

**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 Antoine Kesia-Mbe Mindua
Judge Tomoko Akane

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF**

THE PROSECUTOR v. MAXIME JEOFFROY ELI MOKOM GAWAKA

PUBLIC

**Public Redacted Version of “Fourth Registry Report on the Implementation of the
Restrictions on Contact Ordered by Pre-Trial Chamber II”, ICC-01/14-01/22-132-
Conf-Exp, filed on 19 January 2023**

Source: Registry

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

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I. Introduction

1. Following the “Fifth Decision on Contact Restrictions” (“7 November 2022 Decision”)¹ issued by Pre-Trial Chamber II (“Chamber”) on 7 November 2022, in which the Registry was ordered to report on the implementation of the contact restrictions in relation to Maxime Jeoffroy Eli Mokom Gawaka (“Mr Mokom”) by no later than 19 January 2023,² the Registry hereby submits its report.

II. Procedural history

2. Pursuant to a series of decisions,³ the Chamber ordered the following restrictions on Mr Mokom’s contacts, implemented through 7 November 2022: (1) actively monitored non-privileged telephone calls, visits and written correspondence with authorised individuals, with the exception of his [REDACTED] and [REDACTED], whose identity and contact details have been properly vetted by the Registry; (2) non-privileged telephone calls limited to four hours per week; (3) non-privileged communications limited to the languages of French and Sango; and (4) prohibition of using obscure or coded language and discussing his case or other cases pending before the Court during his non-privileged communications. The Chamber also ordered the Chief Custody Officer (“CCO”) to stop any telephone call or visit, or seize any written communication, which violated the Chamber’s orders.⁴
3. The Chamber thereafter issued its 7 November 2022 Decision,⁵ deciding to cease the active monitoring of Mr Mokom’s non-privileged telephone calls, visits and

¹ Pre-Trial Chamber II, “Fifth Decision on Contact Restrictions” (“7 November 2022 Decision”), 7 November 2022, ICC-01/14-01/22-106-Conf-Exp.

² Pre-Trial Chamber II, 7 November 2022 Decision, para. 13.

³ Pre-Trial Chamber II, “Decision temporarily imposing contact restrictions on Mr Mokom” (“29 March 2022 Decision”), 29 March 2022, ICC-01/14-01/22-28-Conf-Exp, paras. 15-16; Pre-Trial Chamber II, “Third Decision on Contact Restrictions” (“28 April 2022 Decision”), 28 April 2022, ICC-01/14-01/22-45-Conf-Exp, paras. 6-8; Pre-Trial Chamber II, 28 June 2022 Decision, paras. 7-10.

⁴ Pre-Trial Chamber II, 29 March 2022 Decision, para.16.

⁵ Pre-Trial Chamber II, 7 November 2022 Decision, paras. 11-13.

written correspondence, and to maintain the vetting procedure for non-privileged contacts.

III. Classification

4. In accordance with regulation 23 *bis*(2) of the Regulations of the Court ("RoC"), the present report is classified as confidential *ex parte* as it refers to decisions of the same level of classification.

IV. Applicable law

5. For the purpose of the present report, the Registry has considered regulations 99(1)(i), 100 and 101 of the RoC, and regulations 168, 169, 173, 174, 175, 179, 180 and 183 of the Regulations of the Registry ("RoR").

V. Submissions

In relation to Mr Mokom's restrictions on contact

6. Pursuant to the Chamber's decisions,⁶ Mr Mokom may have non-privileged communications with individuals whose identities and contact details are vetted by the Registry, in consultation with the Prosecution, and, when necessary, by seeking relevant information from Mr Mokom ("vetting process"). The Registry reports that it is continuing to implement the vetting process as ordered by the Chamber to all non-privileged telephone contacts, visitors and written correspondence contacts.
7. Pursuant to the Chamber's decisions,⁷ Mr Mokom's non-privileged telephone calls, visits and written correspondence were to be actively monitored, with the

⁶ Pre-Trial Chamber II, 28 April 2022 Decision, para. 7; Pre-Trial Chamber II, 28 June 2022 Decision, para. 10; Pre-Trial Chamber II, 7 November 2022 Decision, para. 12.

⁷ Pre-Trial Chamber II, 29 March 2022 Decision, paras. 15-16; Pre-Trial Chamber, 28 April 2022 Decision, paras. 6-8; Pre-Trial Chamber II, 28 June 2022 Decision, paras. 7-10; Email from Pre-Trial Chamber II to Prosecution, Duty Counsel and Registry, 28 September 2022 at 10:37; Pre-Trial Chamber II, 7 November 2022 Decision, paras. 11-12.

exception of his [REDACTED], until 7 November 2022. The Registry hereby reports to the Chamber that it has implemented the Chamber's restrictions on contact, and has no incidents to report regarding Mr Mokom's non-privileged telephone calls, visits or written correspondence during the time period up to and including 7 November 2022. As of 7 November 2022,⁸ all non-privileged telephone calls continue to be passively monitored in accordance with regulation 174 of the RoR. Non-privileged visits are supervised, with the exception of private visits, in accordance with regulations 183 and 185 of the RoR, and written correspondence is inspected and reviewed in accordance with regulations 168 and 169 of the RoR.



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

Dated this 31 January 2024

At The Hague, the Netherlands

⁸ Pre-Trial Chamber II, 7 November 2022 Decision, paras. 11-13.