



Original: English

No.: ICC-01/05-01/13

Date: 04/11/2016

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***

Public with Confidential Annex A

Response to Directions Concerning the Sentencing Calendar

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

Fatou Bensouda

James Stewart

Kweku Vanderpuye

Counsel for the Defence of Mr Jean-Pierre Bemba Gombo

Melinda Taylor

Counsel for the Defence of Mr Aimé Kilolo Musamba

Paul Djunga Mudimbi

Steve Powles

Counsel for the Defence of Jean-Jacques Mangenda Kabongo

Christopher Gosnell

Counsel for the Defence of Fidèle Babala Wandu

Jean-Pierre Kilenda Kakengi Basila

Roland Azama Shalie Rodoma

Counsel for the Defence of Mr Narcisse Arido

Charles Achaleke Taku

Beth Lyons

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other

1. In accordance with the sentencing calendar established by the Trial Chamber, the Defence for Mr. Jean-Pierre Bemba hereby submits information concerning the witness it intends to call at the sentencing phase.
2. The Defence intends to submit an expert evaluation of Mr. Bemba in relation to the impact of his detention conditions on his state of mind and interaction with third parties. The expert – Dr. Mike Korzinski – is willing to testify in person in order to introduce the report through Rule 68(3) of the Rules, if required.¹ The Defence anticipates that the examination in chief would be approximately three hours.
3. In providing this information, the Defence respectfully notes that it is not in a position to provide more details due to logistical issues that have not been possible to resolve during this limited time-frame.
4. In particular,
 - a. The Registry has yet to respond to, or implement requests for information on matters concerning Mr. Bemba and his detention record that are germane to the preparation of the expertise in question;²
 - b. The Registry has informed the Defence that it will have no funds – other than for Counsel – until the Defence Notice of Appeal is filed;

¹ Dr. Korzinski's curriculum vitae is attached as confidential Annex A.

² On 24 October 2016, the Defence submitted a request for information to the Director of Court Services, and Commanding Officer of the Detention Unit (amongst others). On 1 November 2016, the Defence sent a follow up email. A response has not been received in relation to either of the emails. On 3 November 2016, the Defence requested –on an urgent basis – access to information contained within Mr. Bemba's detention record. The Defence was informed in response that such information had been transmitted to former Counsel acting for Mr. Bemba. The Defence is pursuing this matter further.

- c. The Registry has yet to respond to a Defence inquiry as to whether it can receive additional funds for the preparation of the report, and any travel expenses incurred in connection with a possible consultation between Dr. Korzinski and Mr. Bemba; and
- d. The application for Dr. Korzinski to be included on the list of experts is pending with the Registry.

Respectfully submitted,



Melinda Taylor
Counsel for Mr. Jean-Pierre Bemba

Dated this 4th day of November 2016

The Hague, The Netherlands