

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 4 October 2010

**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**

**Public Document  
With  
Confidential Annex A**

**Prosecution's Submission 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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**Registrar**

Ms Silvana Arbia

**Defence Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**      **Other Participants**

1. On 2 June 2010, Trial Chamber III (“Chamber”) instructed the parties to file submissions on agreements as to facts pursuant to Rule 69 of the Rules of Procedure and Evidence.<sup>1</sup> On 6 September 2010, the Chamber ordered the Office of the Prosecutor (“Prosecution”) to submit a list of agreed facts, partially agreed facts and remaining matters of disagreement no later than 4 October 2010.<sup>2</sup>

2. Pursuant to the Chamber’s order, the Prosecution and the Defence, in emails and a face-to-face meeting, tried to reach an agreement on non-contentious facts. The parties were able to agree only on a few facts. They include that President Patassé was the elected president of the Central African Republic (“CAR”); that he faced a rebellion and on 25 October 2002 asked the Accused for assistance; that the Accused sent troops into the CAR under the command of one of his Generals; and that a coordination cell existed to coordinate the operations of the *Mouvement de Libération du Congo* troops and the *Forces Armées Centrafricaines* troops of the CAR authorities. The agreed facts include details regarding President Patassé’s role and the coordination of the troops that were contained in the original Document Containing the Charges<sup>3</sup> (“DCC”) and in the Arrest Warrant Application<sup>4</sup> (“AWA”), but are no longer included in the Revised Second Amended DCC<sup>5</sup> (“Revised ADCC”).

3. Annex A contains a chart listing specifically the agreed facts as they are set out in the DCC, the AWA and the Revised ADCC. As no further agreements were reached between the parties, the remaining matters continue being in dispute.

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<sup>1</sup> ICC-01/05-01/08-785, Order for the filing of submission in preparation for the commencement of the trial, 2 June 2010, at para. 4.

<sup>2</sup> ICC-01/05-01/08-872, Order setting deadlines for agreements as to facts and evidence and for the filing of expert reports, 6 September 2010, at para. 19.

<sup>3</sup> ICC-01/05-01/08-264-Conf-AnxA, Prosecution’s communication of amended document containing the charges and amended list of evidence pursuant to the third decision on the Prosecutor’s requests for redactions and related request for the regulation of contacts of Jean-Pierre Bemba Gombo, 19 November 2008.

<sup>4</sup> ICC-01/05-01/08-128-Conf-AnxB, Prosecution’s Submission of the Redacted English and French Versions of Prosecution’s Application for Warrant of Arrest and Further Submission against Jean-Pierre Bemba Gombo, 30 September 2008.

<sup>5</sup> ICC-01/05-01/08-856-Conf-AnxA, Prosecution’s submission of the revised second amended document containing the charges, 18 August 2010.

## Request for Confidentiality

6. The Prosecution requests that Annex A be received as confidential as it contains names of witnesses not known to the public.



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Luis Moreno-Ocampo, Prosecutor

Dated this 4<sup>th</sup> Day of October 2010

At The Hague, The Netherlands