



Original: **English**

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

Date: 29/10/2013

**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*

**Motion for clarification of the modalities of the presentation of evidence by the  
Trial Chamber**

**Source:** Defence for Mr. Jean-Pierre Bemba Gombo

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

**The Office of the Prosecutor**

Ms. Fatou Bensouda  
Mr. Jean-Jacques Badibanga

**Counsel for the Defence**

Mr. Aimé Kilolo-Musamba  
Mr. Peter Haynes QC

**Legal Representatives of the Victims**

Ms. Marie-Edith Douzima-Lawson  
Mr. Zarambaud Assingambi

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

Ms. Paolina Massida

**The Office of Public Counsel for the  
Defence**

Mr. Xavier-Jean Keita

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

---

**Registrar**

Mr. Herman von Hebel

**Defence Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section Other**

## A. BACKGROUND

1. On 19 November 2010, Trial Chamber III (“the Chamber”) rendered its *Decision on Directions for the Conduct of the Proceedings*.<sup>1</sup> This decision, while setting out the modalities for the presentation and questioning of witnesses by the parties, was silent on the modalities for the presentation of witnesses called by the Chamber.

2. On 18 October 2013, the Chamber rendered its *Second decision on issues related to the closing of the case*,<sup>2</sup> noting that it had previously indicated that it may decide to call “additional witnesses” and naming two individuals whose testimony it characterized as “desirable”. The Registry was tasked with determining the availability and willingness of these potential witnesses to appear “as from 28 October 2013.”<sup>3</sup> The Chamber stated that the modalities of their testimony would be addressed in due course.

## B. SUBMISSIONS

3. In order to assist with its preparation for the presentation of any “additional witnesses”, and any response to a decision on the part of the Chamber to order their appearance, the Defence respectfully requests clarification concerning the modalities for the presentation of their evidence. In particular, the Defence raises the following questions:

- (a) Is the Chamber the calling party for the purposes of their testimony?
- (b) What is the order of questioning by the parties and Legal Representatives of Victims?
- (c) Will the Defence be afforded the right to question the witnesses last?
- (d) Is the Chamber entitled to re-examine?

---

<sup>1</sup> ICC-01/05-01/08-1023.

<sup>2</sup> ICC-01/05-01/08-2837-Red.

<sup>3</sup> ICC-01/05-01/08-2837-Red, paras. 19-21.

- (e) Will the Chamber produce a list of documents for use in examination of the witnesses, and if so how long before the anticipated testimony will this be disclosed to the parties and the Legal Representatives for Victims?
- (f) Are the parties required to provide lists of documents for use in cross-examination, and if so by when?
- (g) Will the Legal Representatives for Victims be required to provide a list of intended questions for prior authorization by the Chamber?
- (h) Will the Legal Representatives for Victims be limited to 2 hours of questioning?

**D. REQUESTED RELIEF**

4. Given the above, the Defence respectfully requests that the Chamber

**CLARIFY** the modalities for the presentation of the testimony of any additional witnesses in the present case.

The whole respectfully submitted.



---

Aimé Kilolo Musamba  
Lead Counsel



---

Peter Haynes  
Co- Counsel

Done on the 29th of October 2013  
At The Hague, The Netherlands