

Informal summary of Public Hearing  
30 August 2010

**Nature of the hearing:** status conference

**Chamber:** Trial Chamber III (in its new composition): Judge Sylvia Steiner, Presiding Judge; Judge Joyce Aluoch; Judge Kuniko Ozaki

**Parties:** OTP: Fatou Bensouda and Team; Defence: Nkwebe Richard Liriss, Aimé Kilolo-Musamba and Team;

**Legal Representatives of the Victims:** Paolina Massidda (OPCV) and Marie Edith Douzima-Lawson.

**Registry Team**

**Key Issues and Developments**

This hearing was the first status conference before the newly formed Trial Chamber III, composed of Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki. The main purpose of the status conference was to consult the parties and participants on a new date for the start of the trial. All sides agreed that a date in October/November would be feasible and desirable. The Chamber made an oral decision that the trial proceedings will not be suspended but continue - despite an outstanding decision from the Appeals Chamber on the admissibility of the case.

The Defence raised further the issues of limited funds available for Bemba to pay legal fees; lacking information concerning victims; disclosure of the statements from expert witnesses.

**Date to start the trial**

Judge Sylvia Steiner asked each of the parties to pronounce themselves on a possible date to commence the trial.

**OTP position**

The Prosecution submitted that it was ready to begin the trial. It wished to start as soon as possible to respect the expectations of the victims and the rights of the accused. Considering the necessary logistics and the outstanding matters, October - November were "feasible" from the perspective of the OTP.

**Victims' position**

The two representatives of victims, Paolina Massidda of the OPCV and Marie Edith Douzima-Lawson stressed that victims were impatient to begin. They concurred on an October date.

**Defence position**

The Defence emphasized that Mr. Bemba has been in custody of the Court for the past two years, and that he is the first who wishes that the trial start as soon as possible.

### Legal fees/ financial problems

The Defence raised the **issue of legal fees**: Mr. Bemba's assets have been frozen by the Prosecution in order to pay eventual compensations, and therefore Mr Bemba has no means to pay his legal fees. The Chamber had intervened earlier so that the Registry would agree to give Mr. Bemba a loan. The Defence claimed that the loan was not enough to pay the fees. It warned that as things stand, the equality of arms is not guaranteed. The Defence said it will file a submission to obtain authorization to counter the Registry's "erroneous" arguments.

Judge Steiner indicated that the Chamber will make a decision once that submission is received;

### Information regarding victims

- The Defence said it had problems in obtaining information concerning the **victims, and in particular information regarding the location and dates of the crimes with which the victims charge the accused**. The Defence referred to an October 09 decision by the Chamber ordering the Representative of Victims to communicate dates and locations of victims. The Defence said it had still not received anything, which makes it impossible for it to react to any reparation demands.
  - o The Victims' Representative claimed that the Trial Chamber III had refused the Defense' request in that regard.
  - o The Defense countered that there was a recent Oral Decision by the Judge which asked the Victims Representative to communicate the dates and locations of crimes to the Defense.
  - o **The Chamber said it will check the matter and treat it as urgent.**

### Disclosure of statements from expert witnesses

- The Defence further complained about the refusal of the Prosecution to release to the Defense the statements of 4 expert witnesses (respectively in linguistic, sexual violence, military, and sexual criminality) and that it was established by the Chamber in a previous decision (§5 - Decision 08598 - 5 November 2009) that the Defense needed **5 months after the last Prosecution's disclosure to conduct a counter-investigation before the beginning of the trial**. The last disclosure took place in June 2010.
  - o The Judge said she considered **this is a pending issue before the Trial Chamber. The Chamber will ensure that Defence has a reasonable time to examine the reports.**

### Document Containing the Charges

The Defence indicated problems with the **second "Document Containing the Charges"**. It is going to make a submission on the issue. According to the

Defence, the OTP has not followed the Chamber's request to communicate important paragraphs regarding the charges against the accused.

Also, the Defence brought up the fact that the admissibility of certain charges was still unclear pending a decision from the Appeals Chamber.

- The Chamber then made an oral decision during the status conference: it considered that it was not necessary for the Trial Chamber to suspend the proceedings. Trial proceedings will continue pending the Appeal.

#### Final Comments

The next status conference to solve pending procedural issues was scheduled for 15 September 2010.

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*This is a very informal summary. If you would like to share information based on this document, please let us know so that we can discuss how this can be done carefully. Please do not forward without prior consent from CICC staff.*

INFORMAL SUMMARY