

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/05-01/08  
Date: 2 October 2014

**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**

**Notice of limited reopening of the presentation of evidence and rescheduling  
of closing statements**

**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 Peter Haynes

Ms Kate Gibson

Ms Melinda Taylor

**Legal Representatives of the Victims**

Ms Marie-Édith Douzima-Lawson

**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**

Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Herman Von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Other  
Reparations Section**

Trial Chamber III (“Chamber”) of the International Criminal Court (“Court”), in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“Bemba case”), issues the following Notice of limited reopening of the presentation of evidence and rescheduling of closing statements.

1. On 16 July 2013, the Chamber issued its “Decision on the timeline for the completion of the defence’s presentation of evidence and issues related to the closing of the case”,<sup>1</sup> in which it established a schedule and gave directions for the filing of closing briefs and the presentation of final oral submissions.<sup>2</sup> In this context, the Chamber decided that the final oral submissions would be presented “two weeks after the filing of the defence’s reply”.<sup>3</sup>
2. On 7 April 2014, the Chamber issued its “Decision on closure of evidence and other procedural matters”,<sup>4</sup> in which it, *inter alia*, declared the submission of evidence closed pursuant to Rule 141(1) of the Rules of Procedure and Evidence.<sup>5</sup>
3. On 26 May 2014, the Chamber issued its “Decision on the timetable and on the sentencing procedure”,<sup>6</sup> in which it, *inter alia*, (i) ordered the defence for Mr Jean-Pierre Bemba (“defence”) to file its closing brief by 25 August 2014; (ii) ordered the Office of the Prosecutor (“prosecution”) and the legal representative of victims, Maître Marie-Edith Douzima-Lawson, to file any responses to the defence’s closing brief by 8 September 2014; (iii) ordered the defence to file its reply to the responses by 22 September 2014; and (iv) decided that the final oral submissions would be heard as of 13 October 2014,

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<sup>1</sup> Decision on the timeline for the completion of the defence’s presentation of evidence and issues related to the closing of the case, 16 July 2013, ICC-01/05-01/08-2731.

<sup>2</sup> ICC-01/05-01/08-2731, paragraph 38.

<sup>3</sup> ICC-01/05-01/08-2731, paragraph 38(r).

<sup>4</sup> Decision on closure of evidence and other procedural matters, 7 April 2014, ICC-01/05-01/08-3035.

<sup>5</sup> ICC-01/05-01/08-3035, paragraph 7(i).

<sup>6</sup> Decision on the timetable and on the sentencing procedure, 26 May 2014, ICC-01/05-01/08-3071.

unless otherwise decided.<sup>7</sup>

4. On 4 September 2014, pursuant to Article 67(2) of the Rome Statute (“Statute”), the prosecution disclosed to the defence a confidential document related to Witness P-169 (“Disclosed Document”).<sup>8</sup>
5. On 11 September 2014, the prosecution filed its “Prosecution’s Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169” (“ICC-01/05-01/08-3138-Conf-Red”).<sup>9</sup> On the same day, the defence filed its “Defence Urgent Submission on the [Disclosed Document]” (“ICC-01/05-01/08-3139-Conf”).<sup>10</sup>
6. On 23 September 2014, the Chamber convened a status conference to hear submissions concerning ICC-01/05-01/08-3138-Conf-Red<sup>11</sup> and ICC-01/05-01/08-3139-Conf<sup>12</sup> and related filings.<sup>13</sup> In this context, the Chamber denied the defence’s request to suspend the timeframe for the filing of the defence’s reply brief.<sup>14</sup>
7. On 29 September 2014, the defence filed “Mr. Bemba’s Reply Brief”.<sup>15</sup>

<sup>7</sup> ICC-01/05-01/08-3071, paragraph 18 (ii), (iii), (iv) and (v).

<sup>8</sup> Prosecution’s Communication of Evidence pursuant to Article 67(2) of the Rome Statute and confidential Annex A, 5 September 2014, ICC-01/05-01/08-3133 and ICC-01/05-01/08-3133-Conf-AnxA. The Chamber notes that the Disclosed Document and related documents are classified as confidential. However, in light of the principle of publicity under Articles 64(7) and 67(1) of the Rome Statute and Regulation 20 of the Regulations of the Court, the present notice is classified as public. To the extent that it makes reference to confidential documents, the Chamber is of the view that reference to these documents does not undermine the confidentiality of the information.

<sup>9</sup> Prosecution’s Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169”, 11 September 2014, ICC-01/05-01/08-3138-Conf-Exp along with Conf-Exp-AnxA. A confidential redacted version was filed on 12 September 2014, ICC-01/05-01/08-3138-Conf-Red. Pursuant to a 15 September 2014 Chamber’s order, Annex A was reclassified as confidential: ICC-01/05-01/08-3138-Conf-AnxA.

<sup>10</sup> Defence Urgent Submission on the [Disclosed Document], 11 September 2014, ICC-01/05-01/08-3139-Conf and confidential Annexes A and B.

<sup>11</sup> Confidential redacted version of “Prosecution’s Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169”, 12 September 2014, ICC-01/05-01/08-3138-Conf-Red.

<sup>12</sup> Defence Urgent Submissions on the [Disclosed Document], 11 September 2014, ICC-01/05-01/08-3139-Conf.

<sup>13</sup> Transcript of Hearing on 23 September 2014, ICC-01/05-01/08-T-360-Conf-ENG ET. See Order convening a status conference, 18 September 2014, ICC-01/05-01/08-3147.

<sup>14</sup> ICC-01/05-01/08-T-360-Conf-ENG ET, page 68, lines 6 to 9.

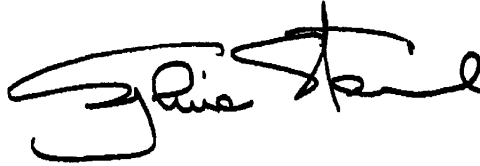
<sup>15</sup> Mr. Bemba’s Reply Brief, 29 September 2014, ICC-01/05-01/08-3153-Conf.

8. On 2 October 2014, the Chamber issued its confidential "Decision on 'Prosecution's Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169' (ICC-01/05-01/08-3138-Conf-Red) and 'Defence Urgent Submissions on the [Disclosed Document]' (ICC-01/05-01/08-3139-Conf)" ("Decision 3154").<sup>16</sup>
9. In light of the principle of publicity under Articles 64(7) and 67(1) of the Statute and Regulation 20 of the Regulations of the Court, the Chamber hereby provides public notice that in Decision 3154 the Chamber decided:
- (i) to reopen the presentation of evidence in the *Bemba* case for the limited purpose of hearing Witness P-169 on issues related to the allegations contained in the Disclosed Document, including issues of witness credibility;
  - (ii) that Witness P-169 shall be heard at the seat of the Court as of 14 October 2014;
  - (iii) that following Witness P-169's testimony, the prosecution and the legal representative shall have seven days, and the defence shall have 14 days to file additional submissions to their closing briefs. These additional submissions shall relate exclusively to Witness P-169's testimony and any related evidence admitted by the Chamber; and
  - (iv) that the final oral submissions shall be presented during the week of 10 November 2014, unless otherwise decided.

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<sup>16</sup> Decision on "Prosecution's Information to Trial Chamber III on issues involving witness CAR-OTP-PPPP-0169" (ICC-01/05-01/08-3138-Conf-Red) and "Defence Urgent Submissions on the 5 August Letter" (ICC-01/05-01/08-3139-Conf), 2 October 2014, ICC-01/05-01/08-3154-Conf.

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



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**Judge Sylvia Steiner**



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**Judge Joyce Aluoch**



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**Judge Kuniko Ozaki**

Dated this 2 October 2014

At The Hague, the Netherlands