



**Original: English**

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

**Date: 14 April 2022**

**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**

Decision on Mr Mokom's requests for reconsideration and leave to appeal the 'Order on appointment of Mr Kaufman as Counsel for Mr Mokom'

**Decision 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 Gregory Townsend (Duty Counsel)

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**The Office of Public Counsel for Victims**

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

**States Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

Mr Pieter Vanaverbeke

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations  
Section**

Philipp Ambach

**Other**

Appeals Chamber

**PRE-TRIAL CHAMBER II** of the International Criminal Court issues this decision on Mr Maxime Jeoffroy Eli Mokom Gawaka's ('Mr Mokom') requests for reconsideration and leave to appeal the Chamber's order concerning the appointment of Mr Kaufman as his counsel. The present decision addresses filings and matters that so far have been designated as confidential or confidential *ex parte*. To ensure the publicity of the proceedings, the Chamber considers it appropriate to issue the decision public. It will consider at a later stage whether, and to what extent, the aforementioned filings may be reclassified or public redacted version are to be prepared.

## **I. Procedural History**

1. Mr Mokom was arrested in the Republic of Chad,<sup>1</sup> and surrendered to the Court on 14 March 2022. He arrived at the Detention Centre that same day.
2. On 15 March 2022, Mr Mokom expressed to the Registry his wish that Mr Nicholas Kaufman ('Mr Kaufman') be appointed as his counsel.<sup>2</sup> Following the acceptance by Mr Kaufman to act as such,<sup>3</sup> the Registry formally appointed the latter as counsel for Mr Mokom, for an (initial) period of 30 days, on 16 March 2022.<sup>4</sup> That same day, the Registry notified the Chamber of Mr Kaufman's appointment as counsel for Mr Mokom, annexing information about the aforementioned steps.<sup>5</sup>
3. On 17 March 2022, as a result of information before it related to Mr Kaufman's role in the Central African Republic situation, the Chamber ordered Mr Kaufman, the Prosecution, and the Registry to submit observations, by way of email, on any potential

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<sup>1</sup> A warrant of arrest for Mr Mokom had been issued by the Chamber on 10 December 2018 (ICC-01/14-01/22-2-Red2).

<sup>2</sup> Annex I to the 'Notification of the Appointment of Mr Nicholas Kaufman as Counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka', ICC-01/14-01/22-22-AnxI.

<sup>3</sup> ICC-01/14-01/22-22-Conf-AnxII.

<sup>4</sup> ICC-01/14-01/22-22-Conf-AnxIII.

<sup>5</sup> Notification of the Appointment of Mr Nicholas Kaufman as Counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka, ICC-01/14-01/22-22, and three public annexes and one confidential annex.

conflict of interest regarding the appointment of Mr Kaufman as counsel for Mr Mokom.<sup>6</sup> These observations were provided on 17 and 18 March 2022.<sup>7</sup>

4. On 22 March 2022,<sup>8</sup> Mr Mokom made his first appearance before the Chamber, represented by Mr Kaufman pursuant to the Chamber's permission.<sup>9</sup>

5. On 25 March 2022, the Chamber issued the 'Order on appointment of Mr Kaufman as Counsel for Mr Mokom' (the '25 March 2022 Order'),<sup>10</sup> finding, *inter alia*, that 'the role played by Mr Kaufman in other proceedings before the Court constitutes a conflict of interest within the meaning of articles 12 and 16 of the Code of Professional Conduct for Counsel (the 'Code'), and as such forms an impediment to his representing of Mr Mokom in the present proceedings'. It therefore instructed the Registry to revoke its appointment of Mr Kaufman as counsel for Mr Mokom and make the necessary arrangements, including by consulting with Mr Mokom, to appoint counsel within the shortest possible timeframe.

6. On the same date, the Registry revoked Mr Kaufman's appointment as counsel for Mr Mokom.<sup>11</sup>

7. On 28 March 2022, the Registry transmitted submissions from Mr Kaufman requesting the Chamber to reconsider the 25 March 2022 Order (the '28 March 2022 Submissions').<sup>12</sup> In essence, Mr Kaufman argued that reconsideration is warranted since '[t]he conditions and concerns on which the 25 March 2022 Order was grounded have changed and they may now be resolved by the constructive solution', namely that

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<sup>6</sup> Email from the Chamber to the Prosecution and to the Registry, at 14:19; Email from the Chamber to Mr Kaufman, at 14:24.

<sup>7</sup> Email from Mr Kaufman to the Chamber, 17 March 2022, at 23:24; Email from the Prosecution to the Chamber, 18 March 2022, at 09:41; and Email from the Registry to the Chamber, 18 March 2022, at 10:02.

<sup>8</sup> See Order convening a hearing for the first appearance of Mr Mokom, 16 March 2022, ICC-01/14-01/22-21.

<sup>9</sup> Email from the Chamber to Mr Kaufman, at 17:45. On 18 March 2022, in light of the imminence of the first appearance for which Mr Mokom required representation, and without prejudice to the Chamber's determination of the matter, the Chamber permitted Mr Kaufman to represent Mr Mokom at the first appearance.

<sup>10</sup> ICC-01/14-01/22-26-Conf-Exp.

<sup>11</sup> Letter from the Counsel Support Section to Mr Kaufman entitled 'Revocation of your appointment as counsel in the case ICC-01/14-01/22', CSS/2022/182.

<sup>12</sup> ICC-01/14-01/22-27-Conf-Exp. Mr Kaufman's submissions are contained in the document annexed to the filing of the Registry (ICC-01/14-01/22-27-Conf-Exp-AnxI).

he will or has ended representing other clients whose interest fundamentally diverge from those of Mr Mokom. Mr Kaufman also argued that ‘it would be an injustice to impose on Mr Mokom undesired counsel’, lacking knowledge of Mr Mokom’s personal and familial situation, relevant court documentation and of the events relevant to the conflict in the Central African Republic.

8. On 29 March 2022, by way of email, the Registry informed the Chamber that a meeting with Mr Mokom with a view to selecting a permanent counsel was held earlier that day and that, during the meeting, Mr Mokom had indicated that he wished to speak with Mr Kaufman before he considered the choice of a new counsel.<sup>13</sup> On the same day, by way of email, the Chamber instructed the Registry to hold off on arranging a conversation between Mr Mokom and Mr Kaufman, pending adjudication of the 28 March 2022 Submissions.<sup>14</sup>

9. On 30 March 2022, the Registry transmitted submissions from Mr Kaufman requesting leave to appeal the 25 March 2022 Order (the ‘30 March 2022 Submissions’).<sup>15</sup> The 30 March 2022 Submissions raised four issues, for which it is argued that resolution by the Appeals Chamber is required to ensure the fair and expeditious conduct of the proceedings. In addition, Mr Kaufman asserted that, should his submissions not be entertained on procedural grounds, Mr Mokom may decide to represent himself.

10. By way of emails dated 30 March 2022, Mr Kaufman reiterated that, during the week leading up to the 25 March 2022 Order, Mr Mokom expressed the wish that, should the Chamber not consider Mr Kaufman’s submissions for procedural reasons, he would adopt Mr Kaufman’s submissions and represent himself.<sup>16</sup> Mr Kaufman further asserted that, before the revocation of his appointment, ‘[g]iven Mr. Mokom’s inability to write complex legal submissions, [Mr Mokom] requested that [Mr Kaufman] make the requests for legal reconsideration and leave to appeal stating that

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<sup>13</sup> Email from the Registry to the Chamber, 29 March 2022, at 13:28.

<sup>14</sup> Email from the Chamber to the Registry, 29 March 2022, at 17:01.

<sup>15</sup> ICC-01/14-01/22-30-Conf-Exp. Mr Kaufman’s submissions are contained in the document annexed to the filing of the Registry (ICC-01/14-01/22-30-Conf-Exp-AnxI).

<sup>16</sup> Email from Mr Kaufman to the Chamber, 30 March 2022, at 10:11.

he would adopt them fully when asked and not accept replacement counsel pending resolution thereof on a substantive basis'.<sup>17</sup>

11. On 1 April 2022, the Chamber issued an order convening a status conference to be held on 4 April 2022 with Mr Mokom, assisted by duty counsel, and representatives of the Registry.<sup>18</sup> Noting that '[l]egal representation goes to the heart of the right to a fair trial', the Chamber 'consider[ed] it of the essence that Mr Mokom fully understands the 25 March 2022 Order and the developments concerning his legal representation which have occurred since its issuance, and that he is provided with an opportunity to express his views and concerns on the matter'; in particular, whether Mr Mokom's wished to request leave to appeal the 25 March 2022 Order. In addition, the Chamber instructed the Registry to: (i) appoint, in consultation with Mr Mokom and without delay, a French-speaking duty counsel for the purpose of assisting him on the matter of his legal representation; (ii) make the necessary arrangements for duty counsel to meet and consult with Mr Mokom in preparation of the status conference; and (iii) subject to confidentiality considerations, grant duty counsel access to the record of the case.

12. On 4 April 2022, the Chamber received the Registry's 'Notification of the Appointment of Mr Gregory Townsend as duty counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka', informing it of the appointment of Mr Gregory Townsend as duty counsel for Mr Mokom ('Mr Townsend' or the 'Duty Counsel'), with the said appointment having been confirmed by letter dated 1 April 2022.<sup>19</sup>

13. On the same day, the Chamber held the status conference with Mr Mokom, assisted by Duty Counsel.<sup>20</sup> During the hearing, Duty Counsel informed the Chamber, *inter alia*, that he met with Mr Mokom on 2 and 4 of April 2022 to discuss the matter of his legal representation, the standard applicable to requests for leave to appeal decisions of the Court and the potential impact of an appeal, if granted, on the pre-trial proceedings. The Chamber, *inter alia*, explained to Mr Mokom: (i) the 25 March 2022

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<sup>17</sup> Email from Mr Kaufman to the Chamber, 30 March 2022, at 18:10.

<sup>18</sup> Order convening a status conference and instructing the Registry to appoint duty counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka, ICC-01/14-01/22-32-Conf-Exp, with confidential *ex parte* annex (ICC-01/14-01/22-32-Conf-Red-Exp-AnxI) containing relevant email exchanges on the matter.

<sup>19</sup> Notification of the Appointment of Mr Gregory Townsend as Duty Counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka, ICC-01/14-01/22-33-Conf-Exp; with confidential *ex parte* annex (ICC-01/14-01/22-33-Conf-Exp-AnxI).

<sup>20</sup> The status conference took place in closed session. ICC-01/14-01/22-T-002-CONF-EXP-ENG and ICC-01/14-01/22-T-002-CONF-EXP-FRA.

Order and ensuing legal developments concerning his legal representation, including the 28 and 30 March 2022 Submissions; and (ii) the possibility for him, under the Court's statutory framework, to request the Chamber's leave to appeal the 25 March 2022 Order. Mr Mokom confirmed, as stated in his signed note, that Mr Kaufman had informed him adequately and that, in Mr Mokom's view, no conflict of interest arose between the other clients of Mr Kaufman and himself. Mr Mokom reiterated that Mr Kaufman was the counsel of his choice. Mr Mokom further expressed his wish that the 25 March 2022 Order be reviewed and confirmed that he authorised Duty Counsel to proceed with submitting the relevant requests, on his behalf, to the Chamber. Moreover, the Chamber decided that Mr Townsend would remain Mr Mokom's duty counsel pending its decision on the requests, if any, and if leave to appeal would be granted, Mr Townsend would continue representing him in that capacity in the proceedings before the Appeals Chamber and in relation to certain procedural matters before this Chamber.

14. On 8 April 2022, the Chamber received two requests submitted by Duty Counsel, on behalf of Mr Mokom. In the first request, Mr Mokom seeks that the Chamber (i) issue an order granting Mr Kaufman a period of three weeks to produce any waivers from the affected clients, under article 16(3) of the Code; and thereafter, (ii) reconsider the 25 March 2022 Order (the 'Request for Reconsideration').<sup>21</sup> In the second request, Mr Mokom seeks leave to appeal the 25 March 2022 Order (the 'Request for Leave to Appeal').<sup>22</sup>

15. On 13 April 2022, pursuant to the Chamber's order,<sup>23</sup> the Prosecution submitted a response to the Request for Reconsideration and the Request for Leave to Appeal.<sup>24</sup> The Prosecution submits that the Request for Reconsideration is 'properly founded' and reconsideration is justified 'in so far as it may, *inter alia*, avoid an injustice in potentially prejudicing [Mr Mokom]'s statutory right to choice of Counsel'. In this

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<sup>21</sup> Request for Reconsideration of Order ICC-01/14-01/22-26-Conf-Exp, dated 7 April 2022 (registered and notified on 8 April 2022), ICC-01/14-01/22-36-Conf-Exp.

<sup>22</sup> Request Seeking Leave to Appeal Order ICC-01/14-01/22-26-Conf-Exp, dated 7 April 2022 (registered and notified on 8 April 2022), ICC-01/14-01/22-37-Conf-Exp

<sup>23</sup> Email from the Chamber to the Prosecution, 11 April 2022, at 8:51. The Chamber also instructed the Registry to granted access to the Prosecution to the 28 and 30 March 2022 Submissions (Email from the Chamber to the Registry, 11 April 2022, at 17:14).

<sup>24</sup> Prosecution's Response to Request for Reconsideration of Order ICC-01/14-01/22-26- Conf-Exp (ICC-01/14-01/22-36-Conf-Exp) and Request Seeking Leave to Appeal Order ICC-01/14-01/22-26-Conf-Exp (ICC-01/14-01/22-37-Conf-Exp), ICC-01/14-01/22-40-Conf-Exp.

regard, the Prosecution does not object to Mr Mokom's request for the Chamber to grant a period of three weeks for Mr Kaufman to produce waivers from the affected clients. Moreover, the Prosecution takes no position on the Request for Leave to Appeal, and notes that 'the nature of the issue arising under article 67(1)(b) is fundamental', but that it is unclear whether the requirements set out in article 82(1)(d) of the Statute are met.

16. On 14 April 2022, the Chamber issued the 'Decision on Mr Kaufman's requests for reconsideration and leave to appeal the 'Order on appointment of Mr Kaufman as Counsel for Mr Mokom', dismissing *in limine* the 28 and 30 March 2022 Submissions, on the basis that, Mr Kaufman does not himself have legal standing to appeal the 25 March 2022 Order as a result of the revocation of his appointment as counsel for Mr Mokom on 25 March 2022.<sup>25</sup>

## **II. Determination by the Chamber**

17. For both the Request for Reconsideration and the Request for Leave to Appeal, Mr Mokom incorporates 'by reference' the 28 and 30 March 2022 Submissions, respectively. These submissions will therefore be considered as part of Mr Mokom's above mentioned two requests.

### **A. The Request for Reconsideration**

18. Concerning Mr Mokom's request that Mr Kaufman be granted a period of three weeks to produce waivers, the Chamber notes that Mr Kaufman had the opportunity to produce such waivers or to undertake the relevant steps to cure any impediment or a conflict of interest under articles 12(1)(a) and 16(3) of the Statute, before or immediately after his appointment by the Registry, and indeed was under an obligation to have done so. Mr Kaufman again had this opportunity when the Chamber sought observations from him on the issue of conflict of interest. The Chamber recalls that in the 25 March 2022 Order, after having considered the information provided by Mr Kaufman and the note provided by Mr Mokom, the Chamber ruled that the steps

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<sup>25</sup> ICC-01/14-01/22-42.



undertaken by Mr Kaufman were not sufficient to overcome the impediment and conflict of interest identified by the Chamber and, more importantly, that those ‘cannot be remedied by Mr Kaufman obtaining consent in writing of all potentially affected clients or withdrawing from their representation’.<sup>26</sup> Accordingly, even if Mr Kaufman were to produce the relevant waivers, these would not suffice to overcome the impediment and conflict of interest identified by the Chamber in the 25 March 2022 Order.

19. Concerning Mr Mokom’s submissions on reconsideration of the 25 March 2022 Order, the Chamber recalls that reconsideration is an exceptional remedy which may be allowed only under strict and limited conditions and subject to the fulfilment of a twofold requirement: (i) ‘the conditions upon which the decision was grounded have changed’, and (ii) ‘it is necessary to prevent an injustice’.<sup>27</sup>

20. The conditions upon which the 25 March 2022 Order is grounded have remained unchanged. The arguments and proposed ‘solutions’ presented in the 28 March 2022 Submissions were already available to Mr Kaufman prior his first observations on the potential conflict of interest, and as such do not constitute new circumstances. Moreover, the fact that Mr Kaufman will or has ended his representation of the other clients does not, in and of itself, warrant reconsideration. This is because Mr Kaufman’s ongoing representation of the other clients is not the only factor forming the basis of the Chamber’s 25 March 2022 Order. Rather, the 25 March 2022 Order is based on other circumstances, which remain unchanged. These include that fact that, as a result of his representation of the other clients, and irrespective of whether such representation has now ended, Mr Kaufman will be prevented from pursuing all available and permissible means in representing Mr Mokom.

21. Therefore, Mr Mokom fails to demonstrate that the first requirement for reconsideration is fulfilled. Since the aforementioned requirements are cumulative, it follows that reconsideration of the 25 March 2022 Order is not warranted.

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<sup>26</sup> 25 March 2022 Order, para. 18. See also 25 March 2022 Order, paras 9, 14, 15.

<sup>27</sup> Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on the Prosecutor’s request for reconsideration or, in the alternative, leave to appeal the ‘Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona’](#), 11 March 2021, ICC-01/14-01/18-447, para. 16; Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on the ‘Ngaïssona Defence Request for Leave to Appeal the Second Decision on Disclosure and Related Matters’](#), 24 May 2019, ICC-01/14-01/18-206, para. 20.

22. The Chamber does consider it appropriate, however, to address the argument presented in the 28 March 2022 Submissions to the effect that the 25 March 2022 Order would result in a counsel being ‘imposed’ on Mr Mokom. As clearly indicated in the 25 March 2022 Order, the Registry has to consult with Mr Mokom about new legal representation. He is free to choose any new counsel for whom no conflict of interest or impediment to representation exists, so long as the one chosen fulfils the requirements of rule 22 of the Rules of the Procedure and Evidence and regulation 67 of the Regulations of the Court. Given the early stage of the confirmation proceedings, during which no disclosure or any procedural litigation has taken place, the fairness of the proceedings will not be affected as a result of the change of counsel.

### **B. The Request for Leave to Appeal**

23. The Chamber may allow interlocutory appeal of its decision provided that the requirements set out in article 82(1)(d) of the Rome Statute (the ‘Statute’) are met, namely that it ‘involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial’, and ‘an immediate resolution by the Appeals Chamber may materially advance the proceedings’. In addition, the requirements under article 82(1)(d) of the Statute are cumulative and therefore failure to fulfil one or more of them is fatal to an application for leave to appeal.<sup>28</sup>

24. By adopting the 30 March 2022 Submissions, Mr Mokom submits that the 25 March 2022 Order raises the following four appealable issues: (i) whether the 25 March 2022 Order is sufficiently motivated in order to afford appellate review (the ‘First Issue’); (ii) when, and in what circumstances, is the Chamber entitled, if at all, to substitute its assessment as to the existence of an impediment to representation or a conflict of interest for that of both Counsel and the Prosecutor (the ‘Second Issue’); (iii) when, if at all, can the Chamber preclude remedial measures under articles 12(1)(a) and

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<sup>28</sup> See e.g. Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (‘Ali Kushayb’)*, [Decision on the Defence alternative request for reclassification of a document or reconsideration of a decision and subsidiary request for leave to appeal a decision](#), 3 May 2021, ICC-02/05-01/20-372, para. 10; Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, [Decision on the ‘Ngaïssona Defence Request for Leave to Appeal the Second Decision on Disclosure and Related Matters’](#), 24 May 2019, ICC-01/14-01/18-206, para. 11; Pre-Trial Chamber II, *Situation in the Republic of Kenya*, [Decision on a Request for Leave to Appeal](#), 11 February 2011, ICC-01/09-43, para. 12; Pre-Trial Chamber I, *Situation in the Democratic Republic of the Congo*, [Decision on the OPCD’s request for leave to appeal the 3 July 2008 decision on applications for participation](#), 4 September 2008, ICC-01/04-535, para. 16.

16(3) of the Code (the ‘Third Issue’); and (iv) whether the Chamber is entitled to consider *ex parte* submissions and court filings, even non-dispositive in nature, when assessing the appropriateness of representation (the ‘Fourth Issue’).

25. The Chamber will consider whether these issues meet the aforementioned requirements for appellate review.

26. The First Issue is not properly framed as an appealable issue and its resolution is not required to materially advance the proceedings. The Fourth Issue constitutes a mere disagreement. The submissions made in this regard merely express dissatisfaction with Chamber’s consideration of information before it, not accessible to Mr Mokom due to its current level classification, and with the manner in which the Chamber presented its reasoning in the 25 March 2022 Order whilst preserving the confidentiality of that information. These issues, therefore, do not constitute appealable issues within the meaning of article 82(1)(d) of the Statute.

27. The Chamber is however satisfied that the Second and Third Issues meet the requirements of article 82(1)(d) of the Statute. Both issues, at their core, concern the scope and extent of the Chamber’s power and/or duty to determine whether a conflict of interest or impediment pursuant to article 12 and 16 of the Code arises; and to decide that, in the circumstances, the remedies provided in article 12(1)(a) and 16(3) of the Code are not sufficient to guarantee effective legal representation. In other words, may a Chamber override a suspect’s choice of legal representation when it considers that the nature of the conflict of interest or impediment is such that his right to effective legal representation would be affected notwithstanding the suspect’s informed consent to the representation? Legal representation goes to the heart of the right to a fair trial and therefore significantly affects the fair and expeditious conduct of the proceedings. Only an immediate intervention by the Appeals Chamber would ensure that any doubts in connection with the scope of Mr Mokom’s right to be assisted by counsel of his own choice, in light of all circumstances relevant to the case, are promptly and authoritatively dispelled.

28. To ensure that the question is resolved in a concrete, resolute, and expeditious manner, the Chamber finds it appropriate to reformulate the Second and Third issue in the following manner:

- (i) Whether the Chamber erred by finding that a conflict of interest within the meaning of article 16 of the Code and an impediment within the meaning of article 12(1)(a) exist as a result of Mr Kaufman's representation of other individuals involved in the alleged armed conflict between the Seleka and Anti-Balaka, and that those could not be overcome by obtaining a waiver from Mr Mokom or Mr Kaufman's other clients or by ending Mr Kaufman's representation of his other clients;
- (ii) Whether the Chamber erred by finding that, in those circumstances, Mr Mokom's right to effective legal representation pursuant to article 67(1)(d) of the Statute outweighed his choice to be represented by Mr Kaufman.

29. Mindful of the impact any determination by the Appeals Chamber, irrespective of the outcome, will have on the legal representation of Mr Mokom and thereby on the confirmation proceedings, the Chamber respectfully requests the Appeals Chamber to give priority to the interlocutory appeal that will result from the present decision, as much as possible.

**FOR THE AFOREMENTIONED REASONS, THE CHAMBER HEREBY**

**DISMISSES** the Request for Reconsideration;

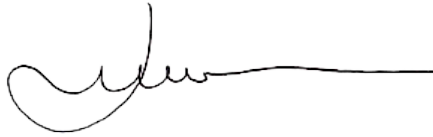
**GRANTS**, in part, the Request for Leave to Appeal;

**DECIDES** that the issues listed in paragraph 28 of this decision shall be brought before the Appeals Chamber pursuant to article 82(1)(d) of the Statute;

**INSTRUCTS** the Registry to ensure that the Appeals Chamber has access to all filings and documents referred to by the Chamber and the parties in their decisions, orders, submissions, and emails relating to the subject matter of this decision; and

**INSTRUCTS** the Registry to proceed to appropriate reclassifications to this effect.

Done in both English and French, the English version being authoritative.



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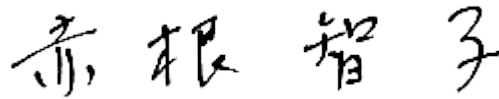
**Judge Rosario Salvatore Aitala**

**Presiding**



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**Judge Antoine Kesia-Mbe Mindua**



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**Judge Tomoko Akane**

Dated this Thursday, 14 April 2022

At The Hague, The Netherlands