

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **3 April 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 *PROSECUTOR v. MAXIME JEOFFROY ELI MOKOM
GAWAKA***

Confidential

**Confidential Redacted Version of “Prosecution’s Fifth Notification on Investigative
Activities”**

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 KC
Mr Mame Mandiaye Niang
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Counsel for the Defence

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Legal Representatives of Victims**Legal Representatives of Applicants****Unrepresented Victims****Unrepresented Applicants
(Participation/Reparation)****The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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. Pursuant to Pre-Trial Chamber II's ("Chamber") decision of 7 November 2022,¹ the Office of the Prosecutor ("Prosecution") informs the Chamber as follows regarding its investigations.

II. CONFIDENTIALITY

2. The Request is filed as Confidential, *Ex Parte*, available to the Prosecution only, under Regulation 23bis(1) of the Regulations of the Court, because it provides details of an ongoing investigation. A confidential redacted version is filed concurrently.

III. MONTHLY REPORT

3. The Prosecution is carrying out planned additional investigative activities regarding conduct alleged in the Warrant of Arrest which may be brought in respect of the confirmation of charges proceedings in this case.

4. As previously foreseen, these investigative activities are very limited and confined in scope and purpose. The Prosecution does not consider that these activities will in any way affect the preparation of the Parties and Participants.

5. The Prosecution does not anticipate any significant obstacles or protracted delays associated with the planned activities at this time, and will update the Chamber accordingly should there be any such indication.

6. The Prosecution anticipates carrying out the next phases of its investigative activities pursuant to the following approximate schedule:

- a. [REDACTED];
- b. [REDACTED].

¹ ICC-01/14-01/22-104, para. 11.

7. The Prosecution's investigation does not impact the confirmation process, particularly noting the prospective adjourned date of 22 August 2023.² The Prosecution is mindful of the Court's jurisprudence,³ and considers that it can make warranted adjustments as and when necessary to ensure the expeditious and fair conduct of the proceedings.

IV. CONCLUSION

8. The Prosecution submits this report for the Chamber's consideration.



Karim A. A. Khan KC, Prosecutor

Dated this 3rd day of April 2023
At The Hague, The Netherlands

² The Prosecution also takes note of the Defence's recent request for a stay of the proceedings (ICC-01/14-01/22-178-Conf-Exp).

³ See Article 61(4); see Chambers Practice Manual, Sixth Edition, para. 14 (noting, "the Chamber shall be mindful that the Appeals Chamber, in line with the system designed by the Court's legal instruments, held that the Prosecutor's investigation may be continued beyond the confirmation hearing"); see also ICC-01/04-01/06-568, para. 52.