

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

No.: ICC-01/14-01/22  
Date: 09 November 2023

**PRE-TRIAL CHAMBER II**

**Before:** Judge Rosario Salvatore Aitala, Presiding  
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**

**Redacted version of the “Registry’s Observations on the ‘Defence Urgent Request for an Order Concerning the Arrest of P-0405’ (ICC-01/14-01/22-287-Conf)”  
ICC-01/14-01/22-289-Conf-Exp**

**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 Mr Mokom**

Mr Philippe Larochelle

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

Mr Abdou Dangabo Moussa  
Ms Marie-Edith Douzima-Lawson  
Mr Yaré Fall  
Ms Elisabeth Rabesandratana

**Unrepresented Applicants  
(Participation/Reparation)**

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

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

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

## I. Introduction

1. The Registry hereby files the following Observations on the “Defence Urgent Request for an Order Concerning the Arrest of P-0405”<sup>1</sup> (“Defence Request”) pursuant to Pre-Trial Chamber II instructions received *via* email on 6 November 2023.<sup>2</sup>

## II. Classification

2. In accordance with regulation 23 *bis*(1) of the Regulations of the Court, the present submission is classified as confidential *ex parte* Registry only as it addresses the security situation of a witness and contains information on state cooperation. Two *ex parte* confidential redacted versions respectively available to the Prosecution and the Defence as well as a public redacted version will be filed on 9 November 2023.

## III. Observations

### A. On the existence of a [REDACTED]

3. [REDACTED] on the procedure, the documentation and information required to submit a referral for protection in accordance with regulation 96 of the Regulations of the Registry (“ROR”). REDACTED].
4. [REDACTED].
5. Several exchanges between the VWU and the Defence took place to find a date for a meeting to be scheduled in order to clarify [REDACTED].
6. [REDACTED].

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<sup>1</sup> Defence, “Defence Urgent Request for an Order Concerning the Arrest of P-0405”, (ICC-01/14-01/22-287-Conf) 6 November 2023.

<sup>2</sup> Email from the Chamber on 6 November 2023, at 14:15.

7. In the meantime, before any meeting between VWU and the Defence could take place and the witness [REDACTED] the Office of the Prosecutor submitted the “Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka”<sup>3</sup> and the witness was arrested.
8. [REDACTED].
  - B. The request for information with the authorities of the Central African Republic
9. In relation to the Defence Request “to take active steps to find out information about P-0405, the circumstances of his arrest, and his current state of health and conditions”,<sup>4</sup> [REDACTED].
10. [REDACTED].
11. [REDACTED].
12. [REDACTED].
13. [REDACTED]. For such reasons, the Registry would need to be provided with sufficient time to perform a deeper analysis to report to the Chamber on the better course of action.



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Marc Dubuisson, Director, Division Judicial Services,  
on behalf of  
Osvaldo Zavala Giler, Registrar

Dated this 09 November 2023

At The Hague, the Netherlands

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<sup>3</sup> ICC-01/14-01/22-275-Conf, 16 October 2023.

<sup>4</sup> “Defence Urgent Request for an Order Concerning the Arrest of P-0405”, (ICC-01/14-01/22-287-Conf) 6 November 2023, Para 13.