

1 The International Criminal Court

2 Trial Chamber III - Courtroom 1

3 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and

4 Judge Kuniko Ozaki

5 Situation: Central African Republic - ICC-01/05-01/08

6 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo

7 Status Conference

8 Friday, 24 September 2010

9 (The hearing starts at 2.30 p.m.)

10 (Open session)

11 THE COURT USHER: All rise. The International

12 Criminal Court is now in session.

13 PRESIDING JUDGE STEINER: Good afternoon. First

14 I would like to ask the court officer to call the case.

15 THE COURT OFFICER: Yes, your Honour. Situation

16 in the Central African Republic, in the case of the

17 Prosecutor versus Jean-Pierre Bemba Gombo, reference

18 ICC-01/05-01/08.

19 PRESIDING JUDGE STEINER: Thank you very much.

20 So I welcome everyone to this courtroom this afternoon,

21 including Mr Jean-Pierre Bemba Gombo, and I will ask first

22 the Prosecution, then legal representatives of victims and

23 finally Defence to introduce themselves and their teams.

24 MS KNEUER: Thank you, Madam President, your

25 Honours. The Prosecution team today is represented by

1 Jean-Jacques Badibanga, trial lawyer; Ibrahim Yillah,
2 trial lawyer; Bärbel Carl, associate trial lawyer; Hesham
3 Mourad, associate trial lawyer; Frédérique Besse, case
4 manager and myself Petra Kneuer, senior trial lawyer.
5 Thank you.

6 PRESIDING JUDGE STEINER: Thank you. Legal
7 representatives.

8 MS MASSIDDA: Thank you, your Honour. Good
9 afternoon. The Office of Public Counsel for Victims this
10 afternoon is represented as follows: Ms Victoria Yazji,
11 counsel; Ms Caroline Walter, associate legal officer;
12 Mr Orchlon Narantsetseg, associate legal officer and I am
13 Paolina Massidda, principal counsel.

14 PRESIDING JUDGE STEINER: Before Defence, the
15 legal representatives of the Registry, please. Before
16 Defence, I apologise.

17 MR DUBUISSON: (Interpretation) Yes, I thank
18 you, Madam President. On behalf of the Registry this
19 afternoon we have Chi Wang, who is a legal adviser and
20 also Sant-Anna Dahirou, who is coordinator, and Cyril
21 Laucci, who is legal officer within the Registry and
22 myself, Marc Dubuisson, representing Silvana Arbia, the
23 Registrar.

24 PRESIDING JUDGE STEINER: Defence, please.

25 MR LIRISS: (Interpretation) Madam President,

1 your Honours. By my side we have Maître Amié Kilolo,
2 associate counsel; our legal assistant, Kate Gibson, and
3 the case manager as always Mr Jean-Jacques Kabongo, and
4 myself, Maître Nkwebe Liriss.

5 PRESIDING JUDGE STEINER: Thank you. I think
6 there was not an introduction of the legal representative
7 of victims, Maître Douzima. Please.

8 MS DOUZIMA: Yes, I thank you, Madam President.
9 I am Marie Edith Douzima, one of the legal representatives
10 of victims.

11 PRESIDING JUDGE STEINER: Thank you very much.
12 So today's agenda is much more related to some issues
13 related to preparation for the commencement of the trial,
14 and the main ones relate, the last filing, Prosecution's
15 filing, filing 891, in which the Prosecutor updated his
16 list of witnesses and the order of Prosecution witnesses.

17 The Chamber composed by myself, my colleagues,
18 Judge Kuniko Ozaki and Judge Joyce Aluoch, we did some
19 analysis, some exercise, and came to the conclusion that
20 if kept the way it is, the length of the case, on the
21 basis of filing 891 and its annex, it will be on about
22 546 hours for 40 witnesses.

23 According to our calculation, the calculation
24 made by the Chamber, on the average it will take at least
25 34 weeks to listen to Prosecution witnesses. If we grant

1 at least the same length of time to Defence team, that
2 will mean much more than one year just for the Prosecution
3 to present -- to question its witnesses.

4 So the first question put by the Bench to the
5 Prosecution team is whether there is any room for
6 reduction on the overall length of the case and the length
7 of questioning of each witnesses.

8 The Chamber noted that, on average, the
9 questioning will take 13 hours. With the experience of
10 the Chamber in the two following cases, it appears that
11 there was a little bit of overestimated on the length of
12 the questioning.

13 So first, I would like to listen from the
14 Prosecution to see if the Prosecution is in a position to
15 anticipate to the Chamber its position on whether there is
16 room for reducing the number of witnesses, or the length
17 of the questioning of its witnesses and, as well, of its
18 experts, taking into account that the reports will be
19 filed. So as a preliminary matter I would like to listen
20 from the Prosecution on this issue. The Prosecution has
21 the floor.

22 MS KNEUER: Thank you, Madam President. I would
23 like to first explain how we came to the calculation that
24 is currently proposed to your Honours. The approach that
25 we took was a holistic one, meaning we did not limit our

1 calculation to the (indiscernible) or pure examining of
2 the witnesses. We factored in other parameters, like the
3 relay interpretation, possible objections or legal
4 arguments. However, only to a certain foreseeable amount.

5 So the Prosecution understands that you wish us
6 to reconsider perhaps more in light of the management that
7 is taking place in the Katanga case, meaning calculating
8 the examination of the Prosecution witnesses, excluding
9 certain factors. These factors would be actually, from
10 our perspective, objections, legal arguments, potential
11 technical problems, and in our case, what we understand
12 the interpretation for the Sango witnesses would be
13 conducted through relay interpretation.

14 We also would consider to be excluded
15 cross-examination as well as re-direct examination and any
16 questioning posed by the OPCV or legal representatives.
17 We understand that in the Katanga case there is a
18 stopwatch concept, meaning that of the clerk of the
19 Registry is taking the time the questioning is taking
20 place, and time is stopped when any other arguments take
21 place. If we would take this approach, we think we can
22 significantly reduce the calculated time.

23 On the other hand, what we also would like your
24 Chamber to consider is that we have numerous vulnerable
25 witnesses and our experience from the investigative phase

1 is that it takes them sometimes a while to tell their
2 story, in particular when they were victimised.

3 In addition, we believe we have a complex case,
4 in particular in comparison with the Katanga case, looking
5 at the duration of the conflict. We have five months
6 vice-versa one day in Katanga case, and geographically
7 it's more spread over the Central African Republic.

8 We would propose to the Chamber to reduce under
9 these considerations the calculation by 50 per cent.

10 PRESIDING JUDGE STEINER: If I went through it,
11 the possibility of reducing the calculation by 50 per
12 cent, it's depending upon the approach to be taken by the
13 Chamber on the format of the questioning by the
14 Prosecution or any other interference with the questioning
15 itself; is that correct?

16 MS KNEUER: This is absolutely correct, Madam
17 President. Learning from the Katanga case, we deem it a
18 very clean way to calculate the pure questioning to take
19 the approach of the stopwatch concept. As I said, we
20 included other administrative or legal matters.

21 However, it's always very difficult to calculate
22 that and to foresee all eventualities. So yes, your
23 Honour, we would propose to reduce of the current
24 546 hours by 50 per cent and limit that to the pure
25 translation -- to the pure examination of the witness.

1 Thank you, your Honour.

2 PRESIDING JUDGE STEINER: Thank you very much.
3 Of course this is just an exercise that we are doing
4 together during this status conference and, in order to
5 provide the Chamber with elements for the Chamber to
6 decide upon the methodology to be used during the
7 questioning of witnesses.

8 The Chamber also observes, for instance, that
9 Prosecution is bringing 12 crime-base witnesses of rape.
10 Just for the Prosecution to analyse whether in this
11 respect there would be any room to reduce the number of
12 witnesses in order to avoid the presentation of overly
13 repetitive evidence.

14 Another point: The Chamber notices that there
15 are four witnesses that are listed there as providing
16 general overview evidence, and there are also three
17 background witnesses on modes of liability, according to
18 the list on the filing 891, combined with the filing 793,
19 annex C.

20 Perhaps the parties could be encouraged to focus
21 on issues that are really contentious in order here also
22 to avoid repetitive evidence or testimonies. And in this
23 respect the Chamber has in mind that there is a deadline
24 of 4 October 2010 for the parties to present a list or
25 submissions on agreed facts, and I would like to listen

1 first from the Prosecution and then from the
2 Defence whether there has been any progress on this issue.

3 MR BADIBANGA: (Interpretation) If you may allow
4 me, Madam President, I would express myself in French.
5 With regard to the agreed facts that the Prosecution and
6 the Defence have agreed upon, we are exchanging emails
7 with the Defence for the time being, and we have decided
8 to meet with them this afternoon after the status
9 conference in order to broach this subject, and we hope
10 that by next week we will be able to provide the Chamber
11 with the details of the subjects that we have managed to
12 agree on.

13 MR LIRISS: (Interpretation) No, Madam
14 President, except that the agreed facts are not that
15 numerous.

16 PRESIDING JUDGE STEINER: Thank you. The Chamber
17 has some questions to put to the Prosecution, but the
18 Prosecution of course, if need be, can clarify the Chamber
19 in writing later, not necessarily during this status
20 conference.

21 The first question related to filing 891, whether
22 it would be possible or more efficient for the
23 presentation of evidence if the Prosecution expert
24 witnesses testify first. We saw that, for instance, we
25 have in relation to the gender crimes, that we have first

1 the witnesses and then the expert on sexual violence. The
2 same in relation to the overview and background witnesses,
3 whether it would be more efficient to have these general
4 overviews and the experts to be examined first before the
5 witnesses themselves.

6 In relation to grouping of overview witnesses
7 some -- if there are corroborating witnesses perhaps the
8 Prosecution could consider grouping them together. For
9 example, I have just examples here that Witness 73
10 corroborates the evidence to be given by Witness 42, at
11 least according to filing 793, and there are other cases,
12 793, annex C.

13 On the other hand, from the list we can see that
14 there are three witnesses, crime base witnesses, giving
15 evidence in relation to pillaging, Witnesses 108, 110,
16 112, that have been separated from other witnesses giving
17 crime base evidence. So there are some issues in relation
18 to the last Prosecution filing that maybe could be
19 reviewed by the Prosecution with a view to help the
20 Chamber in reducing the length, and the number and the
21 length of the Prosecution's presentation of evidence.

22 So, in case the Prosecution prefers to make any
23 submissions on these issues in writing, the Chamber grants
24 to you next Friday for the Prosecution to come with maybe
25 new proposals before the Chamber. I would like to ask

1 whether the Defence has anything to add on this respect.

2 MR LIRISS: (Interpretation) Madam President, we
3 are entirely in agreement with you. We hope that you will
4 give us the opportunity to respond to the proposal made to
5 you by the Prosecution on Friday.

6 PRESIDING JUDGE STEINER: Maybe the new proposal
7 to be put forward by the Prosecution can be subject to the
8 next status conference. There's no need necessarily, but
9 the Chamber will analyse your request. But maybe it's not
10 necessary to have a formal response because we are going
11 to have another status conference, of course, before the
12 date of the commencement of the trial is decided upon.

13 Legal representatives, anything to add on this
14 issue?

15 MS MASSIDDA: (Interpretation) No, Madam
16 President, maybe an item of information for the Chamber.
17 We shall file at the latest on Monday morning a request to
18 request the testimony of a witness via video link. This
19 was a subject already broached with the Prosecution who is
20 in support of this request and it concerns Witness 108.

21 PRESIDING JUDGE STEINER: Thank you. Maître
22 Douzima.

23 MS DOUZIMA: (Interpretation) I have nothing
24 further to add.

25 PRESIDING JUDGE STEINER: Our second issue, the

1 agenda, relates to the problem of language to be used by
2 the witnesses. The Prosecution indicated at the status
3 conference last year on 7 October 2009 that most witnesses
4 will testify in Sango and in Swahili but some may testify
5 in Lingala. The Registry provided information to its
6 state of readiness to provide for Sango interpretation and
7 assistance in its filing 709 of 26 February 2010.

8 So now, the Chamber requests the Prosecution, if
9 possible, to provide the Chamber with an update on
10 languages to be used by witnesses and later I would like
11 to listen from the Registry how the information provided
12 by the Prosecution can be followed and the Registry is in
13 a position to provide witnesses with the interpretation or
14 translation that is necessary.

15 Prosecution, please.

16 MS KNEUER: Thank you, Madam President. The
17 Prosecution prepared a list which the Prosecution is ready
18 to share with the participants and parties and your
19 Honours. We can also send it after the status conference
20 via email. I will not read for every witness code the
21 language but, in short, we have 14 Sango witnesses. We
22 have one witness testifying in Lingala and the remaining
23 witnesses will be in English and French.

24 For the witness familiarisation process we shared
25 with the VWU this information some time ago. In addition

1 to the language the witness expressed to testify, just as
2 a safeguard, we provided the information what the mother
3 language is, or languages, in which language the witness
4 testified and which would be a second language, if the
5 language that the witness had chosen as the first
6 preference would not work for what reason ever. Thank
7 you, your Honours.

8 PRESIDING JUDGE STEINER: Thank you very much.
9 Registry.

10 MR DUBUISSON: (Interpretation) I thank you,
11 Madam President. Indeed, the Registry did have the
12 opportunity to recruit Sango interpreters, and we have
13 been able to train them, and today we have quality
14 interpreters who will be able to assist us during the
15 proceedings and during the case. And to date, in fact
16 today, you have the possibility of following the hearing
17 in Sango.

18 These are limited resources, however, that do not
19 exist out there on the Sango interpretation market for the
20 purposes of simultaneous interpretation. So I must say
21 that these resources will be limited, in clear. The
22 capacity of the Registry will be quite reduced with regard
23 to being able to provide assistance to the Chamber, and
24 within the confines of the hearing.

25 The problem we are up against today is that

1 associated with the familiarisation. In the context of
2 familiarisation we will prepare CDs beforehand. We will
3 take a text that will be interpreted and then made
4 available to be listened to by the witness during the
5 familiarisation process.

6 In view of the limited resources at hand for the
7 Registry, we shall attempt to make sure that the witness
8 benefits from this support. We shall guarantee an on-call
9 interpreter who shall be called upon, were the need to
10 arise, for specific purposes and this is how we will go
11 about the undertaking of the familiarisation process.

12 Now, as to preference of witnesses, this can be a
13 delicate subject because we saw in other cases that those
14 witnesses that had been prepared during the
15 familiarisation process in a given language then decided,
16 for a myriad of reasons, when testifying in the hearing,
17 to use another language.

18 Of course, we shall request that the language
19 announced at the outset, and that the language that the
20 witness has been prepared in, shall indeed be used
21 subsequently during the hearing.

22 PRESIDING JUDGE STEINER: Mr Dubuisson, if I well
23 understood, we have already Sango interpreters ready to
24 follow the hearings. But these same interpreters are not
25 available for the familiarisation process. Is there any

1 reason for that?

2 MR DUBUISSON: (Interpretation) For the most
3 part it is a matter of our capacity, in light of a
4 specific budget. Indeed, we have a maximum number of
5 trained interpreters for the booth; that is to say, they
6 have a certain capacity for work in simultaneous mode.
7 The interpreters at this hearing must deal with a great
8 deal of pressure. They must work very quickly. It's a
9 very specific form of work, of course. There always is
10 and we do have that resource. We do have language
11 assistants who can work as well for us, and they are the
12 people that are used during the investigations.

13 Those people are also at hand and here in The
14 Hague these people are the one and the same. So, if
15 assistance must be provided during familiarisation, that
16 means one less person for the actual trial. There is only
17 a certain number of interpreters per booth and if we can
18 have more we can have a greater turnover so to speak in
19 the booth and we can have longer hearings but, you see,
20 there are a number of restrictions.

21 PRESIDING JUDGE STEINER: In relation to Lingala?

22 MR DUBUISSON: (Interpretation) Well, for
23 Lingala, we already have inhouse resources. However, for
24 Lingala we do know that these people are used in another
25 trial and it's just a matter of letting us know. It's a

1 matter of scheduling. Let us know, so that we can avoid
2 having two sets of witnesses needing the same language
3 interpretation the same day.

4 PRESIDING JUDGE STEINER: Prosecution, something
5 to add on this point?

6 MS KNEUER: Thank you, your Honours. Indeed, we
7 have two observations. The first one is we suggest to the
8 Chamber to conduct a test run on the Sango interpretation,
9 and the second one is in response to Mr Dubuisson.

10 I would like to update the Chamber that the
11 Prosecution met with the VWU and STIC to discuss the
12 witness familiarisation process in terms of interpretation
13 for the Sango speaking witnesses, and we came to the
14 conclusion that it's a practical approach to work with
15 recording.

16 In addition, we would like to highlight that the
17 situation of in particular the crime base witnesses, 12
18 out of the 14 Sango speaking witnesses are victims of
19 sexual violence, that they will find here a very new
20 environment. Some of them are illiterate. Some may have
21 a limited level of education. So as a safeguard what we
22 would propose is to have at the beginning of playing the
23 recording an interpreter present and, as soon as it turns
24 out that the recording is acceptable for the witness, then
25 the witness in the presence of the VWU support officer

1 would listen to the recording and in case of difficulties
2 with understanding an on-call interpreter would assist.

3 We also would like to bring to your attention
4 that it is our understanding that the national language of
5 the Central African Republic civilians is Sango, and that
6 recently the Sango language was developed at the
7 university as a formal language and we may want to
8 consider that some of the witnesses may not necessarily
9 understand a high level sophisticated Sango
10 interpretation.

11 Thank you, your Honours.

12 PRESIDING JUDGE STEINER: Thank you.

13 Mr Dubuisson, any comment?

14 MR DUBUISSON: (Interpretation) The duty of the
15 Registry is to ensure the well-being of the witness not
16 just in terms of language, but also in terms of
17 psychological support that is provided.

18 If we're talking about 12 witnesses who have been
19 the victims of sexual violence, there are specialists here
20 and we do have inhouse specialists. Of course, these
21 specialists will be present. I agree that, if they must
22 intervene, they will not -- they will have to communicate
23 and communication will be of the greatest importance, and
24 the person in question will be able to call someone who
25 will come in to facilitate communication.

1 PRESIDING JUDGE STEINER: Thank you. I think in
2 principle we can accept the Registry assurance that
3 everything will go smoothly with the familiarisation of
4 witnesses, especially those victims of sexual violence,
5 and the Chamber very much appreciates that the Prosecution
6 is already in contact with the Registry to make this
7 process easier and acceptable.

8 Does the Defence have anything to add to this
9 point?

10 MR LIRISS: (Interpretation) (Microphone not
11 activated).

12 PRESIDING JUDGE STEINER: Legal representatives?

13 So the next point in our agenda is the
14 Prosecution filing 793, in which the Prosecution indicated
15 that it intends to file an application for admission of
16 documents from the Bar table in advance of the
17 commencement of the trial. So the Chamber would like to
18 hear from the Prosecution whether the Prosecution has
19 already decided on the issue and this well in advance of
20 the commencement of the trial when it's going to take
21 place.

22 MS KNEUER: Madam President, your Honours, in
23 order to ensure the effective conduct of the trial and
24 avoiding needless consumption of time, the Prosecution is
25 and will be reviewing its case from time to time and it

1 does its best to presents its case in a manner which is
2 not necessarily duplicative.

3 This review will be done respecting the
4 obligation of the Prosecution to prove it's case according
5 to a certain standard. In light of this, the Prosecution
6 proposes: First at appropriate times during the trial the
7 Prosecution will seek to introduce documents from the Bar
8 table; second, to file a motion at the end of its case for
9 the admittance of residual documents not already permitted
10 previously; and, third, the Prosecution requests the
11 Chamber to adopt and follow the practice set out by Trial
12 Chamber II in its, I quote, "Direction for the conduct of
13 the proceedings and testimony in accordance with
14 Rule 140," Decision number 1665, paragraphs 101 and 102,
15 requiring the moving party to send the proposed materials
16 it seeks to tender to the opposing party, which may enter
17 its observations on material sought to be tendered within
18 a reasonable time. It is the responsibility of the moving
19 party to ensure that the opposing party is given
20 reasonable time to enter its observations.

21 The Prosecution submits that the Chamber accepts
22 this procedure, which will regulate the time limit within
23 which the parties should tender evidence from the Bar
24 table. So we are seeking the Chamber to be authorised to
25 submit our application to tender documents to the Bar

1 table at a later stage.

2 Thank you, your Honours.

3 JUDGE ALUOCH: Prosecution, are you departing
4 from your filing on 793 at paragraph 12? Do I understand
5 you to be doing that just now?

6 MS KNEUER: Yes, your Honour.

7 PRESIDING JUDGE STEINER: Thank you. I ask the
8 Defence whether the Defence is ready to issue its views on
9 this request, or whether the Defence would like to have
10 some time and to make its observations in writing?

11 MR LIRISS: (Interpretation) Your Honour, as of
12 this point when the OTP is saying that this is a
13 differently -- a different application, entirely different
14 than filing 793, we would like to see the filing in
15 writing and we would be in a position to respond in
16 writing.

17 PRESIDING JUDGE STEINER: Has the Prosecution any
18 objection in filing this request in writing?

19 MS KNEUER: No, your Honour.

20 PRESIDING JUDGE STEINER: So, therefore, the
21 Prosecution will submit the motion in writing by?

22 MS KNEUER: Next week, Friday.

23 PRESIDING JUDGE STEINER: By Friday?

24 MS KNEUER: Yes, thank you, your Honour.

25 PRESIDING JUDGE STEINER: And legal

1 representatives and Defence will have one week to respond;
2 one week from the notification.

3 So the Chamber has received today an email from
4 the representative of OPCV, Maître Massida, on behalf of
5 the legal representatives of victims, a filing informing
6 that the legal representatives have only been notified of
7 the public redacted version of filing 894, which is the
8 Defence application seeking an order for the correction
9 and refiling of the second amended document containing the
10 charges.

11 Maître Massida submits that the legal
12 representatives should have been provided with a
13 non-redacted version of this filing, pursuant to the
14 decision of Trial Chamber III of 30 June 2010.

15 The Trial Chamber recalls that in its decision,
16 which is filing 807, it ordered the Registry to notify to
17 the legal representatives of victims a series of
18 documents, including the document -- the document
19 containing the chart of incriminatory evidence, the
20 summary of evidence and related documents and the
21 non-redacted version of the second amended document
22 containing the charges.

23 In view of this decision and pursuant to
24 Regulation 23 bis of the Regulations of the Court, the
25 Chamber instructs the Registry to notify immediately to

1 the legal representatives of victims in this case the
2 Defence application seeking an order for the correction
3 and refiling of the second amended document containing the
4 charges, filing 894 confidential.

5 Taking into account that the legal
6 representatives will only be able to assess the
7 non-redacted version of this document, the Chamber grants
8 legal representatives a time limit until Wednesday,
9 29 September, to submit its observations on the request.

10 For the Prosecution to respond to the
11 Defence request, the Chamber, pursuant to Regulation 34 of
12 the Regulations of the Court, decides to shorten the time
13 limit as well to Tuesday, 28 September 2010.

14 Finally, regarding the Prosecution's request for
15 approval of a proposed expert and for an extension of time
16 for the submission of the expert report, which is filing
17 896 filed on 23 September 2010, pursuant to Regulation 34
18 of the Regulations of the Court the Chamber is as well
19 shortening the time limit for the Defence to answer and
20 establish that the response has to be filed by Friday, 1
21 October 2010.

22 Any doubts in relation to these decisions?
23 Defence?

24 MR LIRISS: (Interpretation) Your Honour, I did
25 not understand the ruling. Am I to understand that the

1 OTP made an application for an extension of a deadline
2 that expires on 4 October for the presentation of the
3 conclusions from the experts? And, if I've understood
4 correctly, the Defence -- well, the Chamber is shortening
5 the time frame, or extending the OTP's deadline which had
6 an obligation -- they had an obligation to table on the
7 4th? I'm sorry, but I just don't understand. I just
8 don't understand the ruling. We did not have an
9 opportunity to respond to this application for an
10 extension of the deadline.

11 PRESIDING JUDGE STEINER: I'm sorry, maybe it was
12 my mistake not to be very clear. The Chamber is giving to
13 the Defence the time limit of Friday, 1 October 2010, to
14 respond to the Prosecution request of extension of time
15 limit and replacement of one of its experts. It's clear
16 for the Defence now?

17 MR LIRISS: (Interpretation) (Microphone not
18 activated)

19 THE INTERPRETER: Inaudible. No microphone.

20 PRESIDING JUDGE STEINER: Legal representatives,
21 any doubts in relation to these issues?

22 The Chamber has an important issue to be
23 discussed and to be put to the parties, but before that
24 the Chamber would like to ask first the Prosecutor, legal
25 representatives and the Defence whether they have

1 something else to be put on discussion in this status
2 conference?

3 MS KNEUER: Your Honours, the Prosecution would
4 have a few logistical issues to address and two other
5 matters, but these would require closed session.

6 PRESIDING JUDGE STEINER: Defence?

7 MR LIRISS: (Interpretation) We have no issues
8 to raise for the time being.

9 PRESIDING JUDGE STEINER: Legal representatives?

10 MS MASSIDDA: (Interpretation) We have no issues
11 to raise, your Honour.

12 PRESIDING JUDGE STEINER: I consult the
13 Prosecution - apparently we have some problems with the
14 curtains - whether it would be sufficient for the
15 Prosecution to have these issues discussed in private
16 session, instead of closed session?

17 MS KNEUER: Yes, your Honours.

18 PRESIDING JUDGE STEINER: Thank you. Therefore
19 first, while we're still in an open session, the Chamber
20 needs to inform the parties that the Registry has received
21 about 850 victims' applications for participation in the
22 proceedings.

23 These applications, once confirmed that they are
24 complete, will be filed with the Chamber on a rolling
25 basis in sets of 200 to 300 applications and will be

1 immediately notified to the parties in redacted form for
2 their observations. It is expected that the final set of
3 applications will be notified to the parties mid-October.

4 The Chamber intends to request the parties to
5 present their observations on each set within ten days of
6 being notified. The Chamber is aware that this will place
7 a heavy burden on the parties; in particular, on the
8 Defence team.

9 As it is currently the intention of the Chamber
10 to issue a decision on the applications for participation
11 in November and prior to the commencement of the trial, a
12 heavy burden will also be borne by the Chamber. To
13 receive such a large number of applications upon which the
14 Chamber needs to render a decision evidently impacts on
15 the determination of the trial date. However, a date will
16 be set in the near future.

17 Therefore, the Chamber instructs the Registry
18 that in an open dialogue to the Defence to provide
19 Defence with the necessary means for the Defence team to
20 be able to comply with the very strict deadlines imposed
21 by the Chamber in relation to its observations on the sets
22 of victims' applications.

23 The Registry of course will find, together with
24 the Defence, the most appropriate means for the Defence to
25 comply with such obligations. If need be the Defence,

1 together with the Registry, can always come and file a
2 motion with the Chamber and the Chamber will be ready to
3 decide or to issue any decision that is needed in order to
4 ensure that the Defence will have the necessary means;
5 including, if need be, the involvement of the Office of
6 Public Counsel for the Defence. In any case, the Chamber
7 will first allow Defence and Registry to try to reach an
8 agreement on the more appropriate way to proceed.

9 Any comments? Defence?

10 MR LIRISS: (Interpretation) Thank you very
11 much, your Honour. If I've understood, this is a ruling?

12 PRESIDING JUDGE STEINER: Yes, it is a decision.

13 MR LIRISS: (Interpretation) I really can't add
14 anything else.

15 PRESIDING JUDGE STEINER: It is a decision,
16 Maître, but at the same time the Chamber is ensuring that
17 the Defence will have the adequate means to comply with
18 the deadlines imposed in this decision. The Registry is
19 in charge of providing Defence with the necessary help in
20 order for these deadlines to be complied with.

21 MR LIRISS: (Interpretation) Thank you, your
22 Honour. I don't think this is quite the forum to comment
23 upon the decision.* I accept your ruling.

24 PRESIDING JUDGE STEINER: Thank you very much.
25 Any comment from the legal representatives?

1 Since the issues that were on the -- at least on
2 the Bench's agenda have been already discussed and since
3 the Prosecution asks for a private session for discussion
4 on issues that cannot be discussed in a public session, I
5 please ask court officer to turn this session into
6 private.

7 MS KNEUER: Your Honour, actually the first topic
8 could be addressed in public session, the logistics.

9 PRESIDING JUDGE STEINER: If you prefer then,
10 court officer, we wait first for the first topic to be
11 discussed in public session and then we turn to private
12 session.

13 MS KNEUER: Thank you, your Honour.

14 PRESIDING JUDGE STEINER: You have the floor.

15 MS KNEUER: Thank you, Madam President. I would
16 like to update the Chamber on the availability of CaseMap
17 software in the ICC courtrooms. Very recently, the OTP
18 sent a memo to the Registry requesting access to CaseMap
19 in the courtroom. Subsequently meetings and discussions
20 took place, and what we were informed is that it would be
21 possible to provide the OTP with stand-alone computers to
22 have access to CaseMap and, in addition, the Registry
23 suggested to conduct a feasibility assessment in
24 particular to assess connectivity for the Defence, user
25 support for the application outside the OTP and any

1 potential impact that CaseMap may have on other systems.

2 The Prosecution simply would like to bring this
3 to the attention of the Chambers, and maybe the other
4 parties, participants and the Chambers would like to
5 coordinate this effort of the Prosecution to have for all
6 participants access to CaseMap.

7 Then the Prosecution would like to seek guidance
8 from your Honours. We are anticipating that, during the
9 course of examining the witnesses, two situations may
10 occur which may require practical solutions. The one
11 scenario that we foresee is that for some witnesses it may
12 be necessary that they illustrate the oral evidence
13 information they provide, meaning they may want to draw a
14 sketch. We are not saying that will happen, but we would
15 like to anticipate the situation and would like to seek
16 guidance from your Honours how this could be managed
17 practically.

18 The other scenario that we foresee is that some
19 of the so-called related documents to statements of OTP
20 witnesses may be displayed and there are a few documents
21 which display or show the real name of witnesses in a
22 drawing. We foresee two options: Either we redact these
23 documents, but perhaps there's also a technical solution
24 to just display this piece of evidence inside the
25 courtroom for the parties and participants, but not for

1 the public gallery, and so also with regard to this
2 scenario we are seeking guidance from your Honours.

3 This is the -- this was the Prosecution's
4 submission that could be provided in public session.
5 Thank you, your Honours.

6 PRESIDING JUDGE STEINER: I think it's quite
7 difficult for the Bench to give any directions on these
8 technical issues from the Bench, but we could at least
9 seek that the first views of the Registry, on the issues,
10 these issues whether IT has been already consulted on the
11 technical possibilities, and then with all elements at
12 hand, then the Chamber will be in a position to take a
13 decision on it. Mr Dubuisson.

14 MR DUBUISSON: (Interpretation) I thank you,
15 Madam President. Just before I answer that question, on
16 behalf of the Registry I would like to apologise to the
17 legal representatives of victims and to the Chamber for
18 not having respected or complied with a non-redacted
19 document. I wanted to apologise officially and in public.

20 Now, with regard to this particular issue,
21 CaseMap is well known by the Registry and it is used by
22 other jurisdictions, other courts. It has already been
23 used in these premises during opening statements and only
24 during opening statements.

25 The Court chose to work with another electronic

1 instrument called Ringtail for the presentation of
2 evidence. That is the instrument that we are using.

3 Now, changing an electronic tool, our working
4 tool, means that we have to change the system entirely.
5 This will mean that it shall be used not only for the
6 opening statements but also for the presentation of
7 evidence, and this is a problem for us, because presenting
8 evidence via CaseMap means that we have to put at the
9 disposal a computer that shall not be connected to others
10 and, according to the information available to me,
11 maintenance will be guaranteed by the Prosecution and not
12 by the services of the Registry.

13 So, yes, we do know the system. We know what its
14 capacity is, as we know what the capacity of the Ringtail
15 system is, and we chose, we made a decision a few years
16 ago in the Court. Now, I realise that it is difficult for
17 other courts to adapt. However, in order not to set up
18 any barriers, we received a memo on 21 September, and of
19 course the Registry needs some time to turn around on
20 this, in order for us to be able to analyse the capacity
21 and feasibility with regard to the work to be undertaken
22 by the Court. But if it is to be used outside of the
23 simple forum of opening statements, then of course it will
24 be a major issue, and there we have it.

25 PRESIDING JUDGE STEINER: Maître Dubuisson, when

1 do you think the Registry would be able to inform the
2 Chamber on the possible or non-possible solutions for this
3 Prosecution request?

4 MR DUBUISSON: (Interpretation) Of course. For
5 a case like this we shall consult the experts from the
6 Office of the Prosecutor. I believe that we should be
7 able to come to some arrangement as to the conditions of
8 use, were we to use CaseMap. We will then of course
9 inform the Defence and the legal representatives of
10 victims with a view to calling or drawing their attention
11 to a number of possible problems.

12 Now, of course training was provided in the usage
13 of Ringtail, and it is possible for the parties and
14 participants to find exhibits within the system when they
15 are told that documents are linked or attached. Then we
16 have to see what the evidence is, or the exhibit is,
17 whether it is a document on its own or a link of some
18 variety. But of course the parties and participants will
19 have to learn a whole new system and they have only
20 received training in Ringtail to date.

21 So we shall get the information from the
22 Prosecution. We shall also undertake to take the time to
23 explain, because of course the technicians need to tell us
24 what the situation is, what problems we might come up
25 against, and then I think that by the end of next week I

1 will be able to come back to you on the subject.

2 We shall also be consulting the Chamber on the
3 matter, and I apologise for that.

4 PRESIDING JUDGE STEINER: I thank you.

5 MS KNEUER: I think there is a misunderstanding.
6 The Prosecution is not requesting to use CaseMap for the
7 presentation of evidence. For the presentation of
8 evidence we would have course rely on Ringtail. CaseMap
9 is a working tool for the OTP to prepare the trial. So
10 it's an internal document and we simply would like to have
11 access to our database. It is not intended to change the
12 entire system for the Court in representing -- producing
13 or introducing evidence, by no means. I'm sorry for this
14 misunderstanding.

15 PRESIDING JUDGE STEINER: And I'm very happy for
16 the clarification. Thank you. I'm sorry, but before we
17 go into private session I just wanted to check whether all
18 issues have been touched upon, and I am reminded to ask
19 the Prosecution to provide, as soon as possible, the
20 Chamber with the list of witnesses with the language used
21 by each of them, if possible. As soon as possible. Thank
22 you.

23 There are no other issues then, court officer,
24 now we go into private session.

25 (Private session at 3.38 p.m.)

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13 (Open session at 3.54 p.m.)

14 THE COURT OFFICER: We are in open session, your
15 Honour.

16 PRESIDING JUDGE STEINER: Thank you very much.
17 So the Chamber has already dealt with the matters that
18 were planned for today's status conference. The Chamber
19 would like to thank the legal representatives of victims,
20 the representatives of the Registrar, and the Defence.
21 Mr Liriss, I see that you have to -- you want to address
22 something.

23 MR LIRISS: (Interpretation) Yes, indeed, with
24 your leave, Madam President. I can see that you're
25 getting ready to close the hearing. Well, we have

1 consulted each other and, with your leave, we would like
2 to come back to your decision. We would like you to
3 reconsider part of your decision with regard to the 900
4 victims. With your leave, I shall give you a few elements
5 in support of this, unless of course you deem --

6 PRESIDING JUDGE STEINER: I first would like to
7 make it sure that the Chamber has carefully considered the
8 other possibilities in order not to delay the commencement
9 of the trial because of the victims' applications for
10 participation. The Chamber has also considered the
11 difficulties that mainly the Defence, but also the
12 Chamber, would face having to decide upon 850 applications
13 for participation in such a short period of time. I, of
14 course, would allow the Defence to make maybe an
15 alternative proposal, bearing in mind the urgency of the
16 matter, but I would ask the Defence first to talk with
17 representatives of the Registry, to evaluate the resources
18 that are going to be given to the Defence - the human
19 resources - in order to help the Defence, and as soon as
20 the Defence is convinced that these short or very strict
21 deadlines are not feasible, then the Chamber will be more
22 than happy to listen to the Defence proposing alternatives
23 or the Chamber to change its deadlines. But, first, the
24 Chamber would very much appreciate if the Defence has this
25 meeting with the Registry and to see what kind of help the

1 Registry can offer to the Defence in order for these
2 deadlines to be kept the way they were decided upon by the
3 Chamber. But, at any moment, the Defence will be able to
4 bring the issue to the Chamber, and the Chamber can maybe
5 revise its own finding.

6 So, I very much appreciate the contribution given
7 by legal representatives of victims, the representatives
8 of the Registry, the Defence team, as always active and
9 ready to exercise their functions. I would like to once
10 again welcome Mr Jean-Pierre Bemba Gombo. And this part
11 of the hearing is suspended, and the Chamber will return
12 in half-an-hour, at half past four, in a closed ex parte
13 session, Prosecution only. Thank you very much. The
14 hearing is suspended.

15 (The hearing ends at 3.58 p.m.)

16 CORRECTION REPORT

17 The following correction has been added to the English
18 transcript:

19 * Page 25, line 23

20 "I accept your ruling."