

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date : **14 April 2023**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Tomoko Akane
Judge Sergio Gerardo Ugalde Gordínez

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF
THE PROSECUTOR *v.* MAXIME JEOFFROY ELI MOKOM GAWAKA**

Public document

Public redacted version of “Fifth Report on the Registry’s Consultations with States on the Interim Release of Mr Mokom”, dated 14 April 2023

Source: The Registry

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

The Office of the Prosecutor

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Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. Pursuant to the “Order to Mr Mokom to provide submissions on interim release” (“Order”)¹ issued by Pre-Trial Chamber II (“Chamber”) on 7 November 2022, the Registry submits its fifth report on consultations conducted with the States on the interim release of Mr Maxime Jeoffroy Ali Mokom Gawaka (“Mr Mokom”).

II. Procedural history

2. On 7 November 2022, the Chamber issued the Order, in which it ordered the Registry *inter alia* “to consult with the Netherlands as the Host State, as to its willingness to accept Mr Mokom on its territory for the purposes of interim release and to enforce conditions restricting liberty to be imposed”. In addition, the Registry was instructed to invite the competent authorities of the State(s) concerned to submit their observations within the shortest possible delay and to transmit them to the Chamber with a report describing consultations.²
3. On 14 November 2022, the Duty Counsel for Mr Mokom submitted “Mr Mokom’s Application for Interim Release pursuant to Order ICC-01/14-01/22-105” (“Application”).³ In its Application, the Duty Counsel requested the Chamber to order the interim release of Mr Mokom to one of the proposed [REDACTED] European States Parties, such as [REDACTED]. In its Application, Mr Mokom also provided a number of conditions which may be imposed on him during the interim release.

¹ Pre-Trial Chamber II, « Order to Mr Mokom to provide submissions on interim release”, 7 November 2022, ICC-01/14-01/22-105.

² Order, para. 14.

³ Duty Counsel for Mr Mokom, « Mr Mokom’s Application for Interim Release pursuant to Order ICC-01/14-01/18-105”, dated 14 November 2022, ICC-01/14-01/22-110-Conf, public redacted of which was submitted on 16 November 2022, ICC-01/14-01/22-110-Red.

4. Between 14 December 2022 and 22 February 2023, the Registry submitted four reports,⁴ including an addendum⁵ on the Registry's consultations with States on the interim release of Mr Mokom.
5. On 6 March 2023, the [REDACTED] requested a further extension of the time limit to submit their response by no later than 13 April 2023.⁶
6. On 8 March 2023, the Chamber issued the "Decision on interim release",⁷ in which it rejected the Application, noting that its decision "is without prejudice to any future determination that may be made under article 60(3) of the Statute, in particular if a State identified in the Application that has not responded hitherto nonetheless indicates its willingness to receive Mr Mokom for the purpose of interim release". In the same decision the Chamber further instructed the Registry to inform the [REDACTED] that their response may be provided by no later than 13 April 2023.

⁴ Registry, "Report on the Registry's consultations with States on the Interim Release of Mr Mokom and Request for Guidance", 14 December 2022, ICC-01/14-01/22-120-Conf-Exp. A confidential redacted version of the Report was filed on 20 December 2022, ICC-01/14-01/22-120-Conf-Red. Public redacted version was filed on 15 February 2023, ICC-01/14-01/22-120-Red.

Registry, "Second Report on the Registry's Consultations with States on the Interim Release of Mr Mokom", 1 February 2023, ICC-01/14-01/22-146-Conf. A public redacted version of the Second Report was filed on 15 February 2023, ICC-01/14-01/22-146-Red.

Registry, "Third Report on the Registry's Consultations with States on the Interim Release of Mr Mokom", 13 February 2023, ICC-01/14-01/22-159-Conf. A public redacted version of the Third Report was filed on 15 February 2023, ICC-01/14-01/22-159-Red.

Registry, "Fourth Report on the Registry's Consultations with States on the Interim Release of Mr Mokom", 22 February 2023, ICC-01/14-01/22-165-Conf. A public redacted version of the Fourth Report was filed on the same day, ICC-01/14-01/22-165-Red.

⁵ Registry, "ADDENDUM to the 'Report on the Registry's consultations with States on the Interim Release of Mr Mokom and Request for Guidance'", 23 December 2022, ICC-01/14-01/22-127-Conf-Exp. A public redacted version of the Addendum was filed on 15 February 2023, ICC-01/14-01/22-127-Red

⁶ Email from the Registry to the Chamber, 7 March 2023, at 12:33.

⁷ Pre-Trial Chamber II, "Decision on interim release", 8 March 2023, ICC-01/14-01/22-173-Conf. Public redacted version was registered on the same day, ICC-01/14-01/22-173-Red.

III. Classification

7. Pursuant to regulation 23 *bis*(1) and (2) of the Regulations of the Court (“RoC”), the present submission and its annex are classified as confidential, as they refer to certain information contained in confidential documents, such as the name of States which Mr Mokom proposed to be released to. A public redacted version of this submission and its annex is filed simultaneously.

IV. Applicable law

8. The following provisions are of particular relevance to the present submission: article 60(2) of the Rome Statute, rule 119 of the Rules of Procedure and Evidence and regulation 51 of the RoC.

V. Submissions

9. On 13 April 2023, the [REDACTED] provided their response by email in which they indicated that “after careful consideration the [REDACTED] has decided not to accept Mr. Mokom’s request of residing on [REDACTED] territory during his interim release”.⁸
10. Considering that after its last report submitted on 22 February 2023, the Registry also received a negative response by email from the [REDACTED], the Registry takes this opportunity to inform the Chamber.



Marc Dubuisson
Director of the Division of Judicial Services
on behalf of Peter Lewis, Registrar

Dated this 14 April 2023

At The Hague, the Netherlands

⁸ Annex I.