

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 May 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**

URGENT

Public

With 58 Confidential *EX PARTE* Annexes only available to the Registry

**First Registry Transmission of Group B Applications for Victim Participation in
Pre-Trial Proceedings**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

Office of the Prosecutor

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

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I. Introduction

1. On 27 June 2022, Pre-Trial Chamber II (“Chamber”) issued its “Order on the conduct of the confirmation of charges proceedings” (“27 June 2022 Order”),¹ in the case of *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka* case (“Case”), in which it *inter alia* adopted the “A-B-C” victim application procedure² and endorsed the guidance on the legal assessment of victim applications adopted by the Pre-Trial Chamber in the case of *The Prosecutor v. Yekatom and Ngaiisona* (“Y/N Case”).³ Specifically, in its 27 June 2022 Order, the Chamber instructed the Registry to:
 - a. Classify the applicants into three categories: (a) applicants who clearly qualify as victims (“Group A”); (b) applicants who clearly do not qualify as victims (“Group B”); and (c) applicants for whom the Registry could not make a clear determination for any reason (“Group C”);⁴
 - b. Transmit to the Chamber on a rolling basis and in un-redacted form, by way of a filing in the record of the Case, all complete applications on the basis of the A-B-C grouping, including any supporting documentation;⁵ and;
 - c. Transmit the Group C applications only “to the parties for observations pursuant Rule 89(1) of the Rules,⁶ and legal representative as appropriate, with the necessary redactions to expunge the persons’ identifying information.”⁷

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

² *Id.*, para. 40.

³ *Id.*, para. 44.

⁴ *Id.*, para. 40 (iv).

⁵ *Id.*, para. 40 (v).

⁶ Rules of Procedure and Evidence (“Rules”).

⁷ *Id.*, para. 40 (vi).

2. With the present filing, the Victims Participation and Reparation Section transmits to the Chamber 58 complete applications assessed as falling under Group B.⁸

II. Procedural History

3. On 22 March 2022, the Warrant of Arrest against Mr Mokom was made public.⁹ On the same date, Mr Mokom made his first appearance before the Chamber.¹⁰ At that occasion, the Chamber scheduled the opening of the confirmation of charges hearing provisionally for 31 January 2023.¹¹
4. On 27 June 2022, the Chamber issued its Order setting out *inter alia* the admission procedure for victims' participation in the Case¹² and endorsing the guidance on the legal assessment of victim applications adopted by the Pre-Trial Chamber in the Y/N Case.¹³
5. Between 14 September 2022 and 20 January 2023, the Registry transmitted 423 applications categorised in Group A,¹⁴ together with reports thereon.¹⁵

⁸ The sixth assessment report filed alongside the present submission concerns a total of 329 victim application forms, of which 271 fall within the A Group. Of the 58 forms subject to this first transmission, 23 applications had been previously submitted as falling within Group A, but no longer do so after the issuance of the Document Containing the Charges (*see infra*, para. 16). The remaining 35 forms represent new applications not previously transmitted to the Chamber.

⁹ Pre-Trial Chamber II, "Public Redacted Version of 'Warrant of Arrest for Maxime Jeoffroy Eli Mokom Gawaka' (ICC-01/14-01/22-2-US-Exp)", dated 10 December 2018 and registered on 22 March 2022, ICC-01/14-01/22-2-Red2.

¹⁰ See Pre-Trial Chamber II, "Order convening a hearing for the first appearance of Mr Mokom", 16 March 2022, ICC-01/14-01/22-21.

¹¹ ICC-01/14-01/22-T-001-Red-ENG WT 22-03-2022, p.11, lines 20-22.

¹² 27 June 2022 Order, paras. 40-41.

¹³ *Id.*, para. 44.

¹⁴ Last Registry transmission: "Fifth Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", 20 January 2023, ICC-01/14-01/22-134.

¹⁵ Last Registry report: "Fifth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings", 20 January 2023, ICC-01/14-01/22-133.

6. On 9 March 2023, the Office of the Prosecutor notified the document containing the charges against Mr Mokom.¹⁶

III. Classification

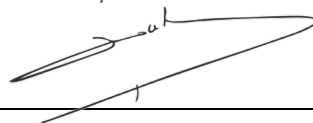
7. The annexes to the present submission are classified as confidential *ex parte* only available to the Registry, in accordance with the 27 June 2022 Order.¹⁷

IV. Applicable Law

8. The present transmission is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules, regulation 86 of the Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

V. Transmission

9. The Registry hereby transmits to the Chamber 58 complete applications assessed as falling under Group B.



Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 25 May 2023

At The Hague, The Netherlands

¹⁶ Office of the Prosecutor, "Prosecution's Submission of the Document Containing the Charges", 9 March 2023, ICC-01/14-01/22-174.

¹⁷ 27 June 2022 Order, paras. 40 (v) and (vi).