



**Original: English**

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

**Date: 29 November 2023**

**PRE-TRIAL CHAMBER II**

**Before:**

**Judge Rosario Salvatore Aitala, Presiding**

**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**

Decision regarding the '*Observations écrites des victimes sur le retrait des charges portées contre Maxime Jeoffroy Eli Mokom Gawaka*'

**Decision 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  
Ms Leonie von Braun

**Counsel for Mr Mokom**

Mr Philippe Larochelle

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**The Office of Public Counsel for Victims**

**The Office of Public Counsel  
for the Defence**

**States Representatives**

*Amicus Curiae*

**REGISTRY**

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**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

Mr Abdou Dangabo Moussa  
Ms Marie-Edith Douzima Lawson  
Mr Yaré Fall  
Ms Elisabeth Rabesandratana

**PRE-TRIAL CHAMBER II** of the International Criminal Court issues this ‘Decision regarding the “*Observations écrites des victimes sur le retrait des charges portées contre Maxime Jeoffroy Eli Mokom Gawaka*”’.

1. On 17 October 2023, following the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’ (‘Mr Mokom’),<sup>1</sup> the Chamber terminated the proceedings against Mr Mokom (the ‘17 October 2023 Order’).<sup>2</sup>

2. On 1 November 2023, the Legal Representatives for Victims (the ‘LRVs’) filed the ‘*Observations écrites des victimes sur le retrait des charges portées contre Maxime Jeoffroy Eli Mokom Gawaka*’, thereby asserting that: (i) the Prosecution failed to comply with its obligation to inform the victims; (ii) the Prosecution’s decision to withdraw the charges is not justified; (iii) the decision to withdraw the charges has severe consequences for the victims; (iv) the harm suffered by the victims justifies the intervention of the Trust Fund for Victims through its assistance mandate; and (v) the Registry should grant the LRVs a transitional period to allow them to properly inform the victims already admitted in the proceedings (the ‘LRVs Observations’).<sup>3</sup>

3. On 27 November 2023, following an order from the Chamber,<sup>4</sup> the Registry explained that, upon the LRVs’ request, it had extended the remuneration for the LRVs’ activities pertaining to the present case for a certain period (the ‘Registry Report’).<sup>5</sup>

4. At the outset, the Chamber recalls that, pursuant to the 17 October 2023 Order, the proceedings against Mr Mokom have been terminated. The termination of the proceedings *ipso facto* brought an end to the LRVs’ mandate in the present proceedings.

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<sup>1</sup> 16 October 2023, ICC-01/14-01/22-275-Conf, confidential (reclassified as public pursuant to the Chamber’s order dated 19 October 2023).

<sup>2</sup> Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’ ICC-01/14-01/22-276-Conf, confidential (reclassified as public pursuant to the Chamber’s order dated 19 October 2023).

<sup>3</sup> ICC-01/14-01/22-283.

<sup>4</sup> Email from the Chamber to the Registry, 23 November 2023, at 16:58.

<sup>5</sup> Registry’s submissions pursuant to Pre-Trial Chamber II order dated 23 November 2023, ICC-01/14-01/22-300-Conf-Exp, confidential and *ex parte*, only available to the Registry, with Annexes I-III, confidential and *ex parte*, only available to the Registry.

Therefore, the Chamber finds that the LRVs lack standing to submit the LRVs Observations and, accordingly, dismisses *in limine* the LRVs Observations.

5. As to the LRVs' remuneration, the Chamber observes that the LRVs do not request any specific relief from the Chamber. The Chamber nonetheless takes note of the Registry Report and acknowledges the appropriateness of the extension of the LRVs' remuneration for the sole purpose of allowing the LRVs to inform the victims having participated in the present proceedings of the 17 October 2023 Order. The Chamber does not consider it necessary to address this matter any further.

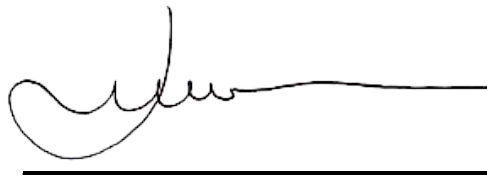
**FOR THESE REASONS, THE CHAMBER HEREBY**

**FINDS** that the LRVs lack standing to submit the LRVs Observations and **DISMISSES** *in limine* the LRVs Observations;

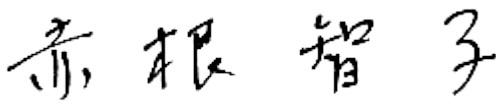
**NOTES** the extension of the LRVs' remuneration for the sole purpose of informing the victims having participated in the present proceedings of the 17 October 2023 Order; and

**ORDERS** the Registry to either request that the Registry Report (ICC-01/14-01/22-300-Conf-Exp) be reclassified as confidential or to submit a confidential redacted version of the Registry Report by no later than 5 December 2023, as well as to submit a public redacted version in due course.

Done in English. A French translation will follow. The English version remains authoritative.



**Judge Rosario Salvatore Aitala**  
**Presiding**



**Judge Tomoko Akane**



**Judge Sergio Gerardo**  
**Ugalde Godínez**

Dated this Wednesday, 29 November 2023.

At The Hague, The Netherlands.