

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date : 31 January 2024

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
*THE PROSECUTOR v. MAXIME JEOFFROY ELI MOKOM GAWAKA***

Public

**Public redacted version of “Registry’s Report pursuant to Pre-Trial Chamber II’s
Instruction of 25 October 2023”, 26 October, ICC-01/14-01/22-280-US-Exp**

Source: The Registry

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

Counsel for the Defence

Mr Philippe Larochelle

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 Osvaldo Zavala Giler

Counsel Support Section

Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On 25 October 2023, Pre-Trial Chamber II (“Chamber”) instructed “the Registry to provide an update on any matters in connection with the transfer of Mr Mokom, confidential and *ex parte* to the Chamber only, by no later than 26 October 2023”¹. On 26 October 2023, the Chamber further instructed the Registry “to specifically address filing ICC-01/14-01/22-279-Conf-Exp, dated 25 October 2023 [“Defence Urgent Request”][²], in its upcoming report due today”³ (together, “Instruction”). Pursuant to the Instruction, the Registry hereby submits its report .

II. Procedural history

2. On 16 October 2023, the Office of the Prosecutor (“Prosecution”) submitted its “Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka” (“Notice”).⁴
3. On 17 October 2023, the Chamber issued the “Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’” (“Order”).⁵
4. On 18 October 2023, the Registry submitted its report pursuant to the Order.⁶

¹ Email from Pre-Trial Chamber II to the Registry, 25 October 2023, at 10:26.

² Defence, “Defence Urgent Request for an Extension of Pre-Trial Chamber’s II Order of 17 October 2023”, ICC-01/14-01/22-279-Conf-Exp and its annexes.

³ Email from Pre-Trial Chamber II to the Registry, 26 October 2023, at 11:41.

⁴ Prosecution, “Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka”, 16 October 2023, ICC-01/14-01/22-275-Conf.

⁵ Pre-Trial Chamber II, “Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’”, 17 October 2023, ICC-01/14-01/22-276-Conf.

⁶ Registry, “Registry’s report pursuant to Pre-Trial Chamber II’s Order ICC-01/14-01/22-275-Conf of 17 October 2023”, 18 October 2023, ICC-01/14-01/22-277-Conf.

5. On 24 October 2023, the defence for Mr Maxime Jeoffroy Eli Mokom Gawaka (“Mr Mokom” and “Defence” respectively) submitted the “Defence Urgent Request”.⁷
6. On 26 October 2023, the Defence submitted the Defence Urgent Request..⁸

III. Classification

7. Although the Chamber instructed the Registry to file its report as confidential, *ex parte*, the Chamber only, pursuant to regulation 23 *bis*(1) and (2) of the Regulations of the Court, the present report is filed as under seal *ex parte* only available to the Chamber because it refers to a document with the under seal level of classification. In addition, the *ex parte* level of confidentiality is applied because 1) the report contains information about confidential discussions with national authorities who did not expressly indicate that the details of the discussions can be provided to parties or participants, and 2) Annexes to the present report are filed as confidential, *ex parte*, only available to the Chamber as per the Chamber’s instructions.

IV. Applicable law

8. The following provisions are of particular relevance to the present submissions: rules 13 and 185(1) of the Rules of Procedure and Evidence.

V. Submissions

Consultations with the authorities of the Central African Republic (“CAR”)

9. On 18 October 2023, the Registry notified to the CAR authorities the French translation of the Order.⁹

⁷ Defence, “Defence Urgent Request”, 24 October 2023, ICC-01/14-01/22-278+annexes.

⁸ Defence, “Defence Urgent Request for an Extension of Pre-Trial Chamber’s II Order of 17 October 2023”, ICC-01/14-01/22-279-Conf-Exp and its annexes.

⁹ Annex I.

10. [REDACTED].

11. [REDACTED].¹⁰ [REDACTED].

12. [REDACTED].

13. [REDACTED]. On 23 October 2023, the Registry transmitted to the CAR authorities the French translation of the Prosecution's Notice.¹¹

14. [REDACTED].

15. [REDACTED].¹²

16. On 25 October 2023, the Ministry of Justice indicated to the Registry that they expect to submit their observations in the course of this week or the next.

Exchanges with the Kingdom of the Netherlands ("host State")

17. [REDACTED].¹³ [REDACTED].¹⁴

18. [REDACTED].¹⁵

19. [REDACTED].¹⁶

20. [REDACTED].¹⁷ [REDACTED].

¹⁰ See Order, para. 10, and p. 6.

¹¹ Annex II.

¹² See [REDACTED].

¹³ See "Registry's Report pursuant to Pre-Trial Chamber II's Order ICC-01/14-01/22-276-Conf of 17 October 2023", 18 October 2023, para. 10.

¹⁴ See "Registry's Report pursuant to Pre-Trial Chamber II's Order ICC-01/14-01/22-276-Conf of 17 October 2023", 18 October 2023, para. 10.

¹⁵ Email from the Registry to the Defence on 17 October 2023, at 19:21.

¹⁶ Email from the Registry to Pre-Trial Chamber II on 17 October 2023, at 19:34.

¹⁷ [REDACTED].

21. [REDACTED].¹⁸

22. [REDACTED]¹⁹ [REDACTED].²⁰ [REDACTED]²¹:

- “[REDACTED]”^[22];

23. [REDACTED].

24. [REDACTED].

25. [REDACTED].

26. [REDACTED],²³ [REDACTED].

27. [REDACTED].²⁴ [REDACTED].

Transmission of Defense requests

28. On 20 October 2023, the Registry transmitted by a note verbale a request of the Defence to the CAR authorities,²⁵ which the Defence annexed to its urgent request of 24 October 2023.²⁶ No response has yet been received from the CAR authorities.

¹⁸ As indicated in the note verbale [REDACTED].

¹⁹ Annex III.

²⁰ Annex IV.

²¹ Annex IV.

²² [REDACTED]. See paras 23-25, *infra*.

²³ Annex IV [REDACTED].

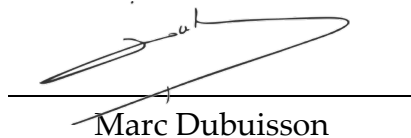
²⁴ As otherwise indicated in Annex IV and any other exchange with the host State on the matter.

²⁵ Annex V.

²⁶ See, ICC-01/14-01/22-278-Conf-AnxB.

29. On 25 October 2023, the Defence requested the Registry to transmit requests for assistance to [REDACTED]. The Registry is in process of transmitting these requests.

30. It is the Registry's understanding, on the basis of its discussions with the Defence pursuant to the Order, that it agrees with the designation in question as "Premises of the Court".

A handwritten signature in black ink, appearing to read 'Marc Dubuisson', is written over a horizontal line.

Marc Dubuisson
Director of the Division of Judicial Services
on behalf of Osvaldo Zavala Giler, Registrar

Dated this 31 January 2024

At The Hague, the Netherlands