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**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/14-01/22**
Date: **09/02/2024**

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Marc Perrin de Brichambaut
Judge Gocha Lordkipanidze

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

THE PROSECUTOR V. MAXIME JEOFFROY ELI MOKOM GAWAKA

Confidential

Defence Submissions Further to “Appeal against “Decision pursuant to Rule 185 of the Rules of Procedure and Evidence”, ICC-01/14-01/22-309-Conf-Exp”, ICC-01/14-01/22-318-Conf-Exp

Source: Philippe Larochelle, Counsel for Mr. Mokom

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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Legal Representatives of the Victims**Legal Representatives of the Applicant****Unrepresented Victims****Unrepresented
(Participation/Reparation)****Applicants****The Office of Public Counsel for Victims****The Office of Public Counsel for the
Defence****States Representatives****Amicus Curiae****REGISTRY****Registrar**

Ozvaldo Zavala Giler

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations
Section****Other
Representatives of the Host State**

1. Mr Mokom's notice of appeal against the Pre-Trial Chamber's decision on jurisdiction was filed on 24 January 2024, requesting suspensive effect in accordance with Rule 156(5) of the Rules.¹ The appeal was then validly filed on 7 February 2024.²
2. According to Article 82(3) of the ICC Statute, "an appeal shall not of itself have suspensive effect unless the Appeals Chamber so orders". In the absence of such an order, the jurisdiction of the Court expired on 7 February 2024.³ The Appeals Chamber's *Decision on the request for suspensive effect and order concerning submissions on admissibility* ('Decision'), was dated 8 February 2024, and circulated at 5.44pm on 8 February 2024, after Mr Mokom had been expelled from his only accommodation, and his legal representation had been terminated by the Court.
3. Should the Appeals Chamber consider that the jurisdiction of the Court nevertheless continues, the Defence withdraws the appeal.⁴
4. The Appeals Chamber is requested to urgently issue a public redacted version of the Decision.

Respectfully submitted,



Philippe Larochelle,
Counsel for Maxime Mokom

The Hague, The Netherlands
Friday, February 09, 2024

¹ Notice of Appeal against "Decision pursuant to Rule 185 of the Rules of Procedure and Evidence", ICC-01/14-01/22-309-Conf-Exp and Request for Suspensive Effect, [ICC-01/14-01/22-312-Conf-Exp](#) ("Notice of Appeal"). A public redacted version was filed on 26 January 2024.

² Appeal against "Decision pursuant to Rule 185 of the Rules of Procedure and Evidence", ICC-01/14-01/22-309-Conf-Exp, [ICC-01/14-01/22-318-Conf-Exp](#). A public redacted version was filed on 8 February 2024.

³ Decision pursuant to Rule 185 of the Rules of Procedure and Evidence, [ICC-01/14-01/22-309-Red](#), paras.17-18, p.12.

⁴ [Notice of Appeal](#), para.36: "Should the residual jurisdiction of the PreTrial Chamber be found to end before arrangements are in place for Mr Mokom's transfer, he will lose any ability to seek or receive assistance in this regard from the Court, will be erroneously characterised as being under the exclusive jurisdiction of the Host State authorities, who may place him in immigration detention, expel him from the territory, or take other steps which will make it immeasurably harder for him to be ultimately transferred to a safe third State."