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Pénale
Internationale**



**International
Criminal
Court**

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Date: 21 November 2016

TRIAL CHAMBER VII

Before: Judge Bertram Schmitt, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Raul Pangalangan

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

IN THE CASE OF
*THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO, AIMÉ KILOLO
MUSAMBA, JEAN-JACQUES MANGENDA KABONGO, FIDÈLE BABALA
WANDU AND NARCISSE ARIDO*

URGENT
Public Document
With confidential annex

**Registry's Response to the Prosecution's Request for Information on the General
and Specific Costs Incurred by the Court in relation to the *Bemba* Case (ICC-01/05-
01/13-2007)**

Source: Registry

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

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I. Introduction

1. Pursuant to the Single Judge's "Decision on the Prosecution Renewed Request to Obtain Financial Information from the Registry" ("Single Judge's Decision"),¹ the Registry hereby submits its report on financial information in relation to the case *The Prosecutor v. Jean-Pierre Bemba Gombo* ("Main Case") as discussed with the Office of the Prosecutor ("Prosecution").

II. Classification

2. In accordance with regulation 23bis(1) of the Regulations of the Court ("RoC"), the annex to the present submission is classified as "confidential" because it contains sensitive information on the Registry's internal operations and working procedures, including information pertaining to witnesses and security.

III. Procedural History

3. On 4 November 2016, the Prosecution filed a renewed request to obtain financial information from the Registry ("Renewed Request").² The Prosecution specified that it seeks to obtain, "(1) the overall financial cost associated with the trial of the Main Case generally; and (2) those costs specifically incurred by the Court in relation to the 14 Main Case Defence witnesses, the subjects of the offenses committed in this case".³
4. On 9 November 2016, the Defence for Mr Jean-Pierre Bemba Gombo ("Mr Bemba") submitted its response to the Renewed Request, requesting the

¹ Trial Chamber VII, Single Judge, "Decision on the Prosecution Renewed Request to Obtain Financial Information from the Registry", ICC-01/05-01/13-2026, 11 November 2016.

² Office of the Prosecutor, "Prosecution's Renewed Request to Obtain Financial Information from the Registry", ICC-01/05-01/13-2007, 4 November 2016.

³ Renewed Request, para. 2.

Chamber to order the Registry to provide information concerning “i) the expenses broken down per witness, ii) the date on which the expense was incurred, iii) the particular Registry section that paid the expenses; and iv) whether such expenses have been included in the putative legal aid debt attributed to Mr Bemba in the Main Case” (“Bemba Defence Request”).⁴

5. On 10 November 2016, the Registry filed its observations noting, *inter alia*, that, subject to clarification of the timeframe and scope of the Renewed Request, the relevant information could be provided within a reasonable timeframe should the Chamber so order.⁵
6. On 11 November 2016, the Single Judge’s Decision clarified that it is “up to the Prosecution to decide which sort of information should be included and to which scope”⁶ and instructed the Registry to liaise with the Prosecution in order to resolve any outstanding question with regard to the content and scope of the Renewed Request.⁷ The Single Judge further clarified in relation to the Bemba Defence Request that it is not necessary for the Registry to provide “the exact date when the expenses occurred” for Mr Bemba “to meaningfully challenge the anticipated argument by the Prosecution.”⁸
7. On 15 November 2016, pursuant to the Single Judge’s Decision, staff from the Prosecution and Registry met to clarify the scope and timeframe of the Prosecution’s Renewed Request.⁹ As to the timeframe, the Prosecution clarified that it should be calculated from Mr Bemba’s initial arrival at the ICC Detention Centre on 3 July 2008 to the day the Judgement pursuant to Article 74 of the Statute was issued in the Main Case on 21 March 2016.¹⁰ As to the scope, the Prosecution clarified that the information sought

⁴ Defence for Mr Bemba, “Response to the ‘Prosecution’s Renewed Request to Obtain Financial Information from the Registry’” ICC-01/05-01/13-2017, 9 November 2017, para. 3 to 5 (The Registry understands the Bemba Defence Request to apply only to the 14 Witnesses).

⁵ Registry, “Registry’s Observations to ‘Prosecution’s Renewed Request to Obtain Financial Information from the Registry’”, ICC-01/05-01/13-2024, 10 November 2016.

⁶ Single Judge’s Decision, para. 18.

⁷ *Id.*

⁸ *Id.* at para. 17.

⁹ Single Judge’s Decision, para. 18.

¹⁰ Trial Chamber III, “Judgement pursuant to Article 74 of the Statute”, ICC-01/05-01/08-3343, 21 March 2016.

concerned the costs associated with the Main Case generally and the 14 Witnesses specifically in relation to the following eight categories:

- 1) Witness transportation and associated costs;
- 2) Video-link testimony;
- 3) Rule 74 Counsel;
- 4) Translation and interpretation;
- 5) Witness security and familiarisation process;
- 6) Outstanding legal aid costs;
- 7) Witness protection and associated costs; and
- 8) Detention costs for Mr Bemba.¹¹

IV. Submissions

Preliminary Remarks

8. The Registry emphasises that the information provided in the confidential annex corresponds to the extent possible to the eight categories sought by the Prosecution as per the discussion between Prosecution and Registry. Thus, for present purposes, the trial costs of the Main Case are understood to be limited to the eight categories discussed with the Prosecution.
9. Further, the Registry underscores the fact that the information sought in the Renewed Request calls for cost accounting in relation to a specific case – the Bemba Main Case - while the Registry's financial and accounting systems are set up to report on expenditures by situation country. Thus, many of the figures relating to the Main Case needed to be disaggregated manually from the situation level records that were readily available. As a result, the figures presented in the annex are often only close approximations on the total amounts spent.

¹¹ The Registry Legal Office sent an email to the Senior Trial Attorney for the Prosecution on 16 November 2016 at 17:31 to confirm the scope of the calculation. As of the date of the present submission, no response had yet been received.

Methodology followed to gather financial information

10. The costs in the eight abovementioned categories were incurred by the following five sections within the Registry: Court Management Section ("CMS"), the Detention Section ("DS"), the Language Support Section ("LSS"), the Counsel Support Section ("CSS") and the Victims and Witnesses Unit ("VWU"). It was possible in relation to each of these Sections to provide figures for the general costs associated with the Main Case. However, in relation to the DS, it was not possible to provide the calculations requested per witness because that Section was not involved in any way with the 14 Witnesses.
11. As per the Single Judge's Decision, the Registry has provided the relevant information in the form of a report annexed to the present submission.¹²
12. This report is divided into three parts, which are:
 - 1) Part 1: Summary of the general costs associated with the Main Case;¹³
 - 2) Part 2: Summary of the specific costs associated with the 14 Witnesses ;¹⁴ and
 - 3) Part 3: Breakdown of the costs associated with the 14 Witnesses, per witness, per Section.¹⁵
13. The Registry clarifies that while parts (2) and (3) of the report both reflect the costs associated with the 14 Witnesses as provided by CMS, CSS, LSS and VWU, there is a slight discrepancy between the two tables in relation to the costs provided by CMS. This is because part of the total relating to staff costs could not be specifically allocated per witness. Therefore, the costs associated with the video-link testimony could not be further subdivided per specific witness because the staff costs associated with the exercise related to more than one witness.

¹² Single Judge's Decision, para. 21.

¹³ Figures are presented in a form of a table and a pie chart.

¹⁴ Figures are presented in a form of a table and a pie chart.

¹⁵ The Registry notes that this table corresponds to the costs which could actually be broken down by witness.

14. The Registry further notes that the information presented in part (3) of the report is the only information for which the Registry is able to provide a breakdown per witness, from the general costs associated with the Main Case.

Nature of costs provided in the annexed report

15. In addition to the descriptions, explanations and assumptions set out in the confidential annex report, the Registry makes the following clarifications in relation to the expenses extracted from its accounting system.
16. Regarding the costs of video-link support, 11 out of the 14 witnesses testified by video-link.
17. Regarding costs in relation to detention, these costs correspond to the general operating expenses of the Detention Centre, per detained person.
18. Regarding language support services, the figures include both translation and interpretation costs. The calculation of the translation costs is based on an average cost per page multiplied by the number of pages translated for the case. The interpretation costs are based on the calculation of the average cost of an interpreter per day multiplied by the number of days an interpreter was used in the Main Case. These expenses relating to interpretation support services also include the calculation for training Sango interpreters and for actual Sango interpretation. These figures furthermore include Sango interpretation for the witnesses where relevant.
19. Regarding counsel support services, the figures include the costs associated with legal aid for the defence team and fees for counsel appointed pursuant to rule 74 of the Rules of Procedure and Evidence ("Rule 74 counsel"). Following the Bemba Defence Request, part three of the annexed report shows an up-to-date figure relating to "the putative legal aid debt attributed to Mr Bemba in the Main Case". The breakdown

of expenses associated with Rule 74 counsel was also provided per witness after having reviewed each of the time-sheets filled-in by Rule 74 counsel.

20. Finally, regarding witness support services, the figures include travel and general operating expenses.

Registry's main conclusions as to the general costs associated with the Main Case and the costs specially incurred for the 14 Witnesses:

21. The general costs associated with the Main case, relating to the aforementioned categories as discussed between the Registry and Prosecution, amount to a total of €7,217,800.

22. These costs can be found in part one of the annexed report and are broken down per Registry Section as follows:

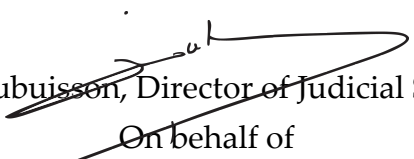
- 1) CMS : €124,800
- 2) DS : €120,000
- 3) LSS : €4,684,000
- 4) CSS : €1,094,400
- 5) VWU : €1,194,600

23. The specific costs associated with the 14 Witnesses amount to a total of €280,100 and are broken down in part two of the annexed report per Registry Section as follows:

- 1) CMS : €43,400
- 2) CSS : €24,200
- 3) VWU : €46,600
- 4) LSS: €165,900

24. The breakdown of costs associated with the 14 Witnesses in part 2 is set forth per witness in part 3 of the table.

25. The Registry hereby submits the confidential annexed report to the present submission in accordance with paragraph 21 of the Single Judge's Decision.


Marc Dubuisson, Director of Judicial Services
On behalf of

Herman von Hebel, Registrar

Dated this 21 November 2016

At The Hague, the Netherlands.