



Original: **English**

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

Date: **21 July 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
With Public Annex I and Annex II**

**Transmission by the Registry of Requests received from Mr Nicholas
Kaufman**

Source: Registry

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

Mr Karim A. A. Khan

Mr Mame Mandiaye Niang

Counsel for the Defence

Mr Gregory Townsend

Legal Representatives of Victims**Unrepresented Applicants
(Participation/Reparation)****Unrepresented victims****The Office of Public Counsel for
Victims****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**Detention Section****Victims Participation and Reparations
Section****Other**

Mr Nicholas Kaufman

I. Introduction

1. The Registry hereby transmits to the Single Judge of Pre-Trial Chamber II (“Chamber”) two documents, dated 20 and 21 July 2022 respectively, and sent to the Registry by way of email from Mr Nicholas Kaufman (“Mr Kaufman”), and relating to Maxime Jeoffroy Eli Mokom Gawaka’s (“Mr Mokom”) legal representation in the proceedings before the Court.

II. Procedural History

2. 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”.¹
3. On 19 July 2022, the Appeals Chamber rendered its “*Judgment on the appeal of Maxime Jeoffroy Eli Mokom Gawaka against the decision of Pre-Trial Chamber II of 25 March 2022 entitled “Order to the Registry concerning the appointment of Mr Nicholas Kaufman as counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka”*” (“Judgement”).²
4. On 20 July 2022, the Registry has received the document in Annex I, signed by Mr Kaufman, whereby he requests immediate access to Mr Mokom in detention as well as access to the confidential record of the case.

¹ Pre-Trial Chamber II, “Order to the Registry concerning the appointment of Mr Nicholas Kaufman as counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka”, dated 25 March 2022, ICC-01/14-01/22-26-Red.

² Appeals Chamber, “Judgment on the appeal of Maxime Jeoffroy Eli Mokom Gawaka against the decision of Pre-Trial Chamber II of 25 March 2022 entitled “Order to the Registry concerning the appointment of Mr Nicholas Kaufman as counsel for Mr Maxime Jeoffroy Eli Mokom Gawaka”, dated 19 July 2022, ICC-01/14-01/22-70-Red.

5. On 21 July 2022, the Registry has further received a document, signed by Mr Kaufman, appended hereto as Annex II, whereby he requests a Status Conference pursuant to the Judgment.

III. Applicable Law

6. This submission is made on the basis of article 43 of the Rome Statute and rule 13(1) of the Rules of Procedure and Evidence.

IV. Submission

7. In the Judgment, the Appeals Chamber, by Majority, stated that:

[...] the Pre- Trial Chamber is directed to issue a new decision on the matter based upon all available information, setting out precise and detailed reasons as to whether there is an impediment to representation or a conflict of interest within the meaning of articles 12 and 16 of the Code to Mr Kaufman's representation of Mr Mokom that cannot be remedied.

VII. APPROPRIATE RELIEF

In an appeal pursuant to article 82(1)(d) of the Statute, the Appeals Chamber may confirm, reverse or amend the decision or order appealed. In the present case, it is appropriate to reverse the Impugned Decision and remand the issue to the Pre-Trial Chamber to provide further reasons for its decision as directed in this judgment. [...]³

8. The Registry notes that the Chamber has, to date, not issued the decision as directed by the Appeals Chamber in the Judgement. Pending this decision, the Registry hereby transmits the documents as received by Mr Kaufman as annexes to the present filing.

³ ICC-01/14-01/22-70-Red, pp. 23-24.

9. The Registry notes that Annex I refers in part to internal communications between Mr Kaufman and the Registry. The Registry stands ready to provide the full record of said correspondence should the Chamber so wish.

p.p.



Marc Dubuisson, Director of the Division of Judicial Services

on behalf of

Peter Lewis, Registrar

Dated this 21 July 2022

At The Hague, The Netherlands