

**Informal summary of Public Hearing**  
**24 September 2010**

**Nature of the hearing:** Status Conference

**Chamber:** Trial Chamber III: 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**

During this status conference, several matters were discussed: the envisaged length of the Prosecution case, translation issues, documents from the bar table as well as pending victims' applications. The Chamber ordered the Registry to assist the Defence with 850 pending victims' applications in order to meet a deadline set by the Chamber.

**First Issue: length of the Prosecution's Case**

**Concern over proposed length of Prosecution case** Judge Steiner expressed concern over the length of the Prosecution case as projected by the OTP. Judge Steiner stated that it would take 446 hours or 34 weeks just to hear the Prosecution's case. If the same amount of time was to be granted to the Defence, the case would take over a year. That seemed abnormally long to the Chamber.

The OTP explained that its calculation was the result of taking into account non-testimony related factors, such as relay interpretation, cross-examination, objections and legal questions raised by the Defence. Without these factors, the time required would decrease by 50%.

**Number and order of witnesses** The Chamber turned to the OTP proposal to call 12 witnesses for rape crimes, 4 expert-witnesses for "general overview" and 3 expert-witnesses for "background". The Chamber asked the Prosecution to either reduce the number of witnesses to avoid repetition, or perhaps group some expert-testimony. The Chamber further asked whether it was possible to have the expert-witnesses testify before the other witnesses, as this seemed a more logical order.

Chambers gave the Prosecution until next Friday to offer solutions.

**Second Issue: The Issue of Translation and Interpretation**

The second issue raised concerned translation, notably in relation to some of the languages used by the witnesses: sango, swahili and lingala. The issue was in particular addressed to the Registry. The Registry noted the budget limits and stated it had

trouble finding and training such interpreters in numbers- especially in sango. However, the Registry said they have enough interpreters for cabin translation (as long as certain calendar clashes were avoided).

Problems were anticipated in the field of familiarisation of witnesses. The solution found was to create audio CDs to compensate for the lack of interpreters.

#### **Third Issue: Prosecution's Request to Submit Documents from the Bar Table**

Judge Steiner wished to discuss a request by the OTP to submit documents from the bar table. However, as OTP indicated that it had changed its position in the meantime, it was decided after the intervention by the Defence team that the OTP submit a new written request on which the Defence and the Legal Representatives of Victims will be able to comment.

#### **Fourth Issue: 850 pending victims' applications for participation in the proceedings**

Due to the time limits and constraints on the Defence to address these applications with its limited means, **Chambers ordered the Registry to assist the Defence** in addressing these applications within the deadline. If there is a problem, Chambers will welcome submissions to find other solutions.

#### **Fifth Issue: Logistics, particularly the question of software**

The OTP wanted to be able to use **Case Map** in the Court room to access their files. After some back and forth between Prosecution, Chambers and Registry, it was agreed that Registry and Prosecution would find together a solution and report back to Chambers.

#### **Final part of the status conference**

Another issue raised by the OTP was held in Private Session. When back in open session, the Defence attempted to challenge the previous decision of Chambers regarding the victims' applications and particularly in relation to the deadlines. Judge Steiner did not agree to discuss the issue at the moment, and told the Defence to see with the Registry and to make a submission if there were problems with the deadline.

It was understood that after the Conference, there would be an ex-parte meeting in closed session to discuss further issues.

It was also mentioned that a **new status conference** would take place. No specific date was given.

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*This is a very informal summary. Please note we were unable to verify the spelling of some of the persons and locations mentioned. 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.*