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No.: **ICC-01/14-01/18**

Date: **9 October 2023**

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Presiding Judge
Judge Péter Kovács
Judge Chang-ho Chung

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. ALFRED YEKATOM AND PATRICE-
EDOUARD NGAÏSSONA***

**Public
with Public Annex**

Prosecution's Request for Judicial Notice pursuant to Article 69(6)

Source: Office of the Prosecutor

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

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**Unrepresented Applicants
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I. INTRODUCTION

1. The Office of the Prosecutor ("Prosecution") requests Trial Chamber V ("Chamber") to take judicial notice of the existence and contents of the transcript of the confirmation of charges hearing in the case of *The Prosecutor v. Maxime Jeoffroy Eli Mokom*, containing the unsworn statement of Suspect Maxime Jeoffroy Eli Mokom ("MOKOM")¹, and attendant audio-visual equivalent pursuant to article 69(6) ("Proposed Facts").² The Prosecution also requests that the material set out in the Annex be made part of the record in this case.

2. The Proposed Facts are relevant to the present case. The Prosecution alleges that in his *de facto* and *de jure* role as the Anti-Balaka's Coordinator for Operations, MOKOM is criminally responsible for the crimes against humanity and war crimes committed by the Anti-Balaka in BANGUI and BOSSANGO from at least 5 December 2013 through at least the end of April 2014.³ As such, the contents of his unsworn statement is inherently material to these proceedings.⁴

3. The Prosecution does not seek judicial notice of the truth or falsity of the unsworn statement itself, but rather of the existence and contents of the attendant transcript.⁵ The Proposed Facts are part of ICC court records, the dates and contents of which are capable of ready determination by resort to sources whose accuracy cannot reasonably be questioned.⁶ Judicially noticing them will advance the conduct of fair and expeditious proceedings, saving valuable Court time and resources.

¹ ICC-01/14-01/22-T-006, p. 36, l. 21 to p. 39, l. 25.

² Annex.

³ ICC-01/14-01/22-174-Conf-AnxA, para. 46.

⁴ ICC-01/05-01/13-1473, para. 6 (noting that, "[...] the Chamber may take judicial notice of facts of common knowledge without first assessing the relevance of these facts to the case at hand, though it always has the discretion to decline to take judicial notice of clearly irrelevant facts").

⁵ ICC-01/05-01/13-1473, para. 4.

⁶ ICC-01/05-01/13-1249, para. 6.

4. The Proposed Facts are not dispositive of the charged offences or the Accused's criminal responsibility, and thus do not in any way infringe their presumption of innocence, or otherwise cause unfair prejudice.

II. RELIEF SOUGHT

5. For the above reasons, the Prosecution requests that the Chamber takes judicial notice of the Proposed Facts, and order the inclusion of the material set out in the Annex as part of the factual record in this case.



Karim A. A. Khan KC, Prosecutor

Dated this 9th day of October 2023
At The Hague, The Netherlands