

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 13 May 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**

**Public**

**Public redacted version of "Decision ordering the VWU to provide further  
information in relation to the statement of Witness D04-64"  
of 26 October 2012**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda, Prosecutor  
Mr Jean-Jacques Badibanga, Trial Lawyer

**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**

**REGISTRY**

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**Registrar**

Mr Herman von Hebel

**Defence Support Section**

**Victims and Witnesses Unit**

Mr Patrick Craig

**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 Decision requesting the VWU to provide further information in relation to the statement of Witness D04-64.

1. On 18 October 2012, the Chamber received a protection report in relation to Witness D04-PPPP-0064 (“Witness D04-64”) from the Victims and Witnesses Unit (“VWU”).<sup>1</sup> The report provides in relevant part:

[REDACTED]

2. During the hearing of 22 October 2012, when asked by the Chamber how many times Mr Bemba came to Bangui during the time of the fighting between October 2002 and March 2003, Witness D04-64 replied that he only saw Mr Bemba once.<sup>2</sup>
3. The apparent inconsistency between the information provided in the protection report and the witness’s response to the Chamber’s questions was explored by the Chamber during the hearing of 23 October 2012:<sup>3</sup>

[REDACTED]

4. In light of the above and pursuant to Article 64(6)(f) of the Statute, the Chamber hereby requests the VWU to provide clarification as to:

- (i). Whether the information provided in the VWU protection report to the effect that the witness informed the VWU that [REDACTED] is accurate;

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<sup>1</sup> Email from the VWU’s Associate Protection Officer to the Chamber of 18 October 2012 at 19.54.

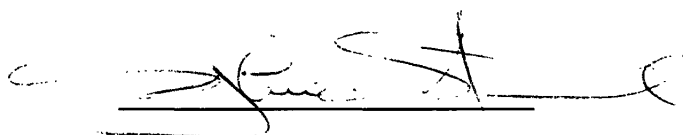
<sup>2</sup> Transcript of hearing of 22 October 2012, ICC-01/05-01/08-T-259-CONF-ENG CT, page 25, lines 17 to 21.

<sup>3</sup> Transcript of hearing of 23 October 2012, ICC-01/05-01/08-T-260-CONF-ENG ET, page 38, line 11 to page 39, line 4 and page 39, lines 19 to 22.

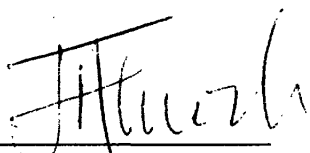
- (ii). Whether the interview was video or audio recorded; and
- (iii). The language of the interview and the identities of the individuals who attended the interview.

This information should be submitted via a confidential report, available to the parties and participants, to be filed by 16.00 on 31 October 2012.

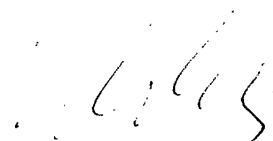
Done in both English and French, the English version being authoritative.



**Judge Sylvia Steiner**



**Judge Joyce Aluoch**



**Judge Kuniko Ozaki**

Dated this 13 May 2013

At The Hague, The Netherlands