

**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 “Addendum to the “Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by Pre-Trial Chamber II” issued on 19 January 2023, ICC-01/14-01/22-132-Conf-Exp”, ICC-01/14-01/22-135-Conf-Exp, filed on 23 January 2023

Source: 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
Mr Mame Mandiaye Niang
Mr Kweku Vanderpuye

Counsel for the Defence

Mr Philippe Larochelle

Legal Representatives of the Victims

Mr Abdou Dangabo Moussa
Ms Marie-Edith Douzima-Lawson
Mr Yaré Fall
Ms Elisabeth Rabesandratana

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

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

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Giler Zavala

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and Reparations
Section**

I. Introduction

1. Pursuant to 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 submitted its “Fourth Registry Report on the Implementation of the Restrictions on Contact Ordered by Pre-Trial Chamber II” on 19 January 2023 (“Fourth Registry Report”).³
2. Following the Chamber’s email of 19 December 2023, instructing the Registry to submit a revised version of the Fourth Registry Report to include a detailed assessment on: “(a) the manner in which the contact restrictions were implemented; (b) information on whether Mr Mokom sought the addition of persons to his contact list and if so, whether any issues with regard to the vetting process have been encountered; (c) whether there are any incidents or other matters of concern to report in respect of the contact restrictions; and (d) any other relevant matter, by no later than 23 January 2023”,⁴ the Registry hereby submits an addendum to its Fourth Registry Report.

II. Procedural history

3. Pursuant to a series of decisions,⁵ 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

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

⁴ Pre-Trial Chamber II email to the Registry and Duty Counsel of Mr Mokom sent on 19 February 2023 at 16:45.

⁵ 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.

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.⁶

4. The Chamber thereafter issued its 7 November 2022 Decision,⁷ deciding to cease the active monitoring of Mr Mokom’s non-privileged telephone calls, visits and written correspondence, and to maintain the vetting procedure for non-privileged contacts.
5. On 19 January 2023, the Office of the Prosecutor (“Prosecution”) submitted its “Prosecution’s Request to extend the contact restrictions imposed in the ‘Fifth Decision on Contact Restrictions’” (ICC-01/14-01/22-131-Conf-Exp).⁸

III. Classification

6. 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

7. 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”).

⁶ Pre-Trial Chamber II, 29 March 2022 Decision, para.16.

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

⁸ Office of the Prosecutor, “Prosecution’s Request to extend the contact restrictions imposed in the ‘Fifth Decision on Contact Restrictions’”, 19 January 2023, ICC-01/14-01/22-131-Conf-Exp.

V. Submissions

8. As instructed by the Chamber,⁹ the Registry will address (a) the manner in which the contact restrictions were implemented until 7 November 2022; (b) information on whether Mr Mokom sought the addition of persons to his contact list and if so, whether any issues with regard to the vetting process have been encountered; (c) whether there are any incidents or other matters of concern to report in respect of the contact restrictions; and (d) any other relevant matters.

a) Implementation of Mr Mokom's contact restrictions

9. Pursuant to the Chamber's decisions,¹⁰ Mr Mokom's non-privileged telephone calls, visits and written correspondence were to be actively monitored, with the exception of his [REDACTED] and [REDACTED], for a total of four hours a week, until 7 November 2022. Mr Mokom's actively monitored telephone calls were scheduled in two blocks of two hours, two different days a week ("active monitoring schedule").
10. As described in the "Registry Report on the Implementation of the Restrictions on Contact Ordered by the Pre-Trial Chamber II" (ICC-01/14-01/22-39-Conf-Exp) ("First Registry Report"),¹¹ the Sango Language Assistant of the Language Services Section ("Sango LA" and "LSS" respectively) provided interpretation in both French and Sango for the non-privileged telephone conversations of Mr Mokom, according to his active monitoring telephone calls' schedule. Due to logistical reasons on how the Registry implements active monitoring regimes, Mr Mokom was notified that all non-privileged telephone calls made during his

⁹ Pre-Trial Chamber II email to the Registry and Duty Counsel of Mr Mokom sent on 19 February 2023 at 16:45.

¹⁰ 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.

¹¹ Registry, "Registry Report on the Implementation of the Restrictions on Contact Ordered by the Pre-Trial Chamber II" ("First Registry Report"), 12 April 2022, ICC-01/14-01/22-39-Conf-Exp, paras. 15-17.

active monitoring schedule would be monitored, including if he called his [REDACTED] or [REDACTED] during that time. [REDACTED].

11. In addition, Mr Mokom retained the possibility to call his [REDACTED] and [REDACTED] at any time during the regular daily telephone call hours of the Detention Centre ("DC"), subject to passive monitoring pursuant to regulation 174 of the RoR. After 7 November 2022, all of Mr Mokom's non-privileged telephone calls reverted to being subject only to passive monitoring, under regulation 174 of the RoR.

b) Request to add new contacts and vetting process

12. Pursuant to the Chamber's decisions,¹² Mr Mokom may have non-privileged communications with individuals whose identities and contact details are vetted by the Registry, in consultation with the Prosecution ("vetting process"). Mr Mokom has currently a total of [REDACTED] vetted individuals on his non-privileged contact list.

13. The Registry reports that it has implemented the following vetting process: 1) initial verification by DC Registry staff of the telephone contact forms submitted by Mr Mokom under regulation 173(4) of the RoR, followed by 2) [REDACTED]¹³, with consultation with the Prosecution, who were provided the names of the potential contacts.

14. Since 7 November 2022, Mr Mokom has requested to add [REDACTED] additional individuals to his non-privileged contact list, both [REDACTED] and [REDACTED]. [REDACTED] of these individuals were vetted as described above and added to Mr Mokom non-privileged contact list, one individual is

¹² 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.

¹³ See "Vetting Process" in Registry, "Second Registry Report on the Implementation of the Restrictions on Contact Ordered by Pre-Trial Chamber II and Request for Guidance on Non-Privileged Visits and Written Correspondence", 15 June 2022, ICC-01/14-01/22-59-Conf-Exp, paras. 8-17.

still in the process of being vetted, and one individual was not added to Mr Mokom's non-privileged contact list.

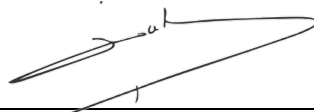
15. [REDACTED].¹⁴ [REDACTED].

c) *Incidents and other matters*

16. Since implementing the contact restrictions of Mr Mokom for non-privileged telephone calls, non-privileged visits and written correspondence, the Registry hereby confirms it has no incident or concern to report.

d) *Other matters*

17. The Registry has no further concerns or matters to raise with the Chamber.



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

¹⁴ 7 November 2022 Decision, para. 12.