

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 6 March 2012

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 Document
with Confidential Annex**

**Order on the implementation of Decision on the supplemented applications by
the legal representatives of victims to present evidence and the views and
concerns of victims**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Petra Kneuer

Counsel for the Defence

Mr Aimé Kilolo Musamba

Mr Peter Haynes

Legal Representatives of the Victims

Ms Marie-Edith Douzima-Lawson

Mr Assingambi Zarambaud

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

States Representatives

Amicus Curiae

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

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* issues the following Order on the implementation of Decision on supplemented applications by the legal representatives of victims to present evidence and the views and concerns of victims ("Order").

1. On 22 February 2012, the Chamber, the Presiding Judge partly dissenting, issued its Decision on supplemented applications by the legal representatives of victims ("legal representatives") to present evidence and the views and concerns of victims ("Decision"), in which the Majority decided that (i) the victims registered under the numbers a/0866/10 and a/1317/10 shall be authorised to testify; (ii) the victims registered under the numbers a/0542/08, a/0394/08 and a/0511/08 shall be authorised to present their views and concerns in person; and clarified that (iii) any procedural issues relating to the implementation of the Decision would be addressed in a separate filing.¹
2. The purpose of the present Order is to address the procedural issues related to the implementation of the Decision. Among other matters, noting the legal representatives' submission that all the victims concerned accept the disclosure of their identities to the parties, this Order aims at providing the parties with relevant information pertaining to the identities of the victims concerned.²

¹ Decision on supplemented applications by the legal representatives of victims to present evidence and the views and concerns of victims, 22 February 2012 (notified on 23 February 2011), ICC-01/05-01/08-2138.

² Requête de la Représentante légale de victimes concernant des informations supplémentaires à sa requête du 6 décembre 2011 afin d'autoriser des victimes à témoigner et à faire valoir leurs vues et préoccupations devant la Chambre, 23 January 2012 (notified on 24 January 2012), ICC-01/05-01/08-2061-Conf, paragraph 7; Complément de la requête afin d'autorisation de présentation d'éléments de preuves et subsidiairement de présentation de vues et préoccupations par les victimes du 6 décembre 2012, 23 January 2012, ICC-01/05-01/08-2058-Conf, paragraph 16.

3. For the purpose of this Order, in accordance with Article 21(1) of the Rome Statute (“Statute”), the Chamber has considered Articles 64(2), 64(3)(a), 64(6) and (9); 68(1) and 69(2) of the Statute and Rules 43, 54, 87 and 88 of the Rules of Procedure and Evidence.
4. As to the procedure to be adopted to hear the victims, the Chamber recalls that pursuant to Regulation 81(4)(a) of the Regulations of the Court, the legal representatives may seek support and assistance from the Office of Public Counsel for victims.

Victims called to testify as witnesses

5. Pursuant to Article 69(2) of the Statute, the testimonies of Victims a/0866/10 and a/1317/10, represented by Maître Douzima, shall be heard in person. For that purpose, and in order to facilitate the expeditiousness of the proceedings, the legal representative shall contact the Victims and Witnesses Unit (“VWU”) without delay to make any necessary arrangements for the preparation of the live testimony and to discuss any possible security concerns by the victims. Taking into account that due to the new biometric passport procedure applicable in the Central African Republic, two months are required for the VWU to make the appropriate travel arrangements,³ the Chamber finds it desirable that the victims called to testify are able to appear before the Chamber as of 23 April 2012.

Victims authorised to express their views and concerns

6. On 9 February 2012, the Office of the Prosecutor suggested in its “Prosecution’s consolidated observations on the Legal Representatives’

³ Email by the Legal Coordinator, Division of Court Services to the Chamber, parties and participants of 26 January 2012, at 16.05.

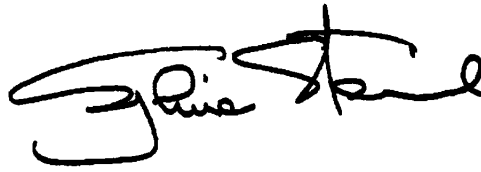
applications to present evidence and the views and concerns of victims” that victims authorised to present their views and concerns could do so either in writing or *via* video-link.⁴

7. The Chamber will file a separate decision in relation to the procedure to be adopted for the presentation of views and concerns by Victims a/0542/08, a/0394/08 and a/0511/08.
8. For the foregoing reasons, the Chamber hereby:
 - a. Orders the Victims Participation and Reparations Section to provide the parties, by 14 March 2012, with less redacted versions of the application forms of Victims a/0866/10 and a/1317/10.
 - b. Provides the parties, in the confidential Annex appended to this Order, with the relevant portions of the *ex parte* annexes to the Decisions of the Chamber on the application by Victims a/0866/10 and a/1317/10 to participate in the proceedings;
 - c. Orders the legal representative to confidentially file, by 14 March 2012, less redacted versions of the written statements pertaining to Victims a/0866/10 and a/1317/10. In these lesser redacted versions, any redactions on information pertaining to the victims’ identities should be lifted while any redactions to the identities of third parties and the victims’ exact addresses should be maintained;
 - d. Instructs the legal representative to contact the VWU without delay to make any necessary arrangements for the presentation of evidence and to refer any possible security concerns by the victims who are called to testify as witnesses;

⁴ Prosecution’s consolidated observations on the Legal Representatives’ applications to present evidence and the views and concerns of victims, 9 February 2012, ICC-01/05-01/08-2126-Conf, paragraphs 4 and 17.

- e. Instructs the legal representative in consultation with the VWU to inform the Chamber, no later than by 16.00 on 5 April 2012, about any recommended protective measures the victims called to testify as witnesses may need to be granted. Any related requests for protective measures should be legally and factually justified and filed publicly in accordance with Rule 87(2)(a) of the Rules. If the legal representative considers that the requests contain information that should remain confidential, she may file confidential or *ex parte* versions of these requests, along with appropriate redacted versions;
- f. Defers its decision on the procedure to be adopted for the presentation of views and concerns by Victims a/0542/08, a/0394/08 and a/0511/08.

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



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 6 March 2012

At The Hague, The Netherlands