

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 23 May 2022

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

THE PROSECUTOR v. MAXIME JEOFFROY ELI MOKOM GAWAKA

Public

**Mr. Mokom's Response to the Prosecution's Protocol Request and
the Prosecution's Observations on Evidence Disclosure**

Source: Gregory Townsend, Duty Counsel for Mr. Mokom

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

The Office of the Prosecutor

Karim A. A. Khan
Mame Mandiaye Niang
Kweku Vanderpuye

Counsel for Mr Mokom

Mr Gregory Townsend (Duty Counsel)

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 Peter Lewis

Counsel Support Section

Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

I. INTRODUCTION

1. On 21 and 31 March 2022, the Prosecution filed its: [1] 'Prosecution's Request for an E-Court Protocol, a Redaction Protocol, and a Protocol on the Handling of Confidential Information and Contacts with Witnesses' ('Prosecution's Protocol Request'),¹ and its [2] 'Prosecution's Observations on the Modalities and Procedure for Evidence Disclosure' (the 'Prosecution's Observations on Evidence Disclosure').²

2. Pursuant to the Pre-Trial Chamber's Order of 17 May 2022,³ in which the Chamber, *inter alia*, instructed 'Duty Counsel to provide a response to the Prosecution's Protocol Request and Observations on Evidence Disclosure, if any, by no later than 23 May 2022', Duty Counsel for Mr Mokom files this response.

II. SUBMISSIONS

3. The Prosecution, in its Observations on Evidence Disclosure, at para. 9, stated that disclosure could start as soon as 'a permanent Counsel [is] appointed' (emphasis added). To date, permanent counsel is not yet appointed. Mr Mokom concurs that the appointment of *permanent* counsel is necessary for the Prosecution's initiation of disclosure to be meaningful, effective, and efficient.

4. Pursuant to the leave to appeal granted by this Pre-Trial Chamber, Mr. Mokom lodged an interlocutory appeal with respect to his legal representation on 2 May 2022 and filed two annexes subsequently on 9 and 20 May 2022 relating respectively to the co-representation of an individual and the prior representation of another individual by Mr. Nicholas Kaufman. The Prosecution filed its response to Mr Mokom's appeal. Thus, his appeal before the Appeals Chamber is ripe for adjudication and it is wished that this fundamental matter be given priority.

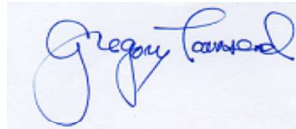
¹ ICC-01/14-01/22-24.

² ICC-01/14-01/22-31.

³ Pre-Trial Chamber II, 'Order seeking observations on matters related to the conduct of the confirmation proceedings', 17 May 2022, (ICC-01/14-01/22-50) (Order of 17 May), page 10, para. (iii).

5. Thus, Mr Mokom, while understanding the best intentions of the Pre-Trial Chamber to advance the proceedings, in the absence of having permanent counsel appointed and pending a decision of the Appeals Chamber on a fundamental matter that is procedurally ripe for adjudication, respectfully submits that it is premature for him to address the substance of the two Prosecution requests.

Respectfully submitted,

A handwritten signature in blue ink, reading "Gregory Townsend". The signature is written in a cursive style with a large initial 'G'.

Gregory Townsend,
Duty Counsel for Mr. Mokom

Date: 23 May 2022
At The Hague, Netherlands.