

Situation in Central African Republic II

ICC-PIDS-CIS-CARII-03-009/20_Eng

Updated: 17 March 2020

The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona

ICC-01/14-01/18

Suspected of crimes against humanity and war crimes allegedly committed in Central African Republic (CAR) between December 2013 and December 2014. Confirmation of charges hearing took place on 19 – 25 September and 11 October 2019. Charges partially confirmed on 11 December 2019. Assigned to Trial Chamber V. In ICC custody.

Alfred Yekatom



Date of birth: 23 January 1975

Place of birth : Bimbo, Central African Republic

Nationality: Central African Republic

Title: Alleged former commander in the Anti-Balaka movement

Warrant of arrest: Issued on 11 November 2018 | Unsealed on 17 November 2018

Transfer: 17 November 2018

First appearance: 23 November 2018

Confirmation of charges hearing: 19 – 25 September and 11 October 2019

Confirmation decision: 11 December 2019

Situation: In ICC custody

Patrice-Edouard Ngaïssona



Date of birth: 30 June 1967

Place of birth : Begoua, Central African Republic

Nationality : Central African Republic

Title : Alleged former senior leader and the "National General Coordinator" of the Anti-Balaka movement

Warrant of Arrest: Issued on 7 December 2018 | Unsealed on 13 December 2018

Arrest: 12 December 2018

Transfer: 23 January 2019

First appearance: 25 January 2019

Confirmation of charges hearing: 19 – 25 September and 11 October 2019

Confirmation decision: 11 December 2019

Situation: In ICC custody

Charges

On 11 December 2019, Pre-Trial Chamber II issued a unanimous decision partially confirming the charges of war crimes and crimes against humanity brought by the Prosecutor against Alfred Yekatom and Patrice-Edouard Ngaïssona and committed them to trial. The Chamber declined to confirm the remaining charges that were not supported by the evidence presented by the Prosecutor.

Pre-Trial Chamber II found that there are substantial grounds to believe that, between September 2013 and December 2014, an armed conflict not of an international character was ongoing in the territory of the Central African Republic between the Seleka and the Anti-Balaka, both constituting organised armed groups at that time; and that the Anti-Balaka carried out a widespread attack against the Muslim civilian population, perceived – on the basis of their religious or ethnic affiliation – as complicit with, or supportive of the Seleka and therefore collectively responsible for the crimes allegedly committed by them.

With regard to M. Yekatom, the Chamber concluded that there are substantial grounds to believe that he is responsible for: (i) the war crimes of murder, cruel treatment, torture, directing attacks against the civilian population, directing attacks against a building dedicated to religion, conscription, enlistment and use of children under the age of 15 years to participate actively in hostilities, and displacement; and (ii) the crimes against humanity of murder, deportation, forcible transfer of population, imprisonment and other forms of severe deprivation of physical liberty, torture, persecution and other inhumane acts. The alleged crimes were committed in various locations in the CAR (Bangui, including Cattin; Boeing; Yamwara School and the PK9-Mbaïki Axis). The Chamber found that there are substantial grounds to believe that M. Yekatom has committed the above-mentioned crimes jointly with others or through other persons or, in the alternative, has ordered the commission of these crimes.

With regard to M. Ngaïssona, the Chamber concluded that there are substantial grounds to believe that he is responsible for: (i) the war crimes of directing attacks against the civilian population, murder, torture, cruel treatment, rape, directing attacks against buildings dedicated to religion, displacement of the civilian population, destroying the property of an adversary, pillaging; and (ii) the crimes against humanity of murder, deportation, forcible transfer of population, imprisonment and other forms of severe deprivation of physical liberty, torture, rape, persecution and other inhumane acts. The alleged crimes were committed in various locations in the CAR (Bangui, including Cattin; Boeing; Yamwara School; Bossangoa and the PK9-Mbaïki Axis). The Chamber found that there are substantial grounds to believe that M. Ngaïssona aided, abetted or otherwise assisted in the

commission of the above-mentioned crimes or, in the alternative, has contributed in any other way to their commission by a group of persons acting with a common purpose.

The Chamber declined to confirm the remaining charges that were not supported by the evidence presented by the Prosecutor. The decision on the confirmation of the charges only serves to determine whether the Prosecutor's case should proceed to trial. It does not establish the guilt of the two accused persons who are presumed innocent until proved guilty beyond reasonable doubt before the Court.

Key judicial developments

REFERRAL AND OPENING OF THE INVESTIGATION

On 30 May 2014, the Prosecutor received a referral from the Central African authorities regarding crimes allegedly committed in CAR since 1 August 2012. On 24 September 2014, the Prosecutor opened a second investigation in CAR regarding crimes allegedly committed since 2012.

WARRANTS OF ARREST

On 30 October 2018, the Prosecutor submitted under seal the application for the issuance of a warrant of arrest for Mr Yekatom. The [warrant of arrest](#) for Mr Yekatom was issued under seal by Pre-Trial Chamber II on 11 November 2018 and unsealed on 17 November 2018.

On 30 October 2018, the Prosecutor submitted under seal the application for the issuance of a [warrant of arrest](#) for Mr Ngaïssona. The warrant of arrest was issued under seal by Pre-Trial Chamber II on 7 December 2018 and unsealed on 13 December 2018.

ARRESTS AND TRANSFERS

On 17 November 2018, Mr Yekatom was surrendered to the ICC by the Central African authorities and transferred to the ICC detention centre.

On 12 December 2018, Mr Ngaïssona was arrested in France by the French authorities. On 23 January 2019, he was transferred to the ICC in The Hague, Netherlands, following the completion of necessary national proceedings.

INITIAL APPEARANCES

The initial appearance of Mr Yekatom before Pre-Trial Chamber II took place on 23 November 2018. The initial appearance of Mr Ngaïssona before Pre-Trial Chamber II took place on 25 January 2019.

The Chamber verified the identity of the suspects, and ensured that they were clearly informed of the crimes they are alleged to have committed and of their rights under the Rome Statute of the ICC in a language they fully understand and speak.

JOINDER OF THE CASES

On 20 February 2019, Pre-Trial Chamber II joined the cases of Mr Yekatom and Mr Ngaïssona. For the Chamber, joint proceedings will serve to enhance the fairness and expeditiousness of the proceedings by avoiding the duplication of evidence, inconsistency in the presentation and assessment of evidence, undue impact on witnesses and victims, and unnecessary expense. In joint cases, each suspect shall be accorded the same rights as if such suspect were being tried separately.

CONFIRMATION OF CHARGES

The confirmation of charges hearing took place on 19 – 25 September 2019 with closing statements on 11 October 2019.

On 11 December 2019, Pre-Trial Chamber II partially confirmed the charges of war crimes and crimes against humanity brought by the Prosecutor against Alfred Yekatom and Patrice-Edouard Ngaïssona and committed them to trial. The Chamber declined to confirm the remaining charges that were not supported by the evidence presented by the Prosecutor. The redacted version of this decision was [published](#) on 20 December 2019.

On 11 March 2020, Pre-Trial Chamber II [rejected](#) the [Prosecution's Request for Reconsideration of, or alternatively Leave to Appeal, the "Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona"](#), thereby concluding the proceedings in the case before that Chamber, and ordering the Registrar to transmit the Decision Confirming the Charges and the record of the proceedings to the ICC Presidency. This was done on 13 March 2020.

TRIAL

On 16 March 2020, the ICC Presidency [constituted Trial Chamber V](#) to be in charge of this case and is composed of [Judge Bertram Schmitt](#), [Judge Péter Kovács](#) and [Judge Chang-ho Chung](#). Trial Chamber V will be in charge of the conduct of the trial in this case. The Chamber will hold status conferences, confer with the parties and participants in order to set the date of the trial and adopt the procedures necessary to facilitate the fair and expeditious conduct of the proceedings.

VICTIMS PARTICIPATION

The judges have given 1085 victims permission to participate in the hearing. They will not be in the courtroom but will be represented by their legal representatives.

Composition of Pre-Trial Chamber II

Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala

Representation of the Office of the Prosecutor

Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Defence Counsel for Mr Yekatom

Mylène Dimitri

Defence Counsel for Mr Ngaïssona

Geert-Jan Alexander Knoops

Legal Representatives of the Victims

Dmytro Suprun
Abdou Dangabo Moussa
Elisabeth Rabesandratana
Yaré Fall
Marie-Edith Douzima-Lawson
Paolina Massidda