

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **23 April 2024**

THE PRESIDENCY

Before: **Judge Tomoko Akane, President**
 Judge Rosario Salvatore Aitala, First Vice-President
 Judge Reine Alapini-Gansou, Second Vice-President

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF

THE PROSECUTOR V. MAXIME JEOFFROY ELI MOKOM GAWAKA

Public

Decision constituting an Article 85 Chamber and referring the ‘Request for Compensation under Article 85 of the Rome Statute’ dated 17 April 2024 (ICC-01/14-01/22-329-Conf)

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 KC
Mr Mame Mandiaye Niang

Counsel for Mr Maxime Jeffroy Eli

Mokom Gawaka
Mr Philippe Larochelle
Ms Sheila Paylan

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

Mr Osvaldo Zavala Giler

Detention Section**Division of Court Services****Other**

Article 85 Chamber

THE PRESIDENCY of the International Criminal Court (the ‘Court’);

NOTING that on 17 October 2023, Pre-Trial Chamber II issued an order in which it noted the Prosecution’s withdrawal of the charges against Mr Maxime Jeoffroy Eli Mokom Gawaka (‘Mr Mokom’) and terminated the proceedings against him with immediate effect;¹

NOTING that on 17 April 2024, the Presidency received a request for compensation pursuant to article 85 of the Rome Statute (the ‘Statute’), submitted by Mr Mokom (the ‘Request’);²

RECALLING article 85 of the Statute and rules 173-174 of the Rules of Procedure and Evidence (the ‘Rules’), which regulate requests for compensation of arrested or convicted persons and, in particular, rule 173(1) of the Rules which provides that the Presidency shall designate a Chamber composed of three judges to consider such requests and that the judges of such Chamber shall not have participated in any earlier judgment of the Court regarding the person making the request;

CONSIDERING the current and anticipated overall judicial workload of the Court and the necessity to ensure sound management of the same, the workload of all judges and their previous involvement in cases, as well as the experience and expertise of each judge;

NOTING that, in light of the above factors, the Request cannot be appropriately addressed by a pre-existing Chamber of the Court and that a new *ad hoc* Chamber must be constituted for this purpose (the ‘Article 85 Chamber’);

RECALLING that, in composing chambers, the Presidency must balance a number of factors to the extent necessary and possible, and that the guiding principles informing these factors are the applicable statutory framework and the need to ensure the efficient management of the Court’s workload, including in view of the Court’s long-term needs;

¹ Pre-Trial Chamber II, *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, Order in relation to the Prosecution’s ‘Notice of Withdrawal of the Charges against Maxime Jeoffroy Eli Mokom Gawaka’, 17 October 2023, [ICC-01/14-01/22-276](#), para 9, p. 6.

² Defence for Mr Mokom, *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*, Request for Compensation under Article 85 of the Rome Statute, 17 April 2024, ICC-01/14-01/22-329-Conf.

HEREBY DECIDES to constitute the Article 85 Chamber as follows:

Judge Miatta Maria Samba;
Judge Keebong Paek; and
Judge Beti Hohler.

DECIDES to refer the Request to the Article 85 Chamber for consideration, pursuant to rule 173(1) of the Rules, without prejudice to any determination on the admissibility and/or merits of the Request; and

ORDERS the Registrar to transmit the Request to the Article 85 Chamber and notify the present decision to the parties in the case.

Done in both English and French, the English version being authoritative.

赤根智子

Judge Tomoko Akane
President

Dated this 23 April 2024

At The Hague, The Netherlands