

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

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 "Sixth Registry Report on the Implementation of the Restrictions on Contact Ordered by Pre-Trial Chamber II", ICC-01/14-01/22-272-Conf-Exp, filed on 29 September 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 Mr Mokom**

Mr Philippe Larochelle

**Legal Representatives of the Victims**

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

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**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**

---

**Registrar**

Mr Osvaldo Giler Zavala

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations  
Section**

**Other**

## I. Introduction

1. Following the “Seventh Decision on Contact Restrictions” issued by Pre-Trial Chamber II (“Chamber”) on 14 June 2023 (“14 June 2023 Decision”),<sup>1</sup> in which the Registry was ordered to report on the implementation of the contact restrictions in relation to Maxime Jeoffroy Eli Mokom Gawaka (“Mr Mokom”) by no later than 29 September 2023,<sup>2</sup> the Registry hereby submits its report.

## II. Procedural history

2. Following a series of decisions,<sup>3</sup> on 14 June 2023 (“14 June 2023 Decision”), the Chamber extended the following restrictions on Mr Mokom’s contacts until the issuance of the decision on the confirmation of charges:<sup>4</sup> (1) non-privileged communications limited to the languages of French and Sango with authorised individuals whose identity and contact have been properly vetted by the Registry in consultation with the Prosecution and when necessary, with Mr Mokom (“Vetting Process”);<sup>5</sup> and (2) 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 to stop any telephone call or visit, or seize any written communication, which violated the Chamber’s orders.<sup>6</sup>

---

<sup>1</sup> Pre-Trial Chamber II, “Seventh Decision on Contact Restrictions”, (“14 June 2023 Decision”) 14 June 2023, ICC-01/14-01/22-225-Conf-Exp.

<sup>2</sup> Pre-Trial Chamber II, 14 June 2023 Decision, para. 13.

<sup>3</sup> 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, “Third Decision on Contact Restrictions” (“28 April 2022 Decision”), 28 April 2022, ICC-01/14-01/22-45-Conf-Exp, paras. 6-8; Pre-Trial Chamber II, “Fourth Decision on Contact Restrictions” (“28 June 2022 Decision”), 28 June 2022, ICC-01/14-01/22-63-Conf-Exp, paras. 7-10; and Pre-Trial Chamber II, “Fifth Decision on Contact Restrictions” (“7 November 2022 Decision”), 7 November 2022, ICC-01/14-01/22-106-Conf-Exp; and Pre-Trial Chamber II, “Sixth Decision on Contact Restrictions” (“2 February 2023 Decision”), 2 February 2023, ICC-01/14-01/22-148-Conf-Exp; and Pre-Trial Chamber II, 14 June 2023 Decision.

<sup>4</sup> Pre-Trial Chamber II, 14 June 2023 Decision.

<sup>5</sup> Pre-Trial Chamber II, 7 November 2022 Decision, paras 11-13; Pre-Trial Chamber II, 2 February 2023 Decision, para. 13; Pre-Trial Chamber II, 14 June 2023 Decision, para. 14.

<sup>6</sup> Pre-Trial Chamber II, 14 June 2023 Decision, para.12.

3. The Chamber has further ordered the Registry: i) to consult with Mr Mokom before excluding a person from his non-privileged contact list; and to ii) “provide sufficient reasons to Mr Mokom for any such exclusion to the extent that considerations of confidentiality allow for such reasons to be shared with Mr Mokom”.<sup>7</sup>
4. In its Fifth Registry Report,<sup>8</sup> the Registry requested the Chamber’s guidance as to the following: (1) providing sufficient reason to Mr Mokom for excluding a person from his contact list; and (2) to what extent information related to excluding a person may be shared with Mr Mokom to be considered “sufficient reasons”.<sup>9</sup>
5. In the 14 June 2023 Decision,<sup>10</sup> the Chamber generally clarified, with regard to the Vetting Process, that, *inter alia*:

“[I]n instances where the Registry is prevented from sharing the precise reasons for its decision not to include a person on Mr Mokom’s list of non-privileged contacts due to confidentiality considerations, it may communicate them to Mr Mokom in general terms; and (ii) in instances where, having considered all possibilities of communicating reasons in general terms, the Registry considers that it is absolutely prevented from doing so, it should inform Mr Mokom accordingly.”<sup>11</sup>

### III. Classification

6. In accordance with regulation 23 *bis*(1) of the RoC, the present submissions are classified as confidential *ex parte* only available to the Registry, the Prosecution and the Defence as it refers to decisions of the same level of classification.

---

<sup>7</sup> Pre-Trial Chamber II, 2 February 2023 Decision, para. 13.

<sup>8</sup> Registry, “Fifth Registry Report on the Implementation of the Restrictions on Contact Ordered by Pre-Trial Chamber II”, 30 May 2023, ICC-01/14-01/22-212-Conf-Exp.

<sup>9</sup> *Ibid.*, at paras. 11-12.

<sup>10</sup> Pre-Trial Decision, 14 June 2023 Decision.

<sup>11</sup> Pre-Trial Chamber II, 14 June 2023 Decision, para. 14.

#### IV. Applicable law

7. For the purpose of the present report, the Registry has considered regulations 99(1)(i), 100 and 101 of the RoC, and regulations 168, 169, 173, 174, 175, 179, 180 and 183 of the Regulations of the Registry (“RoR”).

#### V. Submissions

8. Since Fifth Registry Report,<sup>12</sup> Mr Mokom has requested to add one individual, whom Mr Mokom has identified as a [REDACTED], to his non-privileged contact list who was vetted, according to the Vetting Process; the Registry has so added this individual.

9. Additionally, as stated in the Fifth Registry Report,<sup>13</sup> in accordance with the Vetting Process, [REDACTED], whom Mr Mokom has identified as his [REDACTED], has not been added to Mr Mokom’s non-privileged contact list, as a result of concerns on the part of the Registry and the Prosecution. Based on the aforesaid general clarification in the 14 June 2023 Decision,<sup>14</sup> on 23 June 2023, the Registry informed Mr Mokom of its decision not to add [REDACTED], communicating to Mr Mokom the reasons therefore, in general terms,<sup>15</sup> on the basis of information before the Chamber,<sup>16</sup> to which the Prosecution<sup>17</sup> and Defence<sup>18</sup> have access, as appropriate. The Defence has not contacted the Registry since then.

---

<sup>12</sup> Registry, “Fifth Registry Report on the Implementation of the Restrictions on Contact Ordered by Pre-Trial Chamber II” , 30 May 2023, ICC-01/14-01/22-212-Conf-Exp.

<sup>13</sup> *Ibid.*

<sup>14</sup> Pre-Trial Chamber II, 14 June 2023 Decision, paras. 14-15.

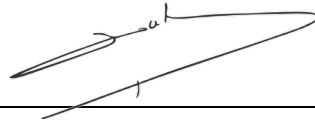
<sup>15</sup> See generally Pre-Trial Chamber II, 14 June 2023 Decision, para. 14.

<sup>16</sup> Fifth Registry Report, ICC-01/14-01/22-212-Conf-Exp-Anx.

<sup>17</sup> Fifth Registry Report, ICC-01/14-01/22-212-Conf-Exp-Anx-Red.

<sup>18</sup> Fifth Registry Report, ICC-01/14-01/22-212-Conf-Exp-Anx-Red2.

10. As to Mr Mokom's non-privileged telephone calls, visits or written correspondence, the Registry has no incident to report.



---

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