

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 19 November 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**

Confidential *ex parte* prosecution and Registry only

**Decision requesting the Registry's observations on the prosecution's request
relating to Article 70 investigation**

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

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

Registrar

Ms Silvana Arbia

Defence Support Section

Mr Peralta Losilla Esteban

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 Decision requesting the Registry's observations on the prosecution's request relating to Article 70 investigation.

1. On 15 November 2012, the Office of the Prosecutor ("prosecution") filed its "Prosecution Request for Record of Payments made by the Registry to Witnesses called by the Defence of Mr Jean-Pierre Bemba Gombo ("Request"),¹ in which it informs the Chamber that it is currently conducting an investigation pursuant to Article 70 of the Rome Statute ("Statute").² To this end, the prosecution requests the Chamber to order the Registry to:
 - (i) provide the prosecution with the record of the payments effected by the Registry to defence witnesses who have testified or who are testifying in the future, including the three expert witnesses, on any ground related to their testimonies, either directly or through any intermediary person or persons; and
 - (ii) provide the prosecution with information as to the amount of professional fees that the three defence expert witnesses were granted and paid.³
2. The Chamber notes the prosecution's submission that providing further information on its Article 70 investigation would be "premature" at this stage.⁴ In any event, in order to issue an informed decision on the matter, the Chamber finds it necessary to hear the relevant sections within the Registry on the prosecution's Request. Therefore, in accordance with Article 21 of the Statute and pursuant to Article 64(6)(f) of the Statute and Regulations 80, 84 to 87 of the Regulations of the Registry, the Chamber orders the Registry to file its observations on the Request, no later than 16.00 on 26 November 2012.

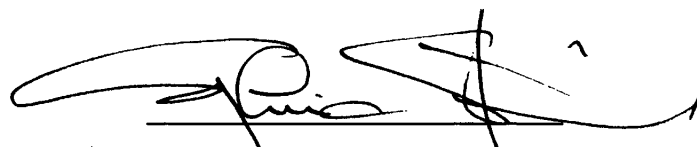
¹ Prosecution Request for Record of Payments made by the Registry to Witnesses called by the Defence of Mr Jean-Pierre Bemba Gombo, 15 November 2012, ICC-01/05-01/08-2412-Conf-Exp.

² ICC-01/05-01/08-2412-Conf-Exp, paragraph 1.

³ ICC-01/05-01/08-2412-Conf-Exp, paragraph 5(a) and (b).

⁴ ICC-01/05-01/08-2412-Conf-Exp, paragraph 2.

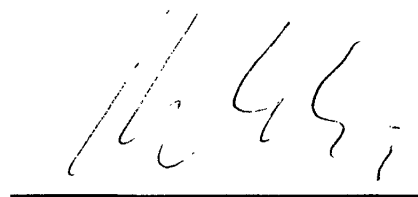
Done in both English and French, the English version being authoritative.



Judge Sylvia Steiner



Judge Joyce Aluoch



Judge Kuniko Ozaki

Dated this 19 November 2012

At The Hague, The Netherlands