

Pursuant to Pre-Trial Chamber II's instruction dated 02-05-2024, this document is reclassified as Public

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 7 April 2022

PRE-TRIAL CHAMBER II

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

THE PROSECUTOR v. MAXIME JEOFFROY ELI MOKOM GAWAKA

Confidential

Ex parte available only to the Prosecution, Registry, Duty Counsel and Mr Mokom

Request Seeking Leave to Appeal Order ICC-01/14-01/22-26-Conf-Exp

Source: Gregory Townsend, Duty Counsel for Mr. Mokom

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

The Office of the Prosecutor

Karim A. A. Khan
Mame Mandiaye Niang
Kweku Vanderpuye

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Mr Gregory Townsend,
Duty Counsel for Mr. Mokom

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I. INTRODUCTION

1. On 1 April 2022, the Registry of the International Criminal Court (ICC or Court) appointed myself, Gregory Townsend, as Duty Counsel to Mr. Mokom. On 6 April 2022, the Registry extended this appointment.

2. I file this request seeking leave of the Pre-Trial Chamber to appeal its 'Order to the Registry concerning the appointment of Mr Nicholas Kaufman as counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka' (the '25 March 2022 Order').¹

II. CLASSIFICATION

3. Pursuant to regulation 23 *bis*(1) of the Regulations of the Court (RoC), I file this request under the classification of 'confidential' to accord with the classification of the Order of 25 March 2022 (Order ICC-01/14-01/22-26-Conf-Exp) which instructed the Registry to revoke the mandate of Mr. Nick Kaufman as counsel for Mr. Mokom, and further to the oral instructions of the Pre-Trial Chamber on 4 April 2022.

III. APPLICABLE LEGAL PROVISIONS

3. Article 81(1)(d) of the Statute governs leave to appeal a Chamber's decision on an interlocutory basis.

IV. SUBMISSIONS

4. On 4 April 2022, at a confidential and *ex parte* status conference convened by the Pre-Trial Chamber, Mr. Mokom, then represented and having been advised by duty counsel, inter alia, 'adopted' the document authored by Mr. Kaufman with respect to the 25 March Order and filed on 30 March 2022 (a request for leave to appeal).²

5. Having conferred with Mr. Mokom, I join here, and incorporate by reference, the contents of the filing of 30 March 2022, which, for purposes of avoiding duplication, is a 'related' file, so that the Pre-Trial Chamber may consider those submissions and prayers as being those of duty counsel made on behalf of Mr. Mokom, and enabling the Pre-Trial Chamber to rule on it.

¹ ICC-01/14-01/22-26-Conf-Exp.

² ICC-01/14-01/22-30-Conf-Exp-AnxI (30-03-2022).

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6. I note that I have also filed today a request for reconsideration of the 25 March 2022 Order, which, I respectfully submit should be decided before this request. Should the Pre-Trial Chamber grant, issue an order, or make other findings with respect to the request for reconsideration, such action may make this request moot or require further submissions on behalf of Mr. Mokom. Should the Pre-Trial Chamber deny the request for reconsideration, I pray that the Pre-Trial Chamber **GRANT** leave to appeal the 25 March 2022 Order (and it need *not* take any suspensive actions, as referred to in the last two prayers of paragraph 12 of the filing of 30 March 2022).

Respectfully submitted,

A handwritten signature in blue ink that reads "Gregory Townsend". The signature is written in a cursive, flowing style.

Gregory Townsend,
Duty Counsel for Mr. Mokom

Date: 7 April 2022

At The Hague, Netherlands.