

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 13 May 2024

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

**With Public Redacted Annexes I and III and Annex II Confidential *EX PARTE*
only available to the Registry**

**Public redacted version of "Registry's submissions pursuant to Pre-Trial Chamber
II order dated 23 November 2023", ICC-01/14-01/22-300-Conf-Exp,
27 November 2023**

Source: The 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
Ms Leonie von Braun

Counsel for the Defence

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 Applicant

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

Mr Osvaldo Zavala Giler

Counsel Support Section

Mr Juan A. Escudero

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. On 17 October 2023, Pre-Trial Chamber II (“Chamber”) issued “Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’” (“17 October 2023 Order”).¹

2. Following an order by way of email from the Chamber, the Registry hereby provides its submissions on the issue of “whether the Common Legal Representatives of Victims continue to be funded at present and, if so, which particular arrangements have been put in place in this regard” (“Order”).²

II. Classification

3. The annex II to the present submission is classified as confidential *ex parte* only available to the Registry, in accordance with regulation 23bis of the Regulations of the Court (“RoC”), because it contains confidential information on the activities of the Common Legal Representatives of Victims.

III. Applicable Law

4. The following provisions are of particular relevance to the present submissions: rule 16 of the Rules of Procedure and Evidence, regulation 83(3) of the RoC, regulations 130 and 134 of the Regulations of the Registry and paragraph 76 of the “Registry’s single policy document on the Court’s legal aid system”³ (“LAP”).

¹ Pre-Trial Chamber II, “Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’”, dated 17 October 2023 and registered on 19 October 2023, ICC-01/14-01/22-276.

² Email from Pre-Trial Chamber II to the Registry on 23 November 2023 at 16.58 (“The Chamber notes the ‘Observations écrites des victimes sur le retrait des charges portées contre Maxime Jeoffroy Eli Mokom Gawaka ICC-01/14-01/22-283’. While the mandate of the Common Legal Representatives of Victims has come to an end following the withdrawal of the charges against Mr Mokom by the Prosecution, the Chamber orders the Registry to specify whether the Common Legal Representatives of Victims continue to be funded at present and, if so, which particular arrangements have been put in place in this regard, by no later than 27 November 2023”).

³ ICC-ASP/12/3, 4 June 2013.

IV. Submissions

5. On 1 November 2023, the Registry held a meeting with the Common Legal Representatives of victims (“CLRVs”) in the case of the *Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*. In particular, the CLRVs were informed that, should they require resources in order to inform their respective clients of the withdrawal of the charges by the Office of the Prosecutor (“Prosecution”) against Mr Maxime Jeoffroy Eli Mokom Gawaka (“Mr Mokom”), a formal request to the Registry for extension to this effect, is required.

6. On 20 November 2023, in the absence of any formal request by the CLRV for any extension of resources, the Registry emailed the CLRVs as follows:

[...] Noting that the [17 October 2023 Order] was rendered one month ago, the Registry expects that the [CLRV] have commenced, by now, to duly inform their clients [of the Order] if not already done so. Noting further that [the CLRV] mandate will have formally ended upon having informed [its] clients of the Order, the Registry has nonetheless continued to remunerate [the CLRV], to finalise any pending matters pertaining to the case of the *Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*. As indicated previously, the Registry is amenable to provide [the CLRV] with the necessary resources for a transition period of three months, from the [“17 October 2023 Order”]; that is, from 17 October 2023, to finalise pending matters” (“Registry Email”).⁴

7. On 22 November 2023, the CLRVs, further to the Registry Email, provided the Registry with an action plan⁵ pursuant to regulation 134 of the RoR (“CLRV Action Plan”) and requested [REDACTED].⁶ The CLRVs foresee the following tasks (non-exhaustive list) to be performed during this period:

- [REDACTED].⁷

8. On 27 November 2023, the Registry, noting that the CLRV should already have informed their clients of the aforesaid withdrawal, and, in light of the foregoing, the

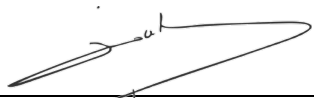
⁴ Annex I, Email from Registry to the CLRVs on 20 November 2023 at 06.20.

⁵ Annex I, Email from the CLRVs to Registry on 22 November 2023 at 15.53.

⁶ Annex II, *Plan d’action - Demande de prolongation des contrats*, 22 November 2023.

⁷ Annex II, *Plan d’action - Demande de prolongation des contrats*, 22 November 2023.

resources available to the CLRV team⁸ and the availability of a specialised Registry section (VPRS), has decided that the activities mentioned in the Request for Extension can be accomplished in a shorter timeframe. The Registry, on 27 November 2023, has therefore extended remuneration for the CLRV's activities pertaining to the case of the *Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, until 31 January 2024.⁹



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

Dated this 13 May 2024

At The Hague, The Netherlands

⁸ [REDACTED]. As to the appointment of the same CLRV in the Yekatom and Ngaïssona case and in the Mokom case, see the Pre-Trial Chamber II, "Decision on legal representation of victims", ICC-01/14-01-22-182, dated 27 March 2023 and registered on 28 March 2023.

⁹ [REDACTED].