



Original: English

**No. ICC-01/14-01/18
Date: 19 January 2021**

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
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public

Decision on the Joint Submission on Agreed Facts

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

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Other

TRIAL CHAMBER V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Rule 69 of the Rules of Procedure and Evidence (the ‘Rules’), issues this ‘Decision on the Joint Submission on Agreed Facts’.

1. On 16 July 2020, the Chamber encouraged the parties to reach agreements on facts under Rule 69 of the Rules, to the extent possible, and to file a joint submission on agreed facts at the latest by 11 January 2021.¹ Further, on 26 November 2020, the Chamber urged the parties to agree on maps which illustrate the geographical locations of the sites relevant to the facts and circumstances of the present case.²
2. On 11 January 2021, the Office of the Prosecutor (the ‘Prosecution’), the Ngaïssona Defence and the Yekatom Defence jointly submitted 19 agreed facts related to (i) Mr Ngaïssona’s background; (ii) certain geographical locations in the Central African Republic (the ‘CAR’); and (iii) the date and location of a national reconciliation event in the CAR, and further indicated that they have agreed to 14 maps identified in the Prosecution’s final list of evidence,³ illustrating the geographical locations of the sites relevant to the facts and circumstances of the case (collectively, the ‘Agreed Facts’).⁴ The parties submit that the Chamber should consider the Agreed Facts as proven.⁵
3. On 14 January 2021, the Common Legal Representatives of Victims indicated that they would not respond to the joint submission.⁶
4. The Chamber notes that, pursuant to Rule 69 of the Rules, a chamber may consider alleged facts agreed upon by parties as being proven, unless the chamber

¹ See Decision Setting the Commencement Date of the Trial, ICC-01/14-01/18-589, para. 22. See also transcript of hearing, 9 July 2020, ICC-01/14-01/18-T-012-ENG, p. 50, lines 3-23.

² Email from the Chamber, 26 November 2020, at 19:19.

³ Annex C to Prosecution’s List of Witnesses and Evidence, 9 November 2020, ICC-01/14-01/18-724-AnxC-Corr.

⁴ Joint Submission on Agreed Facts, ICC-01/14-01/18-811-Conf-Corr (with confidential annexes A-C) (the ‘Joint Submission’), paras 2, 18, 19.

⁵ Joint Submission, ICC-01/14-01/18-811-Conf-Corr, para. 20

⁶ Email to the Chamber, 14 January 2021, at 14:24.

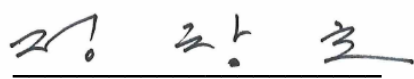
is of the opinion that a more complete presentation of those facts is required in the interests of justice, in particular the interests of the victims.

5. The Chamber notes the Agreed Facts and considers them as proven. At this stage, and noting the submissions received, the Chamber does not consider a more complete presentation of evidence to be necessary on those matters.
6. The Chamber welcomes the parties' efforts to reach an agreement on the Agreed Facts and encourages them to continue to make efforts in this regard.

FOR THESE REASONS, THE CHAMBER HEREBY

CONSIDERS the Agreed Facts as proven.

Done in both English and French, the English version being authoritative.

 Judge Péter Kovács	 Judge Bertram Schmitt Presiding Judge	 Judge Chang-ho Chung
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Dated 19 January 2021

At The Hague, The Netherlands