



Original: **English**

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

Date: **29 March 2023**

**PRE-TRIAL CHAMBER II**

**Before:** Judge Rosario Salvatore Aitala, Presiding Judge  
Judge Tomoko Akane  
Judge Sergio Gerardo Ugalde Godínez

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

**Public**

**with Confidential Annexes A and B**

**Prosecution's Request to Amend Annex B of Prosecution's Submission Related to  
the Chamber's Decision on issues arising from the submission of the Document  
Containing the Charges (ICC-01/14-01/22-179)**

**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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**Unrepresented Victims**

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Victims**

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Defence**

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) requests Pre-Trial Chamber II (“Chamber”) to authorise the amendment of the technical Witness Table (Annex B<sup>1</sup>) filed with its 24 March 2023 Submission Related to the Chamber’s Decision on issues arising from the submission of the Document Containing the Charges.<sup>2</sup> Of the four confidential annexes filed with the Submission, the Prosecution has identified certain errors in Annex B that fall outside the scope of a corrigendum, requiring its amendment.

2. As described below, the requested amendments will not cause undue prejudice to the Defence. The amendments are limited, as reflected in the proposed corrected explanatory note (“Explanatory Note”) and updated technical Witness Table (“Updated Annex B”), set out at Annexes A and B herein. All of the referenced material has been disclosed and appropriately designated in other documents, including other annexes filed with the Submission or prior thereto. The amendment will also facilitate the Chamber’s and the Parties’ understanding of the Submission, and ensure that the information regarding the documents related to each witness on whom the Prosecution intends to rely is accurately reflected.

## II. CONFIDENTIALITY

3. The Annexes appended to this filing are classified as “Confidential”, pursuant to regulation 23bis(2) of the Regulations since it refers to documents and evidence which are currently subject to the same classification.

## III. SUBMISSIONS

4. As the Court’s jurisprudence regarding the scope of a ‘corrigendum’ is specifically defined,<sup>3</sup> the Prosecution seeks the requested amendment in an

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<sup>1</sup> ICC-01/14-01/22-179-Conf-AnxB, originally submitted as ICC-01/14-01/22-167-Conf-AnxA.

<sup>2</sup> ICC-01/14-01/22-179-Conf (“Submission”).

<sup>3</sup> See ICC-01/05-01/08-631-Red (OA 2), para. 38; ICC-01/05-01/08-631, paras. 37-39.

abundance of caution in order to correct the inadvertences, notwithstanding that the Chamber may exceptionally accept a corrigendum in any event.

5. The errors comprise: formatting issues; missing witness codes and related documents; and four misattributed trial transcripts.<sup>4</sup>

6. The requested amendment causes no prejudice to the Defence, nor has it any substantive impact. As noted, all of the referenced information in the Updated Annex B has been disclosed and accounted for in the analytical Witness Table, filed on 23 February 2023.<sup>5</sup> The amendment of the technical Witness Table (i.e., the Updated Annex B) therefore, would cause no prejudice given that the Defence has been fully aware of the Prosecution's intention to rely on the evidence of these witnesses.

7. In addition, it is in the interest of the Chamber, the Parties, and the Participants to have at their disposal a comprehensive reference listing all the related documents per witness, including their transcripts.<sup>6</sup> This would be useful to firstly, understand the Submission more fully, and secondly, the content and scope of the witnesses' evidence for the purposes of the confirmation hearing.

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<sup>4</sup> See the Explanatory Note contained in Annex A which sets out the errors in detail.

<sup>5</sup> ICC-01/14-01/22-167-Conf-AnxB, which was updated as ICC-01/14-01/22-179-Conf-AnxC.

<sup>6</sup> See e.g. ICC-01/11-01/11-175, para. 7.

#### IV. CONCLUSION

8. For the above reasons, the Prosecution respectfully requests the Chamber to authorise its amendment of the Updated Annex B to its 24 March 2023 Submission.

A handwritten signature in blue ink, appearing to read 'K.A.K.', followed by a horizontal line and a period.

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**Karim A. A. Khan KC, Prosecutor**

Dated this 29<sup>th</sup> day of March 2023  
At The Hague, The Netherlands