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No. ICC-01/14-01/22

Date: 27 June 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

Order on the conduct of the confirmation of charges proceedings

Order 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

Ms Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Mr Pieter Vanaverbeke

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

PRE-TRIAL CHAMBER II of the International Criminal Court issues this order on the conduct of the confirmation of charges proceedings.

I. PROCEDURAL HISTORY

1. On 30 October 2018, the Prosecution applied for a warrant of arrest for Mr Maxime Jeoffroy Eli Mokom Gawaka ('Mr Mokom') (the 'Application for a Warrant of Arrest').¹ On 10 December 2018, the Chamber issued the requested warrant of arrest (the 'Warrant of Arrest').²
2. On 14 March 2022, Mr Mokom was surrendered to the Court and arrived at the Detention Centre. He made his first appearance before the Chamber on 22 March 2022,³ during which the Chamber scheduled the confirmation of charges hearing to commence on 31 January 2023.
3. On 25 March 2022, the Chamber issued the 'Order to the Registry concerning the appointment of Mr Nicholas Kaufman as counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka' (the '25 March 2022 Order'),⁴ instructing the Registry to revoke its appointment of Mr Kaufman as counsel for Mr Mokom and make the necessary arrangements, in consultation with Mr Mokom, to appoint another counsel within the shortest possible timeframe.⁵ On the same date, the Registry revoked Mr Kaufman's appointment as counsel for Mr Mokom.⁶

¹ ICC-01/14-01/22-1-US-Exp, with 11 under seal, *ex parte* annexes.

² ICC-01/14-01/22-2-US-Exp, with public redacted version filed on 22 March 2022, ICC-01/14-01/22-2-Red2).

³ See Order convening a hearing for the first appearance of Mr Mokom, 16 March 2022, ICC-01/14-01/22-21.

⁴ ICC-01/14-01/22-26-Conf-Exp.

⁵ On 17 March 2022, the Chamber ordered Mr Kaufman, the Prosecution, and the Registry to submit observations, by way of email, on any potential conflict of interest regarding the appointment of Mr Kaufman as counsel for Mr Mokom (*see* Email from the Chamber to the Prosecution and to the Registry, 17 March 2022, at 14:19; Email from the Chamber to Mr Kaufman, 17 March 2022, at 14:24). The Chamber received those observations on 17 and 18 March 2022 (*see* 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).

⁶ 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.

4. Following the 25 March 2022 Order, the matter of Mr Mokom’s legal representation was litigated before the Chamber. In particular, on 4 April 2022,⁷ the Chamber held a status conference with Mr Mokom, assisted by Mr Gregory Townsend as his Duty Counsel (‘Duty Counsel’),⁸ and representatives of the Registry.⁹ During the hearing, Mr Mokom confirmed his wish to be represented in these proceedings by Duty Counsel pending the resolution of the matter of his legal representation by the Appeals Chamber, should leave to appeal be granted by the Chamber. On 14 April 2022, the Chamber, *inter alia*, partially granted Mr Mokom’s request for leave to appeal the 25 March 2022 Order,¹⁰ placing two issues before the Appeals Chamber pursuant to article 82(1)(d) of the Rome Statute (the ‘Statute’).

5. Pending the resolution by the Appeals Chamber of these issues and in order to ensure Mr Mokom’s effective legal representation during this period, on 22 April 2022, the Chamber instructed the Registry to ensure that Duty Counsel is provided with all the resources necessary for his current representation of Mr Mokom in the proceedings.¹¹

6. During the above mentioned period, the Chamber received: (i) on 21 March 2022, the ‘Prosecution’s Request for an E-Court Protocol, a Redaction Protocol, and a Protocol on the Handling of Confidential Information and Contacts with Witnesses’ (the ‘Prosecution’s Protocol Request’);¹² (ii) on 31 March 2022, the ‘Prosecution’s Observations on the Modalities and Procedure for Evidence Disclosure’ (the ‘Prosecution’s Observations on Evidence Disclosure’);¹³ and (iii) on 7 April 2022, the ‘Application for recognition of the status of victims in the case of *The Prosecutor v. Maxime Jeoffrey Eli Mokom Gawaka* to victims participating in the case of *The*

⁷ 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.

⁸ 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).

⁹ 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.

¹⁰ Decision on Mr Mokom’s requests for reconsideration and leave to appeal the ‘Order on appointment of Mr Kaufman as Counsel for Mr Mokom’, [ICC-01/14-01/22-43](#).

¹¹ Email from the Chamber to the Registry on 22 April 2022 at 12:28.

¹² [ICC-01/14-01/22-24](#).

¹³ [ICC-01/14-01/22-31](#).

Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona,¹⁴ filed by the Office of Public Counsel for Victims (the ‘OPCV’s Application’).

7. On 17 May 2022, the Chamber issued the ‘Order seeking observations on matters related to the conduct of the confirmation proceedings’ (the ‘17 May 2022 Order’),¹⁵ instructing, *inter alia*, the Prosecution, Duty Counsel and the Registry to provide submissions and observations on the disclosure process, the OPCV’s Application and victims’ participation.

8. On 23 May 2022, the Registry submitted its observations on the Prosecution’s Protocol Request;¹⁶ on 24 May 2022, Mr Mokom responded to the Prosecution’s Protocol Request and the Observations on Evidence Disclosure (‘Mr Mokom’s 24 May 2022 Response’).¹⁷ Mr Mokom submitted that ‘the appointment of permanent counsel is necessary for Prosecution’s initiation of disclosure to be meaningful, effective, and efficient’, the matter of Mr Mokom’s legal representation is ‘ripe for adjudication’ by the Appeals Chamber, and that in these circumstances it would be premature for him to address the substance of the Prosecution’s requests.

9. On 25 May 2022, the Chamber received the Registry’s observations on the OPCV’s Application and on victims’ applications for participation in the proceedings¹⁸ (the ‘Registry’s Observations on Victims Participation’).¹⁹

10. On the same date, the Prosecution made its submissions concerning the disclosure process in the case (the Prosecution’s Disclosure Submissions’).²⁰ The Prosecution provided estimates on, *inter alia*, the number of items of written evidence it intends to

¹⁴ [ICC-01/14-01/22-35](#), with two public annexes.

¹⁵ [ICC-01/14-01/22-50](#).

¹⁶ Registry’s Observations on the “Prosecution’s Request for an E-Court Protocol, a Redaction Protocol, and a Protocol on the Handling of Confidential Information and Contacts with Witnesses”, [ICC-01/14-01/22-52](#).

¹⁷ Mr. Mokom’s Response to the Prosecution’s Protocol Request and the Prosecution’s Observations on Evidence Disclosure, [ICC-01/14-01/22-53](#) (filed on 23 May 2022 and notified on 24 May 2022).

¹⁸ Registry Observations pursuant to Pre-Trial Chamber II’s “Order seeking observations on matters related to the conduct of the confirmation Proceedings” (ICC-01/14-01/22-50), [ICC-01/14-01/22-55](#), with public annexes I and II, and confidential, *ex parte* annex III, only available to the Registry.

¹⁹ The Prosecution informed the Chamber on 3 June 2022 that it did not intend to file a response to the Registry’s Observations on Victims Participation (see email from Prosecution to the Chamber, 3 June 2022 at 12:01).

²⁰ Prosecution’s Response to the ‘Order seeking observations on matters related to the conduct of the confirmation proceedings’(ICC-01/14-01/22-50), ICC-01/14-01/22-54-Conf, with public redacted version filed on 30 May 2022 ([ICC-01/14-01/22-54-Red](#)).

disclose, the number of items of potentially exculpatory evidence under article 67(2) of the Statute and the number of witness statements and transcripts of interviews it intends to rely upon for the purpose of the confirmation of charges hearing. Moreover, the Prosecution addressed matters related to the withholding of the identity of witnesses, security assessments, investigations and the scope of the charges brought against Mr Mokom. It also indicated that it ‘aims to be in a position to complete the disclosure of the evidence currently in its possession by 22 July 2022’.

11. On 26 May 2022, Duty Counsel responded to the OPCV’s Application (‘Mr Mokom’s 26 May 2022 Response’),²¹ and submitted that, ‘as a matter of principle’, it is premature to address the substance of OPCV’s Application without permanent counsel having been appointed and pending the Appeals Chamber’s decision on the matter of Mr Mokom’s legal representation, while ‘nevertheless respond[ing] to five points of law’.

12. On 6 June 2022, Duty Counsel responded to the Registry’s Observations on Victims Participation (‘Mr Mokom’s 6 June 2022 Response’).²² Duty Counsel submitted that it would be premature for him to address the substance of the Registry’s Observations on Victims Participation, and further provided a response on two points of law, joining by reference Mr Mokom’s 26 May 2022 Response.

13. On 6 June 2022, Mr Mokom submitted that it is premature and ‘not yet possible’ to address the substance of the Prosecution’s Disclosure Submissions or to provide the information specified at paragraph 11(i), (iii), (iv), and (v) of the 17 May 2022 Order, in the absence of permanent counsel and pending the Appeals Chamber’s decision on Mr Mokom’s legal representation (‘Mr Mokom’s Disclosure Submissions’).²³ Duty Counsel nonetheless observed that the volume of items to be disclosed by the Prosecution is ‘very substantial’ and that ‘settling the issue of the appointment of permanent counsel [...] remains imperative to ensure that [Mr Mokom], as a matter of fairness, has sufficient time, in proportion to the substantial volume of files, in advance

²¹ Mr. Mokom’s Response to OPCV’s Application for recognition of the status of victims in the case of Prosecutor v. Mokom to victims participating in the case of Prosecutor v. Yekatom and Ngaïssona, [ICC-01/14-01/22-56](#) (filed on 25 May 2022 and notified on 26 May 2022).

²² Mr. Mokom’s Response to the Registry’s Observations on victim participation, [ICC-01/14-01/22-57](#) (filed on 03 June 2022 and notified on 06 June 2022).

²³ Mr. Mokom’s Response to the “Order seeking observations on matters related to the conduct of the confirmation proceedings” (ICC-01/14-01/22-50), [ICC-01/14-01/22-58](#).

to enable the adequate preparation of the defence'. Duty Counsel also indicated that (i) he anticipates a need to conduct investigations before the confirmation hearing, but that '[p]ermanent counsel, [...], will be best placed to decide the scope and priorities of such defence investigations'; and (ii) Mr Mokom does not presently possess or control any items falling under rule 78 of the Rules of Procedure and Evidence (the 'Rules').

II. PRELIMINARY ISSUES

14. As a preliminary matter, the Chamber notes Mr Mokom's submissions that it is premature for him to provide the responses and observations specified in the 17 May 2022 Order, without permanent counsel having been appointed to represent him and pending the Appeals Chamber's decision on the matter of his legal representation. Nonetheless, in Mr Mokom's 26 May 2022 and 6 June 2022 Responses, Duty Counsel makes submissions related to the OPCV's Application and the Registry's Observations on Victims Participation, *albeit* limited to certain 'points of law'. In Mr Mokom's Disclosure Submissions, Duty Counsel also provides limited observations on the volume of items the Prosecution intends to disclose and information on the need to conduct investigations before the confirmation hearing and Mr Mokom's control or possession of any items under rule 78 of the Rules.

15. The Chamber notes that, whilst expressing Mr Mokom's unwillingness as 'a matter of principle' to provide the information specified in the 17 May 2022 Order in the absence of 'permanent counsel', Duty Counsel nonetheless makes various substantive submissions. Should Mr Mokom's submissions that it is premature at this juncture to provide the relevant responses and observations be interpreted as a request to temporarily suspend the pre-trial proceedings, the Chamber emphasises that the temporary suspension of pre-trial proceedings pending a decision of the Appeals Chamber on an interlocutory appeal is an exceptional measure. Such measure is not an automatic consequence of an interlocutory appeal being lodged before the Appeals Chamber, but must be formally sought.

16. Nonetheless, in the present circumstances, a temporary suspension of the proceedings is not warranted. Legal representation goes to the heart of the right to a fair

trial,²⁴ but the Chamber must strike a balance between a suspect's fundamental right to be informed promptly and in detail of the nature, cause and content of the charges,²⁵ on the one hand, and ensure, in the interest of the suspect, that the confirmation proceedings take place as expeditiously as possible, on the other hand. In this regard, the Chamber recalls that 'the early initiation of the process of disclosure, as soon as possible after the surrender of the suspect to the Court, better guarantees also the expeditiousness of the proceedings, guided by the overarching principle of fairness'.²⁶

17. In particular, with a view to ensuring a suspect's right to have adequate time and facilities for the preparation of the defence, disclosure of documents and information relevant to the confirmation of charges proceedings must be initiated sufficiently in advance of the confirmation hearing. It is the Chamber's duty to take the necessary decisions regarding disclosure between the Prosecution and the person in respect of whom a warrant of arrest has been issued.²⁷ In addition, whilst the Chamber is mindful of Mr Mokom's wish to await the Appeals Chamber's decision on the matter of his legal representation, doing so would prevent him from being informed *promptly* of the material underlying the Application for a Warrant of Arrest. The Chamber considers it essential that the disclosure process begins as soon as possible commencing with the evidence underlying the Application for a Warrant of Arrest. In this regard, it is recalled that

the Prosecutor's disclosure obligations under rule 121 of the Rules are independent and additional to the duty to provide the suspect, without delay upon surrender, with all evidence and supporting material submitted and examined at the time of the issuance of the warrants of arrest. The obligation to make this information available upon surrender is subject only to the adoption of protective measures pursuant to rule 87 of the Rules.²⁸

²⁴ Decision on Mr Mokom's requests for reconsideration and leave to appeal the 'Order on appointment of Mr Kaufman as Counsel for Mr Mokom', [ICC-01/14-01/22-43](#).

²⁵ Article 67(1)(a) of the Statute.

²⁶ *The Prosecutor v. Alfred Yekatom*, Public Redacted Version of "Decision on Disclosure and Related Matters", 23 January 2019, ICC-01/14-01/18-64-Red, para. 14 (the '[Yekatom and Ngaïssona Disclosure Decision](#)').

²⁷ See rule 121(2) of the Rules,

²⁸ Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Second Order on disclosure and related matters, 2 October 2020, ICC-02/05-01/20-169 para. 12 ('[Abd-Al-Rahman Second Disclosure Order](#)'); see also Pre-Trial Chamber I, *The Prosecutor v. Ahmad Al Faqi Al Mahdi*, Public redacted version of Order to the Prosecutor concerning classification of documents in support of the warrant of arrest to be made available to the suspect upon surrender, 30 September 2015, [ICC-01/12-01/15-2-Red](#), para. 4; Appeals Chamber, *The Prosecutor vs. Jean-Pierre Bemba Gombo*,

18. Furthermore, the Chamber notes that, while Duty Counsel submits that the matter is ‘ripe for adjudication’ by the Appeals Chamber, to date, no scheduling order for the rendering of the judgment has been issued. In these circumstances, and whilst it is necessary for the Appeals Chamber to issue such a ruling as soon as possible, in light of the foregoing reasons, the Chamber considers that it is in the interest of justice that the disclosure process, in particular with regard to the evidence underlying the Application for a Warrant of Arrest, commences as soon as possible.

19. In order to fully guarantee the fairness of the proceedings, Mr Mokom will be given an opportunity to present observations on the matters addressed in the present order once permanent counsel is appointed to represent him. In the meantime, and pursuant to rule 121(2)(a) of the Rules, Mr Mokom is assisted and represented by Duty Counsel.²⁹

III. INSTRUCTIONS ON THE CONDUCT OF THE PRE-TRIAL PROCEEDINGS

A. Principles and procedure governing disclosure

20. Pursuant to rule 121(2) of the Rules, the Chamber adopts the following procedure.

1. Provision of evidence, witness and victims information in electronic form

21. Noting that the Court is in the process of migrating to a new electronic system to support its daily judicial proceedings,³⁰ the Chamber instructs the Registry, which is in charge of implementing such an electronic system, to liaise with the parties to ensure that the disclosure process occurs under satisfactory conditions, pursuant to regulation

Judgment on the appeal of Mr. Jean-Pierre Bemba Gombo against the decision of Pre-Trial Chamber III entitled “Decision on Application for Interim Release”, 16 December 2008, [ICC-01/05-01/08-323](#), paras 1-2.

²⁹ The Chamber notes that during the status conference held on 4 April 2022 Mr Mokom confirmed his wish to be represented in these proceedings by Duty Counsel pending the resolution of the matter of his legal representation by the Appeals Chamber (see ICC-01/14-01/22-T-002-CONF-EXP-ENG, p. 15, lns 4-12).

³⁰ The Chamber understands that the Court is currently in the process of abandoning ‘Ringtail’ and migrating to ‘Nuix’, as the electronic system supporting its judicial proceedings.

26(1) of the Regulations of the Court (the ‘Regulations’), and in line with the previous established practice.³¹

22. The Chamber incorporates, *mutatis mutandis*, the attendant principles governing disclosure previously established in *The Prosecutor v. Alfred Yekatom and Patric-Édouard Ngaïssona* case (‘*Yekatom and Ngaïssona* case’).³² In particular, the Chamber recalls that, ‘as envisaged in rule 121(2)(c) the Chamber receives all evidence disclosed by way of communication, regardless of whether the parties intend to rely on or present said evidence during the confirmation hearing, in order to ensure that disclosure takes place under satisfactory conditions in line with the requirements of article 61(3) of the Statute together with rule 121(2)(b) of the Rules’.³³ Therefore, the Chamber shall have access to the following disclosed evidence:

- a) All evidence in the Prosecutor’s possession or control (pursuant to article 67(2) of the Statute) which he believes shows or tends to show the innocence of the suspect, or to mitigate his alleged guilt, or may affect the credibility of the Prosecutor’s evidence;
- b) All names of witnesses and copies of their prior statements on which the Prosecutor intends to rely at the confirmation hearing, regardless of whether the Prosecutor intends to call them to testify (rule 76 of the Rules);
- c) All rule 77 material in possession or control of the Prosecutor (incriminatory, exculpatory or mixed in nature) which is material to the preparation of the Defence or are intended for use by the Prosecutor as evidence for the purposes of the confirmation hearing or was obtained from or belonged to the person;
- d) All rule 78 material in possession or control of the Defence, which is intended for use as evidence for the purposes of the confirmation hearing;
- e) All evidence the Defence may present as per rule 79 of the Rules, on which the suspects intends to rely to establish an alibi or a ground for excluding criminal responsibility.

2. *Exceptions to disclosure (redactions)*

23. In line with the Chambers Practice Manual³⁴ and for consistency purposes, the Chamber adopts the following procedure which shall apply to exceptions to disclosure by the Prosecution subject to judicial control under rule 81(2) and 4 of the Rules:

³¹ See Unified Technical protocol (“E-court Protocol”) for the provision of evidence, witness and victims information in electronic form ([ICC-01/14-01/18-64-Anx](#)).

³² [Yekatom and Ngaïssona Disclosure Decision](#), paras 12-18, 20-22; see also Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘*Ali Kushayb*’), [Order on disclosure and related matters](#), 17 August 2020, ICC-02/05-01/20-116, para. 11 (the ‘*Abd-Al-Rahman* First Disclosure Order’); [Abd-Al-Rahman Second Disclosure Order](#), paras 12-13, 17, 21, 25-26.

³³ [Yekatom and Ngaïssona Disclosure Decision](#), para. 12.

³⁴ Chambers Practice Manual, fifth edition adopted following the judges’ retreat in November 2021 and published on 25 March 2022, paras 98-100 (the ‘[Chambers Practice Manual](#)’).

The Prosecutor shall disclose evidence with redactions under rule 81(2) and (4) of the Rules without discrete application to the Chamber, except as provided below. When disclosing redacted evidence, the Prosecutor shall indicate the type of redaction in the redaction box by using the following codes:

Under Rule 81(2) of the Rules

- Category 'A.1': Locations of witness interviews/accommodation, insofar as disclosure would unduly attract attention to the movements of the Prosecutor's staff and witnesses, thereby posing a risk to ongoing or future investigations;
- Category 'A.2': Identifying and contact information of the Prosecutor's, VWU or other Court staff members who travel frequently to, or are based in, the field, insofar as disclosure of this information could hinder their work in the field and thereby put at risk the ongoing or future investigations of the Prosecutor (to be further specified as 'A.2.1' for translators, 'A.2.2' for interpreters, 'A.2.3' for stenographers, 'A.2.4' for psycho-social experts, 'A.2.5' for other medical experts and 'A.2.6' for other staff members falling within this category);
- Category 'A.3': Identifying and contact information of translators, interpreters, stenographers and psycho-social experts assisting during interviews who are not members of the Prosecutor's staff but who travel frequently to, or are based in the field, insofar as disclosure of this information could hinder their work so that the Prosecutor could no longer rely on them, and thereby put at risk ongoing or future investigations of the Prosecutor (to be further specified as 'A.3.1' for translators, 'A.3.2' for interpreters, 'A.3.3' for stenographers, 'A.3.4' for psycho-social experts, 'A.3.5' for other medical experts and 'A.3.6' for other persons falling within this category);
- Category 'A.4': Identifying and contact information of investigators, insofar as disclosure of this information could hinder their work in the field thereby putting at risk the ongoing or future investigations of the Prosecutor;
- Category 'A.5': Identifying and contact information of intermediaries, insofar as disclosure of this information could hinder their work in the field thereby putting at risk the ongoing or future investigations of the Prosecutor;
- Category 'A.6': Identifying and contact information of leads and sources, insofar as disclosure of this information could result in the leads and sources being intimidated or interfered with and would thereby put at risk the ongoing or future investigations of the Prosecutor (to be further specified as 'A.6.1' for individual sources, 'A.6.2' for NGOs, 'A.6.3' for international organisations; 'A.6.4' for national governmental agencies, 'A.6.5' for academic sources, 'A.6.6' for private companies and 'A.6.7' for other sources);
- Category 'A.7': Means used to communicate with witnesses, insofar disclosure of this information may compromise investigation techniques or the location of witnesses and would thereby put at risk the ongoing or future investigations of the Prosecutor;
- Category 'A.8': Other redactions under Rule 81(2) of the Rules;

Under rule 81(4) of the Rules

- Category 'B.1': Recent contact information of witnesses, insofar necessary to protect the safety of the witness;
- Category 'B.2': Identifying and contact information of family members of witnesses, insofar necessary to protect their safety;

- Category ‘B.3’: Identifying and contact information of ‘other persons at risk as a result of the activities of the Court’ (‘innocent third parties’), insofar necessary to protect their safety;
- Category ‘B.4’: Location of witnesses who are admitted in the International Criminal Court Protection Programme and information revealing the places used for present and future relocation of these witnesses, including before they enter the ICCPP;
- Category ‘B.5’: Other redactions under Rule 81(4) of the Rules.

When so disclosing evidence with redactions, the Prosecutor shall assign unique pseudonyms to any persons whose identity is redacted. The Prosecutor need not provide the category code and/or a pseudonym when doing so would defeat the purpose of the redaction but shall make clear which codes/pseudonyms are missing for this reason. The Prosecutor shall also file in the record of the case a report stating which categories of redactions have been applied to particular items of evidence. In this report, the Prosecutor shall also briefly indicate, to the extent possible, the basis for each redaction falling under categories ‘A.8’ and ‘B.5’.

Should the Defence consider that a particular redaction is unwarranted or should be lifted as a result of changed circumstances, it shall approach the Prosecutor directly. The parties shall consult in good faith with a view to resolving the matter. If they are unable to agree, the Defence may apply to the Chamber for a ruling. In such case, the Prosecutor shall have the burden to justify the particular redaction, and shall file her submissions in the record of the case within five days, unless otherwise decided by the Chamber. Thereafter, the Chamber will rule as to whether the particular redaction is to be lifted or maintained.

The above procedure shall not apply to the non-disclosure of witnesses’ identities prior to the commencement of trial and to the non-disclosure of entire items of evidence. In such cases, the Prosecutor shall submit to the Chamber a discrete application.

The Prosecutor shall monitor the continued necessity of redactions, and shall redisclose evidence with lesser redactions as soon as reasons justifying them cease to exist, or, if applicable, make an application under Regulation 42(3) of the Regulations of the Court. 7. If the Prosecutor redacts evidence prior to disclosure on the basis of Rule 81(1) of the Rules of Procedure and Evidence, she shall mark this in the redaction box as category ‘E’.

3. Handling of confidential information during investigations and contact between a party or participants and witnesses of the opposing party or of a participant

24. The Chamber notes the recent adoption of an updated common protocol annexed to the Chambers Practice Manual,³⁵ and hereby adopts this updated protocol for the present proceedings.

³⁵ Annex to [Chambers Practice Manual](#), ‘Protocol on the handling of confidential information during investigations and contact between a party or participants and witnesses of the opposing party or of a participant’.

B. Disclosure calendar

25. The Chamber adopts the following disclosure calendar for the confirmation hearing, having taken into account (i) the Prosecution's Disclosure Submissions, in particular that the Prosecution aims at completing the disclosure of evidence in its possession by 22 July 2022; (ii) Mr Mokom's submissions on the disclosure process; and (iii) the ongoing matters related to Mr Mokom's legal representation.

1. *Disclosure of the items of evidence underlying the Application for a Warrant of Arrest*

26. In light of the Chamber's considerations above, the Prosecution is instructed to disclose to Mr Mokom the evidence underlying the Application for a Warrant of Arrest by no later than 5 July 2022. The Prosecution shall disclose the evidence that does not require protective measures in a single disclosure package. For evidence that would in the view of the Prosecution require protective measures before disclosure, the Prosecution is to submit a request to the Chamber by no later than 12 July 2022.

2. *Disclosure of the items of evidence upon which the Prosecution intends to rely on for the purpose of the confirmation of charges hearing*

27. In order to allow for sufficient and meaningful preparation of Mr Mokom once permanent counsel will have been appointed, the Chamber finds it appropriate to order the Prosecution to commence the disclosure of all evidence it intends to rely upon at the confirmation hearing, including the totality of the witness statements, immediately after the notification of appointment of permanent counsel for Mr Mokom.

28. Pending the appointment of permanent counsel for Mr Mokom, and in order to ensure the right of the suspect to have adequate time to prepare his defence and to facilitate the Chamber's own preparation of the confirmation hearing, the Prosecution is expected to organise the evidence it intends to rely upon for the confirmation hearing in such a manner so as to ensure that the disclosure process is focused and carried out

efficiently and expeditiously.³⁶ Noting that the scope of the confirmation of charges phase is limited,³⁷ the Chamber stresses that only evidence of true relevance to the charges in this specific case is to be disclosed.

29. Furthermore, under rule 77 of the Rules, the Prosecution shall only make those items available to the defence that are ‘material to the preparation of the defence or are intended for use by the Prosecutor as evidence for the purposes of the confirmation hearing [...] or were obtained from or belonged to the person’ (the ‘Rule 77 Material’). Accordingly, the Prosecution must select those items that fulfil these criteria bearing in mind that its responsibility in this regard cannot be discharged by making everything that is in its possession or control available to Mr Mokom.

30. Moreover, the Prosecution shall indicate for evidence disclosed as potentially exonerating the corresponding page and paragraph numbers of the relevant sections of documents, statements and transcripts in a dedicated metadata field. The Prosecution shall provide the relevant information using the code PEXO.³⁸

31. The Prosecution shall complete the disclosure process within one month of the notification of the appointment of permanent counsel, excluding the judicial recess. This includes all evidence it intends to rely upon at the confirmation hearing, including the totality of the witness statements and their translations, as well as Rule 77 Material. Any items of evidence submitted after that date will not be taken into account for the purposes of the confirmation hearing. This finding is without prejudice to the Prosecution’s ongoing duty to provide the defence with potentially exonerating evidence in accordance with article 67(2) of the Statute.

32. Furthermore, noting the need to ensure an orderly and efficient management of the case file and in light of the significant number of witnesses the Prosecution intends to rely upon, the Chamber considers it essential that the parties and eventually the participants have a clear and accurate picture of the witness statements and all related items disclosed by the Prosecution. Accordingly, on the date of the completion of the

³⁶ The Chamber notes that, in other cases before this Court, including most recently in *The Prosecutor v. Mahamat Said Abdel Kani* (the *Said* case’) and *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘Ali Kushayb’), the Prosecution has, for the purposes of the confirmation hearing, relied on a fraction of the totality of the evidence disclosed.

³⁷ Pre-Trial Chamber II, *The Prosecutor v. Mahamat Said Abdel Kani*, Order setting the schedule for the confirmation of charges hearing, 14 September 2022, [ICC-01/14-01/21-172](#), para. 20.

³⁸ [Abd-Al-Rahman Second Disclosure Order](#), para. 24.

disclosure process, the Prosecution shall submit a complete and detailed table of its witnesses in relation to whom material(s) has/have been disclosed. Such table shall consolidate all information related to each of the Prosecution's witnesses, with all relevant documents made easily accessible by way of hyperlinking their ERN numbers.

33. The table shall consist of separate columns, containing the following information, where applicable, for each witness: (i) the code of the witness; (ii) the name of the witness; (iii) the gender of the witness; (iv) the witness statement(s), including the ERN number, the date, the type, the language and the ERN number of the translated version, if applicable; (v) the ERN number of any witness screening note(s); (vi) the ERN number of the transcription of the interview; (vii) the ERN number of any attachments or annexes to the witness statement(s), screening note or transcription; (viii) the date of disclosure for each item; and (ix) the ERN number of any other related supporting material in relation to any Prosecution witnesses.

3. *Document containing the charges (the 'DCC')*

34. The Chamber recalls that, in accordance with rule 121(3) of the Rules, the Prosecution shall provide the Chamber and the Defence with a document containing the charges and a list of evidence '*no later than 30 days before the date of the confirmation hearing*' (emphasis added). As previously stated by the Court, the deadlines referred to in rule 121(3), (4), (5) and (6) of the Rules 'are only indicative of the *minimum* notice period a party may avail itself to comply with its disclosure obligations. They serve the purpose of allowing the suspect to prepare adequately for the confirmation hearing as guaranteed in article 67(1)(b) of the Statute'.³⁹

35. The Prosecution shall submit the DCC, both in English and French, together with the list of evidence⁴⁰ the Prosecution intends to present at the confirmation hearing, at the latest two weeks after the completion of the disclosure process.⁴¹ The DCC must be limited to setting out the factual basis to bring the person to trial and the legal

³⁹ [Yekatom and Ngaïssona Disclosure Decision](#), para. 13 (footnotes omitted).

⁴⁰ The Chamber may provide more detailed instructions on the structure and the information to be provided as part of the list of evidence at a later stage.

⁴¹ See Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Decision on the Prosecutor's Second Request to Postpone the Confirmation Hearing and Requests for Variation of Disclosure Related Time Limits, 18 December 2020, [ICC-02/05-01/20-238](#), para. 43, p. 15.

characterisation of the relevant facts under regulation 52 of the Regulations. For this purpose, the DCC shall be structured in a narrative style, with relevant facts presented in detail and in chronological order,⁴² with a sufficiently specific and exhaustive presentation and description of events relating to the alleged crimes. The Prosecution shall identify the places, times, and (approximate) number of victims corresponding to each charge, and provide the necessary particulars that comprise the elements of the crimes.⁴³ In accordance with regulation 38(3)(g) of the Regulations, the DCC shall not exceed 30 pages.

36. In addition, the Prosecution shall present, as an annex to the DCC, a detailed explanation of the material or evidence supporting the points of law and fact included in the DCC. More specifically, such annex shall mirror the structure of the DCC and include headings consisting of each paragraph of the DCC, under which the Prosecution is to present and explain, in a clear and concise manner, (i) the evidence which is believed to support each allegation and the reason (with the corresponding footnote referring specifically, with hyperlinks, to the most probative supporting evidence); and (ii) any legal matter arising in connection with such allegation. This annex shall not exceed 60 pages.

4. Requests for non-standard redactions, identity redactions pursuant rule 81(4) of the Rules and non-disclosure of entire items

37. The Chamber notes the Prosecution's submissions in relation to identity redactions pursuant rule 81(4) of the Rules and anonymous witnesses. Should the Prosecution wish to submit requests for redactions not falling into the above mentioned standard categories, non-disclosure of witnesses' identities or non-disclosure of entire items of evidence, any such requests need to be submitted no later than 10 days before the final deadline for disclosure. By the same date, the Prosecution must conclude the risk assessments and implementation of measures to protect witnesses and persons at risk.

⁴² See for instance Pre-Trial Chamber II, *The Prosecutor v. Dominic Ongwen*, Prosecution's submission of the document containing the charges, the pre-confirmation brief, and the list of evidence, 21 December 2015, [ICC-02/04-01/15-375](#), see also annexes A and C.

⁴³ See Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Decision on the Prosecutor's Request for Postponement of the Confirmation Hearing and related deadlines, 2 November 2020, ICC-02/05-01/20-196, para. 41 (the '[Abd-Al-Rahman Confirmation Hearing Postponement Decision](#)').

C. Principles and procedure governing victims' participation

38. The Chamber has a duty to balance the right of the victims to participate in the proceedings with the need to ensure the expeditiousness of the proceedings. Based on the other cases arising from the same situation and the wide-ranging scope of the counts included in the Warrant of Arrest, the Chamber notes that a large number of applicants is expected in the present proceedings.⁴⁴ Therefore, the Chamber considers that it is in the interest of justice that the procedure for admission of victims to participate in the present proceedings is initiated as early as possible.

39. The Chamber establishes the following principles and procedure applicable to victims' participation in this proceedings. In doing so, and having regard to the circumstances of the case, the Chamber limits itself at setting out the general applicable procedure which has been applied in other cases arising from the same situation, has been confirmed by the Appeals Chamber⁴⁵ and is reflected in the Chambers Practice Manual. The Chamber therefore defers its adjudication of the OPCV's Application until a later stage, once the then appointed permanent counsel will have been able to submit a response on behalf of Mr Mokom .

1. *Procedure for admission of victims to participate in the proceedings*

40. The Chamber adopts the following procedure, in accordance with rule 89 of the Rules:⁴⁶

- (i) The Registry collects and receives the applications for participation by victims. This should be done using the standard form which has been developed based on practice and collects information for participation and reparations (for individuals and organizations, pursuant to Rule 85 of the Rules).
- (ii) With respect to participation, the Registry assesses all victim applications for participation collected or otherwise received, and identifies those applications which are complete and fall within the scope of the relevant case, i.e. in which the applicant alleges to have personally suffered harm, whether direct or indirect, as a result of one or more crimes which are referenced in the warrant of arrest or summons to appear (counts) or, subsequently, charged by the Prosecutor (as

⁴⁴ [Registry's Observations on Victims Participation](#), para. 15; *see also* Appeals Chamber, *The Prosecutor v. Mahamat Said Abdel Kani*, Judgment on the appeal of Mr Mahamat Said Abdel Kani against the decision of Pre-Trial Chamber II of 16 April 2021 entitled "Decision establishing the principles applicable to victims' applications for participation", 14 September 2021, [ICC-01/14-01/21-171](#), paras 68-80 (the '[Appeals Chamber Victims Decision](#)').

⁴⁵ [Appeals Chamber Victims Decision](#), paras 68-80.

⁴⁶ See in this regard the [Chambers Practice Manual](#), paras 96-97, in which the same procedure is set out.

formulated in the document containing charges and, thereafter, as confirmed by the Pre-Trial Chamber).

- (iii) In consideration of victims applications a high degree of discretion is afforded to Chambers.
- (iv) In the exercise of such discretion and depending on the number of victims applications, Chambers may adopt the so called A-B-C Approach under which the Registry classifies the applicants into three categories: (i) applicants who clearly qualify as victims ('Group A'), (ii) applicants who clearly do not qualify as victims ('Group B'); and (iii) applicants for whom the Registry could not make a clear determination for any reason ('Group C').
- (v) The Registry then transmits to the Chamber on a rolling basis and in un-redacted form, by way of a filing in the record of the case, all complete applications on the basis of the A-B-C grouping, including any supporting documentation.
- (vi) Only Group C applications, and any supporting documentation, are transmitted to the parties for observations pursuant to Rule 89(1) of the Rules, and legal representative as appropriate, with the necessary redactions to expunge the persons' identifying information.
- (vii) The Registry prepares reports that accompany each transmission, as provided for by Regulation 86(5) of the Regulations of the Court. These reports are notified to the Chamber, the parties and participants. These reports list the applications for participation and the group they are classified in. The reports need not include application-by-application reasoning or analysis and need not justify the respective classifications.
- (viii) The Registry provides assessment reports for Group B applications to the Chamber alone. The reports contain the reasons for rejecting the applications, to allow the Chamber to make a final decision on such applications if necessary.
- (ix) All applications falling within Group C that are transmitted to the Chamber are provided, together with the transmission report, to the parties and legal representative as appropriate, at the same time and by way of the same filing in the record of the case made for the transmission to the Chamber.
- (x) Barring a clear, material error in the Registry's assessment of Groups A and B, the Chamber, taking into account the Registry's assessment of the Group A and B applications, will decide. While the Registry's conclusions may be of assistance, it is for the Chamber to ultimately authorise or reject an applicant to participate in the proceedings.
- (xi) Once the parties' observations have been received, the Chamber assesses the Group C applications individually and determines whether the victims concerned shall be admitted to participate or not.

41. The Registry shall transmit the Group A and B applications to the Chamber no later than 15 days before the confirmation hearing, and the Group C applications to the Chamber and the parties no later than 30 days before the confirmation hearing. The parties have 10 days to make observations, if any, on the Group C applications.

2. Application forms for participation

42. The Registry recommends that the standard forms used in the *Yekatom and Ngaïssona* case be adopted in this case. Considering that those forms have been adopted and tested in the same situation in the context of the both the *Said* and *Yekatom and Ngaïssona* cases, the Chamber finds it appropriate to adopt, at this stage, the aforementioned forms. The Chamber further considers that it is necessary to incorporate the modification to those forms arising from the *Abd-Al-Rahman case*.⁴⁷ In addition, the Chamber incorporates, *mutatis mutandis*, the attendant principles in relation to these forms, as previously established in the *Yekatom and Ngaïssona case*.⁴⁸

3. Documents as proof of identity

43. The Chamber notes the recommendations of the Registry in respect of the documentary requirements for participation. The Chamber accepts the documents establishing the identity of applicants proposed by the Registry;⁴⁹ in addition, it incorporates, *mutatis mutandis*, the principles in relation to these documents, as previously established in the *Yekatom and Ngaïssona case*.⁵⁰ Furthermore, in line in the approach adopted in that case, in the event that applicants present other documents, the Chamber will decide whether to accept such documents upon receipt of the Registry's assessments and recommendations.⁵¹

4. Legal assessment of victim applications

44. The Chamber notes that the Registry requests the Chamber to validate the guidance provided in the *Yekatom and Ngaïssona* case in relation to the scope of that case for the purpose of the Registry's legal assessment of victim applications in this

⁴⁷ Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, Decision on the Registry's Request for Authorisation to use a Modified Standard Application Form for Victim Participation, 4 November 2020, [ICC-02/05-01/20-198](#).

⁴⁸ Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Decision Establishing the Principles Applicable to Victims' Applications for Participation, 5 March 2019, ICC-01/14-01/18-141, paras 18-23 (the '[Yekatom and Ngaïssona Victims Decision](#)').

⁴⁹ [Registry's Observations on Victims Participation](#), paras 19-20.

⁵⁰ [Yekatom and Ngaïssona Victims Decision](#), paras 24-25, 33.

case. Although at the moment, the allegations against Mr Mokom are merely contained in the Warrant of Arrest, the Chamber clarifies that the guidance in question remains applicable in the present case in view of the similarity between the factual and legal allegations contained in the warrant of arrests in these two related cases.⁵²

5. *Legal representation of victims*

45. The Chamber notes the Registry's observations concerning the legal representation of victims, in particular that 'victims in CAR continue to face many hurdles to gain access to lawyers', 'most of them, [...] have no legal representation' and 'the availability and accessibility of lawyers will remain a key challenge in the legal representation of participating victims in proceedings'. Taking into account these difficulties, and noting that 'appropriate and timely assistance is instrumental to every potential victim's right to meaningfully participate in the proceeding',⁵³ the Chamber considers it necessary and appropriate in the circumstances to devise a temporary and provisional arrangement as envisaged under regulation 81(4) of the Regulations of the Court. Under this provisional arrangement, the OPCV shall be vested with the role of general support and assistance at this stage of the proceedings.⁵⁴

46. Accordingly, the Chamber assigns the OPCV to represent the collective interests of potential victims.⁵⁵ The Chamber stresses the temporary and provisional nature of this assignment and specifies that the OPCV's involvement is limited to the stage between the present decision and the Chamber's eventual decision taken on matters of legal representation at the stage of the determinations of the merits of the victims' applications and the status of victims.

⁵² See Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Decision regarding the Registry's First Assessment Report on Applications for Victim Participation, the Registry's First Transmission of Group C Applications, the appointment of counsel for Victims of Other Crimes, and the victims' procedural position, 21 June 2019, [ICC-01/14-01/18-227-Red](#); Pre-Trial Chamber II, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Decision regarding the Registry's Outstanding Transmissions of Applications for Victim Participation, 13 September 2019, [ICC-01/14-01/18-338](#), paras 24-35.

⁵³ Pre-Trial Chamber II, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman (Ali Kushayb)*, Decision supplementing the Chamber's first decision on victims' participation and representation and providing additional guidance, 5 February 2021, ICC-02/05-01/20-277 ('[Abd-Al-Rahman Supplementing Decision on Victims](#)'), para. 15.

⁵⁴ See [Abd-Al-Rahman Supplementing Decision on Victims](#), ICC-02/05-01/20-277, paras 15, 19.

⁵⁵ See [Abd-Al-Rahman Supplementing Decision on Victims](#), ICC-02/05-01/20-277, para. 15.

47. Furthermore, the Chamber agrees with the Registry's proposals with regard to collecting information on legal representation and informing potential victims so as to advance this process as much as possible without any prejudice to any subsequent decision to be adopted on the legal representation of any victims. The Registry shall, in particular, verify: (i) whether potential victims have already identified one or more legal representatives who are able to represent them before the Court or whether efforts have been or are being made to this end, and the time needed for the victims to make a choice; (ii) how potential victims may have organised and the consequences for the choice of legal representative; and (iii) whether potential victims have the means to pay for legal representatives themselves or whether to rely on persons or NGOs who have accepted to represent them *pro bono*. The Registry is to provide a report on the above-mentioned matters within one month of the appointment of permanent counsel for Mr Mokom, excluding the judicial recess, who will thereafter be provided with the opportunity to provide observations on the report.

48. Moreover, this report shall also address the following matters: (i) the way in which the Registry consulted with the victims; (ii) the budgetary capacity currently available to the Court to pay for all or part of the representation of the victims, should the victims be unable to bear the financial cost of their legal representatives themselves and should they not have *pro bono* representation; (iii) should common legal representation under rule 90(2) of the Rules be necessary to ensure the effectiveness of the proceedings, the most appropriate number of common legal representatives, given the requirement of rule 90(4) of the Rules to take into account the distinct interests of the individual victims and to avoid any conflict of interest; (iv) whether the victims have identified common legal representatives and whether it is necessary to help them to do so by referring them to the list of counsel in accordance with rule 90(2) of the Rules; and (v) where it is necessary for the Registry, to choose common legal representatives when victims cannot agree on the choice, the availability of persons who are able to communicate with the victims in the field, safely and in their language, and the views of the victims on the persons thus identified by the Registry, as required by rule 90(3) of the Rules and regulation 79(2) of the Regulations.

49. Lastly, the Chamber does not consider it necessary to issue a call for potential victim counsel's expression of interest. Since two other cases arising from the situation in the Central African Republic II are currently pending before the Court, it must be

assumed that a sufficient number of counsel has already been identified in light of the Registry's previous reports on these matters.

IV. DIRECTIONS ON COMMUNICATION WITH THE CHAMBER

A. Directions concerning communication by email

50. The parties and the Registry should submit any requests to the Chamber by way of formal filing with the proper substantiation. However, in urgent circumstances, submissions or communication with the Chamber may be made by way of email. This form of communication should be limited to circumstances where the process of preparing and submitting a formal filing would delay the expeditious adjudication of the matter.

51. In order to ensure that this form of communication adheres to a certain level of formality, the parties and the Registry are hereby instructed to frame, at all times, any email submissions or communication with the Chamber in the following manner:

- i. Include as recipients all persons identified as such by the parties, the Registry, or any relevant participant, unless excluded for confidentiality reasons;
- ii. Use a clear, succinct, and precise title in the email subject line, which shall begin with the case record number ICC-01/14-01/22;
- iii. Indicate the level of classification of each email communication in the first line of the text, and depending on the circumstances, the reasons for a classification other than public; and
- iv. Frame email submissions in a way that makes their publication possible. In exceptional circumstances, when emails cannot be made public at all, the sender shall indicate this clearly in the first line of the text of the email.

52. The Chamber further instructs the parties and the Registry to communicate, as soon as possible, by way of email, the list of persons identified as recipients for the purpose of the present case with their respective email addresses, and promptly inform the Chamber of any change in this regard. All email communications with the Chamber

are to be sent to the Chamber's email address, known by the parties and participants, dedicated to communications with the Chamber.

B. Directions concerning the filing of email decisions into the case record

53. To expedite decisions or in order to react to urgent circumstances, the Chamber may issue rulings by way of email. These email decisions and orders will systematically be put on the record, to ensure a complete case record.

54. The Registry is directed to file all email decisions and orders on the case record in quarterly reports starting on 1 August 2022. The Registry shall simultaneously file public and confidential versions of these reports. When a decision includes a chain of emails, these emails shall also be filed into the record of the case.

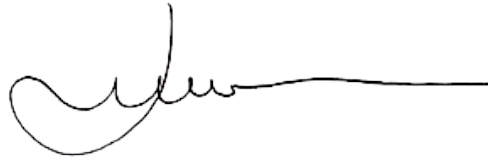
55. The Registry shall apply the following redactions: (i) names of Chambers staff members, where applicable; (ii) names of Registry staff members, if deemed necessary by the Registry; (iii) any personal email address or other private or personal information; and (iv) any other information that should not be made public. The Registry shall consult the parties on the redactions applied. In case of disagreement, the Chamber will issue a ruling.

56. The Chamber will provide the Registry with the email decisions issued up to this day so that they can be put on the case record. Going forward, the Chamber will copy the Court Management Section of the Registry in any email decision to be published.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the parties and participants to comply with the above instructions and directions.

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



Judge Rosario Salvatore Aitala

Presiding



Judge Antoine Kesia-Mbe Mindua



Judge Tomoko Akane

Dated this Monday, 27 June 2022

At The Hague, The Netherlands