

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/14-01/22**

Date: **26 January 2023**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Tomoko Akane

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAXIME JEOFFROY ELI MOKOM
GAWAKA***

Public

**Prosecution's Observations on a Proposed Date for the
Commencement of the Confirmation of Charges Hearing**

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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Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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I. INTRODUCTION

1. Pursuant to Pre-Trial Chamber II's ("Chamber") 23 January 2023 Order,¹ the Prosecution provides its observations concerning a proposed date for the confirmation of charges hearing.

II. SUBMISSION

2. *First*, a rescheduled date for the confirmation of charges hearing should be set only when the Chamber has fully informed itself as to all potentially dispositive circumstances affecting the prospective proceedings. This approach ensures expedition, efficiency, and certainty in the process. The Prosecution thus considers it reasonable and appropriate in the present circumstances to set the date for the confirmation of charges hearing pursuant to, and having duly considered, the issues to be addressed and/or presented by the Parties and Participants during the Status Conference scheduled for 7 February 2023.²

3. *Second*, given the delay that has affected the proceedings on account of litigation regarding the assignment of the Suspect's permanent Counsel,³ at this stage several compelling and competing statutory interests arise. These encompass, among others, the present state and availability of the Parties' respective resources. In this respect, the Prosecution defers to the Chamber's assessment and weighing of the relevant and countervailing factors. It bears noting that the currently assigned Prosecution team is also presenting its case in the *Yekatom and Ngaissona* trial. Given the schedule set by Trial Chamber V in that matter – issued before any determination of the representation issue here – at this point, the *least* potentially overlapping and disruptive period in which to conduct the confirmation of charges hearing would be during the week of 17

¹ See ICC-01/14-01/22-137, para. 9.

² ICC-01/14-01/22-138, para. 13.

³ See ICC-01/14-01/22-137, para. 8.

July 2023. Secondly, the weeks of 5 or 12 June 2023 may also be viable, although potentially more disruptive.

III. CONCLUSION

4. The Prosecution thus, (a) considers that the Chamber should defer setting a date for the confirmation of charges hearing until duly considering the Parties' and Participants' submissions at the 7 February 2023 Status Conference; and (b) otherwise defers to the Chamber's discretion in assessing and weighing the salient statutory and practical factors to determine an appropriate date, including the prevailing circumstances and the resources available to the Parties.



Karim A. A. Khan KC, Prosecutor

Dated this 26th day of January 2023
At The Hague, The Netherlands