

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 26 January 2023

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

**Observations on behalf of Victims
following the Order postponing the Confirmation of Charges Hearing
(ICC-01/14-01/22-137)**

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

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Counsel for the Defence

Mr Philippe Larochelle

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
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Defence**

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Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. PROCEDURAL BACKGROUND

1. On 10 December 2018, Pre-Trial Chamber II (the “Chamber”) issued the warrant of arrest against Mr Mokom (the “Warrant of Arrest”).¹
2. On 14 March 2022, Mr Mokom was surrendered to the Court. Following his first appearance,² the Chamber scheduled the confirmation of charges hearing to commence on 31 January 2023.³
3. On 22 June 2022, the Chamber appointed Counsel of the Office of Public Counsel for Victims (the “OPCV”) to represent the collective interests of potential victims.⁴
4. On 23 January 2023, the Chamber issued an Order postponing the date of the confirmation of charges hearing, requesting – prior to establish a new date - the Prosecution and the OPCV to provide observations – by 26 January 2023 - on any proposed date for the commencement of the confirmation of charges hearing, together with an explanation as to why such a date would be appropriate in the circumstances of the present case. The Chamber also requested the Defence to provide observations in the matter by 31 January 2023.⁵

¹ See the “Warrant of Arrest for Maxime Jeoffroy Eli Mokom Gawaka” (Pre-Trial Chamber II), ICC-01/14-01/22-2-US-Exp; public redacted version notified on 22 March 2022, [No. ICC-01/14-01/22-2-Red2](#) (the “Warrant of Arrest”).

² See the Transcript of hearing, No. ICC-01/14-01/22-T-001-CONF-ENG, 22 March 2022; public redacted version notified on the same day, [No. ICC-01/14-01/22-T-001-Red-ENG](#).

³ See the “Order convening a hearing for the first appearance of Mr Mokom” (Pre-Trial Chamber II), [No. ICC-01/14-01/22-21](#), 16 March 2022.

⁴ 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, paras. 45-46.

⁵ See the “Order postponing the confirmation of charges hearing” (Pre-Trial Chamber II), ICC-01/14-01/22-137, 23 January 2023 (the “Order”), para. 9.

II. SUBMISSIONS

5. Counsel submit that the victims have an interest in the confirmation of charges hearing to be held as soon as practicable and without undue delay, and that the proceedings be carried out in an expeditious manner. Victims have indeed been waiting for justice for almost 10 years.

6. However, in the present case, Counsel are not in a position to suggest a date for the commencement of the confirmation of charges hearing because they are not aware of important information in the record of the case, having only access to the public record (with the exception of one specific ongoing procedure for which they have been notified of confidential documents).

7. Moreover, Counsel note that - as of today – they have only received from the Registry a limited number of victims' applications, in particular 36 applications of victims of the other crimes and 51 applications of victims former child soldiers (on a total of 423 Group A applications already transmitted to the Chamber).⁶ Furthermore, the Chamber has not yet issued any decision on the participation of victims and on their legal representation.

8. The above mentioned matters impact on the ability of Counsel to fulfil their mandate and do not allow them to make a careful evaluation of the current situation and suggest a date for the commencement of the confirmation of charges hearing.

⁶ See the "First Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", [No. ICC-01/14-01/22-87](#), 14 September 2022; the "Second Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", [No. ICC-01/14-01/22-102](#), 13 October 2022; the "Third Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", [No. ICC-01/14-01/22-113](#), 21 November 2022; the "Fourth Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", No. [ICC-01/14-01/22-122](#), 15 December 2022 and the "Fifth Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", No. [ICC-01/14-01/22-134](#), 20 January 2023.

Respectfully submitted.



Dmytro Suprun



Paolina Massidda

Dated this 26th day of January 2023

At The Hague, The Netherlands