



Original: English

**No. ICC-01/14-01/22
Date: 22 November 2023**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding
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

Order to provide views under rule 185(1) of the Rules of Procedure and Evidence

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

The Office of the Prosecutor

Mr Karim Khan
Mr Mame Mandiaye Niang
Ms Leonie von Braun

Counsel for Mr Mokom

Mr Philippe Larochelle

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

**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

PRE-TRIAL CHAMBER II of the International Criminal Court issues this ‘Order to provide views under rule 185(1) of the Rules of Procedure and Evidence’.

1. On 17 October 2023, following the withdrawal of the charges against Maxime Jeoffroy Eli Mokom Gawaka (‘Mr Mokom’) by the Prosecution,¹ the Chamber terminated the proceedings against Mr Mokom (the ‘17 October 2023 Order’), and further, *inter alia*, ordered the Registry to make all necessary arrangements for the transfer of Mr Mokom, including by liaising with Mr Mokom and the Defence, as well as the relevant States, in particular the Central African Republic and the Host State.²
2. On 23 October 2023, the Defence requested the Chamber to ‘[declare] that it will afford Mr Mokom the opportunity to be heard through written submissions and/or an oral hearing, pursuant to Rule 185(1) [of the Rules of Procedure and Evidence] before any transfer is ordered, and allow Mr Mokom time to consult with lawyers in The Netherlands to have a full understanding of his options and rights’ (the ‘Request’).³
3. On 27 October 2023, the Chamber informed the Defence that Mr Mokom will be afforded an opportunity to express his views in due course.⁴ The Chamber does not consider it necessary to further address the Request.
4. The Chamber notes rule 185(1) of the Rules of Procedure and Evidence (the ‘Rules’), which provides, in the relevant part, that, ‘[...] where a person surrendered to the Court is released from the custody of the Court because [...] the charges have not been confirmed under article 61 [...], the Court shall, as soon as possible, make such arrangements as it considers appropriate for the transfer of the person, taking into account the views of the person, to a State which is obliged to receive him or her, to another State which agrees to receive him or her, or to a State which has requested his or her extradition with the consent of the original surrendering State’.

¹ Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’, 16 October 2023, ICC-01/14-01/22-275-Conf, confidential (reclassified as public pursuant to the Chamber’s order dated 19 October 2023).

² Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’, ICC-01/14-01/22-276-Conf, confidential (reclassified as public pursuant to the Chamber’s order dated 19 October 2023).

³ Defence Urgent Request, ICC-01/14-01/22-278, public, with annex A, public, and annex B, confidential.

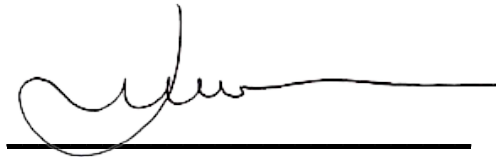
⁴ Email from the Chamber to the Defence, 17:47.

5. Accordingly, the Chamber orders Mr Mokom to provide his views under rule 185(1) of the Rules regarding any matters in connection with his transfer to a State referred to in that provision by no later than 30 November 2023.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS Mr Mokom to provide his views under rule 185(1) of the Rules regarding any matters in connection with his transfer to a State referred to in that provision, together with a confidential and/or public redacted version if necessary, by no later than 30 November 2023.

Done in English. A French translation will follow. The English version remains authoritative.

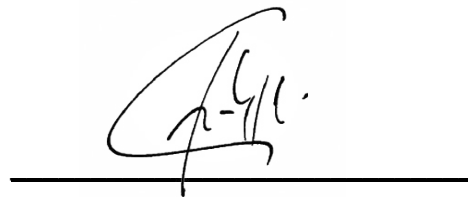


Judge Rosario Salvatore Aitala

Presiding



Judge Tomoko Akane



Judge Sergio Gerardo

Ugalde Godínez

Dated this Wednesday, 22 November 2023.

At The Hague, The Netherlands.