

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 28 June 2023

PRE-TRIAL CHAMBER II

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
THE PROSECUTOR *v.* MAXIME JEOFFROY ELI MOKOM GAWAKA**

Public

With 104 Confidential *EX PARTE* Annexes only available to the Registry

**Second Registry Transmission of Group B Applications for Victim Participation
in Pre-Trial Proceedings**

Source: Registry

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

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I. Introduction

1. On 27 June 2022, Pre-Trial Chamber II (“Chamber”) issued its “Order on the conduct of the confirmation of charges proceedings” (“27 June 2022 Order”)¹ in the case of *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka* (“Case”), in which it *inter alia* adopted the “A-B-C” victim application procedure² and endorsed the guidance on the legal assessment of victim applications adopted by the Pre-Trial Chamber in the case of *The Prosecutor v. Yekatom and Ngaïssona* (“*Yekatom and Ngaïssona* Case”).³ Specifically, in its 27 June 2022 Order, the Chamber instructed the Registry to:
 - a. Classify the applicants into three categories: (a) applicants who clearly qualify as victims (“Group A”); (b) applicants who clearly do not qualify as victims (“Group B”); and (c) applicants for whom the Registry could not make a clear determination for any reason (“Group C”);⁴
 - b. Transmit 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;⁵ and
 - c. Transmit the Group C applications only “to the parties for observations pursuant Rule 89(1) of the Rules,⁶ and legal representative as appropriate, with the necessary redactions to expunge the persons’ identifying information.”⁷

¹ Pre-Trial Chamber II, “Order on the conduct of the confirmation of charges proceedings”, 27 June 2022, (“27 June 2022 Order”), ICC-01/14-01/22-62.

² *Id.*, para. 40.

³ *Id.*, para. 44.

⁴ *Id.*, para. 40 (iv).

⁵ *Id.*, para. 40 (v).

⁶ Rules of Procedure and Evidence (“Rules”).

⁷ *Id.*, para. 40 (vi).

2. With the present filing, the Victims Participation and Reparation Section transmits to the Chamber 104 complete applications assessed as falling under Group B.

II. Procedural History

3. On 22 March 2022, the Warrant of Arrest against Mr Mokom was made public.⁸ On the same date, Mr Mokom made his first appearance before the Chamber.⁹ At that occasion, the Chamber scheduled the opening of the confirmation of charges hearing provisionally for 31 January 2023.¹⁰
4. On 27 June 2022, the Chamber issued its Order, setting out *inter alia* the admission procedure for victims' participation in the Case¹¹ and endorsing the guidance on the legal assessment of victim applications adopted by the Pre-Trial Chamber in the *Yekatom and Ngaïssona* Case.¹²
5. Between 14 September 2022 and 20 January 2023, the Registry transmitted 423 applications categorised in Group A,¹³ together with reports thereon.¹⁴
6. On 9 March 2023, the Office of the Prosecutor notified the document containing the charges against Mr Mokom ("DCC").¹⁵ In light of the new scope of the Case defined in this document ("New Scope of the Case"), the Registry reassessed

⁸ Pre-Trial Chamber II, "Public Redacted Version of 'Warrant of Arrest for Maxime Jeoffroy Eli Mokom Gawaka' (ICC-01/14-01/22-2-US-Exp)", dated 10 December 2018 and registered on 22 March 2022, ICC-01/14-01/22-2-Red2.

⁹ See Pre-Trial Chamber II, "Order convening a hearing for the first appearance of Mr Mokom", 16 March 2022, ICC-01/14-01/22-21.

¹⁰ ICC-01/14-01/22-T-001-Red-ENG WT 22-03-2022, p.11, lines 20-22.

¹¹ 27 June 2022 Order, paras. 40-41.

¹² *Id.*, para. 44.

¹³ Last Registry transmission: "Fifth Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings", 20 January 2023, ICC-01/14-01/22-134.

¹⁴ Last Registry report: "Fifth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings", 20 January 2023, ICC-01/14-01/22-133.

¹⁵ Office of the Prosecutor, "Prosecution's Submission of the Document Containing the Charges", 9 March 2023, ICC-01/14-01/22-174.

the 423 applications previously transmitted to verify if they were still falling within the New Scope of the Case (“Reassessment”).

7. On 26 May 2023, as a result of the Reassessment, the Registry confirmed 170 previously transmitted applications as falling within the New Scope of the Case and thus did not re-transmit them.¹⁶ Also as a result of the Reassessment, it transmitted 101 applications categorised in Group A,¹⁷ and 58 applications categorised in Group B¹⁸ together with a report thereon.¹⁹

III. Classification

8. The annexes to the present submission are classified as confidential *ex parte* only available to the Registry, in accordance with the 27 June 2022 Order.²⁰

IV. Applicable Law

9. The present transmission is submitted in accordance with article 68(1) and (3) of the Rome Statute, rules 85 to 89 and 92 of the Rules, regulation 86 of the Regulations of the Court, and regulations 107 to 109 of the Regulations of the Registry.

¹⁶ These 170 Applications are listed in confidential Annex 2 to the “Sixth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings”, dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-209.

¹⁷ Registry, “Sixth Registry Transmission of Group A Applications for Victim Participation in Pre-Trial Proceedings”, dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-207.

¹⁸ Registry, “First Registry Transmission of Group B Applications for Victim Participation in Pre-Trial Proceedings”, dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-208.

¹⁹ Registry, “Sixth Registry Assessment Report on Victim Applications for Participation in Pre-Trial Proceedings”, dated 25 May 2023 and registered on 26 May 2023, ICC-01/14-01/22-209.

²⁰ 27 June 2022 Order, paras. 40 (v) and (vi).

V. Transmission

10. The Registry hereby transmits to the Chamber 104 complete applications assessed as falling under Group B.



p.p. Marc Dubuisson, Director, Division of Judicial Services

On behalf of Osvaldo Zavala Giler, Registrar

Dated this 28 June 2023

At The Hague, The Netherlands