

Situation in Central African Republic II

Updated: August 2023

The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka

ICC-01/14-01/22

Suspected of war crimes and crimes against humanity allegedly in various locations in the Central African Republic (CAR) from at least 5 December 2013 through at least the end of April 2014. Surrendered to the International Criminal Court (ICC) on 14 March 2022. The confirmation of charges hearing took place on 22-24 August 2023.



Maxime Jeoffroy Eli Mokom Gawaka

Date of birth: 30 December 1978

Place of birth: Bangui, CAR

Nationality: national of the Central African Republic

Function: National Coordinator of Operations of the Anti-Balaka

Arrest warrant: issued under seal on 10 December 2018

Surrender to ICC Custody: 14 March 2022

Initial appearance: 22 March 2022

Confirmation of charges hearing: 22-24 August 2023

Charges

Directing attacks against the civilian population (as a war crime) murder (as a war crime and a crime against humanity), rape (as a war crime and crime against humanity), directing attacks against buildings dedicated to religion (as a war crime), destruction of property (as a war crime), pillage (as a war crime), deportation and forcible transfer (as a war crime and a crime against humanity), severe deprivation of personal liberty (as a crime against humanity) and persecution (as a crime against humanity).

Key judicial developments

OPENING OF THE INVESTIGATION

On 30 May 2014, the Government of the CAR referred the situation in the CAR since 1 August 2012 to the Court. The situation reportedly involved alleged crimes committed by both the Seleka and the Anti-Balaka. On 24 September 2014, the ICC Prosecutor opened an investigation in relation to this situation.

WARRANT OF ARREST

The warrant of arrest against Mr Mokom was issued under seal on 10 December 2018.

SURRENDER

On 14 March 2022, Mr Mokom was surrendered to the International Criminal Court by the authorities of the Republic of Chad. He is currently in ICC custody.

INITIAL APPEARANCE

On 22 March 2022, Maxime Jeoffroy Eli Mokom Gawaka made his first appearance before Pre-Trial Chamber II. During the first appearance, the Chamber verified the identity of the suspect, and ensured that he was clearly informed of the charges he is alleged to have committed and of his rights under the Rome Statute of the ICC in a language he fully understands and speaks.

Confirmation of charges hearing On 22-24 August 2023, the confirmation of charges hearing [was held before Pre-Trial Chamber II](#) in order to determine whether or not there is sufficient evidence to establish substantial grounds to believe that the suspect committed each of the crimes charged. The Prosecution, the Defence and the Legal Representatives of Victims made oral submissions before the judges to present their arguments on the merits. The judges have started their deliberations. The Defence, Prosecutor and the Legal representatives of victims will have until 14 September 2023 to complete their presentations by way of written submissions, to which the Defence and Prosecution can respond by 26 September 2023 at the latest, while the Defence may reply by 2 October 2023. Within 60 days from the receipt of the Defence's reply on 2 October 2023, the judges will issue their decision. The Pre-Trial Chamber may then:

- confirm those charges for which the Chamber has determined that there is sufficient evidence, and commit the suspect to trial before a Trial Chamber;
- decline to confirm those charges for which it has determined that there is insufficient evidence and stop the proceedings against Mr Mokom;
- adjourn the hearing and request the Prosecutor to provide further evidence, to conduct further investigations or to amend any charge for which the evidence submitted appears to establish a crime other than the one charged was committed.

The Defence and the Prosecutor cannot directly appeal this decision. However they can request authorisation from the Pre-Trial Chamber to appeal it.

Composition of Pre-Trial Chamber II

Judge Rosario Salvatore Aitala (Presiding Judge)

Judge Tomoko Akane

Judge Sergio Gerardo Ugalde Godínez

Representation of the Office of the Prosecutor

Karim A. A. Khan KC, Prosecutor

Mame Mandiaye Niang, Deputy Prosecutor

Kweku Vanderpuye, Senior Trial Lawyer

Defence Counsel

Philippe Larochelle

Legal Representatives of the Victims

Abdou Dangabo Moussa

Marie-Edith Douzima-Lawson

Yaré Fall

Elisabeth Rabesandratana