

Public redacted version of

ANNEX V

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

From: Dubuisson, Marc [REDACTED]
Sent: Wednesday, November 22, 2023 9:02 AM
To: [REDACTED]; Office of the Director DJSS [REDACTED]
Cc: D34 Mokom Defence Team [REDACTED]
Subject: RE: Correspondence

[ICC] CONFIDENTIAL

Cher [REDACTED]

Je prends bonne note de votre message et du fait que M. Mokom ne consent pas à accepter les « dispositions pratiques » telles qu'indiquées par la Chambre. Que ce consentement serait conditionné à une position des autorités néerlandaises quant à ces mêmes dispositions pratiques ; dont note.

Notre Procès-verbal est donc clôturé et reflétera expressément votre position. Le Greffe n'a pas été mandaté par la chambre pour servir d'intermédiaire entre les autorités néerlandaises et la Défense, ni pour arbitrer un quelconque conditionnement aux dispositions pratiques.

Concernant ce que vous pouvez avoir recueillis de nos échanges, et notamment que « la présence de M. Mokom serait considérée comme une nuisance significative », je tiens à préciser que ces propos n'ont jamais été prononcés par mes soins, ni même suggérés, qu'il n'engage que vous.

Bien à vous
 Marc Dubuisson



Marc Dubuisson

Director - Directeur
 Division of Judicial Support Services – Direction des services d'appui judiciaire
 International Criminal Court – Cour Pénale Internationale

[REDACTED]
www.icc-cpi.int

De : [REDACTED]
Envoyé : mardi 21 novembre 2023 23:50
À : Dubuisson, Marc [REDACTED] Office of the Director DJSS
 <[REDACTED]>
Cc : D34 Mokom Defence Team [REDACTED]
Objet : Correspondence

[ICC] CONFIDENTIAL

Dear Mr. Dubuisson.

We thank you for your visit earlier today. We acknowledge receipt of the document entitled “*Consentement aux dispositions pratiques*” which appears to emanate from Pre-Trial Chamber II following a determination of “*dispositions pratiques*” concerning the release of Mokom on 17 October 2023, pursuant to the Pre-Trial Chamber’s order in ICC-01/14-01/22-276.

Without getting into the issue of whether these “*dispositions pratiques*” are acceptable or not on their face, we have advised Mr. Mokom not to sign anything before the Dutch authorities have indicated that they agree to facilitate the terms set out in this document.

The reason for this should be clear. Mr. Mokom has lived through a month of uncertainty and significant stress, both in terms of where he will end up and how he will live in the interim. After this month, one thing is crystal clear: any change to his situation will ultimately depend on the consent of the Dutch authorities. We also gather from our exchanges and meetings that the Dutch would be very reluctant to consent to the current regime, and that the presence of Mr. Mokom on their territory is considered a significant nuisance. We understand that you are scheduled to consult with the Dutch authorities to obtain their views, and, we would hope, their consent to the modification of Mr. Mokom's current conditions.

In these circumstances, we fear how the Dutch authorities may react should Mr. Mokom sign a document to which they have not agreed, and the obvious repercussions for him. For this reason, we will wait for confirmation from your office, that the Dutch authorities have accepted the “*dispositions pratiques*” mentioned in the document. We are genuinely concerned that signing the document before this confirmation may backfire on Mr. Mokom, and throw his already very fragile conditions into jeopardy.

We can, of course, confirm that once the Dutch authorities have expressed their agreement with the terms of the document, we will recommend that it be signed by Mr. Mokom.

Kind regards,



Defence team of Maxime Mokom

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