

Public redacted version of

ANNEX II

**Confidential, *ex parte* only available to the Registry and the
Defence**

From: [REDACTED]
Sent: Wednesday, November 1, 2023 11:21 AM
To: [REDACTED]; Office of the Director DJSS
<[REDACTED]>
Cc: D34 Mokom Defence Team [REDACTED]
Subject: RE: Re : Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED],

Thank you very much for letting us know that DEO has transmitted our request to the Host State and for confirming that DEO will get back to DJSS in due course, this is very helpful.

Kind regards,

[REDACTED]

De : [REDACTED]
Envoyé : mercredi 1 novembre 2023 10:57
À : [REDACTED] Office of the Director DJSS [REDACTED]
[REDACTED]
Cc : D34 Mokom Defence Team [REDACTED]
Objet : RE: Re : Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED],

Our colleagues in the Division of External Operations have informed us that yesterday, 31 October 2023, they transmitted your email below of the same date at 12:17, to the host State for consideration. DEO has further informed us that and that they will inform us if, and when, they receive any feedback on the matter.

We will then reach out to you accordingly.

In the meantime, I have kindly removed [REDACTED] from these exchanges, as she was Office in Charge in the absence of Marc Dubuisson, who has since returned to the Court.

With my best,

[REDACTED]

From: [REDACTED]
Sent: 31 October 2023 13:04
To: [REDACTED] Office of the Director DJSS [REDACTED]
[REDACTED]
Cc: [REDACTED]; D34 Mokom Defence Team

[REDACTED]
Subject: RE: Re : Mr. Mokom - [REDACTED]

Dear [REDACTED],

On behalf of Marc Dubuisson, thank you kindly for your email which we will transmit forthwith to our colleagues in the Office of the Director, Division of External Operations for their follow up.

We will reach out to you once we have feedback on the matter.

With my best,

[REDACTED]
From: [REDACTED]

Sent: 31 October 2023 12:17

To: [REDACTED] Office of the Director DJSS
[REDACTED]

Cc: [REDACTED] D34 Mokom Defence Team
[REDACTED]

Subject: RE: Re : Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED]

The Mokom Defence acknowledges receipt of the response provided by the Dutch authorities. We would ask that the Registry inform the Dutch authorities that the Defence reiterates its request that Mr. Mokom be authorised to [REDACTED]
[REDACTED]
[REDACTED]

Particularly given that no legal basis has been offered for this restriction on Mr Mokom's movement.

Importantly, the Mokom Defence also recalls the conditions imposed on Mr. Mokom during his stay in The Netherlands under the premises of the Court. Mr. Mokom was released from the Detention Center on 17 October 2023. Since that date, he has been subject to conditions which vastly reduce his freedom of movement and which are tantamount to constructive detention. In its Decision ordering Mr. Mokom's release, the Pre-Trial Chamber did not set any conditions to be imposed on Mr. Mokom along these lines.

The length of Mr Mokom's 19-month detention as a suspect, prior to the confirmation of charges, and his current conditions of stay in The Netherlands are, understandably, impacting [REDACTED]. [REDACTED]

[REDACTED] he should be allowed to enjoy unrestricted freedom of movement in The Netherlands. There is no legal basis for Mr Mokom's ongoing constructive detention. In this context, the Defence asks the Registry to urge the Dutch authorities to authorise his freedom of movement within The Netherlands, pending a State approval to receive him on its territory. If the Registry is

unwilling to do so, we would be grateful to be informed of the legal basis of these restrictions, in order for the Defence to be able to litigate the issue [REDACTED].

Kind regards,

[REDACTED]
[REDACTED]

Defence team of Maxime Mokom

De : [REDACTED]

Envoyé : lundi 30 octobre 2023 17:55

À : [REDACTED]; Office of the Director DJSS [REDACTED]
[REDACTED]

Cc : [REDACTED]; D34 Mokom Defence Team
[REDACTED]

Objet : RE: Re : Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED]

The Registry has received the following response from the host State, at the end of the day today:

“ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] ”.

I kindly copy [REDACTED] Officer in Charge in Mr Dubuisson’s absence.

With my best,

[REDACTED]

From: [REDACTED]

Sent: 30 October 2023 09:04

To: [REDACTED]; Office of the Director DJSS
[REDACTED]

Cc: D34 Mokom Defence Team [REDACTED]

Subject: Re : Mr. Mokom - [REDACTED]

Dear [REDACTED]

Thank you very much for informing us about the state of discussions between the Registry and the Dutch authorities and for letting us know that the Registry will update us once it receives further feedback from the Dutch authorities.

Kind regards,

[REDACTED]

De : [REDACTED]
Envoyé : lundi 30 octobre 2023 08:02
À : [REDACTED] Office of the Director DJSS <[REDACTED]>
[REDACTED]
Cc : D34 Mokom Defence Team [REDACTED]
Objet : RE: Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED]

On behalf of the Registry, kindly note that we received the following reply from the host State on Friday:

- [REDACTED]
[REDACTED]
- [REDACTED]

We will reach out to you further with any other development in this regard.

With my best,

[REDACTED]

From: [REDACTED]
Sent: 27 October 2023 16:37
To: [REDACTED]; Office of the Director DJSS
<[REDACTED]>
Cc: D34 Mokom Defence Team <[REDACTED]>
Subject: RE: Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED]

Thank you very much for having forwarded the information provided by the Defence to the Office of the Director, Division of External Operations and for letting us know that DJSS will follow up with the Defence in due course.

Kind regards,

[REDACTED]

De : [REDACTED]

Envoyé : vendredi 27 octobre 2023 16:19

À : [REDACTED] Office of the Director DJSS <[REDACTED]>

[REDACTED]

Cc : D34 Mokom Defence Team [REDACTED]

Objet : RE: Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED],

On behalf of Marc Dubuisson, thank you kindly.

We have provided the information below to our colleagues in Office of the Director, Division of External Operations for its follow up.

We will reach out to you once we have feedback on the matter.

With my best,

[REDACTED]

From: [REDACTED]

Sent: 27 October 2023 14:26

To: [REDACTED] Office of the Director DJSS

<[REDACTED]>

Cc: D34 Mokom Defence Team <[REDACTED]>

Subject: RE: Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED]

Thank you very much for your prompt reply. Please find below the answers to your queries. Please don't hesitate to contact me if any further information is needed. We would be grateful if you could let us know as soon as possible about further developments on the matter.

Kind regards,

Julien

- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

De : [REDACTED]
Envoyé : vendredi 27 octobre 2023 12:31
À : [REDACTED]; Office of the Director DJSS <[REDACTED]>
Cc : D34 Mokom Defence Team [REDACTED]
Objet : RE: Mr. Mokom - [REDACTED]

[ICC] RESTRICTED

Dear [REDACTED]

On behalf of Marc Dubuisson, thank you kindly for your email.

Could the Defence kindly provide the following information, which will be shared with the Office of the Director, Division of Judicial Services, further to your email below:

- T [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

In thanking you in advance, and in wishing you my best,

[REDACTED]
Office of the Director, Division of Judicial Services

From: [REDACTED]
Sent: 27 October 2023 12:06
To: Office of the Director DJSS <[REDACTED]>
Cc: D34 Mokom Defence Team <[REDACTED]>
Subject: Mr. Mokom - [REDACTED]

Dear Office of the Director DJSS,

Pending the formal authorisation to be provided by the Dutch authorities in relation to Mr. Mokom's conditions of stay on Dutch territory, I'm contacting DJSS to inquire whether your Office could request from the Dutch authorities [REDACTED]

[REDACTED]

[REDACTED]

We would also be grateful to receive information from DJSS about the finalization of discussions between the Registry and the Dutch authorities in relation to Mr. Mokom's conditions of stay in the Netherlands.

Thank you very much for your assistance.

Kind regards,

[REDACTED]

Defence team of Maxime Mokom

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