

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **21 June 2023**

PRE-TRIAL CHAMBER II

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

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

Confidential

with Confidential Annexes A and B

Prosecution's Communication of the Disclosure of Evidence on 21 June 2023

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
Ms Leonie von Braun

Counsel for Maxime Mokom

Mr Philippe Larochelle

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. NOTIFICATION

1. The Office of the Prosecutor ("Prosecution") submits this communication regarding the disclosure of evidence.

II. CONFIDENTIALITY

2. The filing and its annexes are classified as "Confidential" as they relate to evidence disclosed relating to *inter partes* communications and a decision of the same designation.¹

III. DISCLOSURE OF EVIDENCE

3. Following the Chamber's order,² the Prosecution has reviewed the materials disclosed with a view of identifying potentially exculpatory information for Mr Mokom.
4. On 21 June 2023, the Prosecution disclosed to the Defence of Mr Mokom "Pre-confirmation PEXO Package 003" containing 55 items, "Pre-confirmation PEXO Package 004" containing 37 items, and "Pre-confirmation PEXO Package 005" containing 5 items.³ The Prosecution has identified the relevant portions of the items deemed to be potentially exculpatory in the metadata field "Disclosure Notes".
5. On 21 June 2023, the Prosecution disclosed to the Defence of Mr Mokom "Pre-confirmation Metadata Update Package 012" containing 49 items and "Pre-confirmation Metadata Update Package 013" containing 44 items.⁴ These packages contain previously disclosed items for which a metadata update to the

¹ ICC-01/14-01/22-219-Conf.

² ICC-01/14-01/22-219-Conf.

³ See confidential Annex A.

⁴ See confidential Annex B.

field "Disclosure Notes" has been undertaken to reflect information which is pertinent pursuant to article 67(2) of the Rome Statute.

6. Some items in these above mentioned packages were previously disclosed as "Pre-confirmation INCRIM Package 001" on 5 July 2022 but subsequently did not receive the required metadata update to the external disclosure notes. Thus, pursuant to the Chamber's decisions,⁵ these items are not considered to have been formally 'disclosed' and are therefore also not relied upon by the Prosecution for the purposes of the Confirmation of charges hearing. However, the Prosecution has maintained their original classification and indicated the relevant INCRIM and the PEXO identified within them.



Karim A. A. Khan KC, Prosecutor

Dated this 21st day of June 2023

At The Hague, The Netherlands

⁵ ICC-01/14-01/22-177, para. 6 and ICC-01/14-01/22-190, para. 17.