

Situation in Central African Republic II

Update: August 2023

The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka

Confirmation of charges hearing in the Mokom case,

22-24 August 2023

WHAT IS A "CONFIRMATION OF CHARGES HEARING"?

The confirmation of charges hearing is not a trial. The confirmation of charges hearing is a public hearing during which a Pre-Trial Chamber of the International Criminal Court (ICC) decides whether or not to confirm all or any of the charges brought by the Prosecutor against a suspect – Maxime Jeoffroy Eli Mokom Gawaka, in this case. If any of the charges are confirmed, the suspect is committed for trial before a Trial Chamber.

At the hearing, in the presence of the suspect and his Counsel, the Prosecution is required to support each of the charges with sufficient evidence to establish substantial grounds to believe that Mr Maxime Jeoffroy Eli Mokom Gawaka committed the crimes with which he is charged. The hearing will take place before Pre-Trial Chamber II, composed of Judge Rosario Salvatore Aitala (Presiding Judge), Judge Tomoko Akane, and Judge Sergio Gerardo Ugalde Godínez. The Chamber will hear oral submissions in turn from the Prosecution, the Legal Representatives of the Victims and the Defence. The hearing is [scheduled](#) from 22 to 24 August 2023 at the seat of the Court in The Hague, The Netherlands.

WHO IS MR MAXIME JEOFFROY ELI MOKOM GAWAKA AND WHAT IS HE SUSPECTED OF?

According to the [Prosecution's Document Containing the Charges](#), from at least September 2013, Mr Maxime Jeoffroy Eli Mokom Gawaka was a senior leader of the Anti-Balaka – a movement opposed to the Seleka and supportive of former CAR president François Bozizé - and the *de facto* coordinator responsible for the group's military operations. According to the Prosecution, Mr Mokom played a critical role in organising the Anti-Balaka's attacks in Bangui and Bossangoa in December 2013. In January 2014, Mr Mokom was formally designated as the Anti-Balaka National Coordinator for Operations, and held this senior position throughout 2014. Mr Mokom allegedly monitored and facilitated the activities of Anti-Balaka chiefs and or zone commanders ("ComZones") on the ground. He allegedly liaised directly with local commanders and with senior members of the National Coordination.

In this role, Mr Mokom is alleged to bear individual criminal responsibility for the following crimes from at least 5 December 2013 through at least the end of April 2014: directing attacks against the civilian population (as a war crime) murder (as a war crime and a crime against humanity), rape (as a war crime and crime against humanity), directing attacks against buildings dedicated to religion (as a war crime), destruction of property (as a war crime), pillage (as a war crime), deportation and forcible transfer (as a war crime and a crime against humanity), severe deprivation of personal liberty (as a crime against humanity) and persecution (as a crime against humanity).

On 14 March 2022, Mr Mokom was surrendered to the Court by the authorities of the Republic of Chad on account of an [ICC warrant of arrest](#) issued under seal on 10 December 2018. His initial appearance before the ICC took place on 22 March 2022.

WILL VICTIMS BE PARTICIPATING IN THIS HEARING?

Yes, the judges have given 733 victims permission to participate in the hearing. They will not be in the Courtroom but will be represented by their common legal representatives, lawyers Mr Abdou Dangabo Moussa, Ms Marie-Edith Douzima-Lawson, Mr Yaré Fall and Ms Elisabeth Rabesandratana. The legal representatives of victims will attend the hearing and will make oral submissions before the judges to present their arguments on the merits.

WHO IS DEFENDING MR MAXIME JEOFFROY ELI MOKOM GAWAKA?

Mr Philippe Larochelle is the Counsel for the Defence of Mr Maxime Jeoffroy Eli Mokom Gawaka. Defence Counsel may object to the charges, respond to Prosecution evidence and present exculpatory evidence.

WHAT ARE THE POSSIBLE OUTCOMES OF THE CONFIRMATION HEARING?

The ICC Pre-Trial Chamber will deliver its written decision within 60 days of the date on which the confirmation phase is concluded. The Pre-Trial Chamber will deliver a decision, in which it may:

- confirm those charges for which the Chamber has determined that there is sufficient evidence, and commit the suspect to trial before a Trial Chamber;
- decline to confirm those charges for which it has determined that there is insufficient evidence and, if all charges are not confirmed, stop the proceedings against Mr Maxime Jeoffroy Eli Mokom Gawaka;
- adjourn the hearing and request the Prosecutor to provide further evidence, to conduct further investigations or to amend any charge for which the evidence submitted appears to establish that a crime other than the one charged was committed.

The Defence and the Prosecution are not automatically entitled to appeal this decision but they can request authorisation from the Pre-Trial Chamber to do so.

WHAT WILL HAPPEN IF THE CHARGES ARE CONFIRMED?

If the Pre-Trial Chamber finds that there is sufficient evidence to support all or some of the charges, it will commit Mr Maxime Jeoffroy Eli Mokom Gawaka for trial. The Presidency of the Court will constitute a Trial Chamber responsible for conducting the subsequent phase of the proceedings and composed of three judges other than those who sat on the Pre-Trial bench.

Promptly after it is constituted, the Trial Chamber will hold status conferences, confer with the parties and participants in order to set the date of the trial and adopt the procedures necessary to facilitate the fair and expeditious conduct of the proceedings. The Chamber will rule on several preliminary issues, including the language(s) to be used at trial, and the timing and the manner of disclosure of evidence.

WHERE IS MR MAXIME JEOFFROY ELI MOKOM GAWAKA CURRENTLY BEING DETAINED?

Since his surrender to the Court on 14 March 2022, Mr Maxime Jeoffroy Eli Mokom Gawaka has been detained at the ICC Detention Centre in Scheveningen, The Hague, The Netherlands. The Detention Centre meets the highest international human rights standards for the treatment of detainees. Detained persons are presumed by the Court to be innocent until proven guilty beyond reasonable doubt.

WHO ARE THE JUDGES SITTING IN THIS CASE?

Pre-Trial Chamber II is composed Judge Rosario Salvatore Aitala (Presiding judge), Judge Tomoko Akane (Japan), and Judge Sergio Gerardo Ugalde Godínez (Costa Rica).

The Judges of the ICC are persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. All have extensive experience relevant to the Court's judicial activity. They are elected by the Assembly of States Parties on the basis of their established competence in criminal law and procedure and in relevant areas of international law such as international humanitarian law and human rights law.