



Original : English

N°: ICC-01/14-01/22

Date: 01 March 2023

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Tomoko Akane
Judge Sergio Gerardo Ugalde Godínez

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

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

Public
With Public Redacted Annexes 1-12 and
Confidential Annexes 1 and 5-9,
Confidential *EX PARTE* Annex 2 only available to the Registry and Defence,
Confidential *EX PARTE* Annex 3 only available to the Prosecution,
Confidential *EX PARTE* Annexes 4 and 10 only available to the Registry,
And Confidential *EX PARTE* Annexes 11 and 12 only available to the Registry, the
Prosecution, and the Defence

Second Registry Quarterly Report on Decisions issued by way of e-mail from
01 November 2022 until 31 January 2023

Source : Registry

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 Philippe Larochelle

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

**The Office of Public Counsel for the
Defence**

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

I. Introduction

1. The Registry submits with the present report and its 12 annexes, the public redacted, confidential, under seal and secret versions of email decisions pursuant to the “Order on the conduct of the confirmation of charges proceedings”¹ (“Order”), issued on 27 June 2022 by Pre-Trial Chamber II (“Chamber”).²

II. Procedural History

2. On 27 June 2022, the Chamber issued the Order instructing the Registry to file all email decisions on the case record in quarterly reports starting 1 August 2022.³

III. Classification

3. Pursuant to regulation 23*bis*(1) of the Regulations of the Court and regulation 14 of the Regulations of the Registry, some of the annexes are classified as “confidential”, “under seal” and “secret” because they refer to sensitive information that should not be disclosed to the public or should be known to a very limited number of persons.

IV. Applicable law

4. For the purpose of the present submission, the Registry considered articles 57(3)(c) of the Rome Statute and rule 121(10) of the Rules of Procedure and Evidence.

¹ Pre-Trial Chamber II, Order on the conduct of the confirmation of charges proceedings , ICC-01/14-01/22-62, 27 June 2022.

² *Ibid*, para. 54.

³ *Ibid*.

V. Submissions

5. In the Order, the Chamber provided criteria for the application of the redactions to the email decisions. The Registry was *inter alia* instructed to apply redactions to “i) names of Chambers staff members, where applicable; ii) names of Registry staff members, if deemed necessary by the Registry; iii) any personal email address or other private or personal information; and iv) any other information that should not be made public. The Registry shall consult the parties on the redactions applied.”⁴
6. In order to enable the parties and participants to suggest specific additional redactions, Registry liaised with the Prosecution, the Defence, the Legal Representatives of Victims, and relevant sections of the Registry.⁵
7. Redaction proposals were received from the Registry, the Prosecution and, the Defence.⁶
8. Accordingly, the Registry hereby submits the 12 following annexes to the present report:
 - **Annex 1:** Decision dated 17 November 2022 09.42;
 - **Annex 2:** Decision dated 21 November 2022 14.08;
 - **Annex 3:** Decision dated 5 December 2022 09.18;
 - **Annex 4:** Decision dated 6 December 2022 16.13;
 - **Annex 5:** Decision dated 16 December 2022 17.09;
 - **Annex 6:** Decision dated 21 December 2022 10.08;
 - **Annex 7:** Decision dated 23 December 2022 15.06;
 - **Annex 8:** Decision dated 30 December 2022 11.34;

⁴ *Ibid*, para. 55.

⁵ Emails sent by the Courtroom Officer/Associate Legal Officer on 24 February 2023 at 16.59, 17.00, 17.01, 17.02, and 17.03.

⁶ Emails sent by the Registry on 24 February 2023 at 17.41 and 17.44. Emails sent by the Prosecution on 27 February 2023 at 12.11, 12.14 and, 12.15. Emails sent by the Defence on 27 February 2023 at 17.01, 17.25, and 18.20. The Pre-Trial Chamber ruled on one objection to a proposed redaction by way of email, sent on 1 March 2023 at 08.50.

- **Annex 9:** Decision dated 11 January 2023 10.24;
- **Annex 10:** Decision dated 12 January 2023 17.45;
- **Annex 11:** Decision dated 19 January 2023 16.45; and
- **Annex 12:** Decision dated 23 January 2023 17.27.

p.p.



Marc Dubuisson, Director, Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 01 March 2023

At The Hague, The Netherlands