

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/14

Date: 10 March 2022

PRE-TRIAL CHAMBER II

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

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

**Confidential, *EX PARTE*, Only available to the Registrar, Prosecution
and Mokom Defence**

**Prosecution's Renewed Request for Contact Restrictions pursuant to Regulation
101 of the Regulations of the Court**

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

Mr Karim A. A. Khan QC
Mr Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for Maxime Mokom

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution renews its previous request for Pre-Trial Chamber II (“Chamber”) to impose contact restrictions on Suspect Maxime MOKOM upon his transfer to ICC custody, as set out in its Warrant Application.¹ The requested restrictions are necessary and justified to protect the integrity of the prospective proceedings before the Pre-Trial Chamber and the pending trial before Trial Chamber V.

2. Although the Warrant was issued on 10 December 2018, it would appear that the Chamber deferred ruling on the Prosecution’s specific request for contact restrictions in its disposition.² However, in view of MOKOM’s imminent transfer, the Prosecution considers that the matter is now ripe for decision.

II. CONFIDENTIALITY

3. This Request is filed *Under Seal* and *Ex Parte*, pursuant to Regulation 23bis(1) of the Regulations of the Court (“RoC”), as it relates to filings of the same designation. A public version of the Submission will be filed as soon as practicable.

III. SUBMISSIONS

4. The Suspect MOKOM was taken into custody in the Republic of Chad on 27 February 2022. He is expected to be transferred to the Court’s custody shortly, and then to the seat of the Court pursuant to the Warrant.

5. As noted in the Warrant Application,³ the Prosecution has reasonable grounds to believe that contact between the Suspect and other associates (current and former)

¹ See ICC-01/14-01/18-2-US-Exp, paras. 357 and 362(f) (“Warrant Application”).

² See ICC-01/14-34-US-Exp, pp. 38-41 (“Warrant”).

³ ICC-01/14-01/18-2-US-Exp, para. 357.

would prejudice the investigation and pending trial before Trial Chamber V; risk collusion between the Suspect and Accused YEKATOM and NGAISSONA given the interrelatedness and overlapping nature of the charges; and further heighten the risk of witness tampering. Restrictions on the Suspect's contacts pursuant to regulation 101(2) of the RoC are warranted and justified not only by these circumstances, but by those surrounding his arrest. These portend a high risk of damage to the integrity of the Court's proceedings which the restrictions sought are narrowly tailored to meet.

6. MOKOM is implicated in serious crimes in CAR allegedly perpetrated by a rebel coalition — *Coalition des patriotes pour le changement* ("CPC") — of which he is a key member, in respect of electoral violence perpetrated in the Central African Republic ("CAR")⁴ and for which his arrest was sought by the authorities there, and further appears is related to his arrest in Chad.⁵ MOKOM presents a clear danger to prospective witnesses in these proceedings, particularly as a former Minister in charge of disarmament, demobilisation, reintegration, and repatriation ("DDRR"), a program involving current and former Anti-Balaka elements. The risk he presents extends beyond the Pre-Trial proceedings and more immediately to the proceedings pending before Trial Chamber V, which involves essentially the same evidence and witnesses as in the case against MOKOM.

⁴ See e.g., ICC-01/14-01/18-825-Conf-Anx; see also 'RCA : crise post électorale, les quartiers à la sortie nord de Bangui se vident de ses habitants', 16 January 2021, <https://corbeaunews-centrafrique.com/rca-crise-post-electoral-les-quartiers-a-la-sortie-nord-de-bangui-se-vident-de-ses-habitants/> [Last accessed: 07/03/2020]; see 'Centrafrique: Des éléments armés de la CPC arrêtés à Kaga-Bandoro et transférés à Bangui', 12 January 2021 (noting Mokom's involvement in the CPC) <https://lepotentielcentrafricain.com/centrafrique-des-elements-armes-de-la-cpc-arretes-a-kaga-bandoro-et-transferes-a-bangui/> [Last accessed: 07/03/2020].

see also 'RCA : le ministre du désarmement Maxime MOKOME et son chargé de mission Igor LAMAKA accusés par le gouvernement', 19 December 2020, <https://corbeaunews-centrafrique.com/rca-le-ministre-du-desarmement-maxime-mokome-et-son-charge-de-mission-igor-lamaka-accuses-par-le-gouvernement/> [Last accessed: 07/03/2020] ; see UNOHCHR - 'CAR: Violations of human rights and international humanitarian law must be punished to prevent ongoing violence and conflict' (on the CPC's role in electoral violence), [https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26664&LangID=E#:~:text=GENEVA%20\(15%20January%202021\)%20%E2%80%93,are%20arrested%2C%20prosecuted%20and%20tried](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26664&LangID=E#:~:text=GENEVA%20(15%20January%202021)%20%E2%80%93,are%20arrested%2C%20prosecuted%20and%20tried) [Last accessed: 07/03/2020].

⁵ See 'Centrafrique: l'ancien ministre Maxime Mokom interpellé par les services secrets tchadiens', 1 March 2022, <https://www.rfi.fr/fr/afrique/20220301-centrafrique-l-ancien-ministre-maxime-mokom-interpell%C3%A9-par-les-services-secrets-tchadiens> [Last accessed: 07/03/2020]

7. Accordingly, the Chamber should issue an interim order, directing the Registry to: (1) prohibit any exchange or contact between the Suspect and the Accused YEKATOM and NGAISSONA while in detention; and (2) prohibit the Suspect's telephone privileges excepting Counsel and direct family members (only upon verification), until his initial appearance, subject to extension upon the Chamber's review.

8. RELIEF SOUGHT

9. For the above reasons, as well as the submissions set out in the Warrant Application incorporated by reference herein, the Chamber should impose the contact restrictions requested, pursuant to regulation 101 of the RoC.



Karim A. A. Khan QC, Prosecutor

Dated this 10th day of March 2022

At The Hague, The Netherlands