

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-01/04-01/07**

Date: **2 May 2011**

TRIAL CHAMBER II

Before: Judge Bruno Cotte, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Christine Van den Wyngaert

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

Public
with Annex A, confidential, *ex parte*, only available to the Defence and Prosecution

Prosecution's proposed agreed facts on the crimes committed at Bogoro

Source: 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

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Mr David Hooper
Mr Andreas O'Shea

Counsel for the Defence of Mathieu Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila
Mr Jean-Pierre Fofé Djofia Malewa

Legal Representatives of Victims

Jean-Louis Gilissen
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Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. On 18 March 2011, Trial Chamber II requested the Prosecution to submit proposed agreed facts on the crimes committed at Bogoro.¹ The Prosecution herewith complies with the Chamber's request and awaits the Defence's position on these proposals.

Request for Confidentiality

2. Annex A appended to this submission contains the Prosecution's proposed agreed facts. The Prosecution requests that Annex A be received as "Confidential, *ex parte*, only available to the Defence and Prosecution" since it relates to proposals on the facts of the case.



Luis Moreno-Ocampo, Prosecutor

Dated this 2nd day of May 2011

At The Hague, The Netherlands

¹ Instructions of the Chamber received by the parties by email at 11.02 : « Pour autant, la Chambre tient à souligner que les propositions du Procureur dont elle a connaissance portaient essentiellement sur des éléments contextuels et non sur les crimes qui auraient été commis lors de l'attaque de Bogoro. Il lui apparaît qu'il pourrait être possible de dégager des accords sur certains faits qui se seraient produits le 24 février 2003 à Bogoro et qu'il est logique que l'initiative relève du Procureur sur ce point. Elle réitère son souhait, s'il s'avérait que certains faits n'étaient plus contestés, que les débats puissent se concentrer en particulier sur la responsabilité pénale des deux accusés. La Chambre enjoint donc au Procureur de soumettre des propositions sur de nouveaux thèmes et prolonge le délai à cet effet au 2 mai 2011 » .