

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **8 November 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 *PROSECUTOR v. MAXIME JEOFFROY ELI MOKOM
GAWAKA***

Public

**Public redacted version of Prosecution's Response to Defence Urgent Request for
an Order regarding P-0405**

Source: Office of the Prosecutor

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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Nigel Verrill

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**Victims Participation and Reparations
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Other

I. INTRODUCTION

1. The Prosecution hereby responds to the Defence Urgent Request for an Order Concerning the Arrest of P-0405 (“Request”).¹

II. CONFIDENTIALITY

2. In accordance with regulation 23(1)*bis* of the Regulations of the Court, this Response is filed as “Confidential” as it contains confidential information regarding a witness and references filings and communications of the same designation. A public redacted version will be filed concurrently.

III. SUBMISSIONS

3. The Prosecution was first alerted to any security concerns in relation to P-0405 through an e-mail from the Defence on 1 November 2023. Upon receipt of the information and even though P-0405 is a witness under the management of the Defence in the proceedings against Mr Mokom,² the Prosecution made enquiries to verify whether he was indeed arrested and where he is located. [REDACTED].³
4. To protect victims and witnesses is a responsibility of the Court as a whole.⁴ The Court’s responsibility under article 68(1) does not expire at the end of the proceedings, but extends as long as persons who have cooperated with the Court are at risk on account of their cooperation. Pursuant to article 43(6) of the Statute, the Victims and Witnesses Section “VWS” has a specific mandate to “provide [...] protective measures and security arrangements, counseling and other appropriate assistance for witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses”.

¹ ICC-01/14-01/22-287-Conf.

² [REDACTED]. The Defence submits that “[t]he interaction between P-0405 and the Defence, put him at risk of arrest, and harm.” Request, para. 7.

³ [REDACTED].

⁴ ICC-01/04-01/07-776 OA7, para. 101.

5. As there is no specific time limitation on the Court's protection obligation. Rather, VWS should assess the matter submitted by the Defence in a timely manner even though the charges have been withdrawn against Mr Mokom.⁵
6. The Prosecution will share any relevant information in its possession with the VWS and provide any other advice or reasonable assistance, if requested by VWS, to facilitate the assessment. However, the assessment of whether protection is required remains with VWS in this particular case. The Prosecution's mandate of protection under articles 54(3)(f) and 68(1) is confined to managing security risks related to its investigation and prosecution.⁶

IV. CONCLUSION

7. For the above reasons, the Prosecution does not oppose the relief sought by the Defence.



Karim A. A. Khan KC, Prosecutor

Dated this 8th day of November 2023

At The Hague, The Netherlands

⁵ [REDACTED].

⁶ See e.g. ICC-01/04-01/07-776 OA7, para. 98.