

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: 20 January 2010

TRIAL CHAMBER III

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio-Benito
Judge Joyce Aluoch

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC
IN THE CASE OF
THE PROSECUTOR
V. JEAN-PIERRE BEMBA GOMBO**

Public

**The Prosecution's Submission Concerning the Status of Negotiations on Agreed
Facts**

Source: The Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence of Jean-Pierre Bemba

Mr Nkwebe Liriss

Mr Aimé Kilolo Musamba

Legal Representatives of Victims

Ms Marie-Edith Douzima-Lawson

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

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Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Other Section

1. On 7 October 2009, Trial Chamber III (“Chamber”) ordered the Office of the Prosecutor (“Prosecution”) to provide information on the Parties and Participants’ discussions regarding potential agreements on non-contentious issues no later than 4 November 2009.¹

2. Since that date, the Prosecution has been attempting to coordinate a meeting to discuss the issue. On 3 November 2009, the Prosecution, the Defence and the Office of Public Counsel for Victims (“OPCV”) met to establish principles and an agreed process. The Defence affirmed its willingness to take part, while stressing that it could only engage in this exercise after the Prosecution’s disclosure of evidentiary material. The OPCV stated its interest in providing views, through a common position for all victims, once agreements on facts are reached by the Parties and to the extent that victims’ personal interests are concerned. On 4 November 2009, the Prosecution notified the Chamber of the agreement to negotiate non-contentious issues.²

3. On 27 November 2009, after having disclosed its trial evidence and following the agreed procedure, the Prosecution submitted to the Defence its first set of proposed stipulations and suggested a two-week timeline for a response by the Defence. On 4 December 2009, it provided a French translation of the suggested non-contentious facts. On 14 December 2009, the Prosecution asked the Defence for its position by 18 December 2009. To date, the Prosecution has not received a response.

¹ ICC-01/05-01/08-T-14-ENG, page 23, lines 12-20.

² ICC-01/05-01/08-591



Luis Moreno-Ocampo, Prosecutor

Dated this day 20th of January 2010

At The Hague, The Netherlands