

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-01/14-01/22**
Date: **11 October 2022**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Tomoko Akane

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
THE PROSECUTOR *v.* MAXIME JEOFFROY ELI MOKOM GAWAKA**

Public

**Report on the Activities of the Office of Public Counsel for Victims pursuant to
the “Order on the conduct of the confirmation of charges proceedings”
(ICC-01/14-01/22-62)**

Source: Office of Public Counsel for Victims

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

Mr Mame Mandiaye Niang

Mr Kweku Vanderpuye

Counsel for the Defence

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**

Ms Paolina Massidda

Mr Dmytro Suprun

**The Office of Public Counsel for the
Defence****States' Representatives****Amicus Curiae****REGISTRY**

Registrar

Mr Peter Lewis

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations
Section****Other**

I. PROCEDURAL HISTORY

1. On 27 June 2022, Pre-Trial Chamber II (the “Chamber”) issued the “Order on the conduct of the confirmation of charges proceedings” (the “Decision”), *inter alia*, assigning the Office of Public Counsel for Victims (the “OPCV” or the “Office”) to represent the collective interests of potential victims pending the Chamber’s eventual decision on legal representation.¹

2. The two assigned counsel (“Counsel”) hereby provide the Chamber with information relating to the discharge of their mandate in accordance with the Decision.

II. SUBMISSIONS

A. Conflict of Interest

3. Counsel are currently representing victims participating in the *Yekatom and Ngaïssona* case: Mr Suprun as the common legal representative of the former child soldiers and Ms Massidda (together with four external lawyers) as the common legal representative of the victims of the other crimes. Since the charges brought against Mr Mokom are identical to the ones brought against Mr Yekatom and Mr Ngaïssona, the Office conducted its evaluation pursuant to article 16 of the Code of Professional Conduct for Counsel as to whether a conflict of interest may exist in fulfilling the mandate entrusted by the Chamber and whether two counsel shall be also appointed in the *Mokom* case.

4. After a careful consideration, the Office concluded that a conflict of interest exists and, therefore, assigned Mr Suprun and Ms Massidda to represent respectively the interests of the potential victims former child soldier and of the potential victims

¹ See the “Order on the conduct of the confirmation of charges proceedings” (Pre-Trial Chamber II), [No. ICC-01/14-01/22-62](#), 27 June 2022, para. 46.

of the other crimes in the present case.² The same system of segregation of information already in place in the *Yekatom and Ngaïssona* case is also in place in the *Mokom* case.

B. Composition of the teams

5. Following the appointment, each Counsel proceeded in assigning the legal staff already working in the *Yekatom and Ngaïssona* case to the *Mokom* case. Each team includes legal staff at the headquarters and the field counsel based in the CAR.

6. The assignment of the same legal teams ensures continuance and efficiency. The staff in the headquarters is in fact fully acquainted with the case and gained extensive knowledge of the country background. In addition, the field counsel have been able to establish trust relations and to maintain regular contact with the victims - who, for the most part, are likely to qualify for participating in the *Mokom* case.

7. At the present stage of the proceedings, Counsel do not anticipate the need for additional resources.

C. Identification of focal points and development of a working network

8. Since the issuance of the Decision, Counsel strengthened the cooperation with the relevant focal points in the field. Counsel are presently working with their trusted network in Bangui and in other locations in the CAR and elsewhere to reach out to affected communities and identify victims requiring legal advice and assistance in filling and submitting their application forms in the context of the *Mokom* case.

9. In accordance with the Decision, Counsel have been providing legal assistance to potential victims, reaching out to the affected communities with a view to facilitate the participation in the proceedings of those individuals who wish to do so. With the assistance of counsel based in the field, Counsel have been providing information on

² The Chamber was informed accordingly. See the e-mail sent by Counsel to the Legal Adviser to the Pre-Trial Division on 29 June 2022 at 12:09 and acknowledged by the Legal Adviser on 30 June 2022 at 9:06.

their role and on the purpose of their temporary appointment, and the victims' rights at the current stage of the proceedings.

10. However, Counsel representing the interest of potential victims of the other crimes wishes to inform the Chamber that she encountered some difficulties in contacting a specific group of potential victims affiliated to an organisation based in Bangui. In fact, she was informed that said victims are represented by Mr Francis Ouabizon-Tendouli - a Central African lawyer, who is not on the ICC List of Counsel.³ Counsel was thus unable to contact him and to provide general support and assistance in accordance with regulation 81(4)(a) of the Regulations of the Court.

11. Lastly, Counsel representing the interest of potential victims of the other crimes, notifies the Chamber that she has informed the four external lawyers (appointed with her in the *Yekatom and Ngaïssona* case) of the designation of the Office in the *Mokom* case, signifying her availability to discuss matters of common concern.

D. Review of application forms of the victims already participating in the *Yekatom and Ngaïssona* case

12. Counsel are presently reviewing the application forms of victims they already represent in the *Yekatom and Ngaïssona* case to assess whether they may also qualify for the *Mokom* case. In the affirmative, Counsel have been contacting the relevant individuals to ascertain whether they wish to participate in the *Mokom* case, so that the Registry through the VPRS can proceed with a new registration of the file of the victims in the case.

³ See the "Registry Report on Legal Representation of Victims" with Annex, No. ICC-01/14-01/22-98 and No. ICC-01/14-01/22-98-Anx, 7 October 2022, footnote 42 of the Annex.

Respectfully submitted.



Dmytro Suprun



Paolina Massidda

Dated this 11th day of October 2022

At The Hague (The Netherlands)