godart, Stephanie; Salinas Cerda, Ania

Subject: defence witness schedule

Dear Counsel, dear Bibiana,

In relation to the schedule of witnesses to be heard after Witnesses 64, 51 and 55, I would like to inform you that the Chamber intends to hear Witness D04-49 prior to the break between 12 and 16 November. Accordingly, the Chamber asks the VWU and the defence to liaise and make the necessary arrangements to ensure the appearance of Witness D04-49 after Witness 55. In this respect, the Chamber wishes to recall that it will not sit during the week of 12 November and therefore all efforts shall be made to ensure that Witness 49 completes his testimony by 9 November.

As for the witness schedule between 19 November and the beginning of the winter recess, the Chamber asks the defence, in coordination with the VWU, to prepare a proposal for an order of witnesses and to submit this proposal to the Chamber's consideration. This proposal shall be circulated via email by 16.00 on 26 October, copying the prosecution and the legal representatives for their information.

Kind regards,
Esther

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From: Kneuer, Petra
Sent: 21 September 2012 11:07
To: Badibanga, Jean-Jacques; Bala-Gaye, Horejah; Besse, Frédérique; Bifwoli, Thomas; Dornan, Michael; Hamuli, Albert; Iverson, Eric; Kiprotich, Lynette; Kneuer, Petra; Ndagire, Sanyu; Ouete, Theodore; Scaliotti, Massimo; Schmidt, Bärbel; Vidinha, Sylvie; Wakchom, Sylvie; Zeneli, Shkelzen
Subject: FW: Programme mensuel amandé (Estimation)de la Comparution des témoins de la Défense allant du 19 Septembre au 19 Octobre 2012

From: Gibson, Kate [mailto:kgibson@iccepn.org]
Sent: 21 September 2012 10:01
To: Kneuer, Petra; Saabel, Esther; Badibanga, Jean-Jacques; Mangenda, Jean-Jacques; Godart, Stephanie; Salinas Cerda, Ania
Cc: Scaliotti, Massimo; Iverson, Eric; Rojas, Felipe; Kilolo, Aime; aimekilolo@yahoo.fr; haynes.mr@gmail.com; kategibson@gmail.com; Zarambaud, Assingambi; Douzima Lawson, Marie-Edith; Massidda, Paolina; Schauder, Natacha; Martinod-Jacome, Maria Luisa; Walter, Caroline; Narantsetseg, Orchlon; Margitic, Tamara; Tchidimbo, Patrick; jjackab@yahoo.fr; Roche, Virginie; Becerra Suarez, Bibiana; Pineau, Carine; Ndagire, Sanyu; Bala-Gaye, Horejah; Haynes, Peter; Kaufman, Nick; Joubert, Jacobus; Komarica, Lejla; Michels, An; Okada, Yuko; Van Hoorebeke, Michel; Vermeulen, Henk
Subject: RE: Programme mensuel amandé (Estimation)de la Comparution des témoins de la Défense allant du 19 Septembre au 19 Octobre 2012

Dear Ms Saabel,

I have been asked to respond on behalf of Counsel for Mr. Bemba.

The witness schedule until the break in proceedings from 5 to 15 October remains uncertain.

Following lengthy discussions with VWU yesterday, we can assure the Chamber and the parties that the next witness will be D-011.

If he can commence his testimony on Monday 24 or Tuesday 25 September, then attempts will be made to secure the attendance of D0-57 on 1 October, as it is thought that he will be able to conclude his evidence prior to 5 October.

If, however, D-011 cannot commence prior to Thursday 27 (Wednesday 26 September, being a holiday), then there will be insufficient time to bring another witness before the break.

In those circumstances the first witness after the break would be D0-52, as originally scheduled.

We believe that the Chamber was informed of these discussions by VWU, accordingly we did not duplicate the notice ourselves yesterday, however, we note from the email of Ms Kneuer that the information was not relayed to the Prosecution, and so we send this email for general distribution.

Kind Regards,
Kate Gibson
Legal Assistant of Mr. Jean-Pierre Bemba

From: Kneuer, Petra [Petra.Kneuer@icc-cpi.int]
Sent: 21 September 2012 08:17
To: Saabel, Esther; Badibanga, Jean-Jacques; Mangenda, Jean-Jacques; Godart, Stephanie; Salinas Cerda, Ania
Cc: Scaliotti, Massimo; Iverson, Eric; Rojas, Felipe; Kilolo, Aime; aimekilolo@yahoo.fr; haynes.mr@gmail.com; kategibson@gmail.com; Zarambaud, Assingambi; Douzima Lawson, Marie-Edith; Massidda, Paolina; Schauder, Natacha; Martinod-Jacome, Maria Luisa; Walter, Caroline; Narantsetseg, Orchlon; Margitic, Tamara; Tchidimbo,

Patrick; jjackab@yahoo.fr; Roche, Virginie; Becerra Suarez, Bibiana; Pineau, Carine; Ndagire, Sanyu; Bala-Gaye, Horejah; Gibson, Kate; Haynes, Peter; Kaufman, Nick; Joubert, Jacobus; Komarica, Lejla; Michels, An; Okada, Yuko; Van Hoorebeke, Michel; Vermeulen, Henk
 Subject: RE: Programme mensuel amandé (Estimation)de la Comparution des témoins de la Défense allant du 19 Septembre au 19 Octobre 2012

Dear Ms Saabel,

It appears that the deadline set by the Chamber for yesterday 18:00 passed without a proposal for an alternative witness schedule being submitted – at least the Prosecution was not copied. May I respectfully inquire clarification on the witness schedule in order for the Prosecution to adequately prepare and allocate its staff properly?

Kind regards
 Petra

From: Saabel, Esther

Sent: 20 September 2012 09:05

To: Badibanga, Jean-Jacques; 'Mangenda, Jean-Jacques'; Godart, Stephanie; Salinas Cerda, Ania

Cc: Kneuer, Petra; Scaliotti, Massimo; Iverson, Eric; Rojas, Felipe; 'akilolo@iccepn.org'; 'aimekilolo@yahoo.fr'; 'haynes.mr@gmail.com'; 'kategibson@gmail.com'; 'azarambaud@iccepn.org'; 'mdouzima@iccepn.org'; Massidda, Paolina; Schauder, Natacha; Martinod-Jacome, Maria Luisa; Walter, Caroline; Narantsetseg, Orchlon; Margitic, Tamara; Tchidimbo, Patrick; 'jjackab@yahoo.fr'; 'vroche@iccepn.org'; Becerra Suarez, Bibiana; 'cpineau@iccepn.org'; Ndagire, Sanyu; Bala-Gaye, Horejah; 'Gibson, Kate'; 'Haynes, Peter'; 'Kaufman, Nick'; Joubert, Jacobus; Komarica, Lejla; Michels, An; Okada, Yuko; Van Hoorebeke, Michel; Vermeulen, Henk

Subject: RE: Programme mensuel amandé (Estimation)de la Comparution des témoins de la Défense allant du 19 Septembre au 19 Octobre 2012

Dear Mr Badibanga,
 Dear all,

In line with the Chamber's Decision on the "Submissions on Defence Evidence" of 7 June 2012, the defence and the VWU are to coordinate "to ensure that logistical and practical arrangements are undertaken to ensure the smooth and continuous presentation of evidence by the defence", "to inform the Chamber of any problems that may be encountered in ensuring the appearance of defence witnesses" and to submit "concrete proposals and alternatives (...) for the Chamber's consideration" (filing 2225, paragraphs 18 and 19).

In this context, the Chamber was informed that the defence and the VWU will have another meeting today, in order to reduce the gap between 2 and 12 October as appearing in the current witness schedule.

According to the outcome of this meeting, the defence is instructed to submit a proposal for an alternative witness schedule for the Chamber's consideration. This proposed schedule shall be submitted to the Chamber by 18.00 today, copying the prosecution and the legal representatives for their information.

Upon reception of this proposal, the Chamber will take a decision on any alternative order that may be proposed by the defence in coordination with the VWU.

Kind regards,
 Esther

From: Badibanga, Jean-Jacques

Sent: 19 September 2012 17:36

To: 'Mangenda, Jean-Jacques'; Godart, Stephanie; Salinas Cerda, Ania; Saabel, Esther

Cc: Kneuer, Petra; Scaliotti, Massimo; Iverson, Eric; Rojas, Felipe; 'akilolo@iccepn.org'; 'aimekilolo@yahoo.fr'; 'haynes.mr@gmail.com'; 'kategibson@gmail.com'; 'azarambaud@iccepn.org'; 'mdouzima@iccepn.org'; Massidda, Paolina; Schauder, Natacha; Martinod-Jacome, Maria Luisa; Walter, Caroline; Narantsetseg, Orchlon; Margitic, Tamara; Tchidimbo, Patrick; 'jjackab@yahoo.fr'; 'vroche@iccepn.org'; Becerra Suarez, Bibiana; 'cpineau@iccepn.org'; Ndagire, Sanyu; Bala-Gaye, Horejah; 'Gibson, Kate'; 'Haynes, Peter'; 'Kaufman, Nick'; Joubert, Jacobus; Komarica,

Lejla; Michels, An; Okada, Yuko; Van Hoorebeke, Michel; Vermeulen, Henk

Subject: RE: Programme mensuel amandé (Estimation)de la Comparution des témoins de la Défense allant du 19 Septembre au 19 Octobre 2012

Dear Ms Godart,

As you may have noticed, I inadvertently made two typographical errors in my former email, which should be read as follow:

On 14 September 2012 at 13:02, the Defence provided by email the Chamber and the parties with an amended monthly schedule of appearance of its witnesses. From this email (see below), it appears that witness PPPP-0011 will be followed by witness PPPP-0052.

Also:

The Prosecution was never informed or consulted or notified of any change in the schedule with the objective to replace the testimony of witness PPPP-0052 by the testimony of witness PPPP-0057.

I would be grateful if you can convey my apologies to the Chamber for these mistakes.

Best regards

Jean-Jacques Badibanga

Jean-Jacques Badibanga
Substitut du Procureur / Trial Lawyer

From: Badibanga, Jean-Jacques

Sent: 19 September 2012 15:19

To: 'Mangenda, Jean-Jacques'; Godart, Stephanie; Salinas Cerda, Ania; Saabel, Esther

Cc: Kneuer, Petra; Scaliotti, Massimo; Iverson, Eric; Rojas, Felipe; akilolo@iccepn.org; aimekilolo@yahoo.fr; haynes.mr@gmail.com; kategibson@gmail.com; azarambaud@iccepn.org; mdouzima@iccepn.org; Massidda, Paolina; Schauder, Natacha; Martinod-Jacome, Maria Luisa; Walter, Caroline; Narantsetseg, Orchlon; Margitic, Tamara; Tchidimbo, Patrick; jjackab@yahoo.fr; vroche@iccepn.org; Becerra Suarez, Bibiana; cpineau@iccepn.org; Ndagire, Sanyu; Bala-Gaye, Horejah; Gibson, Kate; Haynes, Peter; Kaufman, Nick; Joubert, Jacobus; Komarica, Lejla; Michels, An; Okada, Yuko; Van Hoorebeke, Michel; Vermeulen, Henk

Subject: RE: Programme mensuel amandé (Estimation)de la Comparution des témoins de la Défense allant du 19 Septembre au 19 Octobre 2012

Dear Ms Godart,

On 14 September 2012 at 13:02, the Defence provided by email the Chamber and the parties with an amended monthly schedule of appearance of its witnesses. From this email (see below), it appears that witness PPPP-0011 will be followed by witness PPPP-0057.

The Prosecution learned from an email received today from the VWU that the schedule of witnesses' appearance as provided by the Defence on 14 September 2012 has been modified. The VWU indicated that :

The Victims and Witnesses Unit would therefore like to invite you for the courtesy meeting and the court familiarisation as per the following schedule:

Witness	Date	Courtesy Meeting at VWU witness waiting room	Courtroom Familiarisation	Interpreter
CAR-D04-PPPP-0011	Monday, 24 September*	09:10 – 09:20	Courtroom I, 09:30- 10:15	n/a
CAR-D04-PPPP-	Monday, 01	14:40 – 14:50	Courtroom I, 15:00-	n/a

0057	October		16:15	
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*At the beginning of the 1st session

The Prosecution was never informed or consulted or notified of any change in the schedule with the objective to replace the testimony of witness PPPP-057 by the testimony of witness PPPP-0052.

The Prosecution is awaiting Chamber's instruction in this regard to adjust its preparation and allocate its staff accordingly.

Best regards

Jean-Jacques

Jean-Jacques Badibanga
 Substitut du Procureur / Trial Lawyer

From: Mangenda, Jean-Jacques [mailto:jmangenda@iccepn.org]
 Sent: 14 September 2012 13:02
 To: Godart, Stephanie; Salinas Cerda, Ania; Saabel, Esther
 Cc: Kneuer, Petra; Scaliotti, Massimo; Badibanga, Jean-Jacques; Iverson, Eric; Rojas, Felipe; akilolo@iccepn.org; aimekilolo@yahoo.fr; haynes.mr@gmail.com; kategibson@gmail.com; azarambaud@iccepn.org; mdouzima@iccepn.org; Massidda, Paolina; Schauder, Natacha; Martinod-Jacome, Maria Luisa; Walter, Caroline; Narantsetseg, Orchlon; Margitic, Tamara; Tchidimbo, Patrick; jjackab@yahoo.fr; vroche@iccepn.org; Becerra Suarez, Bibiana; cpineau@iccepn.org; Ndagire, Sanyu; Bala-Gaye, Horejah; Gibson, Kate; Haynes, Peter; Kaufman, Nick; Joubert, Jacobus; Komarica, Lejla; Michels, An; Okada, Yuko; Van Hoorebeke, Michel; Vermeulen, Henk
 Subject: Programme mensuel amandé (Estimation)de la Comparution des témoins de la Défense allant du 19 Septembre au 19 Octobre 2012

Chers tous,

La Défense vous prie de trouver ci-dessous l'estimation du Programme mensuel amandé de la Comparution de ses témoins allant du 19 Septembre au 19 Octobre 2012 en tenant compte du fait que la Chambre de siégera pas du 8 au 12 Octobre 2012:

<u>TEMOINS (CODE)</u>	<u>INTERROGATOIRE PRINCIPAL PAR LA DEFENSE</u>	<u>INTERROGATOIRE PAR LE PROCUREUR</u>	<u>INTERROGATOIRE PAR LES REPRESENTANTS LEGAUX DES VICTIMES</u>
CAR-D04- PPPP-0007	19.09.2012	20.09.2012	21.09.2012
CAR- D04- PPPP-0011	24-25.09.2012	27-28.09.2012	01.10.2012
CAR-OTP- PPPP-0052	15-16.10.2012	17-18.10.2012	19.10.2012

Cordialement,

Jean Jacques KABONGO MANGENDA

Case Manager
 Bemba Defence Team
 ICC-CPI
 The Hague/Netherlands
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 jjackab@yahoo.fr
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