

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

Date: **31 January 2024**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding
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

Public Redacted Version of “Second Registry Report on the Implementation of the Restrictions on Contact Ordered by Pre-Trial Chamber II and Request for Guidance on Non-Privileged Visits and Written Correspondence”, ICC-01/14-01/22-59-Conf-Exp, filed on 15 June 2022

Source: Registry

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

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I. Introduction

1. Following the “Third Decision on Contact Restrictions” (“28 April 2022 Decision”)¹ issued by Pre-Trial Chamber II (“Chamber”) on 28 April 2022, in which the Registry is ordered to report on the implementation of the contact restrictions in relation to Maxime Jeoffroy Eli Mokom Gawaka (“Mr Mokom”) by no later than 15 June 2022,² the Registry hereby submits its report.

II. Procedural history

2. Pursuant to a series of decisions,³ the Chamber has ordered the restrictions on Mr Mokom’s contacts until 28 June 2022 (inclusive) to be: (1) actively monitored non-privileged phone calls with authorised individuals, with the exception of his [REDACTED], whose identity and contact details have been properly vetted by the Registry, for a maximum of four hours per week; (2) actively monitored visits and written correspondence with authorized direct family members, with the exception of visits and written correspondence with his [REDACTED], whose identity and contact details have also been duly verified beforehand; (3) non-privileged communications limited to the languages of French and Sango; and (4) prohibition of using obscure or coded language and discussing his case or other cases pending before the Court during his non-privileged communications. The Chamber also ordered the Chief Custody Officer (“CCO”) to stop any telephone call or visit and seize any written communication made in violation of the Chamber’s order.⁴

III. Classification

3. In accordance with regulation 23 *bis*(2) of the Regulations of the Court (“RoC”), the present report is classified as confidential *ex parte* as: (a) it refers

¹ Pre-Trial Chamber II, “Third Decision on Contact Restrictions”, (“28 April 2022 Decision”), 28 April 2022, ICC-01/14-01/22-45-Conf-Exp.

² Pre-Trial Chamber II, 28 April 2022 Decision, para. 8.

³ Pre-Trial Chamber II, “Decision temporarily imposing contact restrictions on Mr Mokom” (“29 March 2022 Decision”), 29 March 2022, ICC-01/14-01/22-28-Conf-Exp, paras. 15-16; Pre-Trial Chamber II, 28 April 2022 Decision, paras. 4-8.

⁴ Pre-Trial Chamber II, 29 March 2022 Decision, para.16.

to decisions of the same level of classification, and (b) it contains confidential operational working methods internal to the Registry.

IV. Applicable law

4. For the purpose of the present report, the Registry has considered regulations 92, 99(1)(i), 100 and 101 of the RoC, and regulations 88, 168, 169, 173, 174, 175, 179, 180 and 189 of the Regulations of the Registry (“RoR”).

V. Submissions

5. The Registry will first address the implementation of the current restrictions on contacts, and will then provide information on the description of the procedure set out to follow the Chamber’s order of “vetting the information provided by Mr Mokom and [. . .] make an assessment of whether any of the relevant persons are possible vectors for attempts to obstruct the present proceedings or to breach confidentiality”.⁵

In relation to active monitoring of non-privileged telephone calls

6. The Registry has implemented the Chamber’s restrictions on contact⁶ by actively monitoring Mr Mokom’s non-privileged telephone calls, with the exception of his [REDACTED], and has no incidents to report.

In relation to the vetting process of non-privileged telephone contacts by the Registry

7. The Chamber ordered the Registry to be responsible for vetting the information provided by Mr Mokom when seeking to add contacts to his contact list for his non-privileged telephone calls.⁷ Specifically, the Chamber ordered the Registry to “make an assessment of whether any of the relevant persons are possible vectors for attempts to obstruct the present proceedings or to breach confidentiality, and, if so, exclude any such persons from Mr Mokom’s list of contacts” with the possibility of consulting with Mr Mokom

⁵ Pre-Trial Chamber II, 28 April 2022 Decision, para. 7.

⁶ Pre-Trial Chamber II, 28 April 2022 Decision, paras. 6-7.

⁷ Pre-Trial Chamber II, 28 April 2022 Decision, paras. 6-7.

and the Prosecution during this process.⁸ As such, Mr Mokom is ordered to provide the Registry “with the full names and essential biographical information, including past and present occupation, of any persons he wishes to add to his list of contacts”.⁹

8. [REDACTED] the Registry, as a neutral organ of the Court, can only perform the verification procedure as described below.
9. Accordingly, the Registry reports that it has implemented the following verification procedure: 1) initial verification by Detention Centre (“DC”) Registry staff, followed by 2) [REDACTED], and, when necessary 3) consultation with the Prosecution and Mr Mokom.
10. As previously detailed to the Chamber,¹⁰ the first level verification process carried out at the DC follows the standard DC procedures for verifying the telephone contact forms submitted by a detained person under regulation 173(4) of the RoR.
11. In order to implement the Chamber’s 28 April 2022 Decision on establishing a more thorough verification procedure, the Registry deems it necessary to [REDACTED] in order to seek additional information to determine whether a contact may be added to the telephone list, having regard to regulation 175 of the RoR.
12. To that effect, the Chief Custody Officer (“CCO”) [REDACTED].
13. [REDACTED].
14. [REDACTED].

⁸ Pre-Trial Chamber II, 28 April 2022 Decision, para. 7.

⁹ Pre-Trial Chamber II, 28 April 2022 Decision, para. 7.

¹⁰ Registry, “Registry Report of the Implementation of the Restrictions on Contacts Ordered by the Pre-Trial Chamber II”, 12 April 2022, ICC-01/14-01/22-39-Conf-Exp, para. 20.

15. The Registry observes that the information contained in the standard DC telephone contact form is considered to be part of a detained persons' detention record, as governed by regulation 92 of the RoC and regulation 189 of the RoR. Therefore, should consultation with the Prosecution be deemed necessary, the Registry notes that only minimal private information from a detained person would be shared, such as the name requested to be added.

16. The Prosecution in order to assist in the verification [REDACTED].

17. The Registry wishes to inform the Chamber that current internal consultations within the Registry are being held in order to streamline the verification process of contacts of all detained persons under active monitoring orders. The Registry will keep the Chamber informed of any changes in these procedures.

In relation to non-privileged visits and written correspondence

18. As set out in the 29 March 2022 Decision,¹¹ the Chamber ordered restrictions on contacts for Mr Mokom's non-privileged visitors and written correspondence. In this regard, the Registry has no incident to report.

Request for guidance on non-privileged visits and written correspondence

19. The Registry respectfully requests the Chamber's confirmation that Mr Mokom's incoming and outgoing written correspondence and non-privileged visits are still limited to authorized and verified direct family members, as ordered by the Chamber on 29 March 2022,¹² or if Mr Mokom may receive visits and correspondence from other family members and other individuals as well, in line with the changes in the telephone restrictions.

¹¹ Pre-Trial Chamber II, 29 March 2022 Decision, paras. 15-16.

¹² Pre-Trial Chamber II, 29 March 2022 Decision, paras. 15-16.

20. Furthermore, the Registry notes that the Chamber's 28 April 2022 Decision changes the contact restrictions specific to telephone contacts,¹³ thus the Registry seeks the Chamber's guidance on whether it should apply the same procedures to potential visitors, or if it should use the standard procedure for verifying identities of visitors pursuant to regulation 179 of the RoR and as set out in the 29 March 2022 Decision.¹⁴

21. Finally, the Registry understands that all communications between Mr Mokom and his [REDACTED] are not subject to active monitoring, including his visits, as ordered by the Chamber in its 28 April 2022 Decision.¹⁵ As Mr Mokom is entitled to receive a family visit with his [REDACTED] and [REDACTED], the Registry respectfully seeks the Chamber's guidance as to the monitoring regime to be applied to his [REDACTED] during this family visit.



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

Dated this 31 January 2024

At The Hague, the Netherlands

¹³ Pre-Trial Chamber II, 28 April 2022 Decision, para. 7.

¹⁴ Pre-Trial Chamber II, 29 March 2022 Decision, paras. 15-16.

¹⁵ Pre-Trial Chamber II, 28 April 2022 Decision, paras. 4-5.