

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: 29 June 2022

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding Judge
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Marc Perrin de Brichambaut
Judge Gocha Lordkipanidze

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

Confidential *Ex Parte*

available only to the Chamber, the Prosecution, Mr Mokom, and the Registry

Prosecution's request to reclassify ICC-01/14-01/22-48-Conf-Exp-AnxA as public

Source: Office of the Prosecutor

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 QC

Mr Mame Mandiaye Niang

Ms Helen Brady

Counsel for Mr Mokom

Mr Gregory Townsend (Duty Counsel)

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. In a confidential *ex parte* decision on 25 March 2022, Pre-Trial Chamber II ordered the Registry to revoke its appointment of Mr Nicholas Kaufman as Mr Mokom's counsel.¹ Mr Mokom appealed this decision and the Prosecution responded—both confidentially.² Mr Mokom noted that although he had submitted his Appeal confidentially, it did not contain any information that could not be disclosed publicly at a later date, should it be so ordered.³ The Prosecution noted that it would file a public redacted version of its Response, once the Revocation Order and the Appeal were made public.⁴ On 13 June 2022, the Pre-Trial Chamber filed a public redacted version of its Revocation Order.⁵ On 27 June 2022, the Appeals Chamber instructed the Parties to file public versions of their filings.⁶

2. Noting the above, the Prosecution will file a public redacted version of its Response concurrent to this request. Since a public version of the Response will soon be available, there is no longer a basis to maintain the confidential classification of Confidential Annex A, containing a list of references. Accordingly, pursuant to regulation 23bis(3) of the Regulations of the Court ("RoC"), the Prosecution respectfully requests the Appeals Chamber to re-classify ICC-01/14-01/22-48-Conf-Exp-AnxA (Confidential Annex A) as public.

3. Further, pursuant to regulation 23bis(2) of the RoC, the Prosecution makes this request confidentially, since it refers to its Response and annex which are also currently confidential. If the Appeals Chamber grants this request, the present filing may also be reclassified as public.



Karim A. A. Khan QC, Prosecutor

Dated this 29th day of June 2022
At The Hague, The Netherlands

¹ ICC-01/14-01/22-26-Conf-Exp ("Revocation Order").

² ICC-01/14-01/22-46-Conf ("Appeal"); ICC-01/14-01/22-48-Conf-Exp ("Response"), with ICC-01/14-01/22-48-Conf-Exp-AnxA ("Glossary and List of Authorities").

³ Appeal, para. 18.

⁴ Response, para. 14.

⁵ ICC-01/14-01/22-26-Red ("Revocation Order", public redacted version).

⁶ Email from the Appeals Chamber to Court Management-Court Records, 27 June 2022, 14.25.