

ANNEX A

Public redacted

From: Pre-Trial Chamber II communications
Sent: 15 March 2022 13:22
To: [REDACTED]; Court Management-Court Records; Associate Legal Officer-Court Officer
Cc: Vanderpuye, Kweku [REDACTED]; Pre-Trial Chamber II communications
Subject: RE: ICC-01/14: Order to the Registry to open a case record and transfer certain filing into that case record

Dear [REDACTED],

The Chamber further instructs the Registry to transfer filing ICC-01/14-158-Conf-Exp from the CAR II situation record into the new case record with the same level of confidentiality.

Kind regards,
 [REDACTED], on behalf of Pre-Trial Chamber II.

From: [REDACTED] >
Sent: 15 March 2022 08:59
To: Pre-Trial Chamber II communications [REDACTED]; Court Management-Court Records <[REDACTED]>; Associate Legal Officer-Court Officer <[REDACTED]>
Cc: Vanderpuye, Kweku <[REDACTED]>; [REDACTED]
Subject: RE: ICC-01/14: Order to the Registry to open a case record and transfer certain filing into that case record

Dear [REDACTED],

Good morning.
 Please be advised that CMS will be implementing the instruction of the Chamber as indicated below asap. Once completed, we'll notify the Chamber and all other relevant accordingly.

Kind regards,
 [REDACTED].

From: Pre-Trial Chamber II communications [REDACTED]
Sent: 15 March 2022 08:24
To: Court Management-Court Records [REDACTED]; Associate Legal Officer-Court Officer <[REDACTED]>
Cc: Vanderpuye, Kweku <[REDACTED]>; [REDACTED]
 [REDACTED]; Pre-Trial Chamber II communications [REDACTED]
Subject: ICC-01/14: Order to the Registry to open a case record and transfer certain filing into that case record

Dear colleagues,

The Chamber recalls its order to the Registry to open a case record once the suspect has been arrested and surrendered to the Court (see ICC-01/14-34-US-Exp, p. 41).

In light of the arrest and the surrender of Mr Maxime Jeoffroy Eli Mokom Gawaka to the Court and his transfer to the Detention Centre of the Court, the Registry is instructed to open a new case record, entitled The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka, and to transfer from the situation record into the new case record the following fillings and related annexes, with the same level of confidentiality, in the following order:

[REDACTED]

18. ICC-01/14-156-Conf-Exp
19. ICC-01/14-157-Conf-Exp

Thank you and Kind regards,

[REDACTED], on behalf of Pre-Trial Chamber II

From: Pre-Trial Chamber II communications
Sent: 16 March 2022 11:25
To: OTP CAR IIB Managers; OTP CAR IIB Case Management
Cc: Associate Legal Officer-Court Officer; Pre-Trial Chamber II communications;
[REDACTED]
Subject: ICC-01/14-01/22: Order to the Prosecution to communicate a document containing the list of charges for the first appearance

Dear Prosecution,

The Chamber instructs the Prosecution to communicate to the Chamber and the Court Officers, by coming Friday 18 March 2022, at 12h00, a document containing the list of the charges, as presented in the warrant of arrest against Mr Maxime Jeoffroy Eli Mokom Gawaka (Mr Mokom) issued on 10 December 2018, to be read out in a public session by the Court Officer during the first appearance hearing at the request of Mr Mokom.

Kind regards,

[REDACTED], on behalf of Pre-Trial Chamber II

From: Pre-Trial Chamber II communications
Sent: 17 March 2022 14:19
To: OTP CAR IIB Managers; OTP CAR IIB Case Management; Office of the Director DJSS
Cc: Pre-Trial Chamber II communications
Subject: ICC-01/14-01/22: Order to provide submissions on appointment of counsel by tomorrow 10h00

Dear Counsel, dear colleagues in the Registry,

Information and documents before the Chamber show that an issue of conflict of interest might arise in connection with Counsel's appointment, in light of the role played by him in other proceedings before the Court. The Chamber specifically notes filings [REDACTED]. The Chamber is concerned that this matter has not been raised with the Chamber prior to the appointment of Mr Kaufman as counsel for Mr Mokom; and that if, particularly in the view of the Registry, no conflict of interest arises, why this has not been clarified to the Chamber.

The Prosecution and Registry are hereby ordered to provide, **by way of email by tomorrow morning 10h00**, submissions on this matter. The Registry is further instructed to restrict Mr Kaufman's access to the case record until the Chamber has been able to consider the matter. Noting that the first appearance is scheduled for coming Tuesday, the Chamber intends to decide expeditiously to ensure that the present counsel, or another counsel, would have access and be in a position to timely prepare for the first appearance.

Best regards,
 on behalf of Pre-Trial Chamber II,

From: Pre-Trial Chamber II communications
Sent: 17 March 2022 14:24
To: Nick Kaufman; NKAufman-icc
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; Office of the Director DJSS; Pre-Trial Chamber II communications; Vanaverbeke, Pieter

Subject: ICC-01/14-01/22: Order to provide observations by tomorrow 10h00

Dear Mr Kaufman,

Information and documents before the Chamber show that an issue of conflict of interest might arise in connection with your appointment as counsel for Mr Mokom, in light of the role played by you in other proceedings before the Court, and the messages you have conveyed to the Court in terms of representation of other persons involved [REDACTED]. The Chamber notes paragraphs 12 and 16 of the Code of Conduct for Counsel in this regard.

The Chamber has ordered the Prosecution and the Registry to provide submissions on this matter by tomorrow morning 10h00. You are hereby ordered to provide, by way of email and by that same time, your observations on the matter, including on any steps taken as provided for in paragraph 16 of the Code of Conduct.

Please note that the Chamber has instructed the Registry to restrict your access to the case file pending the Chamber's determination. The Chamber is mindful of the fact that you would need to prepare for the first appearance and will therefore resolve the matter expeditiously, so you would be in a position to timely prepare for the first appearance.

Best regards,
On behalf of Pre-Trial Chamber II,
[REDACTED]

From: [REDACTED]
Sent: 22 March 2022 15:19
To: Pre-Trial Chamber II communications
Cc: [REDACTED]; OTP CAR IIB Managers; OTP CAR IIB Case Management; Office of the Director DJSS; Vanaverbeke, Pieter; [REDACTED]
Subject: RE: ICC-01/14-01/22: Order to provide submissions on appointment of counsel by tomorrow 10h00

Dear [REDACTED],

Following internal consultation with the relevant Sections of the Registry, I hereby confirm that the 18 March submissions can be transmitted to Mr Kaufman as they are and without redactions.

Kind regards,
[REDACTED]
Office of the Director DJS
Registry

From: Pre-Trial Chamber II communications [REDACTED]
Sent: 22 March 2022 11:58
To: [REDACTED]; Pre-Trial Chamber II communications [REDACTED]
[REDACTED]; OTP CAR IIB Managers [REDACTED]

OTP CAR IIB Case Management [REDACTED]; Office of the Director DJSS
[REDACTED] >

Subject: RE: ICC-01/14-01/22: Order to provide submissions on appointment of counsel by tomorrow 10h00

Dear colleagues,

The Registry is hereby instructed to indicate, by no later than tomorrow 23 March 2022 at 10:00, whether the below submissions (email of 18 March 2022 sent at 10:02) may be transmitted to Mr Kaufman or whether information contained therein needs to be redacted. If so, please indicate which information and provide the submissions in their redacted format.

Kind regards,

[REDACTED], on behalf of Pre-Trial Chamber II

From: [REDACTED]
Sent: 18 March 2022 10:02
To: Pre-Trial Chamber II communications [REDACTED] OTP CAR IIB Managers [REDACTED]; OTP CAR IIB Case Management [REDACTED]; Office of the Director DJSS [REDACTED]
Subject: RE: ICC-01/14-01/22: Order to provide submissions on appointment of counsel by tomorrow 10h00

Dear [REDACTED],

The Registry acknowledges that, in light of [REDACTED], Mr Kaufman should not have been appointed Counsel for Mr Mokum without the Registry having first clarified with the Chamber information regarding any potential conflict of interest.

The Registry kindly shares with the Chamber that, at the relevant time, its attention had been focussed on ascertaining the Power of Attorney it had received in the context of Mr Mokum's representation by Mr Kaufman.

The Registry regrets not having consulted the Chamber prior to proceeding with the appointment in question, and has since taken measures to ensure that it will henceforth reach out to the Chamber with any relevant information regarding any potential conflict of interest, prior to any appointment, for the Chamber's determination of the matter.

As to Mr Kaufman's restriction of access to the case record per below, the Registry, following the Chamber's instruction dated 15 March 2022 (attached for ease of reference), has opened a new case and transferred from the situation record into the new case record the fillings and related annexes, with the same level of confidentiality, as indicated in the decision.

The Registry will only transfer case records upon decision/order of a Chamber and with the specific instruction set out by the Chamber on the classification level.

In this regard the Mr Kaufman had access to the following filings:
 The Decision of the Chamber, which orders us to provide Counsel access:
ICC-01/14-157-Conf-Exp (is filing **ICC-01/14-01/22-19-Conf-Exp** in new case);
 Notification Appointing him as Counsel:
ICC-01/14-01/22-22 (which had a Confidential Annex III), filed 16 March;
 and 1 other document that was filed after his official appointment as Counsel:
ICC-01/14-159-Conf-Exp, which is an OTP request, ex parte Defence, filed 16 March.

Per the request of the Chamber, the said access was restricted around 14.50 on Thursday 17 March, following the e-mail received below.

The Registry remains entirely at the Chamber's disposal about these matters.

With my best,

[REDACTED]

Office of the Director, Division of Judicial Services

From: [REDACTED]
Sent: 17 March 2022 14:35
To: Pre-Trial Chamber II communications [REDACTED]; OTP CAR IIB Managers [REDACTED] OTP CAR IIB Case Management [REDACTED] Office of the Director DJSS [REDACTED]
Subject: RE: ICC-01/14-01/22: Order to provide submissions on appointment of counsel by tomorrow 10h00

Dear [REDACTED],

On behalf of the Registry, thank you kindly for your message; the Registry will proceed accordingly.

With my best,

[REDACTED]

Office of the Director, Division of Judicial Services

From: Pre-Trial Chamber II communications [REDACTED]
Sent: 17 March 2022 14:19
To: OTP CAR IIB Managers [REDACTED] OTP CAR IIB Case Management [REDACTED] Office of the Director DJSS [REDACTED]
Cc: Pre-Trial Chamber II communications [REDACTED]
Subject: ICC-01/14-01/22: Order to provide submissions on appointment of counsel by tomorrow 10h00

Dear Counsel, dear colleagues in the Registry,

Information and documents before the Chamber show that an issue of conflict of interest might arise in connection with Counsel's appointment, in light of the role played by him in other proceedings before the Court. The Chamber specifically notes filings [REDACTED]

[REDACTED] The Chamber is concerned that this matter has not been raised with the Chamber prior to the appointment of Mr Kaufman as counsel for Mr Mokom; and that if, particularly in the view of the Registry, no conflict of interest arises, why this has not been clarified to the Chamber.

The Prosecution and Registry are hereby ordered to provide, **by way of email by tomorrow morning 10h00**, submissions on this matter. The Registry is further instructed to restrict Mr Kaufman's access to the case record until the Chamber has been able to consider the matter. Noting that the first appearance is scheduled for coming Tuesday, the Chamber intends to decide expeditiously to ensure that the present counsel, or another counsel, would have access and be in a position to timely prepare for the first appearance.

Best regards,
on behalf of Pre-Trial Chamber II,
[REDACTED]

From: Pre-Trial Chamber II communications
Sent: 22 March 2022 12:03
To: Vanderpuye, Kweku
Cc: OTP CAR IIB Managers; OTP CAR IIB Case Management; Pre-Trial Chamber II communications
Subject: RE: ICC-01/14-01/22: Order to provide submissions on appointment of counsel by tomorrow 10h00

Dear Counsel,

With a view of being able to share the Prosecution's submissions with Mr Kaufman, who has requested to be provided with them, can you please provide the Chamber with a confidential-redacted version of your below email (of 18 March 2022, at 09:41), or if no redactions would be required indicate so, by tomorrow at noon.

Best regards,
on behalf of Pre-Trial Chamber II,
[REDACTED]

From: Pre-Trial Chamber II communications
Sent: 04 April 2022 09:42
To: Townsend, Gregory; Court Management-Court Records
Cc: [REDACTED] Associate Legal Officer-Court Officer; Vanaverbeke, Pieter; Pre-Trial Chamber II communications
Subject: RE: Access to ICC-01/14-01/22-32-Conf-Exp & Conf-Exp-Anxl-Red.

Dear colleagues,

In light to the below request, the Presiding Judge of Pre-Trial Chamber II, pursuant to paragraph 11 of the Order, instructs the Registry to grant access to Mr Townsend to the two below mentioned filings, on an urgent basis:

- ICC-01/14-01/22-27-Conf-Exp-Anxl
- ICC-01/14-01/22-30-Conf-Exp-Anxl

Thank you and kind regards,

[REDACTED] on behalf of the Presiding Judge

From: Townsend, Gregory [REDACTED]
Sent: 03 April 2022 08:28
To: Pre-Trial Chamber II communications [REDACTED]
Cc: [REDACTED] Associate Legal Officer-Court Officer
 [REDACTED] Vanaverbeke, Pieter [REDACTED]
 [REDACTED]
Subject: FW: Access to ICC-01/14-01/22-32-Conf-Exp & Conf-Exp-Anxl-Red.

Dear all,

The 1 April 2022 Order, at para 6 (fn12) [to which I was given access below], refers to Mr. Kaufman's filings of 28 and 30 March 2022. At para 9, the Order refers to asking Mr. Mokom's views on (only) one of those filings (the 'request for leave to appeal').

I only have access, to date, however, to the two below filings, which do not include Mr. Kaufman's filings of 28 and 30 March 2022 (which I understand to be a request for reconsideration and a request for leave to appeal).

In order to advise Mr. Mokom fully, in light of para. 9, could I and Mr. Mokom be granted access please to Mr. Kaufman's filings of 28 and 30 March 2022? In order to avoid any delay in Monday's afternoon hearing, I'd need them right away.

I should note that this is not necessarily for Mr. Mokom to adopt one, two or zero requests, but to be able to provide his views under para. 9. Thank you. Kind regards, Gregory Townsend, Duty Counsel for Mr. Mokom

From: Pre-Trial Chamber II communications
Sent: 06 April 2022 10:05
To: Townsend, Gregory; Vanaverbeke, Pieter; Court Management-Court Records; Associate Legal Officer-Court Officer
Cc: [REDACTED]; Office of the Director DJSS; Pre-Trial Chamber II communications

Subject: ICC-01/14-01/22: Order instructing the Registry to give access to Mr Townsend to certain documents and Mr Townsend to file submissions on the matter [REDACTED]

Dear colleagues, Dear Mr Townsend,

Having considered the below request and finding it appropriate, following the 4 April 2022 Status Conference, for Mr Townsend to act as Mr Mokom's duty counsel to represent the interests of Mr Mokom, [REDACTED], until the resolution of the question of Mr Mokom's legal representation and the appointment of a permanent counsel, Pre-Trial Chamber II, pursuant to paragraph 11 of the 1 April 2022 Order (ICC-01/14-01/22-32-Conf-Exp), instructs the Registry to immediately grant access to Mr Townsend to the following filings:

- ICC-01/14-01/22-18-Conf-Exp (Prosecution's Renewed Request);
- ICC-01/14-01/22-19-Conf-Exp (16 March 2022 Decision)
- ICC-01/14-01/22-25-Conf-Exp-Red (Prosecution's Further Submissions)
- ICC-01/14-01/22-29-Conf-Exp (Prosecution's Request for Reconsideration)
- ICC-01/14-01/22-28-Conf-Exp (29 March 2022 Decision)

Mr Townsend is instructed to submit consolidated submissions on the above mentioned filings no later than 7 days from the date of their notification.

The Registry is further instructed to make the necessary arrangements with regards to the appointment of Mr Townsend as duty counsel for Mr Mokom pending the resolution of the issue of Mr Mokom's legal representation and the appointment of a permanent counsel.

Thank you and kind regards,
[REDACTED] on behalf of Pre-Trial Chamber II

From: Townsend, Gregory [REDACTED]
Sent: 05 April 2022 10:35
To: Pre-Trial Chamber II communications [REDACTED]
Cc: [REDACTED] Vanaverbeke, Pieter
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
Subject: FW: Access to ICC-01/14-01/22-32-Conf-Exp & Conf-Exp-Anxl-Red.

Dear PTC (and all),

At the status conference of yesterday (4/4/2022), I understood that the PTC asked that my temporary duty-counsel mandate be extended, including for purposes of representing Mr. Mokom with respect to [REDACTED].

If my understanding is correct, I'd kindly ask that I be granted access to the relevant files in this regard.
[Thank you.](#) Kind regards, Gregory Townsend, Duty Counsel for Mr. Mokom

From: Pre-Trial Chamber II communications
Sent: 11 April 2022 08:52
To: Vanderpuye, Kweku
Cc: Pre-Trial Chamber II communications; OTP CAR IIB Case Management; OTP CAR IIB Managers; Townsend, Gregory
Subject: ICC-01/14-01/22 - Order shortening the time limit to respond to ICC-01/14-01/22-36-Conf-Exp and ICC-01/14-01/22-37-Conf-Exp

Dear Prosecution,

Pre-Trial Chamber II notes the 'Request for Reconsideration of Order ICC-01/14-01/22-26-Conf-Exp' (ICC-01/14-01/22-36-Conf-Exp) and the 'Request Seeking Leave to Appeal Order ICC-01/14-01/22-26-Conf-Exp' (ICC-01/14-01/22-37-Conf-Exp), notified on 8 April 2022, and instructs the Prosecution to file a response, if any, by no later than Wednesday, 13 April 2022, at 12:00. Should the Prosecution not wish to file a response, it is to inform the Chamber by no later than today at 12:00.

Noting that the Prosecution was notified of this before, the Chamber hereby informs the Prosecution that, on 1 April 2022, Mr Townsend was appointed as Duty Counsel for Mr Mokom, to assist Mr Mokom in relation to the matter of legal representation, as well as [REDACTED]. The Duty Counsel should therefore be notified of the Prosecution's response, if any, as well as of other subsequent filings related specifically to the two aforementioned matters.

Thank you and kind regards.

[REDACTED] on behalf of Pre-Trial Chamber II

From: Pre-Trial Chamber II communications
Sent: 11 April 2022 17:14
To: Court Management-Court Records
Cc: OTP CAR IIB Managers; OTP CAR IIB Case Management; Associate Legal Officer-Court Officer; Pre-Trial Chamber II communications
Subject: ICC-01/14-01/22: Order to provide the Prosecution access to ICC-01/14-01/22-27-Conf-Exp and ICC-01/14-01/22-30-Conf-Exp

Dear colleagues,

The Presiding Judge of Pre-Trial Chamber II instructs the Registry to provide the Prosecution access to the following two documents, and their annexes:

- ICC-01/14-01/22-27-Conf-Exp and annex
- ICC-01/14-01/22-30-Conf-Exp and annex

Thank you and kind regards,
[REDACTED], on behalf of the Presiding Judge

From: Pre-Trial Chamber II communications
Sent: 28 June 2022 18:06
To: [REDACTED]
Cc: Court Management-Court Records; Associate Legal Officer-Court Officer; Pre-Trial Chamber II communications
Subject: ICC-01/14-01/22: PRV of transcript of 4 April 2022
Attachments: PUB RED of FRA Transcript - ICC-01 14-01 22-T-002-CONF-EXP-FRA ET 04-04-2022 1-19 NB PT.pdf; PUB RED of ENG Transcript - ICC-01 14-01 22-T-002-CONF-EXP-ENG ET 04-04-2022 1-19 NB PT.pdf

Dear Wilfred, dear colleagues from CMS,

Kindly find attached the PDFs of the transcripts in both French and English with the information to be redacted highlighted in yellow, for publication of a public redacted version of said transcripts.

Thank you and kind regards,
[REDACTED]