

**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
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

Public redacted version of "Registry's Report on Communications with the Host State pursuant to Order ICC-01/14-01/22-309-Conf", 31 January 2024

Source: The Registry

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

The Office of the Prosecutor

Karim A.A. Khan, KC
Mame Mandiaye Niang
Leonie von Braun

Counsel for the Defence

Philippe Larochelle

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Oswaldo Zavala Giler

Counsel Support Section

Pieter Vanaverbeke

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. Pursuant to “Decision pursuant to Rule 185 of the Rules of Procedure and Evidence” (“Decision”) issued by Pre-Trial Chamber II (“Chamber”) on 18 January 2024,¹ the Registry hereby reports on its communications with the authorities of the Kingdom of the Netherlands (“Host State”).

II. Procedural history

2. On 16 October 2023, the Office of the Prosecutor submitted its “Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka”.²
3. On 17 October 2023, the Chamber issued the “Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’” (“Order of 17 October”).³
4. On 18 January 2024, the Chamber issued the Decision in which *inter alia*, it decided, “that as of 8 February 2024, without any further order by the Chamber to the contrary, as set out in the present decision, the residual jurisdiction of the Chamber will conclude and the designation of Mr Mokom’s place of stay will fall under the exclusive jurisdiction of the Host State”.⁴ The Chamber further ordered the Registry “to immediately inform the Host State and to report to the Chamber by no later than 31 January 2024 (16:00 hours)”.⁵

¹ Pre-Trial Chamber II, “Decision pursuant to Rule 185 of the Rules of Procedure and Evidence”, 18 January 2024, ICC-01/14-01/22-309-Conf. Public redacted version was issued on the same day, ICC-01/14-01/22-309-Red.

² Prosecution, “Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka”, 16 October 2023, ICC-01/14-01/22-275-Conf.

³ Pre-Trial Chamber II, “Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’”, 17 October 2023, ICC-01/14-01/22-276-Conf.

⁴ Decision, p. 10.

⁵ *Idem*. Also, the Chamber, in same, “REJECTS the request by the CAR, as a result of which Mr Mokom shall not be transferred to the CAR; ORDERS the Registry to actively interact with the States to which Mr Mokom agrees to be transferred regarding all pertinent aspects associated with a potential transfer of Mr Mokom under rule 185 of the Rules with a view to obtaining a definitive response as to their willingness to accept Mr Mokom by no later than 7 February 2024 (12:00 hours), and to report to the Chamber on these consultations by no later than 7 February 2024 (16:00 hours); [...]”.

III. Classification

5. Pursuant to regulation 23 *bis*(1) and (2) of the Regulations of the Court, the present report and its annex are submitted as confidential because they contain sensitive information about consultations with the Host State and that the annex contains names of the staff members of the Court. Public redacted version of the present report and its annex are filed simultaneously.

IV. Applicable law

6. The following provisions are of particular relevance to the present submissions: rules 13 and 185(1) of the Rules of Procedure and Evidence ("Rules") article 48 of the "Headquarters Agreement between the International Criminal Court and the Host State" ("Headquarters Agreement").

V. Submissions

7. On 18 January 2024, the Registry communicated by a note verbale the Decision to the Host State.⁶
8. On 19 January 2024, the Host State provided its position in the note verbale which was transmitted by the Registry on 20 January 2024.⁷
9. On 26 January 2024, a meeting took place between the Registry and the Host State authorities. [REDACTED].
10. [REDACTED]
11. [REDACTED] ⁸ [REDACTED].

⁶ Annex.

⁷ Registry, "Transmission of a Note Verbale dated 19 January 2024 received from the Host State", 20 January 2024, ICC-01/14-01/22-311-Conf and its annex.

⁸ See Defence's "Defence Urgent Request", 23 October 2023, ICC-01/14-01/22-278.

12. As to Mr Mokom having identified *inter alia*, [REDACTED] as a country to which he agrees to be transferred, the Registry will report on the matter ordered, by 7 February 2024 (16:00 hours).⁹



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

Dated this 31 January 2024

At The Hague, the Netherlands

⁹ See footnote 5 *supra*.