

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **6 June 2024**

ARTICLE 85 CHAMBER

Before: Judge Miatta Maria Samba, Presiding Judge
Judge Keebong Paek
Judge Beti Hohler

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

Public

Order instructing the Registry to re-file the Registry's Submissions

Order 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
Ms Helen Brady

Counsel for Mr Mokom

Mr Philippe Larochelle
Ms Sheila Paylan

Legal Representatives of Victims**The Office of Public Counsel for Victims****Unrepresented Victims****Unrepresented Applicants for
Participation/Reparation****States Representatives****REGISTRY**

Registrar

Mr Osvaldo Zavala Giler
Mr Marc Dubuisson

Counsel Support Section

Mr Juan A. Escudero

Victims and Witnesses Unit**Detention Section**

Mr Harry Tjonk

The Article 85 Chamber (the ‘Chamber’) of the International Criminal Court issues the following ‘Order instructing the Registry to re-file the Registry’s Submissions’ in the case of *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*.

1. On 17 April 2024, a request for compensation pursuant to article 85 of the Rome Statute was filed by Mr Mokom.¹
2. On 27 May 2024, the Registry filed the Registry’s submissions on the request (‘Registry’s Submissions’).²
3. Having reviewed the Registry’s Submissions, the Chamber notes that there are references in the ‘Procedural history and chronology’ section to communications between the Registry and the Dutch authorities and the Registry and Mr Mokom’s legal team. In some instances, records of these communications in the form of, *inter alia*, emails or other written correspondence, minutes of meetings, internal records or memorandums of oral conversions, are not available on the record. The Chamber also notes that there are times at which the Registry has made reference to a document but has failed to indicate exactly where in the record the document can be located.³
4. Finally, the Chamber notes that it is unclear whether the Registry’s Submissions refer to *all* correspondence between the Registry and counsel for Mr Mokom, that is relevant to Mr Mokom’s claim for compensation, from 17 October 2023 to 28 November 2023. The Chamber would be assisted by being provided with copy of all such correspondence.
5. The Chamber therefore instructs the Registry to file an updated version of the Registry’s Submissions, in which the document is edited to include exact references to every document’s location in the court record if not already provided. In the event that the document referred to is not already available on the record, the document shall be annexed to the updated filing and the footnote should reflect the relevant location of the document in the attached annex. The Chamber further instructs the Registry to attach as an annex any

¹ Request for Compensation under Article 85 of the Rome Statute, 17 April 2024, [ICC-01/14-01/22-329-Red](#).

² Registry’s Submissions on the Defence Request for Compensation under Article 85 of the Rome Statute (ICC-01/14-01/22-329-Conf), 27 May 2024, ICC-01/14-01/22-338-Conf-Exp (initially filed confidential *ex parte*, only available to the Registry, and reclassified confidential *ex parte*, only available to the Registry and Mr Mokom pursuant to ICC-01/14-01/22-341; confidential redacted version filed on 31 May 2024, ICC-01/14-01/22-338-Conf-Red).

³ See for example, Registry’s Submissions, footnote 32, which cites to a report in which the Registry has summarised a communication. The Chamber instead asks the Registry to provide the exact location of that communication in the record (*e.g.* ICC-01/14-01/22-277-Conf-Exp-AnxIII) in its citations.

further correspondence between the Registry and counsel for Mr Mokom, referenced in paragraph 4 above, that was not provided in the Registry's Submissions, to the extent such correspondence exists.

FOR THESE REASONS, THE CHAMBER HEREBY

INSTRUCTS the Registry to re-file the Registry's Submissions and accompanying annexes referred to above, by 13 June 2024.

Done in both English and French, the English version being authoritative.



Judge Miatta Maria Samba, Presiding Judge

Dated 6 June 2024

At The Hague, The Netherlands