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PRE-TRIAL CHAMBER II

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

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF THE PROSECUTOR V. PATRICE-EDOUARD
NGAISSONA AND ALFRED YEKATOM**

Public Annex B1

**Public redacted version of “Document Containing the Charges”,
ICC-01-14/01-18-282-Conf-AnxB1, 19 August 2019**

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) submits this Document Containing the Charges (“DCC”) pursuant to article 61(3) of the Rome Statute (“Statute”), and rule 121(3) of the Rules of Procedure and Evidence (“Rules”).

2. The DCC references supporting evidence demonstrating substantial grounds to believe that Patrice-Edouard **NGAISSONA** (“**NGAISSONA**”) and Alfred **YEKATOM** (“**YEKATOM**”) (together “the Suspects”) committed the alleged crimes. They did so as members of two common plans – a broad one and a subsidiary one, respectively under article 25(3)(a). Although different in their context and ultimate goals, they were identical in the criminal means that they employed (the “Charged Crimes”). As shown in the figure below, members of the broad common plan sought to exploit and enhance the crimes committed by members of the subsidiary common plan, as well as other persons and groups like them.

[REDACTED]

3. Thus, from at least June 2013 **NGAISSONA**, François BOZIZE (“BOZIZE”), Maxime MOKOM (“MOKOM”), [REDACTED], and others participated in a broad common plan (“*Strategic Common Plan*”). Their objective was to claim and/or reclaim political power in the Central African Republic (“CAR”) by using criminal means, in particular, instrumentalising pre-existing ‘self-defence groups’ and others, later collectively known as the Anti-Balaka. The members of the *Strategic Common Plan* intended the Charged Crimes. They knew that mobilising and using Anti-Balaka groups fuelled by vengeance and hatred of Muslims because of atrocities committed by the Seleka – a mainly Muslim politico-military coalition – enhancing their capabilities, coordinating them, promoting their collective action, and transforming them into a formidable fighting force able to effectively oppose the Seleka, would, in the ordinary course of events, result in the violent targeting of the Muslim civilian population in western CAR and the commission of the Charged Crimes.

4. Specifically, from September 2013 through December 2014 (“Relevant Period”), members of the *Strategic Common Plan*, including **NGAISSONA**, instrumentalised

Anti-Balaka groups and their leaders in and around BANGUI and various western Prefectures including OUHAM, OMBELLA M'POKO, OUHAM PENDE, MAMBERE-KADEI, and LOBAYE, knowing that the Muslim civilian population there would be violently targeted as a result. By September 2013, Anti-Balaka groups were mounting sustained attacks in western CAR. In December 2013, they finally attacked BANGUI. From there, they continued in the commission of the Charged Crimes through to at least December 2014. One such group was led by **YEKATOM**, a military commander with effective command and/or authority, and control over a group of thousands of elements ("YEKATOM's Group"), operating in and around BANGUI, BIMBO, and in the LOBAYE Prefecture.

5. **NGAISSONA** made an essential contribution to the crimes committed by the Anti-Balaka through contributing to the development and implementation of the *Strategic Common Plan* itself and by his involvement with the various component sub-groups of the Anti-Balaka, directly, or through the Anti-Balaka leadership. This included directing and coordinating their activities, providing resources, enhancing their capabilities, and encouraging their commission of crimes.

6. **YEKATOM** led his group in and around BANGUI, BIMBO, and in the LOBAYE Prefecture. By June 2013, **YEKATOM** was gathering elements in KALANGOI, Democratic Republic of the Congo ("DRC"), where he organised them to prepare for the seminal Anti-Balaka attack on BANGUI and BOEING on 5 December 2013. **YEKATOM** and members of his group thereby participated in a subsidiary common plan to violently target the Muslim population there and in areas in southwestern CAR, who, based on their religious, national, or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka ("*Operational Common Plan*"). In so doing, they intended to commit the Charged Crimes which occurred as a consequence of their own conduct. **YEKATOM** made essential contributions to his *Operational Common Plan*, including through ordering his elements to commit many of the Charged Crimes, as well as leading, training, and equipping them.

7. Thus, the crimes committed by **YEKATOM** through his *Operational Common Plan* are imputable to members of the *Strategic Common Plan*, as are those committed

by members of other Anti-Balaka sub-groups. By contrast, **YEKATOM** is responsible for his group's crimes committed pursuant to his *Operational Common Plan* within the framework of the *Strategic Common Plan*, and not those crimes committed by other Anti-Balaka sub-groups.

8. Further, or in the alternative, **NGAISSONA**'s conduct comprises an intentional and/or knowing contribution to the crimes of the Anti-Balaka sub-groups, each having acted with a common purpose, or otherwise renders him responsible for some or all of these crimes under article 25(3)(c) or 25(3)(d). Similarly, **YEKATOM**'s conduct comprises an intentional and/or knowing contribution to the crimes committed by his group, which acted with a common purpose, or otherwise renders him responsible for some or all of his group's crimes under article 25(3)(b), 25(3)(c), 25(3)(d), or article 28.

9. **NGAISSONA** is individually criminally responsible under article 25(3) of the Statute for all of the Charged Crimes, and in particular, the following crimes committed in violation of articles 7(1) and 8(2)(c) and (e), as more fully specified below:

- *Crimes against humanity*: article 7(1)(a) – Murder and attempted murder; article 7(1)(b) – Extermination; article 7(1)(d) – Forcible transfer and deportation; article 7(1)(e) – Imprisonment and other forms of severe deprivation of physical liberty; article 7(1)(f) – Torture; article 7(1)(g) – Rape and attempted rape; article 7(1)(h) – Persecution; article 7(1)(k) – Inhumane acts.
- *War crimes*: article 8(2)(c)(i) – Murder and attempted murder; article 8(2)(c)(i) - Mutilation, cruel treatment and torture; article 8(2)(c)(ii) – Committing outrages upon personal dignity; article 8(2)(e)(i) - Intentionally directing attacks against the civilian population; article 8(2)(e)(iv) – Attacks against buildings dedicated to religion; article 8(2)(e)(v) – Pillaging; article 8(2)(e)(vi) – Rape and attempted rape; article 8(2)(e)(vii) - Enlistment and use of children under the age of 15 years in hostilities; article 8(2)(e)(viii) - Displacement of the civilian population; article 8(2)(e)(xii) - Destruction of the adversary's property.

10. **YEKATOM** is individually criminally responsible under articles 25(3) and/or 28(a) for the following crimes charged in Counts 1-8, 11-17, and 24-29, committed in

violation of articles 7(1) and 8(2)(c) and (e) set out below, as more fully specified below:

- *Crimes against humanity*: article 7(1)(a) – Murder; article 7(1)(d) - Forcible transfer and deportation; article 7(1)(e) – Imprisonment or other severe deprivation of physical liberty; article 7(1)(f) – Torture; article 7(1)(h) – Persecution; article 7(1)(k) – Inhumane acts.
- *War crimes*: article 8(2)(c)(i) – Murder; article 8(2)(c)(i) – Mutilation, cruel treatment and torture; article 8(2)(c)(ii) – Committing outrages upon personal dignity; article 8(2)(e)(i) – Intentionally directing attacks against the civilian population; article 8(2)(e)(iv) – Attacks against buildings dedicated to religion; article 8(2)(e)(vii) – Enlistment and use of children under the age of 15 years in hostilities; article 8(2)(e)(viii) – Displacement of the civilian population; article 8(2)(e)(xii) – Destruction of the adversary’s property.

11. Given the particular nature of the charged common plans, this DCC first introduces the two Suspects and their backgrounds, and then some of the sub-groups which collectively formed the Anti-Balaka. It provides an overview of the Charged Crimes and then, in explaining the individual criminal responsibility of each Suspect, sets out the details of the applicable common plan. It concludes by detailing the crime base to which those common plans relate. A Schedule of Charges is set out at the end of the document. It indicates the incidents, crimes charged, and applicable modes of liability with respect to each Suspect. The DCC should be considered and understood as a whole.

II. THE SUSPECTS

A. *Patrice-Edouard NGAISSONA*

12. Patrice-Edouard **NGAISSONA** was born on 30 June 1967 in BEGOUA, CAR. He was a wealthy, successful, and influential businessman. Of Gbaya ethnicity, he was a relative of, and close to, former President BOZIZE.

13. Having been involved in national football for years, **NGAISSONA** was appointed President of the Central African Football Federation in 2008. In this position,

NGAISSONA acquired fame and considerable influence over Youth Coordinators and the youth in both BANGUI and in the Provinces. During BOZIZE's presidency, most Youth Coordinators were linked to his *Kwa Na Kwa* ("KNK") political party, through which **NGAISSONA** was elected to represent the town NANA-BAKASSA (near BOSSANGO) in January 2011.

14. When the Seleka rebellion led by Michel DJOTODIA ("DJOTODIA") gained substantial ground in December 2012, **NGAISSONA** used his connections to mobilise the youth to erect barricades and roadblocks in BANGUI and in BIMBO. They used these checkpoints to identify Chadian or Sudanese nationals, and anyone appearing to be Muslim. In February 2013, BOZIZE appointed **NGAISSONA** as Minister of Youth, Sports, Arts and Culture, a role in which he served until 24 March 2013.

15. **NGAISSONA** fled to CAMEROON following the 24 March 2013 *coup d'état* ("24 March 2013 Coup") which saw BOZIZE overthrown by the Seleka. There, **NGAISSONA** met with other CAR exiles including BOZIZE; [REDACTED] and other members of BOZIZE's inner circle; members of BOZIZE's former government and Presidential Guard ("PG"); and members of the *Force Armée Centrafricaine* ("FACA"). As noted, their *Strategic Common Plan* was to claim and/or reclaim power in CAR, oust DJOTODIA, the Seleka regime, and their perceived supporters through, *inter alia*, the mobilisation, organisation, and use of pre-existing self-defence groups and others, later collectively known as the Anti-Balaka. [REDACTED]. The Anti-Balaka were motivated by vengeance for atrocities committed by the Seleka. The members of the *Strategic Common Plan* enhanced the capabilities of these groups and promoted their collective action as the Anti-Balaka, so that they became a capable fighting force able to effectively oppose the Seleka. At the very least, the members of the *Strategic Common Plan* knew that, in the ordinary course of events, their use of the Anti-Balaka would result in the violent targeting of the Muslim civilian population in western CAR — including the commission of the Charged Crimes.

16. As described below, the Anti-Balaka's attack on BANGUI and BOEING on 5 December 2013 ("5 December 2013 Attack") was a crucial point in the implementation of the *Strategic Common Plan*.

17. In August 2013, **NGAISSONA**, **BOZIZE**, [REDACTED], and others, founded the political action group *Front pour le retour à l'ordre constitutionnel en Centrafrique* (“FROCCA”). The group advocated the removal of the Seleka regime by force among other means, as well as **BOZIZE**’s return to power. It promoted and disseminated an anti-Muslim agenda, urging CAR’s population to chase out so-called “islamists” and “dihadists”, claiming, *inter alia*, that local Muslims were in collaboration with Seleka forces whose intent was to “*islamiser*” the country.

18. From September 2013 at the latest, **NGAISSONA** was part of the Anti-Balaka’s leadership as a *de facto* political Coordinator; **MOKOM** was its recognised Coordinator for military operations.

19. **NGAISSONA** was formally designated the Anti-Balaka National General Coordinator on his 14 January 2014 return to BANGUI from exile in CAMEROON. Vested with authority over the Anti-Balaka, he remained in this position through at least December 2014.

B. Alfred YEKATOM

20. Alfred **YEKATOM** was born on 23 January 1975 in BIMBO, CAR. He was a FACA “*caporal-chef*” before the 24 March 2013 *Coup*. After **BOZIZE**’s overthrow, he fled to the DRC.

21. By June 2013, **YEKATOM** had gathered thousands of elements in KALANGOI, DRC, where he trained and developed them. From at least September 2013 through to December 2014, **YEKATOM** commanded over 3,000 elements, including approximately 200 FACA. He organised his group in a military-like hierarchy, comprised of subgroups headed by subordinate commanders (i.e. **YEKATOM**’s Group).

22. **YEKATOM** presented himself, and was recognised by the Anti-Balaka leadership as a powerful Zone Commander (“ComZone”). His subordinates recognised his authority as the leader of **YEKATOM**’s Group, as did the CAR authorities and the international community.

23. **YEKATOM** controlled distinct territory in south-western CAR and established bases there, including in the LOBAYE Prefecture along the *point kilomètre* (“PK”) 9 – MBAIKI axis, including SEKIA, NDANGALA, BIMON, KAPOU, BOSSONGO, and PISSA (“PK9 – MBAIKI axis”), the PISSA – MONGOUMBA axis, including MBATA, BOUCHIA, and BATALIMO (“PISSA MONGOUMBA axis”), in the southwest of BANGUI (including CATTIN), and in BOEING.

24. Like other Anti-Balaka groups referred to in the charged incidents, YEKATOM’s Group fell within the structure of the Anti-Balaka leadership (“*de facto* Coordination”) and, after its formalisation, the Anti-Balaka National Coordination (“National Coordination”).

III. OVERVIEW OF THE ANTI-BALAKA

A. GENERAL CONTEXT

25. Around August 2012, the Seleka emerged in north-eastern CAR in opposition to BOZIZE’s regime. Along with CAR nationals, the coalition also comprised Sudanese and Chadians. Initial victories in the field led to the Seleka’s 10 December 2012 NDELE offensive.

26. Two KNK-based militias were formed in response. FACA Lieutenant Mike Steve YAMBETE (“YAMBETE”) led the *Comité d’organisation des actions citoyenne* (“COAC”), while Levy YAKITE (“YAKITE”) led the *Coalition citoyenne d’opposition aux rébellions armées* (“COCORA”) under **NGAISSONA**’s patronage. Both groups erected barricades and checkpoints throughout BANGUI and BIMBO, aimed at identifying Muslims aligned with the Seleka, some of whom were arrested and never seen again. **NGAISSONA** mobilised the youth through his connections and influence among Youth Coordinators and the KNK. Some later participated in the 5 December 2013 Attack.

27. In an effort to hold on to power, BOZIZE delivered a seminal speech to his supporters at the *Place de la République* at BANGUI’s PK0 on 27 December 2012. He branded the Seleka and their supporters “foreigners” (“*il n’y a aucun Centrafricain*”).

parmi eux”), “Janjaweed”, or “TORO BORO”. Despite several references to peaceful resistance, he called on the population, especially the youth, to take up weapons and to go to war against the enemy. He urged vigilance of “foreigners who live in the fenced houses” — a thinly veiled reference to the CAR Muslims, who BOZIZE declared “assisted” the Seleka to kill. At the rally, YAKITE insisted that they were surrounded by traitors (“*des Judas*”) but that the foreigners would have to walk over their dead bodies before they would cede power (“*la patrie ou la mort*”). He announced the preparedness of the youth to patrol every district and expand COCORA’s presence in every village in the OUHAM, NANA-MAMBERE, MAMBERE-KADEI, and NANA-GRIBIZI prefectures.

28. BOZIZE’s speech was widely disseminated. It was broadcast and discussed in the media, and it founded further Anti-Muslim incitement. A few days later, on 31 December 2012, BOZIZE repeated his rhetoric, declaring that CAR had become two countries: one belonging to the “Janjaweed”; the other, to true Central Africans.

29. In the weeks following BOZIZE’s 27 December 2012 speech, **NGAISSONA** called for support against the “enemies of the Nation who decided to bring trouble by bringing Sharia law” and who “want to use Islamism to destroy the country”. He sought the youth’s support against “foreign invaders”. Likewise, BOZIZE continued to portray the Seleka as *foreigners* who were intent on harming *real* Central Africans. YAKITE and YAMBETE publicly echoed these sentiments.

30. On 11 January 2013, BOZIZE negotiated and signed the first ceasefire agreement with the Seleka in LIBREVILLE (“2013 LIBREVILLE Agreement”).

31. Given his influence over the youth, **NGAISSONA** was appointed BOZIZE’s Youth Minister, and **NGAISSONA** recruited YAMBETE as his *Chargé de missions*. On 15 March 2013, **NGAISSONA** publicly reaffirmed the youth’s “readiness to devote themselves to defend [the] country”. The following week he told the youth to stay calm and that they would be called upon when needed.

32. Despite the 2013 LIBREVILLE Agreement, the Seleka resumed its offensive and seized BANGUI in the 24 March 2013 *Coup*, forcing BOZIZE into exile in CAMEROON, and later KENYA *via* FRANCE.

33. Immediately after the 24 March 2013 *Coup*, Seleka forces expanded their territorial control, suppressing resistance in regions associated with BOZIZE and his Gbaya ethnic group. For several months, Seleka forces subjected civilians (mainly non-Muslims) in these regions to brutal attacks and atrocities.

B. ORIGINS OF THE ANTI-BALAKA

34. Soon after the 24 March 2013 *Coup*, members of BOZIZE's inner circle began organising a response to the Seleka offensive and a plan to claim or reclaim power in CAR. As members of BOZIZE's ethnic group and family, **NGAISSONA**, [REDACTED], and MOKOM, were a part of that inner circle.

a) CAMEROON-group

35. **NGAISSONA** and [REDACTED] joined BOZIZE in CAMEROON, where they met with members of BOZIZE's PG and FACA members loyal to him. They were mainly Gbaya, as were most Anti-Balaka. They also met with other members of his close entourage including [REDACTED] and others, to prepare a response to the Seleka offensive and to coordinate an attack to regain BANGUI.

36. Meetings took place at various locations in YAOUNDE, [REDACTED]. There were also meetings in DOUALA. The anti-Muslim rhetoric expressed earlier was also repeated in these meetings.

37. On the instructions of **NGAISSONA** [REDACTED], FACA members and PGs loyal to BOZIZE in the border area of GAROUA-BOULAI, BERTOUA and BOHONG and other parts of western CAR started preparing attacks against Seleka positions. They received money from **NGAISSONA** [REDACTED] for weapons and ammunition in view of the planned attacks. As such, money was provided to individuals like Danboy DEDANE ("DEDANE"), and Côme Hyppolite AZOUNOU ("AZOUNOU"), [REDACTED] in preparation for the 5 December 2013 Attack. At the same time, from

CAMEROON, **NGAISSONA** kept apprised of developments on the ground in BANGUI and continued his efforts to mobilise the youth there. **NGAISSONA** was in contact with [REDACTED]. [REDACTED] was also in regular contact with BOZIZE during this period.

b) ZONGO-group

38. [REDACTED] fled to ZONGO after the 24 March 2013 *Coup*. Also with him were members of BOZIZE's PG, FACA members, and others loyal to BOZIZE. Individuals in this group included [REDACTED], as well as [REDACTED] —who later became [REDACTED].

39. From ZONGO [REDACTED] **NGAISSONA** in CAMEROON. Indeed, both were contacted and contactable on **NGAISSONA**'s number.

40. MOKOM's role in the *Strategic Common Plan* — the plan to claim and/or reclaim power in CAR — was, *inter alia*, to organise and coordinate the FACA and PG who had stayed in CAR or fled with him to ZONGO following the 24 March 2013 *Coup*. MOKOM became the *de facto* Anti-Balaka operations coordinator. He also secured money, weapons and ammunition, organised the deployment of Anti-Balaka elements, and instructed them on when to attack specific towns and villages. [REDACTED] the Anti-Balaka leadership, informed of their actions on the ground.

41. From June 2013 onwards, FACA members and PGs loyal to BOZIZE assumed and/or shared command over pre-existing self-defence groups which became the Anti-Balaka. They gathered the groups in GOBERE (near BOSSANGO), where Anti-Balaka strategic and operational commands assembled, and where elements were administered traditional rituals ("*vaccinations*") and/or fetishes ("*gris-gris*") to protect them in battle. FACA members provided rudimentary training and organised them into a military-like structure.

42. [REDACTED] was in contact with [REDACTED].

43. In the months that followed, the Anti-Balaka incorporated an increasing number of FACA, PGs, and new recruits in CAR and CAMEROON. Their growing numbers,

strength, and capability was shown in a first series of attacks around BOSSANGOA in September 2013.

c) KALANGOI-group

44. After the 24 March 2013 *Coup*, **YEKATOM** fled to ZONGO and then to KALANGOI. In ZONGO, he stayed with other FACA [REDACTED]. [REDACTED] **YEKATOM** knew [REDACTED] well; they were [REDACTED] so-called “*ex-libérateurs*” in the 2003 rebellion which ushered in BOZIZE (“2003 Rebellion”). They met regularly in ZONGO, with **YEKATOM**’s would-be deputies *caporal-chef* Freddy OUANDJIO (“OUANDJIO”) and *caporal* Habib BEINA. In an interview, **YEKATOM** confirmed that “*c’est de là-bas qu’on avait eu l’idée de démarrer notre mouvement*”.

45. By June 2013, **YEKATOM** had gathered, and was training and developing thousands of elements in KALANGOI, including in how to use weapons. In the months that followed, **YEKATOM**’s Group numbered approximately 3,000 elements. According to **YEKATOM**’s instructions, the stated purpose was to kill “Muslims *and* Selekas.” **YEKATOM** contacted his military classmates to join him in preparation for the 5 December 2013 Attack.

46. From KALANGOI, **YEKATOM** secured weapons and ammunition for his group, [REDACTED] in ZONGO.

47. **YEKATOM** was in regular telephone contact with [REDACTED] in preparation for the 5 December 2013 Attack, and deployed part of his group to BANGUI and BOEING to participate in it. At the time of the 5 December 2013 Attack, **YEKATOM** claimed to have over 1,500 elements with him in BANGUI.

d) FRANCE-group

48. In early August 2013, BOZIZE, **NGAISSONA**, [REDACTED], and other members of BOZIZE’s inner circle met in PARIS to create FROCCA, advocating the restoration of CAR’s constitutional order - which would effectively see BOZIZE’s return to power. **NGAISSONA** was a key-figure in FROCCA. Its Coordinator Lin BANOUKEPA (“BANOUKEPA”) was also BOZIZE’s lawyer and promoted the group’s agenda by,

inter alia, urging the “population” (*i.e.*, non-Muslims) to chase so-called “islamists” and “dihadists” from CAR. BANOUKEPA’s public statements claimed local Muslims were in collaboration with the Seleka, and stoked fears with inflammatory rhetoric, such as the intention of the Seleka and its supporters to “*islamiser*” CAR. This propaganda and rhetoric simply repeated what BOZIZE, YAMBETE, YAKITE, and NGAISSONA had expressed earlier that year.

49. FROCCA vindicated the Anti-Balaka’s first major attacks in September 2013. Having called on the support of the “population”, FROCCA claimed responsibility for the Anti-Balaka 5 December 2013 Attack. As the attack was underway, BANOUKEPA’s radio announcement stated:

“ Le rétablissement de l’ordre constitutionnel en cours aujourd’hui à BANGUI ... Nous nous revendiquons l’espace, l’organe politique pour sauver nos citoyens au FROCCA. Et nous revendiquons aujourd’hui notre part auprès de vos jeunes frères et sœurs si, eux, sont en action. Donc, nous sommes ensemble et nous sommes la tête politique [...] ”

En ce jour du 5 décembre j’appelle tous les Centrafricains à se lever comme un seul homme pour botter hors de notre territoire la composante islamique étrangère, envahissante, criminogène [phon], qui sévit, qui humilie. C’est l’objet de notre appel au soutien de l’action de libération de ce 5 décembre de nos jeunes, sœurs et frères des Balakas [...] ”.

C. THE ANTI-BALAKA AND SELEKA WERE ENGAGED IN AN ARMED CONFLICT IN WESTERN CAR

50. By September 2013, the Anti-Balaka was engaged in a sustained and intense armed conflict against the Seleka in western CAR (*i.e.*, a non-international armed conflict, “NIAC”). Anti-Balaka attacks began near BOSSANGO and spread east to BOUCA in OUHAM Prefecture, west to BELOKO, BOHONG, and BOUAR in NANA-MAMBERE Prefecture, and then south, to BOSSEMBELE and BOALI in OMBELLA-M’POKO Prefecture.

51. Around mid-November 2013, [REDACTED], Anti-Balaka groups from BOSSANGO, BOUCA, BOUAR, and BOSSEMBELE marched south to carry out the 5 December 2013 Attack.

52. In addition, [REDACTED] deployed Anti-Balaka elements from ZONGO to BANGUI. They gathered behind BANGUI's BOY-RABE hill to strategise. [REDACTED]. [REDACTED], **YEKATOM** also moved elements of his group from KALANGOI to PROJET (near BANGUI's M'Poko Airport) in preparation. The Anti-Balaka made clear that the group did not want dialogue, but war.

D. 5 DECEMBER 2013 ATTACKS IN BANGUI AND OTHER LOCATIONS

53. In the early hours of 5 December 2013, around a thousand Anti-Balaka elements mounted an armed attack on BANGUI and BOEING [REDACTED] (*i.e.*, 5 December 2013 Attack).

54. Anti-Balaka elements proceeded simultaneously from different directions under different commanders: some were under the command of FACA officers **YEKATOM**, [REDACTED]; others were led by *de facto* military chiefs, [REDACTED]. They attacked multiple locations, including *Camp Kassai* (a Seleka-held base), *Camp de roux*, *Camp des sapeurs pompiers*, *Assemblée Nationale*, and the *Centre protestant pour la jeunesse* ("CPJ").

55. Although Seleka positions were targeted first, Anti-Balaka attacks on Muslim civilians soon followed.

56. Christians warned of the 5 December 2013 Attack in advance were advised to place palm branches in front of their houses — a Christian tradition in CAR during mourning — signalling to attacking Anti-Balaka which houses to spare. The same *modus operandi* was used in Anti-Balaka attacks at CARNOT, BERBERATI, and GUEN.

57. The Anti-Balaka also attacked other western CAR towns on 5 December 2013, including BOSSANGO, the capital of the OUHAM Prefecture.

58. In the weeks that followed, systematic house searches and killings by the Seleka and Anti-Balaka took place in various BANGUI neighbourhoods, and throughout western CAR.

59. Call Data Records (“CDR”) show that both shortly before and after the 5 December 2013 Attack through 13 January 2014, **NGAISSONA** was in contact with [REDACTED], who were also meeting among themselves and with **YEKATOM** in that period.

E. RESIGNATION OF PRESIDENT DJOTODIA AND ELECTION OF INTERIM-PRESIDENT SAMBA-PANZA

60. President DJOTODIA’s 10 January 2014 resignation under international pressure due to the worsening armed conflict, forced the Seleka’s retreat. Most Seleka forces, having regrouped in BANGUI cantonment sites since December 2013, withdrew to the north and the east of the country, leaving Muslim civilians in BANGUI and throughout western CAR vulnerable to Anti-Balaka attacks.

61. On 20 January 2014, BANGUI Mayor Catherine SAMBA-PANZA (“SAMBA-PANZA”) was elected CAR’s interim President and head of the transition government.

F. FORMALISATION OF THE ANTI-BALAKA UNDER NGAISSONA

a) Structure of the Anti-Balaka

62. To engage CAR’s transition government, the Anti-Balaka documented a formal leadership structure: the National Coordination. Upon **NGAISSONA**’s 14 January 2014 return from CAMEROON, he was designated the Anti-Balaka National General Coordinator at a meeting he organised in BOY-RABE. As such, he held and exercised *de jure* control and authority over Anti-Balaka groups in and around BANGUI and in the provinces.

63. The group’s initial formal structure also comprised, *inter alia*, the following: National Coordinator of Operations (MOKOM), Zone Coordinator (YAGOUZOU), Chief of Staff (Richard BEJOUANE (“BEJOUANE”)), Deputy Chief of Staff

(AZOUNOU), Spokesperson(s) (NAMSIO and WENEZOU), and Secretary (Judicael OROFEI MOGANAZOUM (“Judicael OROFEI”)).

64. The National Coordination formalised the pre-existing *de facto* Anti-Balaka structure in BANGUI and CAR’s western provinces. **NGAISSONA** acknowledged and/or formally appointed chiefs of discrete Anti-Balaka groups and areas as ComZones, including through appointment orders he signed.

65. In addition, new ComZones were appointed to deal with particular threats, or when new areas were brought under the Anti-Balaka’s control.

66. ComZones controlled specific areas. In the provinces, these typically comprised municipalities or larger areas. In BANGUI they were narrower, encompassing various districts (“*arrondissements*”), neighbourhoods, or even parts thereof. Upon **NGAISSONA**’s instruction, the ComZones in the provinces mirrored the National Coordination’s structure, in their local area of control, comprising a local “Committee”, Coordinator, Deputy Coordinator, and sometimes a Spokesperson and Secretary.

67. In BANGUI and the provinces, especially in larger areas, ComZones could have deputies, and several ComZones could be accountable to one local Coordinator, a “Zone Coordinator” or “Coordinator of the Prefecture”, or directly to **NGAISSONA** or MOKOM.

68. ComZones organised and commanded their respective groups of Anti-Balaka elements: they gave orders, distributed weapons, organised roll calls, controlled elements’ movements, and regulated telephone communication. FACA members in Anti-Balaka leadership positions often organised their groups in a military-like structure.

69. By 11 February 2014, the Anti-Balaka comprised at least 50,000 elements — **NGAISSONA** claimed as many as 70,000 under his control. Approximately 22 ComZones led around 10,000 elements across eight neighbourhoods in, or municipalities around, BANGUI. Some 40,000 or more were deployed in the provinces and led by between 80 and 110 ComZones.

b) Coordination and Reporting

70. After the January 2014 meeting, on **NGAISSONA**'s return to BANGUI, he held another key meeting on 6 February 2014. ComZones from BANGUI and the provinces were present, as were MOKOM and [REDACTED]. [REDACTED] continuation of the fight, which they said would be rewarded. **NGAISSONA** gave the ComZones money for food and transportation, and they agreed to provide reports to MOKOM on the number of their elements and quantity of weapons. **NGAISSONA** promised more money in the future.

71. [REDACTED], MOKOM visited [REDACTED] Anti-Balaka bases, including **YEKATOM** and [REDACTED] base. At each, MOKOM thanked elements for their work and – despite the Seleka being gone – reassured them that the Anti-Balaka would fight until the end. He told the elements that they would be rewarded, and that they could collect their money.

72. From then on **NGAISSONA** met with, or contacted [REDACTED] almost daily. He also regularly invited ComZones from BANGUI and from the provinces to National Coordination meetings.

73. ComZones reported to **NGAISSONA** as National General Coordinator, or to MOKOM as National Coordinator for Operations. When **NGAISSONA** or MOKOM could not be reached, ComZones reported to other members of the National Coordination, including to the group's Chief of Staff, its Secretary General or others who were obliged to, and in fact did, promptly pass on the information to **NGAISSONA** or MOKOM.

74. As National General Coordinator, **NGAISSONA** gave direct instructions to ComZones in the field, or instructed them through MOKOM and others, from launching operations or attacks, to creating "disturbances" and erecting roadblocks.

75. ComZones kept the National Coordination abreast of the events on the ground in their areas of responsibility, including on operations, casualties, and the state and number of elements under their control. At the same time, the National Coordination, in

particular **NGAISSONA** and MOKOM sent missions to the provinces to check what was going on.

76. ComZones reported to local Coordinators or Coordinators of the Prefectures, and BANGUI ComZones and Coordinators were in contact with their provincial counterparts. They informed one another of enemy positions, and they assisted each other, *inter alia*, by providing reinforcements in attacks. As necessary, the National Coordination also assessed when to send reinforcements from BANGUI to the provinces.

c) *Discipline, the Police Militaire and 'Fake' Anti-Balaka*

77. ComZones had the authority to discipline and punish recalcitrant elements which varied according to the offences involved. Some ComZones would kill, beat and/or torture their elements. Others imposed lesser punishments, or turned their elements over to the *gendarmerie*. In turn, the National Coordination replaced ComZones as a disciplinary measure, and warned ComZones that they would be held accountable for causing “trouble”.

78. Around February 2014, the National Coordination created a military police unit (“*Police Militaire*” or “PM”) subordinated to MOKOM, the Coordinator of Operations. Only becoming operational in May 2014, the PM was supposedly set up to find and arrest so-called “fake” Anti-Balaka committing crimes in and around BANGUI and in the Provinces. However, **NGAISSONA** appointed well-known Anti-Balaka criminals to positions in the PM, such as ANDJILO whom he assigned to PM operational missions as *chef de mission*. Further, the PM’s commission of crimes itself contributed to a climate of insecurity and impunity.

79. Similarly, while ComZones of certain provincial villages set up local police units, these police units were equally committing crimes. Moreover, Anti-Balaka crimes against Muslim civilians went unpunished.

80. Although **NGAISSONA** persistently denied the Anti-Balaka’s responsibility for attacks on Muslims publicly, blaming so-called “fake” Anti-Balaka for the crimes, he

accepted within the group's ranks ComZones like ANDJILO, [REDACTED] who were notoriously violent against Muslims.

81. Given the express acknowledgment by key members of the National Coordination of the Anti-Balaka's involvement in the commission of crimes, and that:

“même s'il est vrai que dans le rang dudit mouvement [Anti-Balaka], des enquêtes doivent être diligentées pour déterminer les responsables des éventuelles exactions.”

NGAISSONA's persistent claims that the atrocities against Muslims attributed to the Anti-Balaka were committed by “fakes”, as described further below, was disingenuous at best.

d) Money, Support, and Weapons

Money and Support

82. The Anti-Balaka received money from a number of sources: (i) **NGAISSONA**; (ii) illegal tolls extorted at, among other places, river crossings and roadblocks along several axes and waterways throughout western CAR; (iii) contributions from the local population, including businessmen; (iv) extortion from the Muslim population in exchange for “protection”; (v) stealing and ransoming; and (vi) salaries of deserting military elements.

83. **NGAISSONA** distributed money to ComZones in BANGUI and the provinces in exchange for their support, including to pay for food, accommodation, burial expenses and other expenditures.

Weapons and ammunition

84. **NGAISSONA** [REDACTED] also provided money for weapons and ammunition, as did other important Anti-Balaka members.

85. Weapons and ammunition were also made available through different means: (i) seized or bought from defeated Seleka forces; (ii) FACA members bringing their own, or through attacks on weapons depots; (iii) delivered to BANGUI from CAMEROON on the request of Anti-Balaka leaders, *inter alia* **NGAISSONA**; or (iv) acquired in ZONGO or in BANGUI, including by or via the National Coordination.

e) Training

86. As described above, from around June 2013 onwards, FACA members provided Anti-Balaka elements at GOBERE with rudimentary military training, including on self-defence techniques and weapons use (*i.e.*, hunting rifles, spears, and machetes). Likewise, **YEKATOM** organised his elements' training at KALANGOI in the use of firearms, machetes, and knives.

87. Anti-Balaka elements were also trained at BOGANGOLO and at the YAMWARA School. Later in 2014, Anti-Balaka training camps were also operational in BIMON and BOUAR.

f) Group Identity

Armbands, Gris-gris

88. The Anti-Balaka often wore *ad hoc* distinctive accessories, such as armbands and headbands during operations. *Vaccinations* and *gris-gris* were also particularly identifying group traits. During initiation rituals, marabouts linked to the Anti-Balaka leadership, such as a certain LUNDI, instilled recruits with anti-Muslim animus: they explained that killing Muslims would make them stronger, or that Muslims (without distinction) were the enemy. While some marabouts instructed elements that the *gris-gris* would not protect them if they harmed innocent civilians, this did not apply to harming Muslims. Also, the restriction could be ignored or adverse consequences avoided by removing the *gris-gris* during the offending acts.

ID-cards

89. In addition, from January 2014 onwards, some Anti-Balaka elements were issued ID cards in BANGUI and in the provinces, signed by **NGAISSONA** or other senior members of the group, such as **BEJOUANE**. This was ostensibly done for two main reasons: (i) to distinguish real from so-called “fake” members, *i.e.* those falsely claiming to be Anti-Balaka; and (ii) to allow the group to participate in the DDR process. Identification cards contained a number, picture, name, address, and function of the Anti-Balaka member. By July 2014, the National Coordination had issued about 10,000 ID cards.

G. WIDESPREAD AND SYSTEMATIC ATTACKS AGAINST THE CIVILIAN POPULATION

a) Policy of targeting the Muslim population in western CAR

90. From the outset, emergent leaders of the Anti-Balaka movement and their elements expressed anti-Muslim animus, subscribed to and promoted a policy which entailed the violent targeting of the Muslim population in western CAR, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka. While systematically emphasising the Christian community’s victimisation through Seleka crimes and atrocities, Anti-Balaka leaders and their elements portrayed the Muslim population as traitors and collaborators. They equated the Seleka with Muslims, even denying the legitimacy of CAR’s native Muslims, whom they labelled foreigners.

91. The Anti-Balaka policy continued the anti-Muslim rhetoric **BOZIZE** and his inner circle began long before the 24 March 2013 *Coup*, as well as the anti-Muslim propaganda disseminated via radio, television, and social media.

92. Key National Coordination members and leaders, including **YEKATOM**, [REDACTED] expressed this policy. Several incited hatred and violence against Muslim civilians and other perceived supporters of the Seleka, both in their presence and publicly.

93. Members of YEKATOM's Group, for instance, openly voiced an intention to "slaughter" the Muslim population. Similarly, Anti-Balaka elements in BOEING unequivocally expressed their intention to kill Muslims, including "babies and pregnant ladies". [REDACTED]. Likewise, [REDACTED] leveraged the threat of the Anti-Balaka "slaughtering" the "CAR Muslims" in publicly demanding DJOTODIA's resignation, while [REDACTED] stated that Muslims did not belong in CAR regardless of their nationality, holding the whole Muslim population, even small children, responsible for Seleka crimes. [REDACTED] too expressed the widely-held intention to clear the country of "Arabs" and Peuhl. He tortured elements that helped or spared Muslims. Those under his command echoed the message, using similar anti-Muslim rhetoric and threats to make the "Arabs" leave.

94. The Anti-Balaka's intention to target Muslim civilians violently and expel them from CAR was also pervasive among the sub-groups in the provinces, including along the PK9-MBAIKI axis (*i.e.*, YEKATOM's Group), at BERBERATI, BOSSANGO, YALOKÉ, BOSSEMPTELE, BODA, CARNOT, and GUEN.

95. The highest ranks of the Anti-Balaka leadership expressed and promoted the group's policy. [REDACTED]:

"we had no intention [of] killing Muslims, but we later noticed that so many Muslims in the country were supporting the Seleka rebels ... they were against us ... [t]his angered the Anti-Balaka, as well as the majority-Christian population in the country, hence the attacks you're seeing on Muslims."

96. **NGAISSONA** echoed these words in press releases and "justified" the revenge sought against the Seleka and Muslims by the "population" joining the Anti-Balaka's ranks:

"Aussi, la population, victime des exactions des Séléka à travers la Centrafrique depuis le 10 décembre 2012, a regagné les rangs des Antibalaka avec un esprit de vengeance envers les ex-Séléka et les sujets musulmans qui ont soutenu les Séléka durant leur occupation de la RCA"

97. At the same time, while **NGAISSONA** portrayed the Anti-Balaka as brave and sacrificial, he denounced the media's supposed unbalanced coverage of the Anti-Balaka on one side versus "*les crimes massifs commis par les sujets musulmans sur les populations non-musulmanes*", equating Muslims – as a whole – with the Seleka.

98. **NGAISSONA** and other National Coordination leaders harboured anti-Muslim animus. For example, **NGAISSONA** incited public opinion by referring to CAR Muslims as "Boko Haram". The rhetoric expressed [REDACTED] and meetings at [REDACTED] betrays the group's policy and ethos. [REDACTED] warned elements not to trust Muslims as "they will stab you in the back".

99. [REDACTED].

100. Having achieved DJOTODIA's resignation on 10 January 2014, the Anti-Balaka continued to carry out widespread and systematic attacks against Muslim civilians in villages across western CAR. They hunted down, killed, raped, and injured members of the Muslim population, including those fleeing. Muslims all over CAR understood that they were the Anti-Balaka's target.

101. Anti-Balaka elements themselves referred to their attacks as "cleansing operations", as did the international media and NGOs. Between December 2013 and August 2014, of CAR's 16 prefectures, civilian casualties attributable to the Anti-Balaka occurred in and around BANGUI and nine prefectures. The United Nations Panel of Experts reported that the Anti-Balaka killed more than 860 civilians in this period.

b) Destruction of Mosques

102. Throughout the Relevant Period, the Anti-Balaka took part in systematic attacks against mosques in western CAR. Their destruction signalled to Muslims that there was no place safe, and that they should leave.

103. The Anti-Balaka frequently sacked, pillaged or desecrated mosques before destroying them. Some mosques in BANGUI were reduced to rubble, for instance, in the Muslim neighbourhood of FOUH. By June 2014, only a handful of over thirty mosques

in BANGUI stood. Mosques were also targeted in villages outside BANGUI, including for example along the Route Nationale 3 (“RN3”).

104. The Anti-Balaka destroyed or dismantled mosques throughout CAR’s western prefectures as well. By February 2014, only one of eight mosques in YALoke (OMBELLA-M’POKO Prefecture) remained standing. Similarly, mosques were destroyed or dismantled in BOSSEMPTELE (OUHAM-PENDE Prefecture), BOALI and BOYALI (OMBELLA-M’POKO Prefecture), in BOSSANGO (OUHAM Prefecture), and in BERBERATI (MAMBERE-KADEI Prefecture).

c) Pillaging and Destruction of Muslim property

105. As they gained control over western CAR, the Anti-Balaka routinely pillaged and damaged Muslim property in the context of their “Kill-Loot-Burn” dynamic. Muslim houses, shops and cattle were systematically vandalised and looted, resulting in the population – particularly active in trade and cattle herding – being deprived of its main means of subsistence. With graffiti or other markings, the Anti-Balaka claimed ownership over the vacated areas.

106. The United Nations Institute for Training and Research’s Operational Satellite Applications Programme (“UNOSAT”) assessed that between 22 February 2014 and 6 June 2014, 871 structures were severely damaged or destroyed, of which 496 were in BANGUI’s 3^e arrondissement, which includes PK5 and KOKORO. Other sources, including satellite imagery analysed by Human Rights Watch (“HRW”), confirm that PK5 and other predominantly Muslim neighbourhoods, including BOUCA, PK12, and PK13 were largely destroyed between October 2013 and March 2014. In Anti-Balaka attacks in the provinces, Muslim houses and shops were systematically looted and destroyed, including in BOYALI, BOSSEMBELE, BAORO, BERBERATI, BOSSEMPTELE, BOSSANGO, YALoke, and GUEN.

d) Expulsion of the Muslim population

107. The Anti-Balaka’s violent attacks on Muslim civilians in western CAR forced their flight *en masse* both within the country and to neighbouring countries.

108. The group's intention to target the Muslim population violently was clear not only in the crimes they committed, but also the hateful rhetoric publicly disseminated, reported, espoused, and which its leadership defended. The message to the Muslim population was clear: leave CAR or die.

109. Thousands of Muslim civilians fled Anti-Balaka attacks. Some were evacuated in humanitarian convoys accompanied by United Nations agencies, MISCA, SANGARIS, Chadian, or other forces. Even then, the Anti-Balaka attacked protected convoys.

110. Others fled through the bush to CAMEROON, CHAD, or other neighbouring countries. Many walked for weeks before reaching the border, all the while being hunted down by Anti-Balaka elements. More than 50 individuals interviewed by the UN Commission of Inquiry on the Central African Republic ("UNCOI") reported the killing of fleeing Muslim civilians in the bush. These systematic attacks by Anti-Balaka elements occurred near BAORO and BAOUI (NANA-MAMBERE Prefecture), BODA and BOUGERE (LOBAYE Prefecture), BOSSANGO and BOUGUERA (OUHAM Prefecture), BOSSEMPTELE, TATTALE, BOHONG, BOCARANGA and NGOUTERE (OUHAM-PENDE Prefecture), BOSSEMBELE, DAMARA, GAGA, ZAWA and YALOE (OMBELLA-M'POKO Prefecture), and CARNOT and GUEN (MAMBERE-KADEI Prefecture).

111. March 2014 saw nearly all of BANGUI's Muslim residents gone, and most of western CAR's Muslim population as refugees in CAMEROON or CHAD. By March 2014, over 70,000 Muslim refugees had been received in CHAD. Between December 2013 and October 2014, CAMEROON received over 120,000 Muslim refugees. By August 2014, some 20,000 displaced Muslims were confined in nine major enclaves in western and central CAR, aware that in leaving these sites they risked attack.

112. In June 2014, the National Coordination recognised that around 10% of CAR's population, *i.e.* 480,000 individuals, had fled the violence.

e) *Recruitment and use of children in hostilities*

113. During the Relevant Period, the Anti-Balaka recruited and used children in hostilities, including under the age of 15. Several international organisations, NGOs, and the media have reported on the presence of children in CAR armed groups, including the Anti-Balaka. Although the exact number is not available, the UN Secretary General reported at the end of December 2013 on the Anti-Balaka's widespread recruitment of children. Similarly, MINUSCA and UNICEF identified 1,114 children associated with Anti-Balaka groups, including in BANGUI, BOALI, YALOKÉ, and BODA in the summer of 2014. Children integrated with the Anti-Balaka, however, continued to be liberated in 2015 and 2016.

114. The Anti-Balaka exploited children's social conditions, and their motivation for revenge for Seleka crimes against their relatives. Other children were recruited through the use of force and threats. They were trained. Some as young as age eight were used to carry out household tasks, carry water or equipment/supplies, spy on the enemy, man checkpoints, participate in combat, or act as human shields. Children were given drugs to be fearless, and subjected to mental and physical harm. Some were instructed to stab, beat, and injure captured Muslims, for example, by cutting off their ears in preparation for adults to "finish them off" and carry out the killings. Some children were subject to sexual violence.

H. THE ARMED CONFLICT LASTED UNTIL AT LEAST THE END OF 2014

115. On 16 June 2014, **NGAISSONA** and Seleka representative Eric MASSI signed a mediation engagement to address the crises caused by both groups, under the auspices of the conflict resolution group PARETO ("PARETO Mediation"). On 23 July 2014, several senior Seleka commanders and the Anti-Balaka signed the 2014 peace agreement at the BRAZZAVILLE Summit, which was breached shortly thereafter.

116. At the end of November 2014, **NGAISSONA** announced the conversion of the Anti-Balaka into a political party, the *Parti centrafricain pour l'unité et le développement* ("PCUD"). Splitting off from MOKOM's group, **NGAISSONA** acknowledged and retained so-called "ex-Anti-Balaka" who had remained loyal to him.

117. Between December 2014 and April 2015, further peace discussions between the armed groups involved in the CAR crisis were held in NAIROBI (“NAIROBI Summit”). [REDACTED].

118. From 4 to 11 May 2015, the transition government held a national reconciliation conference in BANGUI (“BANGUI Forum”).

IV. OVERVIEW OF THE CHARGED CRIMES

119. As described below, from late 2013 onwards and in furtherance of the *Strategic Common Plan*, the Anti-Balaka carried out indiscriminate acts of violence across the western parts of the CAR in which they targeted the Muslim population, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka. As a result, they committed diverse crimes, including:

- directing attacks against the civilian population (in BANGUI, BOEING, along the PK9 – MBAIKI axis, and the prefectures of LOBAYE, OUHAM, OMBELLA M’POKO, OUHAM PENDE, and MAMBERE-KADEI);
- persecution (in BANGUI, BOEING, along the PK9 – MBAIKI axis, and the prefectures of LOBAYE, OMBELLA M’POKO, OUHAM PENDE, and MAMBERE-KADEI);
- extermination (in the prefectures of OMBELLA M’POKO and MAMBERE-KADEI);
- murder and attempted murder (in BANGUI, BOEING, and the prefectures of LOBAYE, OUHAM, OMBELLA M’POKO, OUHAM PENDE, and MAMBERE-KADEI);
- rape and attempted rape of women (in BANGUI, and the prefectures of LOBAYE, OUHAM, OMBELLA M’POKO, and MAMBERE-KADEI);

- torture and other inhumane acts, and mutilation, cruel and/or degrading treatment (in BANGUI, BOEING, and the prefectures of LOBAYE, OMBELLA M'POKO, and MAMBERE-KADEI);
- unlawful imprisonment or other severe deprivation of physical liberty (in BANGUI, BOEING, and the prefectures of LOBAYE, OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- forcible transfer, deportation and enforced displacements (in BANGUI, BOEING, along the PK9 – MBAIKI axis, and the prefectures of LOBAYE, OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- directing attacks against buildings dedicated to religion, such as mosques (in BOEING and the prefectures of OUHAM and OUHAM PENDE);
- destruction of the property of the adverse party (in BANGUI, BOEING, and the prefectures of OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- pillaging (in the prefectures of OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- outrages upon personal dignity (in BANGUI and BOEING); and,
- in various circumstances, enlisting child soldiers under the age of 15 and using them to participate actively in hostilities.

V. INDIVIDUAL CRIMINAL RESPONSIBILITY OF NGAISSONA

A. OVERVIEW

120. **NGAISSONA**, through the acts and omissions described in this section, is individually criminally responsible for all of the Charged Crimes, pursuant to article 25(3)(a) for jointly committing them with others; article 25(3)(c) for assisting in their

commission; and article 25(3)(d) for contributing in any other way to their commission by the Anti-Balaka acting with a common criminal purpose.

B. ARTICLE 25(3)(A)

121. **NGAISSONA** committed the Charged Crimes in concert with others through his participation in, and essential contributions to, a common plan. From at least June 2013, and at all relevant times herein, **NGAISSONA**, **BOZIZE**, [REDACTED] and **MOKOM** were, among others, members of the *Strategic Common Plan*. The plan was also joined in at different times by members of the Anti-Balaka leadership and National Coordination. Their objective was to claim and/or reclaim political power in CAR by using criminal means, in particular, by instrumentalising pre-existing ‘self-defence groups’ and others, later collectively known as the Anti-Balaka. The members of the *Strategic Common Plan* intended the Charged Crimes. They knew that mobilising and using Anti-Balaka groups fuelled by vengeance and hatred of Muslims because of atrocities committed by the Seleka, enhancing the capabilities of the Anti-Balaka groups, coordinating them, promoting their collective action, and transforming them into a formidable fighting force would, in the ordinary course of events, result in the violent targeting of the Muslim civilian population in western CAR and the commission of the Charged Crimes.

122. The Charged Crimes were within the scope of the *Strategic Common Plan* and committed by members of the Anti-Balaka as a result of its implementation.

123. **NGAISSONA** intended the Charged Crimes and/or was aware that implementing the *Strategic Common Plan* would, in the ordinary course of events, result in the Anti-Balaka’s commission of these crimes. He was aware that the *Strategic Common Plan* involved an element of criminality. He was further aware of his essential role in the *Strategic Common Plan*, the essential nature of his contributions, including through conduct set out at paragraphs 127 to 169 below, and of his ability, jointly with other co-perpetrators, to control the commission of these crimes. He was further aware of the fundamental structural, organisational and ideological features of the Anti-Balaka which enabled him, jointly with the other co-perpetrators, to use the Anti-Balaka to commit the crimes and to control their commission.

C. ARTICLE 25(3)(C)

124. **NGAISSONA** assisted Anti-Balaka members in committing the Charged Crimes with the aim of facilitating their commission. He was also aware that elements of the Anti-Balaka would, in the ordinary course of events, commit these crimes.

D. ARTICLE 25(3)(D)

125. **NGAISSONA** intentionally contributed to the commission of the Charged Crimes by the Anti-Balaka acting pursuant to a common purpose to violently target the Muslim civilian population in western CAR, based on their religious, national or ethnic affiliation, and their perceived collective responsibility for, complicity with, and/or support of, the Seleka (the “*Common Purpose*”). The *Common Purpose* materialised at least contemporaneously with the membership or participation of the respective sub-groups and/or their leaders in the Anti-Balaka, or their subscription to its organisational policy. Each Anti-Balaka subgroup thus committed the crimes set out herein pursuant to the *Common Purpose* and in furtherance of their own related common plans.

126. **NGAISSONA**’s contributions to the crimes committed pursuant to the *Common Purpose* were made with the aim of furthering the criminal activity or purpose of the Anti-Balaka or in the knowledge of their intention to commit such crimes.

E. NGAISSONA’S CONTRIBUTIONS

127. There are substantial grounds to believe that **NGAISSONA**, by virtue of his role and many acts and omissions detailed below, essentially contributed to the *Strategic Common Plan* and/or the Charged Crimes; assisted elements of the Anti-Balaka in their commission; and contributed to their commission by the Anti-Balaka acting pursuant to the *Common Purpose*.

128. **NGAISSONA**’s contributions, taken separately or jointly, were “essential”. Without them the Charged Crimes would not have occurred, or would not have occurred in the same manner, giving rise to responsibility under article 25(3)(a). His contributions also suffice for the purposes of criminal responsibility under articles 25(3)(c) and 25(3)(d).

- a) *NGAISSONA participated in developing the Strategic Common Plan and/or the Common Purpose and in the strategies to implement them*

129. **NGAISSONA** participated in developing the *Strategic Common Plan* and/or *Common Purpose* along with other members of BOZIZE's inner circle. He also participated in developing strategies to implement the *Strategic Common Plan* and/or *Common Purpose*. He did this in the ways described above, that is, by playing a key role in the initial strategy to claim and/or reclaim power in CAR by, *inter alia*, organising FACA and PGs from CAMEROON to lead and develop Anti-Balaka groups in the knowledge that they would violently target the Muslim population in revenge for Seleka crimes. [REDACTED].

- b) *NGAISSONA participated in the formation, organisation, and development of the Anti-Balaka*

130. Even before his January 2014 designation as National General Coordinator, **NGAISSONA** held authority and influence over the Anti-Balaka, and was involved in organising the group's mobilisation and organisation from CAMEROON.

131. **NGAISSONA** was an influential figure in BOZIZE's inner circle. As noted, he was related to BOZIZE, had been the representative of NANA-BAKASSA in the KNK, and BOZIZE's Youth Minister.

132. Given his longstanding presidency in the Central African Football Federation, **NGAISSONA** both had and used his considerable influence over Youth Coordinators in BANGUI and in the Provinces who, in turn, could mobilise the youth in their respective areas. After the Seleka gained substantial ground at the end of 2012, **NGAISSONA** created COCORA together with YAKITE, while YAMBETE created COAC. **NGAISSONA** used his connections with the youth to have checkpoints set up to identify Chadian or Sudanese Muslims.

133. After the 24 March 2013 *Coup*, **NGAISSONA** followed BOZIZE to CAMEROON, regularly visiting him and [REDACTED], and later residing with them in YAOUNDE. As part of the strategy to bring BOZIZE back to power, **NGAISSONA** took steps to

organise FACA elements loyal to BOZIZE and members of his PG in the border area of CAMEROON and in CAR. He provided them with money to travel there and to purchase weapons, and gave them attack orders. Under the coordination of MOKOM, who was liaising with [REDACTED] and **NGAISSONA**, FACA elements loyal to BOZIZE, members of his PG and other BOZIZE loyalists gathered in GOBERE in mid-2013, where – through an initiation procedure – some received *gris-gris* fetishes to protect them in combat. From there, they launched attacks around BOSSANGOA, BOZIZE's stronghold and **NGAISSONA**'s former constituency.

134. This integration — facilitated by **NGAISSONA** — fortified the group and made it better organised and coordinated. The result was the 'Anti-Balaka': a force capable of destabilising and eventually toppling the Seleka regime, and inflicting the widespread damage, destruction, and sustained attacks against the Muslim civilian population of western CAR as the Charged Crimes allege. Concretely, the integration of FACA members loyal to BOZIZE, his former PGs, and other BOZIZE loyalists into the Anti-Balaka was instrumental to the group's capacity to carry out attacks on, and commit crimes in BANGUI, BOEING, and BOSSANGOA on 5 December 2013, which required logistics, communications, planning, coordination, strategy, manpower, and firepower. Beyond this, it strengthened the Anti-Balaka's capacity to mount attacks, affecting the gravity and scale of the Charged Crimes, as well as their pervasiveness. By integrating and reinforcing the Anti-Balaka, FACA members loyal to BOZIZE, former PGs, and other BOZIZE loyalists were materially involved in further Anti-Balaka attacks in and around BANGUI, BOEING, along the PK9 – MBAIKI axis, BOSSANGOA, YALOKÉ, BOSSEMPTELE, BODA, CARNOT, BERBERATI, and GUEN.

c) *NGAISSONA coordinated, controlled, directed, and/or instructed the Anti-Balaka in at least five western Prefectures of CAR and in and around BANGUI, including by planning, monitoring, ensuring cooperation, issuing approvals, authorisations, and orders*

i. Pre-January 2014

135. As explained, while **NGAISSONA**, [REDACTED] and other CAMEROON-based members of BOZIZE's inner circle planned to regain BANGUI using FACA members

loyal to BOZIZE, members of his PG, and other BOZIZE loyalists, both in the CAMEROON border area and in CAR, [REDACTED].

136. As a result, from June 2013 onwards, [REDACTED], gathered and trained pre-existing and new self-defence groups at GOBERE (near BOSSANGO), organising them into a military-like structure. In the months that followed, the Anti-Balaka's strength and capability grew, culminating in the 5 December 2013 attacks on BANGUI, BOEING, and BOSSANGO, and in the subsequent attacks in western CAR. As the *de facto* Anti-Balaka operations coordinator, [REDACTED]. From there, he organised the distribution of weapons and money, the movement of personnel, and instructed Anti-Balaka elements on when to attack specific towns and villages. He was in contact with ComZones in BANGUI and the provinces, who kept him informed of operations on the ground.

137. Throughout this period, [REDACTED] **NGAISSONA** in CAMEROON, updating them on Anti-Balaka activities. As set out above, from CAMEROON, **NGAISSONA** provided money to BOZIZE loyalists to travel to the CAMEROON/CAR border and to purchase weapons, giving them orders and plans to attack.

ii. Post-January 2014

138. **NGAISSONA**'s designation as the National General Coordinator made his leadership of the Anti-Balaka official. It acknowledged his recognition and influence in the movement before then. Within the Anti-Balaka, it was common knowledge that: "*Les chefs Anti-Balaka ont désigné NGAISSONA comme coordinateur Général. Il était aimé par les chefs, car il avait l'habitude de distribuer de l'argent aux gens, il était populaire*". From this point, **NGAISSONA** placed his father's residence in BOY-RABE — an Anti-Balaka stronghold — at their disposal to be used as the seat of the National Coordination. [REDACTED].

139. On his designation, **NGAISSONA** formalised the Anti-Balaka's until then *de facto* structure in BANGUI and CAR's western provinces. He did this by acknowledging and/or formally appointing chiefs of discrete Anti-Balaka groups and areas as

ComZones, including through appointment orders signed by him. He exercised authority over these Anti-Balaka groups in BANGUI and in the provinces.

140. *First*, **NGAISSONA** was recognised as the Anti-Balaka's General Coordinator and/or leader. He held himself out as such in private and public pronouncements, and signed statements and orders in this capacity. Official Anti-Balaka documents, such as project proposals and identity cards confirm **NGAISSONA**'s leadership and position.

141. Anti-Balaka members, including in the National Coordination and provincial groups, identified and recognised **NGAISSONA** as the Anti-Balaka's National General Coordinator and leader, as did international and non-governmental organisations.

142. *Second*, **NGAISSONA** had the power to appoint Anti-Balaka members to positions of authority within the national and provincial leaderships. He appointed ComZones who led and commanded elements in their areas of control, and had the power to replace them when they did not perform their job properly or failed to comply. **NGAISSONA** gave "*mandats*" to these ComZones, who then returned to their areas of responsibility to set up their own local committees/coordinations. Some of these appointments were documented in orders signed by **NGAISSONA** and affixed with his *Coordonnateur Général* seal. **NGAISSONA** also appointed National Coordination Committee members, including its Deputy Coordinator, and other Anti-Balaka representatives.

143. *Third*, **NGAISSONA** issued and disseminated orders to national or provincial Anti-Balaka leaders, and could make decisions and commitments concerning, as well as issue orders to, Anti-Balaka groups. This included orders on Anti-Balaka combat-related activities. For instance, **NGAISSONA** issued orders to execute missions and operations, to attack certain targets or locations, to erect and remove roadblocks, and to disturb the peace process or otherwise create "disorder", including through organising strikes. In addition, he could order the Anti-Balaka "to immediately cease all hostilities", or to permit the free flow of people and goods in CAR in accordance with international humanitarian law. He ordered the Anti-Balaka to stop harassing or attacking Muslims in CAR during Ramadan, for example. **NGAISSONA** was also able to summon Anti-Balaka leaders, including ComZones from the provinces and National Coordination members, to attend regular meetings held at his BOY-RABE home or [REDACTED],

during which he would discuss the security situation, including crimes committed by the Anti-Balaka, distribute money, and/or issue orders.

144. **NGAISSONA** used several means to disseminate his orders and instructions to ensure their receipt and implementation. He issued orders not only through direct contacts with the ComZones, but also transmitted them through other National Coordination members, including through written orders and press releases directed to the Anti-Balaka. To address Anti-Balaka concerns, he used radio, public airways, and electronic communication networks, such as a dedicated Anti-Balaka Yahoo! email account and [REDACTED]. **NGAISSONA** also directly issued orders to Anti-Balaka leaders in the course of regular meetings described above, at his BOY-RABE home or [REDACTED].

145. ComZones and National Coordination Committee members complied with **NGAISSONA**'s orders and reported to him. In April 2014, **NGAISSONA** stated:

“Les Anti-Balaka que je coordonne, c’est unique, c’est réparti sur toute l’étendue du territoire. Quand je donne l’ordre à ces enfants, je pense immédiatement ça suffit”.

146. Importantly, **NGAISSONA** held influence with the leaders of Anti-Balaka elements responsible for the Charged Crimes. **NGAISSONA** was in frequent contact with these leaders, including when crimes were being committed. For instance, he was in contact with key Anti-Balaka provincial leaders, including in BOSSANGO, BOSSEMPTELE, BODA, YALOKÉ, BANGUI, and those along the PK9 – MBAIKI axis, including **YEKATOM**; he visited the leadership of provincial Anti-Balaka groups or sent missions there, including to BOSSANGO, YALOKÉ, and BERBERATI; and he summoned Anti-Balaka leaders in the provinces, including from YALOKÉ, BERBERATI, BOSSEMPTELE, CARNOT, and BODA to the regular meetings described above at his home or [REDACTED] during which he would discuss, among other things, the crimes committed by the Anti-Balaka.

147. **NGAISSONA** also issued orders to achieve political objectives or for personal gain. For example, he issued the April 2014 order “to immediately cease all hostilities”

in an effort to forestall his imminent arrest. In October 2014, he ordered the Anti-Balaka to set up barricades in BANGUI in response to statements by SAMBA-PANZA because of his desire to push for her resignation. **NGAISSONA** led actions to destabilise or influence the transition government in the Anti-Balaka's name.

148. *Finally*, **NGAISSONA** had the authority to implement disciplinary measures. In his 18 April 2014 interrogation before the CAR judicial police, he stated:

“J’ai demandé même aux Anti-Balakas de ne plus voler et de commettre des hostilités. Sans le mandat d’arrêt décerné à mon encontre que je me rendrais déjà dans les différentes bases pour ramener la discipline parmi mes troupes. Par contre certains Anti-Balakas interpellaient les faux et les mettaient à la disposition des unités de gendarmerie pour enquête”.

149. **NGAISSONA** could and did remove members of the Anti-Balaka leadership he deemed could no longer be part of, or represent the group. As noted, **NGAISSONA** established the Anti-Balaka PM and had the power to order the arrest of ‘criminal’ members of the group and to refer them to national or international authorities to ensure their arrest and prosecution. To implement his orders and directions, **NGAISSONA** appointed individuals to oversee their execution. Given his position, **NGAISSONA** also had the power to intervene and stop individuals from being killed by the Anti-Balaka.

d) NGAISSONA provided the Anti-Balaka with means and/or money directly or indirectly, including for the preparation of attacks and purchase of weapons

150. A successful and wealthy businessman, **NGAISSONA** provided money to Anti-Balaka elements and leaders, including well before his return to BANGUI. While in CAMEROON, [REDACTED] gave FACA elements money, including for travel to the CAMEROON border area or to CAR, in order to prepare for an attack against the Seleka.

151. Upon his return to BANGUI, **NGAISSONA** distributed money to Anti-Balaka members to enable them to carry out operations, and to allow them to purchase weapons. He distributed money to ComZones in BANGUI and in the provinces for their support,

including to pay for food, accommodation, burial expenses and other expenditures. In addition, ComZones paid for the expenses of their groups, on **NGAISSONA** and MOKOM's promise that they would be reimbursed once the National Coordination took power, and that they (the ComZones) would benefit from this with things such as positions in the military or in the government. In financing the Anti-Balaka in this way, **NGAISSONA** was able to influence its members and secure their loyalty.

e) NGAISSONA procured, stored, and/or otherwise made ammunition available to the Anti-Balaka through its personnel or structures, including the National Coordination, or in other ways

152. [REDACTED], **NGAISSONA** bought weapons to provide to the Anti-Balaka in the field. He also placed orders for ammunition in CAMEROON.

153. **NGAISSONA** coordinated the supply of ammunition between different ComZones.

f) NGAISSONA assisted in formulating, supporting, encouraging, and promoting the Anti-Balaka's national policies, objectives, and agendas including by disseminating propaganda to the Anti-Balaka and others to achieve the criminal objectives of the Strategic Common Plan and/or Common Purpose that promoted an atmosphere of fear and hatred towards CAR Muslims

154. **NGAISSONA** gave the Anti-Balaka a voice, encouraged them, and promoted their policies, objectives, and agendas.

155. *First*, he organised and put in place an administrative structure, including a headquarters in BOY-RABE where the group could formulate, coordinate, and disseminate propaganda nationally. From there, the National Coordination issued press-communiqués, organised radio-interviews, or otherwise broadcasted information publicly, or to particular interest-groups.

156. *Second*, **NGAISSONA** represented the Anti-Balaka in meetings with the transition President and government, and MISCA. He gave the Anti-Balaka a voice at peace negotiations such as the BRAZZAVILLE Summit, and undertook formal commitments

on the group's behalf. He also acted as a mediator, both between different sections of the Anti-Balaka, and with external entities or authorities.

157. *Third*, **NGAISSONA** reiterated the Christian community's victimisation by the Seleka at every opportunity, while praising the Anti-Balaka's bravery and sacrifice as liberators. By portraying and promoting the Anti-Balaka as national heroes, **NGAISSONA** encouraged the conduct which brought that recognition — the fight against the Seleka, and the violent targeting of Muslims.

g) NGAISSONA falsely denied, justified, and/or provided misleading information about Anti-Balaka crimes against Muslim civilians to the international community, the CAR government, the media and the public

158. When informed of Anti-Balaka crimes, **NGAISSONA** dismissed or disregarded the information, tacitly justified them by doing nothing, or actively denied the Anti-Balaka's responsibility.

159. Instead of condemning the commission of crimes, or effectively addressing the Anti-Balaka's behaviour, **NGAISSONA** simply claimed that it was not "real" Anti-Balaka, but local people and/or "fake" Anti-Balaka killing Muslims.

h) NGAISSONA permitted, condoned, ratified, or encouraged the Anti-Balaka's use or threatened use of force, coercion, and/or intimidation to unlawfully create, maintain or contribute to the persistence of enclaves in western CAR and the unconscionable living conditions of Muslim civilians within them, and to restrict or interfere with their access to, or the provision of, humanitarian aid and assistance

160. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslim civilians enclaved in different areas in western CAR, and made to endure their lasting existence because of Anti-Balaka threats, intimidation, and violence.

161. Despite knowledge of the crimes committed by the Anti-Balaka in these areas, **NGAISSONA** did not condemn the participation of the Anti-Balaka leaders or their groups, did not act to end the continued subjugation of Muslims by them and other Anti-

Balaka ComZones, and did nothing to end their siege of the Muslim community or to stop their contribution to the perpetuation of their enclavement.

162. Instead, **NGAISSONA** validated the actions of the Anti-Balaka leaders. He accepted their continued membership in the group, including by issuing Anti-Balaka ID badges; inviting them to National Coordination meetings; designating them to represent the Anti-Balaka at the July 2014 BRAZZAVILLE Summit; or later officially recognising them as Anti-Balaka Coordinators.

i) NGAISSONA tolerated, accepted, recognised, and/or promoted members of the Anti-Balaka who harboured anti-Muslim animus or had committed, or intended to, commit violent acts against Muslim civilians

163. Knowing that Anti-Balaka elements were committing rampant violence against Muslim civilians, including displacement, murder, rape, torture and cruel treatment, and the destruction and plunder of private and religious properties, **NGAISSONA** used his position and influence to support, validate, legitimise, and justify their conduct, contributing to their further commission.

164. **NGAISSONA** appointed, acknowledged, and/or tolerated leaders in the Anti-Balaka who he knew commanded elements involved in the commission of the crimes, including the Charged Crimes. As mentioned above, he expressly and publicly recognised the Anti-Balaka leaders from the western CAR provinces as members of the group.

165. In BANGUI, **NGAISSONA** allowed Anti-Balaka leaders notorious for their crimes, [REDACTED]. In addition, **NGAISSONA** promoted other Anti-Balaka leaders – who had publicly expressed hatred or intolerance towards the Muslim population, including [REDACTED] and **YEKATOM**, to key-positions within the Anti-Balaka.

166. Further, when well-known members of the group were brought to justice by the CAR authorities, **NGAISSONA** actively sought to prevent their arrests and to otherwise free them.

167. **NGAISSONA**'s implicit and explicit endorsement of Anti-Balaka misconduct encouraged and promoted the serious crimes and abuses perpetrated by Anti-Balaka elements, including the Charged Crimes. His justification of the Anti-Balaka's unlawful acts, tolerance of their misconduct, legitimisation of the ComZones' command, and promotion and defence of the group's objectives and the means through which they sought to achieve them, allowed Anti-Balaka elements to feel justified and supported in their crimes and contributed to their perpetuation. As such, **NGAISSONA**'s acts also perpetuated the threatening and intimidating environment, which prevented displaced Muslims from returning home.

j) NGAISSONA deployed, assigned, and/or maintained members of the Anti-Balaka in or around Muslim civilian areas and locations, who were undisciplined, harboured anti-Muslim animus, or intended to commit violent acts against Muslims

168. As indicated below, despite knowledge of crimes committed by the Anti-Balaka in or around various Muslim civilian areas and locations, **NGAISSONA** assigned, and/or maintained members of the Anti-Balaka in these areas and locations, doing nothing to stop their participation in the commission of the crimes.

k) NGAISSONA failed to take action within his ability to impede, obstruct, or frustrate the Anti-Balaka's commission of crimes against Muslim civilians

169. **NGAISSONA** intentionally failed to take any meaningful action within his ability to render assistance to and/or protect Muslim civilians imperilled by the Anti-Balaka, despite a legal duty to do so under CAR criminal law. By choosing not to use his influence and authority over the Anti-Balaka to combat or mitigate their crimes against Muslim civilians, including to impede, obstruct, or frustrate their commission, **NGAISSONA** failed to discharge a personal duty, which applies regardless of whether he had effective control over the perpetrators. In failing to render assistance to and/or protect Muslim civilians whom he knew were in peril, particularly at the hands of the Anti-Balaka, **NGAISSONA** aided and abetted or committed the crimes. Conversely, in failing to protect or assist Muslim civilians who he knew were endangered by the Anti-Balaka, **NGAISSONA** tacitly approved of, encouraged, and aided and abetted their further and continued harming by the group.

Specifically, he failed to:

- i. Halt Anti-Balaka military operations and actions, and withdraw elements from deployments in western CAR, including BANGUI, BOEING, along the PK9-MBAIKI axis, BOSSANGO, BOSSEMPTELE, YALOK, BODA, CARNOT, GUEN, and BERBERATI, and the Muslim enclaves;
- ii. Protect Muslim civilians within the custody or control of the Anti-Balaka, while under a legal duty to do so, including by ensuring the humane treatment of detainees;
- iii. Disband the Anti-Balaka, the *de facto* Coordination, or the National Coordination;
- iv. Ban or expel members of the Anti-Balaka leadership, *de facto* Coordination, National Coordination, ComZones, and/or other Anti-Balaka members harbouring an Anti-Muslim animus and/or who had previously committed, led, or assisted in the commission of crimes against Muslim civilians;
- v. Express public disapproval and criticism of criminal conduct by Anti-Balaka members;
- vi. Report crimes by members of the Anti-Balaka to international forces, such as SANGARIS, MISCA, MINUSCA, BINUCA, etc., and/or domestic authorities for investigation and prosecution;
- vii. Establish an effective military police to arrest Anti-Balaka perpetrators for crimes against Muslim civilians, particularly those motivated by anti-Muslim animus.
- viii. Provide for effective training in International Humanitarian Law and in respect of the Anti-Balaka's engagement with civilians, especially Muslim civilians, during military operations;

- ix. Create, promulgate, and enforce a code of conduct for the Anti-Balaka, reflecting the rules of International Humanitarian Law;
- x. Issue clear orders, directions, or instructions to the Anti-Balaka to refrain from harming, attacking, or targeting civilians, particularly Muslim civilians, including interfering with convoys of persons or goods, access to humanitarian aid, medicine, and personal property, and to comply with International Humanitarian Law;
- xi. Refrain from using, espousing and/or tolerating violent and inflammatory rhetoric against CAR's Muslim population by members of the Anti-Balaka;
- xii. Discipline and punish members of the Anti-Balaka involved in the commission of crimes, particularly against Muslim civilians, and/or who themselves failed to punish the commission of such crimes by their subordinates;
- xiii. Issue such orders, directives, or instructions as necessary and reasonable to prohibit or stop the commission of crimes by members of the Anti-Balaka, particularly against Muslim civilians.

F. NGAISSONA HAD THE REQUIRED KNOWLEDGE AND INTENT

170. **NGAISSONA**, in concert with the Anti-Balaka, committed the Charged Crimes in violently targeting the Muslim civilian population in western CAR, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka, on religious, racial, national, ethnic and/or cultural grounds.

171. **NGAISSONA** intended the crimes or was aware that implementing the *Strategic Common Plan* would, in the ordinary course of events, result in the Anti-Balaka's commission of the Charged Crimes. Through its instrumentalisation of the Anti-Balaka, the *Strategic Common Plan* inherently entailed the commission of violent crimes against the Muslim population, among other crimes. **NGAISSONA** knew this as a member of BOZIZE's inner circle involved in the plan, and was fully aware that its

implementation meant, with certainty, that the Anti-Balaka would commit the Charged Crimes.

172. Not only were the Charged Crimes foreseeable from the outset, but **NGAISSONA** had actual knowledge that the Anti-Balaka were committing them as the *Strategic Common Plan* materialised and continued to be implemented throughout the Relevant Period.

173. Given his involvement in the Anti-Balaka movement from its inception and his position in it, **NGAISSONA** knew of the group's propensity for violence and motivation to exact revenge against the Muslim population for Seleka crimes. In addition, **NGAISSONA** received direct information about events on the ground from Anti-Balaka members such as MOKOM, and members of BOZIZE's inner circle, of which he was a part. In this respect, **NGAISSONA** knew that the Anti-Balaka elements were committing and intended to commit the Charged Crimes, and that the Anti-Balaka itself was an unlawful armed group.

174. **NGAISSONA** knew that Anti-Balaka elements were committing, and intended to commit, the Charged Crimes before his designation as National General Coordinator and throughout the Relevant Period, throughout which his contributions were made. Anti-Balaka crimes increased in frequency following the 5 December 2013 attacks, and particularly following DJOTODIA's resignation. **NGAISSONA** also knew of the fundamental structural and organizational features of the Anti-Balaka, which allowed him (together with other co-perpetrators) to use the Anti-Balaka to commit the crimes and to control the commission of the crimes charged.

175. From as early as 21 January 2014, **NGAISSONA** claimed the Anti-Balaka's preparedness to cease all hostilities. He later acknowledged that hostilities were ongoing and that crimes were being committed, including in a 1 February 2014 press release indicating his awareness of the presence of persons having joined the group for 'wrongful motives' or 'easy gain'. Although **NGAISSONA** recognised that investigations would need to be conducted within the Anti-Balaka ranks to determine the perpetrators of possible crimes, no such investigations were ever done.

176. **NGAISSONA** also knew that Anti-Balaka crimes were serious and warned elements to be ‘careful’ as one day they might be prosecuted before the International Criminal Court among others.

177. Likewise, **NGAISSONA** acknowledged that:

“Aussi, la population, victime des exactions des SELEKA à travers la Centrafrique depuis le 10 décembre 2012, a regagné les rangs des Antibalaka avec un esprit de vengeance envers les ex-Séléka est [sic] les sujets musulmans qui ont soutenu les Séléka durant leur occupation de la RCA. Avec la généralisation du mouvement “Anti-Balaka” à cette frange de la population centrafricaine victime des Séléka, les dérapages sont constatés dans les rangs des Antibalaka en sachant que beaucoup de délinquants et de déviants ont grossi les rangs du Mouvement”.

178. **NGAISSONA** repeated the same throughout his tenure as the National Coordinator, including in a June 2014 memorandum conceding that in the provinces the Anti-Balaka’s conduct was counter-productive: *“dans certaines localités de provinces, des comportements contre-productifs sont encore relevés dans les rangs des Antibalaka”.*

179. **NGAISSONA** was also regularly and personally notified of continuing Anti-Balaka crimes by CAR authorities and residents, MINUSCA, SANGARIS, the media, and the group’s members. He was aware of Anti-Balaka crimes, as they provided the basis for his attempted arrest, and the arrest of some ten other National Coordination members in February 2014. They also founded a warrant issued against him by CAR authorities around 8 April 2014. Moreover, **NGAISSONA** knew of Anti-Balaka crimes throughout western CAR, including those committed by **YEKATOM** and his group. He sent a PM mission to LOBAYE aware that YEKATOM’s Group was committing crimes against the ‘population’ there. **NGAISSONA** also learned of crimes through individuals he sent to Anti-Balaka groups in the western provinces to report back on “problems”.

180. *Finally*, Anti-Balaka crimes were widely reported in the national and international media, by non-governmental organisations and by UN agencies by the time of

NGAISSONA's formal designation, and during his tenure as National General Coordinator. From September 2013, Anti-Balaka crimes, including deportation and forcible transfer, murder, torture and cruel treatment, the severe deprivation of liberty, the destruction of homes and mosques, and pillaging, committed against Muslims and others perceived as supporting the Seleka were common knowledge. **NGAISSONA**'s knowledge of the Charged Crimes is detailed for each of the incidents below in section VII.

181. **NGAISSONA** made statements and/or signed documents acknowledging that the Anti-Balaka were committing crimes. His acknowledgement that he would be responsible for their crimes if they continued because of his position demonstrates his knowledge of the Anti-Balaka's and its constituent groups' intention to commit such crimes, including the Charged Crimes.

182. **NGAISSONA** was further aware of his essential role in the *Strategic Common Plan*, of his essential contributions to it, including through the conduct set out at Section V.E. In particular, his role in its founding and implementation, including as the Anti-Balaka's National General Coordinator, was so significant that he obviously knew it was essential. For the same reason, **NGAISSONA** was also aware of his ability, jointly and with his co-perpetrators, to control the commission of the crimes.

183. As the incidents described below demonstrate, there are substantial grounds to believe that, regarding the charged article 7(1) crimes, **NGAISSONA** knew and/or intended that the conduct was part of a widespread or systematic attack directed against a civilian population. Further, **NGAISSONA** was aware of the following factual circumstances: (i) the lawful presence of Muslim civilians in the relevant locations from which they were forcibly transferred, deported or displaced, and that such displacement was not justified by security or military necessity, or other legally permissible grounds; (ii) the gravity of the conduct underlying the imprisonment and severe deprivation of liberty of enclaved and/or detained persons in the relevant locations, and the character thereof; (iii) that the acts amounting to 'torture' did not arise from, and were not inherent in or incidental to, any lawful sanction; and (iv) the character of the acts amounting to 'inhumane acts'.

184. Further, as the incidents described below demonstrate, substantial grounds exist to believe that, regarding the charged articles 8(2)(c) and (e) crimes, **NGAISSONA** was aware, *inter alia*, of the following factual circumstances: (i) the existence of an armed conflict; (ii) the intended objects of attack in the relevant locations included the Muslim civilian population as such, individual civilians, and persons *hors de combat*; Muslim houses, shops and mosques which were not military objectives; and NGOs and persons intending to provide humanitarian aid to the Muslim civilian population; (iii) that persons killed, mutilated, displaced, raped, subject to cruel treatment, torture, and/or outrages upon personal dignity, were civilians taking no active part in hostilities, or persons *hors de combat*; (iv) that children under age 15 were enlisted by the Anti-Balaka and used in hostilities, alternatively, such circumstances should have been known; and (v) that property of the adversary was protected under international law and its destruction was not justified by military necessity.

VI. INDIVIDUAL CRIMINAL RESPONSIBILITY OF YEKATOM

A. Overview

185. **YEKATOM**, through the acts and omissions described below, is individually criminally responsible for Counts 1-8, 11-17, and 24-29, pursuant to article 25(3)(a) for committing them personally or jointly with others; article 25(3)(b) for ordering, soliciting and/or inducing their commission; article 25(3)(c) for assisting in their commission; article 25(3)(d) for contributing in any other way to their commission by YEKATOM's Group acting with a common criminal purpose; and under article 28(a) as a military commander, or person effectively acting as a military commander, for failing to prevent or punish their commission.

B. Article 25(3)(a)

186. **YEKATOM** committed the crimes charged in Counts 1-8, 11-17, and 24-29 personally or in concert with others through his participation in, and essential contributions to, a common plan. By December 2013, and at all relevant times herein, **YEKATOM**, members of YEKATOM's Group including members of his command, such as deputies OUANDJIO and Habib BEINA, and other FACA members participated

in a common plan. Their objective was to violently target the Muslim civilian population of western CAR, including through committing Counts 1-8, 11-17, and 24-29, and specifically that population in BANGUI (including CATTIN), BOEING and areas in south-western CAR, such as along the PK9 – MBAIKI axis — who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka (i.e., the *Operational Common Plan*).

187. The crimes charged in Counts 1-8, 11-17, and 24-29 were within the scope of the *Operational Common Plan* and committed by members of YEKATOM's Group as a result of its implementation.

188. **YEKATOM** intended the crimes charged in Counts 1-8, 11-17, and 24-29 and/or was aware that implementing the *Operational Common Plan* would, in the ordinary course of events, result in his group's commission of these crimes. **YEKATOM** was aware that the *Operational Common Plan* involved an element of criminality. He was also aware of his essential role in the *Operational Common Plan*, the essential nature of his contributions, including through conduct set out at paragraphs 200 *et seq.* below, and of his ability, jointly with the other co-perpetrators, to control the commission of these crimes. **YEKATOM** was further aware of the fundamental structural, organisational and ideological features of his Anti-Balaka group, which enabled him, jointly with the other co-perpetrators, to use group to commit the crimes and to control the commission of the crimes charged.

189. As detailed further below, like other Anti-Balaka leaders, **YEKATOM** and his elements harboured an anti-Muslim animus. They openly expressed hostility toward Muslims and their intention to exact vengeance against them. Additionally, the crimes committed by **YEKATOM** and his elements mirrored the pattern of killings, torture, sexual offences, destruction of homes and religious buildings and forced displacement – committed by Anti-Balaka groups throughout western CAR as the tools of the *Strategic Common Plan* and in furtherance of its criminal purpose (i.e., the *Common Purpose*), as their crimes detailed below show.

C. Article 25(3)(b)

190. **YEKATOM** ordered his group to commit the crimes charged in Counts 1-8, 11-17, and 29, or to perform other acts or omissions through which the crimes were committed.

191. **YEKATOM** was aware that elements of his group would, in the ordinary course of events, commit the crimes charged in Counts 1-8, 11-17, and 29, and that his orders contributed to their commission.

D. Article 25(3)(c)

192. **YEKATOM** assisted elements of his group in committing the crimes charged in Counts 1-8, 11-17, and 24-29 with the aim of facilitating their commission.

193. **YEKATOM** was also aware that elements of his group would, in the ordinary course of events, commit these crimes.

E. Article 25(3)(d)

194. **YEKATOM** intentionally contributed to the commission of the crimes charged in Counts 1-8, 11-17, and 24-29 by elements of his group acting pursuant to the ***Common Purpose***, in violently targeting the Muslim civilian population in BANGUI (including CATTIN) and BOEING, and areas in south-western CAR, such as along the PK9 – MBAIKI axis, based on their religious, national or ethnic affiliation, and their perception as collectively responsible for, complicit with, and/or supportive of, the Seleka, including through the commission of the crimes charged in Counts 1-8, 11-17, and 24-29.

195. **YEKATOM**'s contributions to the crimes committed pursuant to the ***Common Purpose*** were made with the aim of furthering the criminal activity or purpose of his Group, or in the knowledge of their intention to commit such crimes.

F. Article 28

196. **YEKATOM** was, at all times during the Relevant Period, an Anti-Balaka military commander or acting as such, with effective command and/or authority, and control over his group.

197. **YEKATOM** knew or should have known that elements of his group had committed, were committing, or were about to commit the crimes charged in Counts 1-8, 11-17, and 24-29 in BANGUI (including CATTIN) and BOEING, and areas in south-western CAR, such as along the PK9 – MBAIKI axis, and the PISSA – MONGOUMBA axis, through various sources, including his:

- a. Involvement in their preparation, design, and/or execution;
- b. Receipt of information from elements of **YEKATOM**'s Group, the international community, the media, and/or other persons; and/or
- c. Personal observation of evidence of their commission.

198. **YEKATOM** had the material ability to prevent or repress the commission of crimes by elements in his group or to submit such matters to the competent authorities for investigation and prosecution, and failed to take all necessary and reasonable measures within his effective power. **YEKATOM** further failed to take action within his ability to prevent, impede, obstruct, frustrate and/or punish the commission of crimes by elements in his group, including against Muslim civilians. The concrete actions that **YEKATOM** failed to take are set out below.

199. Although article 28 does not include any element of causation, **YEKATOM**'s failure to take all necessary and reasonable measures within his power establishes his failure to exercise control properly over elements of **YEKATOM**'s Anti-Balaka Group and causally contributed to the commission of the crimes charged.

G. YEKATOM'S CONTRIBUTIONS

200. **YEKATOM's** contributions, taken separately or jointly, were “essential.” Without them, the Charged Crimes would not have occurred, or would not have occurred in the same manner. **YEKATOM** essentially contributed to the *Operational Common Plan* and/or the crimes charged in Counts 1-8, 11-17, and 24-29; instructed or assisted elements of **YEKATOM's** Group in the commission of these crimes; and contributed to their commission by **YEKATOM's** Group acting pursuant to the *Common Purpose*, in the following ways:

- a) *YEKATOM participated in developing the Operational Common Plan and the Common Purpose and strategies to implement them*

201. **YEKATOM** helped develop the *Operational Common Plan* and the *Common Purpose* both before and during the Relevant Period.

i. *The Common Purpose*

202. As mentioned, **MOKOM** and **YEKATOM** knew each other well, from their time as “*ex-libérateurs*” in the 2003 Rebellion. On fleeing to ZONGO after the 24 March 2013 *Coup*, **YEKATOM**, with deputies **OUANDJIO** and **Habib BEINA**, regularly met with **MOKOM**.

203. As **YEKATOM** later related, the Anti-Balaka movement began in ZONGO, and once **YEKATOM** moved to KALANGOI, he [REDACTED] to join in preparing for the 5 December 2013 Attack. [REDACTED] in preparation for the offensive, in which **YEKATOM's** Group played an integral role.

204. After the 5 December 2013 Attack, **YEKATOM** regularly met, communicated or coordinated, with the National Coordination and senior Anti-Balaka leaders. These included **NGAISSONA**, [REDACTED].

205. Members of the National Coordination also visited **YEKATOM's** area of control and reported back to the Coordination.

206. YEKATOM's Group fell within the structure of the *de facto* Coordination and later National Coordination. **YEKATOM** and his group subscribed to and acted pursuant to the *Common Purpose* — in violently targeting the Muslim civilian population in western CAR, based on their religious, national or ethnic affiliation, and their perceived collective responsibility for, complicity with, and/or support of, the Seleka, as their crimes described below show.

ii. The Operational Common Plan

207. As mentioned, by June 2013, **YEKATOM** had gathered well-over 1,000 elements in KALANGOI. By 5 December 2013 or shortly thereafter, **YEKATOM** had around 3,000 under his control.

208. YEKATOM's Group was organised in a military-like hierarchy. His command, who shared in the *Operational Common Plan*, included FACA members OUANDJIO (killed during the BODA Attack), his replacement Habib BEINA, and others, [REDACTED].

209. **YEKATOM** organised and trained his elements in KALANGOI for over three months, including on weapons use, such as machetes, knives, guns, and AK47 Kalashnikov-type rifles ("Kalashnikov"). OUANDJIO and Habib BEINA also trained elements. **YEKATOM** told at least one element that the purpose of the training was "so [they] could kill Muslims and Selekas."

b) YEKATOM participated in the formation and organisation of YEKATOM's Group

210. After the 5 December 2013 Attack, **YEKATOM** established a base at the YAMWARA School in BOEING ("YAMWARA School Base"), where he organised training for his elements. **YEKATOM** also permitted outsiders to provide training to some of his elements on international humanitarian law. He later set up other bases, including at PK9, BOEING, and SEKIA. Around October 2014, **YEKATOM** set up the "*Etas-Unis*" training camp around 25 km from BIMON.

- c) *YEKATOM coordinated, commanded and controlled YEKATOM's Group in and around BANGUI and areas in south-western CAR, by planning, monitoring, issuing approvals, authorisations and orders*

211. **YEKATOM** systematically presented himself as the leader of his group and was recognised as such by his subordinates, by the Anti-Balaka Coordination, the CAR authorities, and the international community.

212. **YEKATOM** coordinated, commanded and controlled his group, and deployed them in the southwest of BANGUI (including CATTIN) and BOEING. Following DJOTODIA's 10 January 2014 resignation, they were deployed in the LOBAYE Prefecture along the PK9 – MBAIKI and PISSA - MONGOUMBA axes.

213. **YEKATOM** set up roadblocks and checkpoints at strategic locations throughout LOBAYE Prefecture and near BANGUI to regulate the flow of individuals and exact illegal "tolls" from passing vehicles, including cash and supplies, part of which **YEKATOM** personally collected. **YEKATOM** was also regularly present in, and travelled to and from, areas under his control, including when his elements were committing crimes.

214. **YEKATOM** issued orders to his subordinates, including to commit crimes. He also issued administrative orders relating to his group's organisation, authorisations to pass through checkpoints, missions, and the appointment and replacement of subordinate leaders.

215. **YEKATOM** was in charge of the discipline of his Group. His "orders were [to be] obeyed without question", and disobedience was severely punished.

- d) *YEKATOM provided YEKATOM's Group with weapons and training in their use, and with means and money directly or indirectly, including to purchase weapons, fuel, and obtain medical treatment*

216. **YEKATOM** provided his elements with the means to commit the crimes. **YEKATOM** purchased weapons and ammunition and personally distributed them amongst his elements. He provided his elements with money to buy weapons. Others

were acquired through FACA members who joined the group, taken from the Seleka, or pillaged from the *gendarmarie*. Accordingly, YEKATOM's Group had a variety of weapons at its disposal, including machine guns, rocket-propelled grenades, hand grenades, Kalashnikov and hunting rifles and machetes.

217. As many elements in YEKATOM's Group lacked combat discipline and experience, **YEKATOM** had them trained, including on how to use guns, Kalashnikovs, machetes, and knives, enabling them to carry out their crimes more effectively.

218. In addition, **YEKATOM** provided his elements with money taken at checkpoints to pay for their fuel, food, or medical treatment.

e) YEKATOM disseminated, encouraged, and/or facilitated the dissemination of propaganda to YEKATOM's Group and others to achieve the criminal objectives of the Operational Common Plan and/or Common Purpose, including by promoting an atmosphere of fear and hatred towards CAR Muslims

219. **YEKATOM** unequivocally and repeatedly espoused hateful and violent rhetoric against CAR's Muslim population. He told his elements that the enemy – the subject of his violent acts – were not just members of the Seleka, but also Muslims and “foreigners” to be ‘slaughtered’, ‘exterminated’, or at the least, ‘had to leave’, including women and children.

220. In **YEKATOM**'s presence, members of his group publicly expressed hostility toward Muslim civilians and their intention to commit violent acts against them. For example, at the YAMWARA School Base, [REDACTED] members of YEKATOM's Group, including deputy Habib BEINA and [REDACTED], openly voiced their intention to ‘slaughter’ the Muslim population including pregnant women and babies.

221. Despite his knowledge of their anti-Muslim animus, which he also shared, **YEKATOM** encouraged such members of his group and promoted their objectives. He organised and implemented an [REDACTED].

222. **YEKATOM** issued press releases and presented his group before the French press as early as 7 December 2013. He represented the Anti-Balaka at high-level meetings and

negotiations including, for example, with the transition President SAMBA-PANZA in January 2014, and at the BRAZZAVILLE Summit.

- f) *YEKATOM tolerated, accepted, recognised, and/or promoted members of YEKATOM's Group who harboured anti-Muslim animus or had, or intended to, commit violent acts against Muslim civilians*

223. **YEKATOM** accepted or placed individuals in, or promoted them to, positions of authority within his group, through which they committed crimes, including: OUANDJIO, Habib BEINA, [REDACTED]. **YEKATOM** placed and kept them in key positions despite their animus towards Muslims which they sometimes expressed in his presence.

- g) *YEKATOM deployed, assigned, and/or maintained members of YEKATOM's Group in or around Muslim civilian areas and locations, who were undisciplined, harboured anti-Muslim animus, or intended to commit violent acts against Muslims*

224. **YEKATOM** provided his elements with the opportunity to commit the crimes. Cognizant of their anti-Muslim animus, he deployed his group to the southwest of BANGUI (including CATTIN) and BOEING, in the LOBAYE Prefecture along the PK9 – MBAIKI axis, and the PISSA – MONGOUMBA axis. He thus put them in a position to commit crimes in these towns and villages.

- h) *YEKATOM committed crimes and issued unlawful orders, and instructed elements of YEKATOM's Group to commit crimes or perform other acts through which the crimes were committed*

225. **YEKATOM** led operations that he ordered, including attacks on Muslim civilians.

226. **YEKATOM** also personally committed indiscriminate acts of violence and brutality, which implicitly promoted such conduct within his group. He was notorious for killing both Muslims and his own men when they opposed him. For example, [REDACTED].

227. In addition, **YEKATOM** ordered his elements to commit many of the crimes charged. He ordered the torture and killing of Muslims, and even directed violence against those within his Group he suspected of disloyalty. He ordered such brutality as cutting throats, cutting ears off, execution, or burying people alive.

228. **YEKATOM** also ordered his elements to pillage and destroy Muslim homes and mosques, “so they will go back to their country”.

229. Finally, as further described below, YEKATOM’s Group enlisted children under age 15, some of whom were also used in hostilities such as the 5 December 2013 Attack. **YEKATOM** was fully aware of this.

i) YEKATOM failed (i) to take action within his ability to impede, obstruct, or frustrate his Group’s commission of crimes against Muslim civilians; and (ii) to take all necessary and reasonable measures within his power to prevent or repress their commission of crimes or to submit the matter to the competent authorities for investigation

230. As mentioned, elements of YEKATOM’s Group voiced their intention to violently attack the Muslim population, including in his presence. **YEKATOM** failed to take action regarding his subordinates’ crimes and behaviour despite his awareness of them. He requested and received updates regarding the situation on the ground, and was present when his men committed certain crimes.

231. **YEKATOM** – who conversely committed crimes in his subordinates’ presence – also did not prevent or punish their crimes, but tolerated them within the ranks of his group. He not only “didn’t care”, but readily redeployed them to areas where they committed similar crimes.

232. Despite his awareness of their conduct and crimes, **YEKATOM** took no action. As a FACA officer, **YEKATOM** was under a legal duty under international law, *inter alia*, to take steps to prevent the Anti-Balaka from harming Muslim civilians, and particularly prisoners within his custody or control or that of his elements. **YEKATOM** had the material ability to protect civilians and prisoners, and failed to act. He instead endorsed the actions of his group explicitly and implicitly. Through his positive contributions

outlined above and his omissions outlined below, **YEKATOM** tacitly approved of and encouraged his group's commission of crimes, as well as created a climate of impunity within his ranks which further encouraged and enabled their commission. By failing to discharge his legal duty, **YEKATOM** is also criminally responsible for omission, or for the *commission* of the crimes charged by omission.

233. **YEKATOM** failed to act in the following ways despite his legal duty as a FACA officer having custody or control of civilians and prisoners, and his role vis-à-vis the conduct of his subordinates as a military commander:

- i. Halting the military operations or actions of YEKATOM's Group, and withdrawing them from deployments in BANGUI (including CATTIN), BOEING, and areas in south-western CAR, such as along the PK9 – MBAIKI axis, and BATALIMO;
- ii. Protecting Muslim civilians within the custody or control of YEKATOM's Group while under a duty to do so as a FACA officer, among other, including by ensuring the humane treatment of detainees;
- iii. Disbanding YEKATOM's Group;
- iv. Banning or expelling members of YEKATOM's Group harbouring Anti-Muslim animus and/or who had previously committed, led, or assisted in the commission of crimes against Muslim civilians;
- v. Expressing public disapproval and criticism of criminal conduct by members of YEKATOM's Group;
- vi. Reporting crimes by members of YEKATOM's Group and/or other members of the Anti-Balaka to international forces, such as SANGARIS, MISCA, MINUSCA, BINUCA, etc., and/or domestic authorities for investigation and prosecution;

- vii. Establishing an effective military police or similar unit to arrest perpetrators within YEKATOM's Group for crimes against Muslim civilians, particularly those motivated by anti-Muslim animus;
- viii. Providing members of YEKATOM's Group with effective training in International Humanitarian Law and in the proper engagement with civilians during military operations;
- ix. Creating, promulgating, and enforcing a code of conduct for YEKATOM's Group, reflecting the rules of International Humanitarian Law;
- x. Issuing clear orders, directions, or instructions to members of YEKATOM's Group to refrain from harming, attacking, or targeting civilians, particularly Muslim civilians, including interfering with convoys of persons or goods, access to humanitarian aid, medicine, and personal property, and to comply with International Humanitarian Law;
- xi. Refraining from using, espousing and/or tolerating violent and inflammatory rhetoric against CAR's Muslim population by members of YEKATOM's Group;
- xii. Disciplining and punishing members of YEKATOM's Group involved in the commission of crimes, particularly against Muslim civilians, and/or who failed themselves to punish the commission of such crimes by their subordinates;
- xiii. Issuing necessary and reasonable directives or instructions to prohibit or stop the commission of crimes by members of YEKATOM's Group, particularly against Muslim civilians;
- xiv. Properly exercising control over YEKATOM's Group;
- xv. Refraining from enlisting children under age fifteen into YEKATOM's Group, and using such children in hostilities; and issuing clear orders,

directions, or instructions to members of his group to prohibit their enlistment and use.

H. YEKATOM HAD THE REQUIRED KNOWLEDGE AND INTENT

234. **YEKATOM**, in concert with YEKATOM's Group, committed the crimes charged in Counts 1-8, 11-17, and 24-29 pursuant to the *Operational Common Plan* - the violent targeting of the Muslim civilian population in BANGUI (including CATTIN), BOEING, and areas in south-western CAR, such as along the PK9 – MBAIKI axis, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka, on religious, racial, national, ethnic and/or cultural grounds.

235. **YEKATOM** intended the crimes charged in Counts 1-8, 11-17, and 24-29 and/or was aware that implementing the *Operational Common Plan* would, in the ordinary course of events, result in his group's commission of these crimes. Being a plan to violently target the Muslim civilian population in his area of control, the *Operational Common Plan* inherently entailed the commission of such crimes. As his group's leader, **YEKATOM** knew that implementing the plan would, with certainty, result their commission of crimes, including Counts 1-8, 11-17, and 24-29. He was also fully aware and intended that these crimes would be committed in furtherance of the *Common Purpose* and the Anti-Balaka policy.

236. **YEKATOM**'s intent to commit the crimes charged is shown by his participation, including his planning, ordering and personally leading the attacks against Muslim civilians in BANGUI (including CATTIN), BOEING, and areas in south-western CAR, such as along the PK9-MBAIKI axis, as well as his ordering the crimes, including with regard to [REDACTED].

237. **YEKATOM**'s intent regarding the enlistment and use of children under age 15 in hostilities in his group is demonstrated by [REDACTED], including the 5 December 2013 Attack, [REDACTED].

238. **YEKATOM**'s persecutory intent is shown by the explicit and violent anti-Muslim language he used, as well as that which his subordinates used in his presence.

239. **YEKATOM**'s knowledge of his crimes and those of his and other Anti-Balaka elements is further demonstrated by the documents informing him of these crimes, including the February 2014 warrant for his arrest by the domestic authorities in CAR, which resulted in the arrest of 10 members of the National Coordination in February 2014.

240. As the incidents described below demonstrate, there are substantial grounds to believe that, regarding the charged article 7(1) crimes, **YEKATOM** knew and/or intended that the conduct was part of a widespread or systematic attack directed against a civilian population. Further, **YEKATOM** was aware of the following factual circumstances: (i) the lawful presence of Muslim civilians in the relevant locations from which they were forcibly transferred, deported or displaced, and that their displacement was not justified by security or military necessity, or other legally permissible grounds; (ii) the gravity of the conduct underlying imprisonment and severe deprivation of liberty of detained persons in his areas of control, and the character thereof; (iii) that the acts amounting to 'torture' did not arise from, and were not inherent or incidental to, any lawful sanction; and (iv) the character of the acts amounting to 'inhumane acts'.

241. As the incidents described below demonstrate, substantial grounds exist to believe that, regarding the charged article 8(2)(c) and (e) crimes, **YEKATOM** was aware, *inter alia*, of the following factual circumstances: (i) the existence of an armed conflict; (ii) the intended objects of attack in his areas of control included the Muslim civilian population as such, individual civilians, persons *hors de combat*, and mosques which were not military objectives; and NGOs and persons intending to provide humanitarian aid to the Muslim civilian population; (iii) that persons killed, mutilated, displaced, subject to cruel treatment, torture, and/or outrages upon personal dignity, were civilians taking no active part in hostilities, or persons *hors de combat*; (iv) that children under age 15 were enlisted in **YEKATOM**'s Group and used in hostilities, alternatively, such circumstances should have been known; and (v) that property of the adversary was protected under international law and its destruction was not justified by military necessity.

VII. CRIMES COMMITTED BY THE ANTI-BALAKA

242. The Charged Crimes were committed pursuant to an Anti-Balaka policy which entailed the targeting of the Muslim population in western CAR, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka. The crimes were also committed in the implementation of the *Strategic Common Plan* and pursuant to the *Common Purpose*, as described above.

243. From September 2013 onwards, the Anti-Balaka expelled, hunted down, killed, and injured members of the Muslim population and others perceived to have supported the Seleka.

244. Substantial grounds exist to believe that **YEKATOM** and **NGAISSONA** are criminally responsible for Anti-Balaka crimes committed in western CAR, as specified herein:

A. BANGUI (including CATTIN) and BOEING

a) General

245. BANGUI is the capital of CAR. It is situated on the OUBANGUI River, just across from ZONGO, DRC. In 2011, its population stood at 740,000. Before the conflict, approximately 130,000 Muslims resided in the city's neighbourhoods and 8 *arrondissements*, including CATTIN (located in the 3^e *arrondissement*). BOEING is located within BIMBO, adjacent to BANGUI.

b) Crimes committed

Count 1 – Attack directed against the civilian population (article 8(2)(e)(i))

246. As mentioned above, in the early morning hours of 5 December 2013, the Anti-Balaka mounted a coordinated attack on BANGUI and BOEING (*i.e.*, 5 December 2013 Attack).

247. **YEKATOM**, [REDACTED] moved his troops from KALANGOI *via* PROJET to attack BOEING. Thereafter, **YEKATOM** and his elements moved on to attack CATTIN, killing at least four Muslims. While retreating from CATTIN back to BOEING, members of YEKATOM's Group shouted that they would first kill DJOTODIA, and then return to kill *all* Muslims.

248. There was no indication that any of the victims were Seleka, armed, or otherwise engaged in combat.

249. The following submissions under Counts 2-3 (murder), Counts 4-5 (forcible transfer), Count 6 (attacks against buildings dedicated to religion), Count 7 (destruction of the adversary's property), and Count 8 (persecution) qualify as the underlying conduct of the war crime of attack directed against the civilian population.

Count 2 – Murder (article 7(1)(a))

Count 3 – Murder (article 8(2)(c)(i))

250. During the attack on BOEING, **YEKATOM**'s elements killed at least six Muslim civilians (including traders at the BOEING Market). Among the victims were [REDACTED], and [REDACTED] and his family members.

251. During the attack on CATTIN, elements of YEKATOM's Group killed at least another four Muslims.

Count 4 – Forcible transfer, deportation (article 7(1)(d))

Count 5 – Displacement (article 8(2)(e)(viii))

252. In response to Anti-Balaka attacks, from 5 December 2013 onwards the Muslim residents of CATTIN and BOEING were forced to flee their homes and communities to the predominantly Muslim neighbourhood of PK5, to other parts of CAR, or to neighbouring countries fearing for their safety.

253. The 5 December 2013 Attack and its aftermath caused the number of internally displaced people in the 3^e *arrondissement* to increase by 100,000 in the first month thereafter alone, before being dropped to 20,000 in early March, as people fled BANGUI and BOEING. The attack on BOEING and CATTIN by **YEKATOM** and his group

contributed to the Muslim exodus in western CAR. In 2014, approximately 99% of the city's Muslim population was gone. Many of those remaining were confined to PK5 unable to leave it without risking death ("PK5 Enclave"). They were forced to endure the lack of adequate food, shelter, and sanitation.

Count 6 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))

Count 7 – Destruction of the adversary's property (article 8(2)(e)(xii))

254. By 20 December 2013 at the latest, **YEKATOM** ordered the destruction of the BOEING mosque — members of YEKATOM's Group carried out the order, using rockets and grenades to destroy the Mosque's walls and then burned it down. [REDACTED].

Count 8 – Persecution (article 7(1)(h))

255. The crimes and acts described above were committed by **YEKATOM**, YEKATOM's Group, and other Anti-Balaka elements, in a coordinated effort to cleanse BOEING and CATTIN of their Muslim populations, if not all of BANGUI. That effort demonstrates a common plan or purpose involving YEKATOM's Group, its leadership, and other elements under the *de facto* Coordination, to violently target the Muslim civilian population in BOEING and CATTIN, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

256. The Anti-Balaka's attack on, and murder of, Muslim civilians in BOEING and CATTIN; their expulsion; the destruction of their place of worship; and the commission of violent crimes and acts, all severely deprived Muslims in BOEING and CATTIN of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

257. **YEKATOM** and elements of his group committed the attack on BOEING and CATTIN and the constituent crimes.

258. *First*, before its execution, **YEKATOM** instructed his elements on the plan, telling them that they would attack Muslims *and* Seleka at the BOEING Market.

259. *Second*, **YEKATOM** led his troops during the attack on BOEING and CATTIN and took active part in the hostilities. As previously stated, [REDACTED] participated in the commission of the crimes.

260. *Third*, **YEKATOM** ordered the commission of crimes during and following the attack. He gave specific instructions to his elements to “shoot the Muslims” at the BOEING Market and ordered them to destroy the BOEING Mosque.

d) Knowledge and intent of YEKATOM

261. **YEKATOM**’s knowledge and intent is demonstrated by the crimes he led, ordered and committed together with members of his group and other Anti-Balaka groups under the *de facto* Coordination during the 5 December 2013 Attack.

e) Knowledge and intent of NGAISSONA

262. **NGAISSONA** knew of and intended the crimes committed by **YEKATOM** and his elements in BOEING and CATTIN during the course of the 5 December 2013 Attack acting pursuant to the *Operational Common Plan* and *Common Purpose*. These crimes were also committed in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka’s violent targeting of the Muslim population in western CAR, including in BOEING and CATTIN.

i. NGAISSONA knew about the situation in BOEING and CATTIN

263. **NGAISSONA** knew about the situation in BOEING and CATTIN. As a part of the *de facto* Coordination, he was fully aware of the situation in BANGUI and its surroundings on 5 December 2013.

264. The participation of YEKATOM's Group in the 5 December 2013 Attack was planned together with the *de facto* Coordination. **YEKATOM** liaised and coordinated [REDACTED] other key members of the *de facto* Coordination to prepare for, and participate in, the 5 December 2013 Attack. Immediately before and also after the 5 December 2013 Attack, **YEKATOM** [REDACTED] and other key Anti-Balaka leaders, [REDACTED].

265. Moreover, as a key-member of FROCCA, which vindicated and supported the attack — [REDACTED] **NGAISSONA** would have known about it as well. Further, the attack itself and the crimes committed as it was carried out by the Anti-Balaka were heavily (if not contemporaneously) reported in the media.

266. After the 5 December 2013 Attack, **YEKATOM** continued to meet and coordinate with senior Anti-Balaka leaders, including **NGAISSONA**, [REDACTED], **MOKOM**, [REDACTED] and other Anti-Balaka commanders.

ii. NGAISSONA intended and endorsed the situation in BOEING and CATTIN

267. **NGAISSONA** was aware of the crimes committed by **YEKATOM** and his group. Despite this knowledge, **NGAISSONA** did not condemn the commission of crimes, and did not act to end them. Instead, he validated **YEKATOM**'s actions, by accepting **YEKATOM**'s continued membership in the group, recognising him as a key member of the Anti-Balaka, and by inviting him to represent the Anti-Balaka at high-level meetings and negotiations, such as his assignment to represent the group in meetings with SAMBA-PANZA in January 2014, and at the July 2014 BRAZZAVILLE Summit.

B. BOEING Muslim Cemetery

a) General

268. BOEING's Muslim cemetery is located west of M'Poko Airport and the PK5 Enclave.

b) *Crimes committed*

Count 9 – Outrage upon personal dignity (article 8(2)(c)(ii))

269. Beginning on 5 December 2013, the Anti-Balaka blocked Muslims in PK5 from accessing the Muslim cemetery. Muslims in the PK5 Enclave dared not access the cemetery for fear that the Anti-Balaka would kill those who tried.

270. In the early part of December 2013, Anti-Balaka [REDACTED] group took control over the area surrounding the Muslim cemetery. They considered every Muslim in PK5 a part of the Seleka — a widely held view among the Anti-Balaka and reflecting the group’s policy which entailed targeting Muslim civilians, including through violence.

271. In August 2014, when the Seleka announced an intention to try to open access to the Muslim cemetery, multiple companies of the Anti-Balaka were sent to reinforce the blockade, which lasted until a non-aggression pact was signed in February 2016.

272. As Muslims were blocked from using the cemetery, in many instances, bodies decomposed for lack of a place to bury them. Some had to be given over to the Red Cross for burial without regard to religious rites. Others had to be interred in inappropriate burial places, such as on the grounds of a Christian church in BANGUI or on family compounds.

Count 10 – Persecution (article 7(1)(h))

273. The crime and acts described above were committed as part of a coordinated effort to target the Muslim population, including in the 3^e *arrondissement*. The crime demonstrates a common plan or purpose involving the *de facto* Coordination and National Coordination, to target the Muslim population who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

274. Moreover, in blocking access to the Muslim cemetery and preventing Muslim civilians in and around the 3^e *arrondissement* and the PK5 Enclave in particular, from burying their dead according to Islamic principles, which require, *inter alia*, a swift

burial, the Anti-Balaka forced them to forego the observance of religious rites and access to appropriate burial places. This deprived Muslim civilians of fundamental rights, including to liberty, association, mental integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

275. The area around the Muslim cemetery was controlled, and its access blocked, by various Anti-Balaka groups under the *de facto* Coordination and later, the National Coordination, during the Relevant Period.

276. As noted, between 5 and 10 December 2013, [REDACTED] Anti-Balaka group in taking control over the area around the Muslim cemetery, blocking access. During this period, YEKATOM's Group was also briefly deployed near the cemetery at PROJET. They remained there until around early/mid-December, before being deployed to the YAMWARA School Base.

277. Beyond this, the Anti-Balaka controlled BOEING and access to the Muslim cemetery over the long-term, as demonstrated by the involvement of key leadership figures in the matter, such as [REDACTED].

d) The de facto Coordination and later the National Coordination were involved

i. From December 2013, the direct perpetrators were in contact with the *de facto* Coordination and later the National Coordination

278. From the outset, the direct perpetrators were in contact with members of the *de facto* Coordination and later the National Coordination.

279. *First*, [REDACTED] who directed his participation in the 5 December 2013 Attack and the attack in BOEING. [REDACTED] other leadership roles in the Anti-Balaka.

280. *Second*, [REDACTED].

281. *Third*, [REDACTED].

282. *Fourth*, [REDACTED] was in contact with **NGAISSONA**, frequenting his house constantly.

ii. [REDACTED] received instructions and directions from the National Coordination

283. As members of the Anti-Balaka [REDACTED] were subordinate and held allegiance to **NGAISSONA** as an Anti-Balaka leader and the group's National General Coordinator.

e) Knowledge and intent of NGAISSONA

284. **NGAISSONA** knew of and intended the blockade of the Muslim cemetery in BOEING by the Anti-Balaka acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. As explained above, **NGAISSONA** accepted that the implementation of the *Strategic Common Plan* would result in the violent targeting of the Muslim population in western CAR, including in BANGUI's 3^e *arrondissement* comprising PK5, and BOEING.

i. NGAISSONA knew about the blockade

285. **NGAISSONA** knew about the Anti-Balaka's blocking of access to the Muslim cemetery directly or through members of the National Coordination from its inception and throughout its duration until 2016.

286. *First*, the Anti-Balaka perpetrators were members of the *de facto* Coordination, National Coordination, or linked to them.

287. *Second*, **NGAISSONA** would have been made aware of the blockade by Anti-Balaka commanders or ComZones, [REDACTED], or international forces: by 25 December 2013, Muslims in PK5 requested MINUSCA/MISCA escorts to the Muslim cemetery, as bodies started rotting. MINUSCA/MISCA was in constant contact with **NGAISSONA** and informed him regularly of problems concerning the Anti-Balaka's activities.

288. *Third*, **NGAISSONA** would have been made aware of the blockade by the CAR transition government, as the Muslim community repeatedly requested that the Anti-Balaka be made to open access to the Muslim cemetery, and insisted that they be allowed dignified burials. The matter was discussed at meetings of the *Conseil des ministres* in July 2014 and a solution sought by SAMBA-PANZA and NZAPAYEKE. [REDACTED].

289. *Fourth*, **NGAISSONA** would have been aware of the blockade from media reports, and given his proximity and personal familiarity with the area. **NGAISSONA** [REDACTED]. He knew that Muslim civilians confined to the PK5 Enclave due, in large part, to the actions of the Anti-Balaka, were being denied access to the Muslim cemetery.

ii. NGAISSONA intended and endorsed the situation

290. As noted, **NGAISSONA** was aware not only of the deplorable circumstances affecting the displaced Muslims forced into the PK5 Enclave, but the Anti-Balaka's blockade of their access to the BOEING Muslim cemetery.

291. *First*, **NGAISSONA**'s statements about the PK5 Enclave in April and May of 2014 concerned its disarming. His public rhetoric referred to the Muslims confined there as "*malfrats*", to justify their situation; but never to the thousands of Muslim civilians trapped within the enclave under threat by the Anti-Balaka.

292. *Second*, when WENEZOUÏ first held meetings with Muslim representatives to secure their access to the cemetery in and around August – September 2014, he was considered a traitor by the movement, and publically disciplined by **NGAISSONA** for not respecting the hierarchy.

293. *Third*, as noted below, **NGAISSONA** [REDACTED] participated in negotiations regarding cemetery access in mid-2015. However, Anti-Balaka ComZones only committed to allowing access some six months later. [REDACTED]. At another meeting again [REDACTED], the Muslims were escorted to the meeting in SANGARIS forces' military vehicles. **NGAISSONA**, [REDACTED] represented the Anti-Balaka. In this

meeting, the Muslim community again explained problems related to the PK5 Enclave, including the continued lack of access to the Muslim cemetery. This meeting too, led to no specific resolution.

294. Despite his clear knowledge of the blockade, instead of condemning the participation of the Anti-Balaka, or acting to withdraw Anti-Balaka forces and ensure the Muslims' access, **NGAISSONA** validated their conduct. For example, he sanctioned [REDACTED] continued membership in the group by affirming his position [REDACTED]. Moreover, he and other members of the National Coordination allowed the Anti-Balaka's protracted blockade of the Muslim cemetery and the participation of the group's members in it, which continued for years.

C. YAMWARA School Base (BOEING)

a) General

295. As noted above, **YEKATOM** established the YAMWARA School Base after the 5 December 2013 Attack.

b) Crimes committed

Count 11 – Inhumane acts (article 7(1)(k))

Count 12 – Torture (article 7(1)(f))

Count 13 – Mutilation, cruel treatment and torture (article 8(2)(c)(i))

Count 14 – Imprisonment and other forms of severe deprivation of physical liberty (article 7(1)(e))

Count 15 – Murder (article 7(1)(a))

Count 16 – Murder (article 8(2)(c)(i))

296. [REDACTED].

297. [REDACTED].

298. [REDACTED].

299. [REDACTED].

300. [REDACTED].

Count 17 – Persecution (article 7(1)(h))

301. The crimes and acts described above were committed by **YEKATOM**, YEKATOM's Group, and other Anti-Balaka elements, in a coordinated effort to target the Muslim population. That effort demonstrates a common plan or purpose involving YEKATOM's Group, its leadership, and other elements under the *de facto* Coordination, to violently attack Muslim civilians, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

302. [REDACTED] on the basis of their association with Muslims severely deprived the victims of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

303. **YEKATOM** and his elements committed the crimes against [REDACTED].

304. *First*, the charged crimes took place at the YAMWARA School Base.

305. *Second*, **YEKATOM** ordered the commission of the crimes. As stated above, [REDACTED].

306. [REDACTED].

d) Knowledge and intent of YEKATOM

307. **YEKATOM**'s knowledge and intent is shown by his ordering, endorsement of, and [REDACTED] during the commission of the crimes.

e) *The de facto Coordination and later the National Coordination were involved*

i. From December 2013, the direct perpetrators were in contact with the *de facto* Coordination and later the National Coordination

308. From the outset, the direct perpetrators were in contact with members of the *de facto* Coordination and later the National Coordination. [REDACTED].

309. [REDACTED].

ii. [REDACTED] received instructions and directions from the National Coordination

310. As members of the National Coordination, [REDACTED] were subordinate and held allegiance to **NGAISSONA** as an Anti-Balaka leader and the group's National General Coordinator.

f) *Knowledge and intent of NGAISSONA*

311. **NGAISSONA** knew of and intended the crimes committed by **YEKATOM** and his elements at the YAMWARA School Base pursuant to the *Operational Common Plan* and the *Common Purpose*. These crimes were also committed in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed, together with others. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population in western CAR, including in BOEING.

i. NGAISSONA knew about the situation at the YAMWARA School Base

312. As explained above, key members of the *de facto* Coordination were directly involved in [REDACTED]. In addition, the government and SAMBA-PANZA were also well aware of the situation at the time. **NGAISSONA** would have known about [REDACTED] and the crimes committed against them by **YEKATOM** and his group as well.

313. Furthermore, YEKATOM's Group operated under the *de facto* Coordination and, after its formal establishment in January 2014, the National Coordination, reporting to and/or coordinating with the Anti-Balaka leadership, including **NGAISSONA**.

314. After the 5 December 2013 Attack, **YEKATOM** continued to meet and coordinate with senior Anti-Balaka leaders, including **NGAISSONA**, [REDACTED] and other Anti-Balaka commanders, including at the YAMWARA School Base on or around the day of [REDACTED].

ii. NGAISSONA intended and endorsed the situation at the YAMWARA School Base

315. **NGAISSONA** was aware of the crimes committed by **YEKATOM** and his group. Despite this, **NGAISSONA** did not condemn their commission or act to end them. Instead, he validated **YEKATOM**'s actions by accepting **YEKATOM**'s continued membership in the group, recognising him as a key member of the Anti-Balaka, and by designating him to represent the Anti-Balaka at high-level meetings and negotiations, such as meetings with SAMBA-PANZA in January 2014, and the July 2014 BRAZZAVILLE Summit.

D. [REDACTED]

a) General

316. [REDACTED].

b) Crimes committed

Count 18 – Imprisonment and other forms of severe deprivation of physical liberty (article 7(1)(e))

Count 19 – Cruel treatment (article 7(1)(f))

Count 20 – Cruel treatment (article 8(2)(c)(i))

Count 21 – Rape (article 7(1)(g))

Count 22 – Rape (article 8(2)(e)(vi))

317. In [REDACTED], Anti-Balaka elements [REDACTED] abducted and severely beat [REDACTED]. The same day, they raped [REDACTED].

318. [REDACTED].

319. [REDACTED].

320. [REDACTED].

321. [REDACTED] and the family then immediately fled BANGUI. Both [REDACTED] recognised several of the Anti-Balaka who had come to their house that day.

Count 23 – Persecution (article 7(1)(h))

322. The crimes and acts described above were committed [REDACTED] and his elements, in a coordinated effort to target the Muslim population. That effort demonstrates a common plan or purpose involving [REDACTED] his elements who fell under the National Coordination, to violently attack Muslim civilians, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

323. The attack on, beating, and rape of civilians on the basis of their association with Muslims severely deprived the victims of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

324. Anti-Balaka elements [REDACTED] committed the crimes.

325. *First*, the perpetrators identified themselves as [REDACTED].

326. [REDACTED].

327. *Third*, the victims both recognised several elements. The first Anti-Balaka element who [REDACTED].

d) *Knowledge and intent of NGAISSONA*

328. **NGAISSONA** knew of and intended the crimes committed [REDACTED] his elements in BANGUI acting pursuant to the *Common Purpose*, in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including BANGUI.

i. **NGAISSONA knew about the crimes committed [REDACTED]**

329. **NGAISSONA** knew about the crimes committed [REDACTED].

330. [REDACTED].

331. *Second*, [REDACTED] reported to **NGAISSONA**. From its inception, [REDACTED] played a prominent role in the Anti-Balaka: he was among the [REDACTED], and participated in the aftermath of the 5 December 2013 Attack. [REDACTED] Anti-Balaka leader.

332. *Third*, [REDACTED] close to **NGAISSONA**, attended meetings with **NGAISSONA**; and would seek **NGAISSONA**'s advice.

333. *Finally*, [REDACTED] also in regular contact with members of the National Coordination, including **NGAISSONA**, [REDACTED] and **YEKATOM**, around the period that the crimes were committed. CDR show more specifically that [REDACTED] was in telephone contact with **NGAISSONA** in the month of and preceding the crimes.

ii. **NGAISSONA intended and endorsed the crimes committed [REDACTED]**

334. **NGAISSONA** was aware of the crimes committed [REDACTED] his Anti-Balaka elements. Despite this, **NGAISSONA** did not condemn the commission of crimes or act to end them. Instead, he validated [REDACTED] actions, by accepting [REDACTED] continued membership in the group, recognising him as a key member of the Anti-Balaka, and by inviting him to represent the Anti-Balaka at high-level meetings

and negotiations, such as his assignment to represent the group in meetings with SAMBA-PANZA in January 2014, and at the July 2014 BRAZZAVILLE Summit.

E. PK9 – MBAIKI AXIS (LOBAYE PREFECTURE)

a) General

335. The LOBAYE Prefecture is one of 16 in CAR. Located in the southwest part of the country, it borders the Republic of the Congo (“CONGO BRAZZAVILLE”) and the DRC. Its capital is MBAIKI.

336. On or about 10 January 2014, **YEKATOM** ordered the takeover of the approximately 110 km stretch of road in the LOBAYE Prefecture to gain control over the villages along the PK9 – MBAIKI axis. On or about 11 January 2014, YEKATOM’s Group advanced to the PK9 Bridge, the entry point to the main road to MBAIKI.

337. As they advanced toward MBAIKI, YEKATOM’s Group took over the following villages:

- SEKIA - strategically located about 6 km west of the PK9 Bridge at the intersection of CAR’s central road between BANGUI and MBAIKI and the road between BANGUI and MONGOUMBA.
- NDANGALA - located about 5 km west of SEKIA.
- BIMON - located about 12 km west of NDANGALA.
- KAPOU - located about 3 km southwest of BIMON.
- BOSSONGO - located about 1 km southwest of KAPOU.
- PISSA - located about 14 km southwest of BOSSONGO.

338. As the Seleka had withdrawn by the time YEKATOM’s Group arrived, each village was taken over without resistance.

339. On or about 30 January 2014, **YEKATOM** and his elements entered MBAIKI, located approximately 50 kilometres southwest of PISSA. Again, by the time **YEKATOM** and his elements arrived, the Seleka had fled.

b) Crimes committed

Count 24 – Forcible transfer, deportation (article 7(1)(d))

Count 25 – Displacement (article 8(2)(e)(viii))

340. YEKATOM's Group's advance from PK9 to MBAIKI through the LOBAYE Prefecture forced Muslim civilians to flee their towns and villages in fear of an imminent attack. Many sought refuge in MBAIKI, significantly swelling MBAIKI's Muslim population.

341. When YEKATOM's Group reached MBAIKI, elements of YEKATOM's Group threatened Muslims, telling them to leave and gesturing, running their fingers across their throats. [REDACTED].

342. The increasingly hostile environment towards Muslims that YEKATOM's Group perpetuated and heightened caused MBAIKI's Muslim population to flee MBAIKI *en masse*, from about 6 February 2014 onwards. Chadian forces evacuated Muslims to CHAD, while others were displaced to other parts of CAR. Within two weeks, MBAIKI's entire Muslim population had been removed, except its second Deputy Mayor Djido SALEH ("SALEH") and his family, who refused to leave their hometown.

343. YEKATOM's Group established checkpoints at PK9, SEKIA, BIMON, BOSSONGO, and PISSA in their advance towards MBAIKI. Armed elements regulated movements with the aim of preventing Muslims from returning. They also confiscated cattle and goods, and exacted illegal "tolls" part of which **YEKATOM** personally collected.

Count 26 – Murder (article 7(1)(a))

Count 27 – Murder (article 8(2)(c)(i))

344. On 28 February 2014, elements of YEKATOM's Group participated in the killing of Deputy Mayor SALEH in MBAIKI. SALEH and his family were the last remaining

Muslims in the town. SALEH was threatened by Anti-Balaka elements in the days leading up to his murder. On 28 February his house was attacked. While SALEH attempted to defend his home, his family managed to flee to safety. Taking flight in fear for his life, SALEH was caught within metres of the local *gendarmerie* and brutally killed.

345. Subsequently, on or about 2 March 2014 at a meeting with the *gendarmerie* and MISCA regarding SALEH's killing, **YEKATOM** stated that he knew who was responsible for the killing and had sanctioned them, indicating the substantial involvement and responsibility of his elements in the crime.

Count 28 – Persecution (article 7(1)(h))

346. The crimes and acts described above were committed by **YEKATOM**, YEKATOM's Group, and other Anti-Balaka elements, in a coordinated effort to cleanse the towns and villages along the PK9 – MBAIKI axis of their Muslim population. That effort demonstrates a common plan or purpose involving YEKATOM's Group, its leadership, and other elements under the Anti-Balaka leadership or National Coordination, to violently target the Muslim population along this axis who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

347. **YEKATOM**'s and his group's attack on Muslim civilians; their expulsion; the murder of a prominent Muslim leader; and the commission of violent crimes and acts, all severely deprived the Muslim inhabitants of the towns and villages along the PK9 – MBAIKI axis of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

348. **YEKATOM** and his elements executed the charged crimes committed during their take-over of the PK9 – MBAIKI axis.

349. *First*, the charged crimes were committed in the area under **YEKATOM**'s control. As previously stated, **YEKATOM** controlled distinct territory in south-western CAR and established bases there, including along the PK9 – MBAIKI axis.

350. *Second*, **YEKATOM** ordered the operations and deployed his elements to the towns and villages in which they committed crimes. He ordered the erection of checkpoints to extort money and goods from those trying to pass through.

351. *Third*, **YEKATOM** was regularly present in, and travelled to and from, areas under his control, including during the period when his elements were committing crimes. In relation specifically to the murder of SALEH, **YEKATOM**'s admission that he knew who was responsible for the killing shows the substantial involvement and responsibility of his elements in the crime, as stated above.

d) Knowledge and intent of YEKATOM

352. The intent and knowledge of **YEKATOM** is shown by the fact that he ordered, endorsed, and/or was present when the crimes were committed by his elements in the LOBAYE Prefecture.

e) Knowledge and intent of NGAISSONA

353. **NGAISSONA** knew of and intended the crimes committed by **YEKATOM** and his elements along PK9 – MBAIKI axis acting pursuant to the *Operational Common Plan* and the *Common Purpose*. These crimes were also committed in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including along the PK9 – MBAIKI axis.

i. NGAISSONA knew about the situation in the LOBAYE Prefecture

354. **NGAISSONA** was aware of the situation in the LOBAYE Prefecture and personally took part in missions to dismantle roadblocks along the PK9 – MBAIKI axis

pursuant to the BRAZZAVILLE agreement. Key Anti-Balaka figures, [REDACTED] also visited the LOBAYE Prefecture.

355. Moreover, the situation and crimes committed by YEKATOM's Group in the LOBAYE Prefecture were also widely and contemporaneously reported in the media.

356. As previously stated, **YEKATOM** and his group operated under the *de facto* Coordination and, after its formal establishment in January 2014, the National Coordination, reporting to and/or coordinating with the Anti-Balaka leadership, including **NGAISSONA**.

357. After the 5 December 2013 Attack, **YEKATOM** continued to meet and coordinate with senior Anti-Balaka leaders, including **NGAISSONA**, [REDACTED] and other Anti-Balaka commanders.

ii. NGAISSONA intended and endorsed the situation in the LOBAYE Prefecture

358. **NGAISSONA** was aware of the crimes committed by **YEKATOM** and his group. Despite this knowledge, **NGAISSONA** did not condemn the commission of crimes, and did not act to end them. Instead, he validated **YEKATOM**'s actions, by accepting **YEKATOM**'s continued membership in the group, recognising him as a key member of the Anti-Balaka, and by inviting him to represent the Anti-Balaka at high-level meetings and negotiations, such as his assignment to represent the group in meetings with SAMBA-PANZA in January 2014, and at the July 2014 BRAZZAVILLE Summit.

F. Child Soldiers

a) Crimes committed

Count 29 – Enlistment and use of children in hostilities (article 8(2)(e)(vii))

359. From at least December 2013 through August 2014, children under age 15 and were stationed at the YAMWARA School Base and other bases and checkpoints controlled by **YEKATOM**, including in BOEING, along the PK9 – MBAIKI axis in

SEKIA and PISSA, and along the PISSA – MONGOUMBA axis, [REDACTED]. These children carried out a variety of tasks such as manning the checkpoints and participating in hostilities, including the 5 December 2013 Attack.

360. [REDACTED].

b) Direct perpetrators of the crimes

361. **YEKATOM** and his group enlisted children under the age of 15 into YEKATOM's Group and used them for a variety of tasks, including taking active part in hostilities.

362. *First*, **YEKATOM** was personally introduced to and saw children under the age of 15 in his Group. [REDACTED].

363. *Second*, **YEKATOM** gave orders to the children in his Group, including ordering them to participate in the 5 December 2013 Attack.

364. *Third*, [REDACTED].

c) Knowledge and intent of YEKATOM

365. **YEKATOM**'s knowledge and intent is shown by the facts above and his direct participation in the crime. They demonstrate that he was well-aware that children under the age of 15 were part of his Group and intended their enlistment and participation in hostilities.

d) Knowledge and intent of NGAISSONA

366. **NGAISSONA** knew of and intended the recruitment and use of children under the age of 15 in hostilities within the Anti-Balaka, including within YEKATOM's Group acting pursuant to the *Operational Common Plan* and the *Common Purpose*. These crimes were also committed in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in such crimes.

i. NGAISSONA knew about the situation

367. **NGAISSONA** was aware that children below the age of 15 were present within Anti-Balaka ranks.

368. [REDACTED].

369. *Second*, **YEKATOM** was in direct contact with **NGAISSONA** in June 2014.

370. *Third*, the presence of child soldiers in the Anti-Balaka was widely reported.

371. As previously stated, **YEKATOM** and his group also operated under the *de facto* Coordination and, after its formal establishment in January 2014, the National Coordination, reporting to and/or coordinating with the Anti-Balaka leadership, including **NGAISSONA**.

372. After the 5 December 2013 Attack, **YEKATOM** continued to meet and coordinate with senior Anti-Balaka leaders, including **NGAISSONA**, [REDACTED] and other Anti-Balaka commanders.

ii. NGAISSONA intended and endorsed the situation

373. **NGAISSONA** was aware of the crimes committed by **YEKATOM** and his group. Despite this knowledge, **NGAISSONA** did not condemn the commission of crimes, and did not act to end them. Instead, he validated **YEKATOM**'s actions, by accepting **YEKATOM**'s continued membership in the group, recognising him as a key member of the Anti-Balaka, and by inviting him to represent the Anti-Balaka at high-level meetings and negotiations, such as his assignment to represent the group in meetings with SAMBA-PANZA in January 2014, and at the July 2014 BRAZZAVILLE Summit.

G. BOSSANGO (OUHAM PREFECTURE)

a) General

374. BOSSANGO is the capital of the OUHAM Prefecture, located around 300 km north of BANGUI and 200 km south of the Chadian border. Its 2003 population comprised around 36,000 inhabitants, including 8,000 Muslims.

375. After terrorising the Muslim population around BOSSANGO for months, and attempting an attack on 17 September 2013, the Anti-Balaka conducted a second attack on then Seleka-controlled BOSSANGO. The attack, described below [REDACTED] involved other local Anti-Balaka elements (“BOSSANGO Group”). It took place in the afternoon of 5 December 2013, only a few hours after the 5 December Attack in BANGUI and BOEING.

b) Crimes committed

Count 30 – Attack directed against the civilian population (article 8(2)(e)(i))

376. After having defeated the Seleka, fuelled with vengeance and hatred of Muslims, the Anti-Balaka went on to attack the town’s Muslim civilian population in residential areas, killing and injuring several. In an effort to cleanse the town, the Anti-Balaka made no distinction between Seleka forces and Muslims in their attack: “in BOSSANGO, whoever was a Muslim was a Seleka”, and no quarter was given. [REDACTED] the objective of the BOSSANGO Group was to chase not just the Seleka, but all Muslims out of OUHAM Prefecture altogether.

377. The following submissions under Counts 31-32 (murder and attempted murder), Count 33 (destruction of the adversary’s property), Count 35 (attacks against buildings dedicated to religion), Count 37 (forcible transfer), Count 39 (severe deprivation of liberty), Counts 40-41 (rape), and Count 42 (persecution) qualify as the underlying conduct of the war crime of attack directed against the civilian population.

Count 31 – Murder and attempted murder (article 7(1)(a))

Count 32 – Murder and attempted murder (article 8(2)(c)(i))

378. In the course of the attack, the BOSSANGO Group killed at least 18 Muslim civilians who were fleeing, including [REDACTED]. There was no indication that any of the victims were Seleka, armed, or otherwise engaged in combat.

Count 33 – Destruction of the adversary’s property (article 8(2)(e)(xii))

Count 34 – Pillaging (article 8(2)(e)(v))

379. After taking control of BOSSANGO, the BOSSANGO Group established checkpoints throughout the town, to racketeer money from the population. They pillaged everything they could from Muslim houses and shops, including the roofs, doors, and windows. In the days after the attack, Muslim houses were systematically set on fire or otherwise destroyed, especially in the predominantly Muslim neighbourhoods of BORO, ARABE, and FULBE. The words “Anti-Balaka” were written on destroyed Muslim houses, leaving no doubt as to the perpetrators of the attacks. Meanwhile, predominantly Christian neighbourhoods remained intact. By the end of January 2014, the Anti-Balaka had destroyed an estimated 1,500 Muslim houses.

Count 35 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))

Count 36 – Destruction of the adversary’s property (article 8(2)(e)(xii))

380. In the week following the attack, elements of the BOSSANGO Group dismantled and destroyed several mosques, including the central mosque of BOSSANGO, leaving Muslims with no place of worship.

Count 37 – Forcible transfer, deportation (article 7(1)(d))

Count 38 – Displacement (article 8(2)(e)(viii))

381. BOSSANGO’s Muslim inhabitants fled the attack and sought refuge at the *École de la Liberté*, a school turned into a refugee camp where Muslims from the surrounding villages fleeing the violence by the Anti-Balaka had already settled in the previous weeks.

382. In the days after the attack, the number of displaced Muslims rose to thousands. By the end of December 2013, the *École de la Liberté* sheltered over 7,000 displaced persons, mostly women and children from the Muslim neighbourhood of BORO. Some of them had been forcibly taken by the Anti-Balaka from their homes to the *École de la*

Liberté site so that they could be removed from the town by international forces, which they later were.

383. By April 2014, virtually the entire Muslim population remaining in BOSSANGOA was evacuated, mainly to CHAD.

Count 39 – Severe deprivation of physical liberty (article 7(1)(e))

384. While the Muslims were protected by international forces inside the makeshift camp for internally displaced persons (“IDP”) at the *École de la Liberté*, they could not leave it for fear of being killed by the Anti-Balaka. For instance, some weeks after the attack, the body of displaced Muslim [REDACTED] was found hacked by a machete some two days after he left the camp to check on his house. Even from within the camp there was insecurity, as the Anti-Balaka would sometimes pass by the school shouting threats towards the families inside.

Count 40 – Rape (article 7(1)(g))

Count 41 – Rape (article 8(2)(e)(vi))

385. Elements of the BOSSANGOA Group raped [REDACTED].

386. A second victim raped by Anti-Balaka elements during the 5 December 2013 attack on BOSSANGOA also reported the crime.

Count 42 – Persecution (article 7(1)(h))

387. The crimes and acts described above were committed by the BOSSANGOA Group and other Anti-Balaka elements in a coordinated effort to cleanse BOSSANGOA of its Muslim population. That effort demonstrates the common plan or purpose involving the BOSSANGOA Group, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim civilian population in BOSSANGOA, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

388. The Anti-Balaka's attack on thousands of Muslim civilians; pillaging and destruction of their property, communities, and places of worship; their expulsion; restriction of liberty; and the commission of numerous violent crimes and acts, including sexual violence, all severely deprived BOSSANGO's Muslims of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

389. As mentioned, the BOSSANGO attack was executed by a group of Anti-Balaka [REDACTED]. All [REDACTED] were present in BOSSANGO during the attack, as CDR confirm. The BOSSANGO Group also included several other members of BOZIZE's PG [REDACTED].

390. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made. Their crimes were committed in furtherance of the BOSSANGO Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to *the Common Purpose*.

d) The de facto Coordination was involved with the BOSSANGO Group

i. From September 2013 (at the latest) the BOSSANGO Group was in contact with the *de facto* Coordination

391. The BOSSANGO Group was engaged with the *de facto* Coordination.

392. *First*, CDR established that [REDACTED] was in contact with [REDACTED] on numerous occasions during earlier Anti-Balaka attacks around BOSSANGO in September 2013. [REDACTED]. CDR further established that [REDACTED] maintained contact with [REDACTED] between October 2013 and March 2014.

393. *Second*, CDR show several contacts between [REDACTED] and NGAISSONA on 17 January 2014 (*i.e.* only three days after NGAISSONA's return to BANGUI). They also show additional contact between the two throughout 2014.

394. *Third*, CDR reflects several contacts between **NGAISSONA**, [REDACTED] from January to June 2014.

ii. [REDACTED] instructions and directions from the *de facto* Coordination

395. [REDACTED] who not only strategised the 5 December 2013 BOSSANGO A attack with local Anti-Balaka leaders, but also then sent money and ammunition to carry it out. [REDACTED] explicitly said that the attack was launched a day earlier (on Thursday 5 December 2013 instead of Friday) than planned, after being informed by their “chiefs, in Bangui” of the attack on BANGUI. Likewise, later on, [REDACTED] acknowledged falling under **NGAISSONA**’s authority, from whom he received instructions.

e) Knowledge and intent of NGAISSONA

396. **NGAISSONA** knew of and intended the crimes committed by the BOSSANGO A Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka’s violent targeting of the Muslim population and its perceived supporters in western CAR, including in BOSSANGO A, yet endorsed its leadership who were among the direct perpetrators.

i. NGAISSONA knew about the situation in BOSSANGO A

397. **NGAISSONA** knew about the situation in BOSSANGO A. Members of the *de facto* Coordination were apprised of the crisis from the initial attack on 5 December 2013 and throughout the existence of the Muslim enclave until at least April 2014.

398. **NGAISSONA** was further aware of the deplorable circumstances affecting the displaced Muslims, first having been forced into the enclave, and then made to endure its lasting existence because of the unlawful conduct of the BOSSANGO A Group and other Anti-Balaka elements.

399. *First*, in addition to the frequent telephone contacts between the BOSSANGO Group and the *de facto* Coordination, CDR further establish [REDACTED] contact with [REDACTED] in the period around the attack — from 1 to 10 December 2013. On 5 December 2013, [REDACTED] were in contact several times. These contacts, clustered around 12h00 and 18h00, correspond to the 13h00 to 17h00 timing of the attack estimated by an Anti-Balaka participant. CDR also put [REDACTED] in contact between 13h00 and 14h20, at the beginning of the attack.

400. *Second*, **NGAISSONA** knew about the prevailing situation in BOSSANGO through other means: [REDACTED] sent missions there to keep apprised of the events, and also visited the area themselves.

401. *Third*, [REDACTED] attended meetings at the National Coordination in BANGUI.

402. *Fourth*, **NGAISSONA** [REDACTED] were directly informed by people present in BOSSANGO about events. In addition, the Anti-Balaka violence in BOSSANGO was also heavily covered by national and international media since September 2013, and the taking of the city later [REDACTED] confirms the National Coordination's knowledge of Anti-Balaka activities on the ground throughout western CAR, including in BOSSANGO.

ii. **NGAISSONA intended and endorsed the situation in BOSSANGO**

403. Despite clear knowledge of the crimes committed by the BOSSANGO Group, and instead of condemning their conduct, acting to end the continued subjugation of Muslims in the town by elements [REDACTED], or end the Anti-Balaka's siege of the Muslim community and desist from contributing to the perpetuation of the enclave, **NGAISSONA** validated and accepted [REDACTED] and continued membership in the group, [REDACTED].

404. [REDACTED].

H. YALOKÉ, GAGA, ZAWA (OMBELLA M'POKO PREFECTURE)

a) General

405. YALOKÉ is a major gold trading centre in the OMBELLA-M'POKO Prefecture. Its pre-conflict population of around 56,000 included between 20,000-30,000 Muslims. The town is located some 250 km north-west of BANGUI. GAGA is a mining village about 25-35 km northwest of YALOKÉ in the direction of BOSSEMPTELE. ZAWA is around 15-20 km south of GAGA and about 15 km west of YALOKÉ.

406. In the months leading up to the January 2014 attacks on GAGA, ZAWA and YALOKÉ described below, the Anti-Balaka repeatedly attacked the Muslim civilian population in and around the area, causing the terrified Muslims to seek refuge in YALOKÉ.

b) Crimes committed

Count 43 – Attack directed against the civilian population (article 8(2)(e)(i))

407. Fuelled by vengeance and hatred toward Muslims, [REDACTED], led Anti-Balaka elements (“YALOKÉ Group”) in an attack on GAGA on or about 17 January 2014. The attack claimed the lives of several Muslim civilians.

408. Shortly after attacking GAGA, on or about 20 January 2014, the YALOKÉ Group attacked ZAWA. They killed Muslim civilians and forced the survivors to flee to neighbouring towns. They then moved on to YALOKÉ, erecting roadblocks throughout the town, preventing Muslim civilians from leaving. Aware of the imminent Anti-Balaka attack, Christian inhabitants progressively left the mixed neighbourhoods in YALOKÉ's city centre to move to all-Christian neighbourhoods.

409. To calm heightened tensions and avoid the planned attack, SANGARIS forces organised reconciliation meetings with representatives of the Muslim community and the Anti-Balaka starting around 21 January 2014.

410. However, the meetings were to no avail. With the Seleka already gone, immediately after the SANGARIS forces left YALoke, the YALoke Group launched a first major attack against the Muslim civilian population on or about 22 January 2014. Days later, on or about 26 January 2014, the Muslim civilian population in YALoke was the subject of a second major attack.

411. The YALoke Group's intention to attack the Muslim population was clear. [REDACTED] pronounced that they had to take revenge on the "Arabs" who killed their families. The attack comprised numerous violent crimes and acts as described below.

412. The following submissions under Counts 44-45 (murder and attempted murder), Count 46 (forcible transfer), Counts 48-49 (destruction of the adversary's property and pillaging), Count 50 (severe deprivation of physical liberty), Count 51 (inhumane acts and extermination), Counts 54-55 (rape) and Count 56 (persecution) qualify as the underlying conduct of the war crime of attack directed against the civilian population.

Count 44 – Murder and attempted murder (article 7(1)(a))

Count 45 – Murder and attempted murder (article 8(2)(c)(i))

413. Over the course of the two attacks in YALoke and in the following days, the YALoke Group killed several Muslim civilians, including [REDACTED]. There was no indication that any of the victims were Seleka, armed, or otherwise engaged in combat.

414. In addition, the YALoke Group shot several civilians during the YALoke attacks, including [REDACTED].

Count 46 – Forcible transfer, deportation (article 7(1)(d))

Count 47 – Displacement (article 8(2)(e)(viii))

415. The attacks perpetrated in and around YALoke and the injunctions issued by the Anti-Balaka forced the vast majority of Muslim civilians present to flee and seek refuge in safe areas, such as the central mosque protected by the SANGARIS contingent, or the [REDACTED].

416. Following the YALoke Group's renewed ultimatums, MISCA and the Chadian military evacuated the Muslim population mainly to CAMEROON and CHAD in several convoys. Around 2,000 Muslim civilians were evacuated on or about 2 February 2014. Another 1,600 were evacuated on or about 4 February 2014. After further Anti-Balaka threats, on or about 22 February 2014 the last convoy emptied YALoke of its Muslim population. The Anti-Balaka attacked the convoys *en route*.

Count 48 – Destruction of the adversary's property (article 8(2)(e)(xii))
Count 49 – Pillaging (article 8(2)(e)(v))

417. Shortly after the first two convoys departed YALoke, the YALoke Group systematically went from house to house, breaking the doors and windows of houses belonging to Muslim civilians, pillaging and burning any property left behind by the fleeing Muslims. They methodically destroyed numerous Muslim houses and shops, especially in the *quartier* ARABE.

Count 50 – Severe deprivation of physical liberty (article 7(1)(e))

418. After the expulsion of the Muslim civilians from YALoke, in or about April 2014, the YALoke Group intercepted a large number of Peuhls fleeing Anti-Balaka attacks in the LOBAYE Prefecture. In exchange for money, [REDACTED] promised them safe passage. But instead, they were ambushed by elements of the YALoke Group who attacked the Peuhls in the bush, killing several men and leaving some 500-600 of them, mostly elderly, women, and children, who they eventually took to an enclave in the *quartier sous-manguier* in YALoke. The trapped Peuhls remained there for months.

419. Throughout 2014 and into 2015, the displaced Peuhls were confined to the YALoke enclave: any attempt to leave the enclave would almost certainly result in death. They had no choice but to remain in the enclave and endure dreadful living conditions, described by some as an "open air prison." Their protection was ensured only by the presence of international forces. Still, the Anti-Balaka systematically insulted the Peuhls and threatened to kill anyone attempting to leave the site.

Count 51 – Inhumane acts (article 7(1)(k))
Count 52 – Degrading treatment (article 8(2)(c)(ii))
Count 53 – Extermination (article 7(1)(b))

420. The YALoke enclave was known as one of the worst in western CAR: displaced Peuhls were subject to dire conditions, with limited shelter and access to food, sanitation, healthcare, and other primary resources. The conditions were so severe that over 40 people died of malnourishment and pulmonary and other infections over a few months. By targeting the most vulnerable members of the community (women, children and the elderly), corralling them into an enclave, and leaving them to starve and die of preventable diseases, the YALoke Group purposefully created conditions of life that were bound to destroy this group.

Count 54 – Rape (article 7(1)(g))

Count 55 – Rape (article 8(2)(e)(vi))

421. Approximately two weeks after the attacks on YALoke elements of the YALoke Group [REDACTED]

422. [REDACTED].

423. [REDACTED].

424. [REDACTED].

Count 56 – Persecution (article 7(1)(h))

425. The crimes and acts described above were committed by the YALoke Group and other Anti-Balaka elements in a coordinated effort to cleanse YALoke, GAGA, and ZAWA of their Muslim populations. That effort demonstrates a common plan or purpose involving the YALoke Group, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in YALoke, GAGA, and ZAWA who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

426. The Anti-Balaka's attack on thousands of Muslim civilians; the brutal murder of Muslim civilians and community leaders; their expulsion; the pillaging and destruction of their property and communities; their restriction of liberty; being forced to endure inhumane conditions; extermination; and the commission of numerous violent crimes

and acts, including sexual violence, all severely deprived the Muslims of GAGA, ZAWA, and YALOKÉ of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

427. The YALOKÉ Group committed the attacks and underlying crimes in GAGA, ZAWA, and YALOKÉ, which they subsequently controlled. [REDACTED].

428. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made. Their crimes were committed in furtherance of the YALOKÉ Group's leaders' common plan to violently attack the Muslim population in ZAWA, GAGA, and YALOKÉ in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

d) The National Coordination was involved with the YALOKÉ Group

i. From January 2014, the YALOKÉ Group was in contact with the National Coordination

429. The National Coordination was involved with the leadership of the YALOKÉ Group. CDR reflect that [REDACTED] were in contact with National Coordination members and key Anti-Balaka leaders in the days immediately preceding the attacks on GAGA, ZAWA, and YALOKÉ, as well as during, and shortly thereafter:

- [REDACTED];
- [REDACTED];
- [REDACTED];
- [REDACTED];
- [REDACTED];

- [REDACTED];
- [REDACTED].

430. The contacts between the leadership of the YALoke Group and members of the National Coordination and/or high-level Anti-Balaka ComZones continued in 2014 throughout the existence of the Muslim enclave: CDR show that [REDACTED] and [REDACTED] were in contact with [REDACTED], and that [REDACTED] was in contact with **NGAISSONA**. Further, CDR reflects [REDACTED] contact with [REDACTED]. CDR also reflects [REDACTED] contact with [REDACTED]. CDR additionally reflects [REDACTED] contact with [REDACTED].

ii. [REDACTED] received instructions and directions from the National Coordination

431. The National Coordination officially recognised [REDACTED] as Anti-Balaka ComZones for YALoke. [REDACTED] reported to [REDACTED] and **NGAISSONA**, [REDACTED].

e) Knowledge and intent of NGAISSONA

432. **NGAISSONA** knew of and intended the crimes committed by the YALoke Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the violent targeting of the Muslim population and its perceived supporters in western CAR, including in YALoke, GAGA, and ZAWA.

i. NGAISSONA knew about the situation in YALoke, GAGA, and ZAWA

433. **NGAISSONA** knew either directly or through members of the National Coordination about the situation in GAGA, ZAWA, and YALoke from the initial attack throughout the duration of the YALoke enclave, which remained in place until at least mid-2015.

434. *First*, there were numerous telephone contacts between the YALoke Group and the National Coordination as early as January 2014. In addition, [REDACTED] was informed contemporaneously that [REDACTED] had successfully attacked YALoke and the town was now in Anti-Balaka hands.

435. *Second*, members of the National Coordination, such as [REDACTED] visited [REDACTED] in YALoke at least in March and May 2014. Both before and after the July 2014 BRAZZAVILLE Summit, key Anti-Balaka ComZones, including [REDACTED], conducted official missions to YALoke. Conversely, [REDACTED] attended meetings organised by the National Coordination, including a meeting organised in [REDACTED] by **NGAISSONA** in June 2014.

436. *Third*, a National Coordination [REDACTED] establishes their awareness of the situation in YALoke. For instance, [REDACTED] confirms the Anti-Balaka having “chased away” Peuhls in the areas of YALoke-SIBUT-GAGA-BOSSEMPTELE-BOZOU; a [REDACTED] further indicates the Anti-Balaka’s confinement of the remaining Peuhls in YALoke.

437. *Finally*, the situation in YALoke was extensively covered by national and international media, in particular the perpetuation of the enclave and the dire conditions facing the Muslim population trapped within it.

ii. NGAISSONA intended and endorsed the situation in YALoke, GAGA, and ZAWA

438. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Peuhls, first forced into the enclave by Anti-Balaka violence, and then made to endure its lasting existence as a result of the unlawful conduct of YALoke Group.

439. Despite knowledge of the crimes committed by the Anti-Balaka, **NGAISSONA** did not condemn the participation of the YALoke Group or its leadership, [REDACTED] in the attacks on YALoke, GAGA, and ZAWA, did not act to end the continued subjugation of Muslims in the town by the YALoke Group and other Anti-Balaka

ComZones and did nothing to end the Anti-Balaka's siege of the Muslim community and to desist from contributing to the perpetuation of the enclave.

440. Instead, **NGAISSONA** validated the YALoke Group's actions and accepted [REDACTED] continued membership in the Anti-Balaka by officially recognising them within the group's ranks and by inviting them to Anti-Balaka meetings. In addition, **NGAISSONA** validated and accepted [REDACTED].

I. BOSSEMPTELE (OUHAM PENDE PREFECTURE)

a) General

441. BOSSEMPTELE is located in the OUHAM-PENDE Prefecture about 369 km northwest of BANGUI and 87 km south of BOZOUM. Bordering the OMBELLA-M'POKO and NANA-MAMBERE prefectures, the city serves as the capital of the BOSSEMPTELE Sub-Prefecture. The Sub-prefecture's 2003 population was around 18,000. In 2013, there were between 6,000 and 8,000 inhabitants of the city, of which around 35% were Muslim.

442. When rumours of an imminent Anti-Balaka attack reached BOSSEMPTELE, a large part of its civilian Muslim population fled. By the beginning of January 2014, only around 1,000 Muslims remained.

443. Fearing an attack, [REDACTED] tried for weeks to negotiate with, and dissuade the Anti-Balaka from attacking BOSSEMPTELE. Anti-Balaka leaders [REDACTED] publicly expressed their intention to cleanse BOSSEMPTELE of its Muslim population.

b) Crimes committed

Count 57 – Attack against the civilian population (article 8(2)(e)(i))

444. Only hours after the last round of negotiations failed, the Seleka left BOSSEMPTELE on 17 January 2014. The next day, [REDACTED] led hundreds of Anti-Balaka elements armed with machetes, bows, and hunting rifles in the attack on the town, proceeding from three directions ("BOSSEMPTELE Group").

445. Fuelled by vengeance and hatred toward Muslims, the BOSSEMPTELE Group attacked the town's Muslim population, particularly in the ARABE and BALA neighbourhoods, committing numerous violent crimes and acts as described below.

446. After the attack, they took control over the town and established a base in the building previously used by the Seleka.

447. The following submissions under Counts 58-59 (murder), Count 60 (destruction of the adversary's property), Count 62 (attacks against buildings dedicated to religion), Count 63 (forcible transfer), Count 65 (severe deprivation of physical liberty), and Count 66 (persecution) qualify as the underlying conduct of the war crime of attack directed against the civilian population.

Count 58 – Murder (article 7(1)(a))

Count 59 – Murder (article 8(2)(c)(i))

448. During the attack and in the following days, the BOSSEMPTELE Group killed at least 22 Muslim civilians, including a certain [REDACTED] and two Peuhl women. They mounted a manhunt around BOSSEMPTELE, killing Muslims in the bush and leaving their bodies to decompose in the heat, or calling up religious leaders to come collect and bury the bodies. They killed many Muslim civilians, including [REDACTED]. There was no indication that any of the victims (many of whom were children, elderly or invalid) were Seleka, armed, or otherwise engaged in combat.

Count 60 – Destruction of the adversary's property (article 8(2)(e)(xii))

Count 61 – Pillaging (article 8(2)(e)(v))

449. During the attack, the Anti-Balaka systematically pillaged Muslim shops in the main market, taking chairs, suitcases, and mattresses among other items, and also merchandise such as sugar, salt and soap. They went on to destroy shops, including one belonging to [REDACTED].

450. They also systematically burnt down and destroyed Muslim houses, including the houses of [REDACTED], especially in the Muslims neighbourhoods ARABE and BALA.

Count 62 – Attack against buildings dedicated to religion (article 8(2)(e)(iv))

451. The BOSSEMPTELE Group destroyed at least two mosques, including the Central Mosque and the Chadian Mosque in the ARABE and BALA neighbourhoods. They were set on fire, or had their roofs and doors removed, or brick walls destroyed.

Count 63 – Forcible transfer, deportation (article 7(1)(d))

Count 64 – Displacement (article 8(2)(e)(viii))

452. Muslims fled the attack *en masse* to neighbouring villages or to CAMEROON. Over 1,000 displaced Muslims, including from neighbouring villages, sought refuge at the “*Sainte-Thérèse*” Catholic Mission. For their protection, they were hidden in the poultry pen, classrooms, surgery hall, and hospitalisation rooms of the medical facility on the premises, or with the staff. By the end of January 2014, the Mission sheltered some 1,500 Muslim civilians.

453. From February 2014 onwards, [REDACTED] “*Sainte-Thérèse*” Catholic Mission and its hospital, managed to negotiate the evacuation of some Muslim civilians to CAMEROON, starting with the women and children. The evacuation was fully in line with the Anti-Balaka’s explicit objective: to empty BOSSEMPTELE of its Muslim population. Later, on orders from BANGUI not to kill Muslims anymore, [REDACTED] allowed some men to leave. By July 2014, all Muslim refugees had been evacuated except those with disabilities, those too physically ill or weak to climb onto the trucks, and those whose families could not be identified. The last Muslims were still present in the enclave in January 2015.

Count 65 – Severe deprivation of physical liberty (article 7(1)(e))

454. Until peacekeeping troops established a presence in BOSSEMPTELE, Muslim civilians were under constant threat of attack by the BOSSEMPTELE Group, who controlled the town. In addition to threatening to attack, they captured several Muslims to ransom and [REDACTED].

Count 66 – Persecution (article 7(1)(h))

455. The crimes and acts described above were committed by the BOSSEMPTELE Group and other Anti-Balaka elements in a coordinated effort to cleanse BOSSEMPTELE of its Muslim population. That effort demonstrates a common plan or purpose involving the BOSSEMPTELE Group, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in BOSSEMPTELE, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

456. The Anti-Balaka's attack on over a thousand Muslim civilians; their brutal murder including the killing of children and elderly people; pillaging and destruction of their property, communities, and places of worship; their expulsion; restriction of liberty; forced enslavement; and the commission of numerous violent acts, all severely deprived BOSSEMPTELE's Muslims of fundamental rights. These include the right to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

457. The BOSSEMPTELE attack was executed, and the underlying crimes committed by the BOSSEMPTELE Group, [REDACTED]. Following the attack, they became the Anti-Balaka leaders in BOSSEMPTELE and claimed authority over the town. They were later joined by [REDACTED]. All were seen carrying Kalashnikovs and grenades.

458. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made. Their crimes were committed in furtherance of the BOSSEMPTELE Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

d) The National Coordination was involved with the BOSSEMPTELE Group

- i. From the end of December 2013, the BOSSEMPTELE Group was in contact with the *de facto* Coordination and later the National Coordination**

459. CDR show that [REDACTED] and [REDACTED] were in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones. [REDACTED] was in contact with **NGAISSONA** in March 2014. Between May and December 2014, he was in contact with [REDACTED]. CDR also shows that [REDACTED] was in contact with [REDACTED] on 25 December 2013, before the attack on BOSSEMPTELE, on 29 January 2014, as well as later on.

ii. The BOSSEMPTELE Anti-Balaka leadership received instructions and directions from the National Coordination

460. The leaders of the BOSSEMPTELE Group publicly acknowledged receiving instructions from, and their subordination to, the National Coordination. For example, in or around March 2014, [REDACTED] to evacuate Muslim civilians on an order from BANGUI to stop killing Muslims.

e) Knowledge and intent of NGAISSONA

461. **NGAISSONA** knew of and intended the crimes committed by the BOSSEMPTELE Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including in BOSSEMPTELE.

i. NGAISSONA knew about the situation in BOSSEMPTELE

462. **NGAISSONA** knew about the situation in BOSSEMPTELE, either directly or through members of the National Coordination from the initial attacks throughout the duration of the enclave which remained in place until July 2014.

463. *First*, the attack on BOSSEMPTELE was coordinated by [REDACTED]. While a faction of the Anti-Balaka elements in GOBERE marched on BANGUI, the rest remained north, with some coming down to BOSSEMPTELE through BOZOU.

464. *Second*, as mentioned, there were numerous telephone contacts between the leadership of the BOSSEMPTELE Group and the *de facto* Coordination, as early as the end of December 2013.

465. *Third*, on 6 February 2014 (two weeks after the initial attack), [REDACTED] a National Coordination meeting at **NGAISSONA**'s [REDACTED]. The leadership for the BOSSEMPTELE Group participated in several National Coordination meetings after that date, including [REDACTED] whose CDR confirm his presence in BANGUI on 25 June 2014, the date a National Coordination Meeting was held. [REDACTED] known to the National Coordination.

466. *Fourth*, [REDACTED] on the National Coordination's behalf, [REDACTED] for Anti-Balaka elements in the BOSSEMPTELE area.

467. [REDACTED].

468. *Sixth*, on 10 February 2014, **NGAISSONA** claimed to be in contact with Anti-Balaka leaders in every municipality; and on 6 May 2014, he proposed to the CAR authorities that they invite the Anti-Balaka from the Provinces to BANGUI to discuss the situation of the IDPs.

ii. NGAISSONA intended and endorsed the situation in BOSSEMPTELE

469. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslims, first forced into the enclave and then made to endure its lasting existence as a result of the unlawful conduct of BOSSEMPTELE Anti-Balaka elements.

470. Despite his knowledge of the crimes committed by the BOSSEMPTELE Group, **NGAISSONA** did not condemn their participation of the in the attack, he did not act to end their continued subjugation of Muslims in the town [REDACTED], and did nothing to end the Anti-Balaka's siege of the Muslim community and to desist from contributing to the perpetuation of the enclave.

471. Instead, **NGAISSONA** validated the Anti-Balaka's actions and accepted [REDACTED] continued membership in the group, later officially recognising [REDACTED] as the ComZones for BOSSEMPTELE. Similarly, [REDACTED].

J. BODA (LOBAYE PREFECTURE)

a) General

472. BODA is a town in the LOBAYE Prefecture approximately 160 km west of BANGUI. Around February 2014, there were approximately 45,000 inhabitants in the town and its surrounding villages. Some 12,000 Muslims and 30,000 non-Muslims resided in BODA alone.

b) Crimes committed

Count 67 – Attack against the civilian population (article 8(2)(e)(i))

473. Fuelled by vengeance and hatred towards Muslims, immediately after the Seleka withdrew from BODA, [REDACTED] Anti-Balaka elements in an attack on the town's Muslim civilian population on or around 28 January 2014. The attack lasted several days.

474. A few days into the attack, [REDACTED] gathered FACA elements armed with light weapons in BANGUI and brought them to BODA to reinforce the local Anti-Balaka. These FACA members included [REDACTED].

475. *En route*, several members of YEKATOM's Group also joined the group, including Deputy OUANDJIO (who died during the attack).

476. On arrival, [REDACTED] who had gathered the local Anti-Balaka at BODA's Catholic Mission. They strategised about the attack: from the Catholic Mission they would split into three groups [REDACTED]. The group incorporated both FACA and Anti-Balaka youth ("BODA Group").

477. In the early morning on or about 5 February 2014, the BODA Group carried out the planned coordinated attack, which ended with the arrival of SANGARIS forces. Later that day, on [REDACTED], the BODA Group was reinforced by a group of Anti-Balaka who arrived in BODA led [REDACTED].

478. From the outset, the BODA Group's attack was aimed at cleansing BODA of any Muslim presence, perceiving them as having been complicit with the Seleka. In the course of the attack, at least 20 Muslim civilians were killed, including children. Anti-Balaka elements celebrated the killing of Muslims.

479. The town's Muslim market was burned down, as were hundreds of Muslim houses and businesses. Anti-Balaka elements, [REDACTED], raided Muslim houses at night, unlawfully appropriating goods and property for their own use.

Count 68 – Severe deprivation of physical liberty (article 7(1)(e))

480. The attack forced BODA's Muslim civilians to flee to safe places (the enclave) which comprised a handful of central neighbourhoods, including ALI, ARAB, BAGUIRA and BINDOO. They were bounded by a virtual 'red line' which, if crossed, carried the threat of death by the Anti-Balaka. For their survival, Muslim civilians were fully dependent on the protection of international forces. Within weeks the enclave more than doubled in size, swelling from 6,000 to 11,000, then to at least 14,000 Muslims.

481. Muslim civilians, who tried to leave the enclave in search of food or firewood, including women and children, were hunted down by the Anti-Balaka.

Count 69 – Inhumane acts (article 7(1)(k) and 8(2)(c)(ii))

Count 70 – Degrading treatment (article 8(2)(c)(ii))

482. Throughout 2014, continuing Anti-Balaka violence and threats forced BODA's decimated Muslim community to endure deplorable circumstances within the enclave, with limited access to the most essential facilities and commodities, including basic health care, food, and water. Shortages of medicine and access to medical treatment combined with unsanitary conditions led to many deaths. Access to fresh water was limited and poor water quality led to the proliferation of sickness and disease. Muslims

had to rely on external sources for food, sometimes going days without, and Anti-Balaka elements further threatened merchants to prevent their selling food to Muslims. The Anti-Balaka moreover attacked NGOs providing food and other supplies to Muslims causing further and severe humanitarian shortages.

483. Muslims also faced severe conditions of overcrowding, with reports of up to 50 people sleeping in one room for lack of accommodation. To some, life in the enclave felt simply like waiting for one's turn to die. In addition, Muslims were denied the right to bury their dead with dignity, as they could not access Muslim burial sites beyond the enclave's perimeter without armed escort, for fear of Anti-Balaka attacks.

Count 71 – Forcible transfer, deportation (article 7(1)(d))

Count 72 – Displacement (article 8(2)(e)(viii))

484. As noted, the attack on Muslim civilians forced them to flee their homes to safe places in BODA's centre, where many remained enclaved. To escape continuing Anti-Balaka threats and violence, many Muslim civilians fled further by their own means when possible, or through evacuation by SANGARIS or other international forces mainly to BANGUI, CHAD and CAMEROON.

Count 73 – Rape (article 7(1)(g))

Count 74 – Rape (article 8(2)(e)(vi))

Count 75 – Cruel treatment (article 8(2)(c)(i))

Count 76 – Murder (article 7(1)(a))

Count 77 – Murder (article 8(2)(c)(i))

485. In the weeks and months following the attack, elements of the BODA Group raped several Muslim women and girls, as well as Christian women accused of helping Muslims.

486. [REDACTED].

487. [REDACTED].

488. [REDACTED].

Count 78 – Persecution (article 7(1)(h))

489. The crimes and acts described above were committed by the BODA Group and other Anti-Balaka elements in a coordinated effort to cleanse BODA of its Muslim population. That effort demonstrates a common plan or purpose involving the BODA Group, the local Coordination, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in BODA, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

490. The Anti-Balaka's attack of over ten thousand Muslim civilians; their expulsion; restriction of liberty; forced enclavement subject to inhumane conditions; commission of numerous violent crimes and acts, including sexual violence, all severely deprived BODA's Muslims of fundamental rights. These include the right to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

491. [REDACTED] originally organised local Anti-Balaka elements in the attack, [REDACTED] (i.e., BODA Group) on arrival. [REDACTED].

492. [REDACTED]. As mentioned above, other individuals involved in the attacks were [REDACTED] who accompanied [REDACTED]. After the initial attack, they remained in BODA involved with the Anti-Balaka leadership.

493. In parallel, [REDACTED] continued to commit serious violence in and around BODA, attacking Muslims, raping women, and plundering and burning houses for months.

494. The BODA Group and members of the Anti-Balaka local Coordination were aware of the crimes committed by Anti-Balaka elements against Muslims, as the crimes continued to be reported to them.

495. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made. Their crimes were committed in furtherance of the BODA Group's leaders' common plan to violently

attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

d) *The National Coordination was involved with the BODA Group*

i. From January 2014, the BODA Group was in contact with the National Coordination

496. Throughout 2014, members of the BODA Group and the local coordination were in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones.

497. CDR show that just before and after the BODA attack, [REDACTED] was in contact with [REDACTED]. **YEKATOM** was also aware of the attack. CDR show contact just before the attack with [REDACTED], who independent evidence places at BODA on or about the day of the attack and having informed **YEKATOM** about it. Around the same time, **YEKATOM** was in contact with MOKOM. CDR also show that [REDACTED], were in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones, including [REDACTED], **NGAISSONA**, and [REDACTED] before, during, and after the attack, and for the duration of the enclave in 2014.

ii. The BODA Group reported to the National Coordination

498. The BODA-based Anti-Balaka leadership, [REDACTED] regularly informed the National Coordination of what was happening in BODA. They further reported to the National Coordination in person, during their meetings in BANGUI.

e) *Knowledge and intent of NGAISSONA*

499. **NGAISSONA** knew of and intended the crimes committed by the BODA Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result

in the violent targeting of the Muslim population and its perceived supporters in western CAR, including in BODA.

i. NGAISSONA knew about the situation in BODA

500. **NGAISSONA** knew about the situation in BODA, either directly or through members of the National Coordination, from the initial attacks throughout the duration of the enclave which remained in place throughout 2014.

501. *First*, as mentioned, there were numerous telephone contacts between the BODA Group and the *de facto* Coordination, as early as December 2013. Leaders of the BODA Group reported about the situation in BODA to **NGAISSONA**.

502. *Second*, in March 2014, key members of, and under, the National Coordination visited BODA, including [REDACTED] **YEKATOM**. [REDACTED], **YEKATOM** and other members of the Coordination also visited at other times.

503. *Third*, Anti-Balaka representatives from BODA attended several meetings in BANGUI with **NGAISSONA**, at his house.

504. *Fourth*, **NGAISSONA** ordered and organised the dismantling of the roadblocks in BODA after the BRAZZAVILLE Summit. Individuals [REDACTED] reported back to **NGAISSONA** on the situation.

505. *Fifth*, in an effort to strengthen the capacity of the BODA Anti-Balaka, **NGAISSONA** assisted the BODA-based Anti-Balaka leadership in the creation of Anti-Balaka badges.

506. *Finally*, the National Coordination was also apprised of the situation because it was heavily covered by national and international media.

ii. NGAISSONA intended and endorsed the situation in BODA

507. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslims, first forced into the enclave and then made to endure its lasting existence as a result of the unlawful conduct of BODA Anti-Balaka elements.

508. Despite his knowledge of the crimes committed by the Anti-Balaka in BODA, he did not condemn the participation of [REDACTED] Anti-Balaka in the attacks, nor did he act to end the continued subjugation of Muslims in the town by Anti-Balaka elements [REDACTED]. He also did nothing to end the Anti-Balaka's siege of the Muslim community and to desist from contributing to the perpetuation of the enclave.

509. Instead, **NGAISSONA** validated their actions and accepted their continued membership in the group, as shown by: (i) [REDACTED]; (ii) [REDACTED]; and (iii) [REDACTED].

K. CARNOT (MAMBERE-KADEI PREFECTURE)

a) General

510. CARNOT is the fourth-largest city in CAR. Its 2010 population of around 87,000 comprised 85% Christians and 15% Muslims. CARNOT is also a sub-prefecture in the MAMBERE-KADEI Prefecture. The town is situated in southwest CAR about 215 km from the Cameroonian border, 100 km north of BERBERATI, 100 km west of GUEN, and some 400 km west of BANGUI.

511. Most of CARNOT's Muslim civilian population left with the Seleka on their withdrawal from the town at the end of January 2014. They feared the Anti-Balaka's arrival, having heard of their attacks on Muslims in BANGUI and in neighbouring villages.

512. The Anti-Balaka first entered CARNOT on 2 February 2014, two days after the Seleka's withdrawal and despite [REDACTED] efforts to dissuade them. The group had a range of weapons, from knives and traditional hunting arms to light weapons such as grenades and Kalashnikovs. ComZone [REDACTED] around 1,000 to 2,000 elements, which included locals and others from surrounding areas of CARNOT,

BOSSEMPTELE, BAORO, BOUAR, BOSSANGO, YALOE, and BOZOU (‘‘CARNOT Group’’).

b) Crimes committed

Count 79 – Attack against the civilian population (article 8(2)(e)(i))

513. Fuelled by vengeance and hatred of Muslims, the CARNOT Group attacked the town’s Muslim civilian population early February 2014, after taking control of the town. From the initial attack and throughout its continuation, Muslim civilians were beaten in and around the town, reportedly killed, and forcibly displaced *en masse*.

514. The following submissions under Count 80 (forcible transfer), Count 82 (severe deprivation of physical liberty), Count 83 (inhumane acts), and Count 85 (persecution) qualify as the underlying conduct of the war crime of attacks directed against the civilian population.

Count 80 – Forcible transfer, deportation (article 7(1)(d))

Count 81 – Displacement (article 8(2)(e)(viii))

515. As a result of the attack by including the CARNOT Group, and in fear for their lives, most of CARNOT’s Muslim population, between 13,000 and 15,000 civilians, fled to villages within CAR, or abroad, mainly to CAMEROON and CHAD. They used any transportation means available, cars, taxis, buses, but mostly they fled in big trucks, without their belongings, in a bid to save time – and their lives.

Count 82 – Severe deprivation of physical liberty (article 7(1)(e))

516. Those who did not or could not flee CARNOT sought refuge [REDACTED]at the *Saint Martyr de l’Ouganda* Catholic Church, together with other Muslims from neighbouring villages and more distant towns, such as GUEN, YALOE, BOSSEMBELE, BOZOU, BAORO, and BOSSEMPTELE. Overall, about 3,000 displaced Muslim civilians were registered at *Saint Martyr de l’Ouganda* Church, where they were enslaved from February 2014 onwards.

517. Elements of the CARNOT Group [REDACTED] constantly threatened the Muslims enclaved at *Saint Martyr de l'Ouganda* Church. They blocked the entrance gate trapping the Muslim refugees inside the compound, and attacked those who tried to get out. On one occasion, they forced their way into the Church with gas canisters, threatening to burn it down [REDACTED]. [REDACTED].

518. Muslims could only leave the Church assisted by MSF staff or escorted by MISCA or later, MINUSCA. MISCA arrived in the second week of February 2014 to protect the Church's compound. Despite an international security presence, principally MISCA and MINUSCA, the CARNOT enclave lasted for over two years. The Anti-Balaka threat remained just outside the Church compound gates, enforcing the Muslims' confinement within.

519. While the large majority of the Muslim civilians were eventually evacuated to safer places, around 500 remained confined until early 2016.

Count 83 – Inhumane acts and degrading treatment (article 7(1)(k))

Count 84 – Degrading treatment (article 8(2)(c)(ii))

520. Most of the displaced in the enclave were women and children. The Muslims were forced to endure appalling circumstances, particularly regarding health and sanitary conditions. They were cut off from food, clothing, and medicine, forcing them to depend mainly on NGOs for their survival, and whose continued provision was never assured; further, inadequate medical care and poor sanitary conditions which exposed them to disease and sickness, added to their distress.

Count 85 – Persecution (article 7(1)(h))

521. The crimes and acts described above were committed by the CARNOT Group and other Anti-Balaka elements in a coordinated effort to cleanse CARNOT of its Muslim population. That effort demonstrates the common plan or purpose involving the CARNOT Group, the local Coordination, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in CARNOT, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

522. The Anti-Balaka's repeated attacks on Muslim civilians; their expulsion; restriction of liberty; forced enclavement subject to inhumane conditions; all severely deprived CARNOT's Muslims of fundamental rights. These include the right to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

i. Local Anti-Balaka leadership

523. As mentioned, [REDACTED]. [REDACTED]. All were present in CARNOT during the attack and throughout the existence of the enclave.

524. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made. Their crimes were committed in furtherance of the CARNOT Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

ii. Contacts of [REDACTED] with the National Coordination

525. The CARNOT Group engaged with the National Coordination. *First*, [REDACTED] were among [REDACTED] provincial Anti-Balaka [REDACTED] who attended NGAISSONA's National Coordination meetings in BANGUI. *Second*, representatives of the National Coordination travelled to CARNOT where they issued identifications to Anti-Balaka elements, acknowledging them within the group. *Third*, commanders of the CARNOT Group were either selected to represent the National Coordination or later received official appointments, recognising their leadership as Anti-Balaka.

526. CDR show that [REDACTED] were in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones. [REDACTED] was in contact with [REDACTED] during the second half of 2014. From 21 September 2014 onwards, [REDACTED] was in contact with several key Anti-Balaka leaders including within the National Coordination, such as [REDACTED].

iii. Relationship between [REDACTED] and the National Coordination

527. The CARNOT Group fell under the National Coordination. [REDACTED] regularly reported to the National Coordination through [REDACTED], including on crimes committed by Anti-Balaka elements in CARNOT. [REDACTED] respected the authority of the National Coordination over the Anti-Balaka, and NGAISSONA's in particular. For instance, the CARNOT Group received the National Coordination's instructions to attend meetings in BANGUI, and likewise requests to refrain from harming the staff of NGOs. [REDACTED] was often in direct communication with NGAISSONA.

528. Anti-Balaka elements in CARNOT, [REDACTED], also wore Anti-Balaka identification badges issued by the National Coordination.

d) Knowledge and intent of NGAISSONA

529. NGAISSONA knew of and intended the crimes committed by the CARNOT Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. NGAISSONA knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including in CARNOT.

i. NGAISSONA knew about the situation in CARNOT

530. NGAISSONA knew about the situation in CARNOT either directly or through members of the National Coordination from the initial attacks throughout the duration of the enclave which remained in place until early 2016.

531. *First*, the situation of the CARNOT enclave was heavily covered in the media nationally and internationally throughout 2014. It exposed the Anti-Balaka's intention to cleanse CARNOT of its Muslim population.

532. *Second*, [REDACTED] concerning the ongoing situation were closely monitored by the Anti-Balaka in CARNOT, including by [REDACTED].

533. *Third*, members of the CARNOT Group attended meetings in BANGUI, including at **NGAISSONA**'s house.

534. *Finally*, throughout the enclave's existence the leadership of the CARNOT Group informed **NGAISSONA** and the National Coordination of the situation of Muslims.

ii. NGAISSONA intended and endorsed the situation in CARNOT

535. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslims, first forced into the enclave and then made to endure its lasting existence as a result of the unlawful conduct of the CARNOT Group.

536. Despite knowledge of the crimes committed by the Anti-Balaka in CARNOT, **NGAISSONA** did not condemn the participation of the CARNOT Group and [REDACTED] in the confinement and subjugation of CARNOT's Muslims. Nor, did he act to end the siege of the Muslim community or to stop their contribution to the perpetuation of the enclave.

537. Instead, **NGAISSONA** validated the CARNOT Group's actions by accepting [REDACTED] continued membership in the group, [REDACTED].

L. BERBERATI (MAMBERE-KADEI PREFECTURE)

a) General

538. BERBERATI is the capital of the MAMBERE-KADEI Prefecture and the third-largest city in CAR. Its 2009 population of around 130,000 included about 6,500 Muslims. BERBERATI is located in south-western CAR about 85 km east of GAMBOULA near the Cameroonian border, 95 km south of CARNOT, and over 500 km west of BANGUI.

539. After the Seleka withdrew from BERBERATI around the end of January 2014, local Muslims started leaving towards CAMEROON as advised by the local Seleka leadership, and in fear of imminent Anti-Balaka attacks.

540. Soon after, in or around the beginning of February 2014, a group of Anti-Balaka arrived from GAMBOULA, to the east. [REDACTED].

541. On their arrival, [REDACTED] announced the group's intention to go after any remaining Seleka and their so-called *accomplices*, and to collect weapons left behind. His men began searching Muslim houses, toward whom they soon became violent and threatening, and looted their property.

542. On or around 10 February 2014, [REDACTED] a second group of Anti-Balaka to BERBERATI coming from the direction of CARNOT to the north, in an attack of BERBERATI, together with local Anti-Balaka elements, [REDACTED] ("BERBERATI Group").

b) Crimes committed

Count 86 – Attack directed against the civilian population (article 8(2)(e)(i))

543. Fuelled by vengeance and hatred towards Muslims, the BERBERATI Group attacked the town's civilian Muslim population, particularly in the POTO-POTO, DJAMBALA, and BABA-NANI neighbourhoods. With the Seleka already gone, they encountered no armed resistance. [REDACTED] intentions and that of the BERBERATI Group were clear: BERBERATI was to be cleansed — the Muslims needed to leave, never to return. The attack comprised numerous violent crimes and acts as described below.

544. The following submissions under Counts 87-88 (murder), Counts 89-90 (destruction of the adversary's property and pillaging), Counts 91-93 (attacks against buildings dedicated to religion, pillaging and destruction of the adversary's property), count 94 (forcible transfer), Count 96 (inhumane acts), Count 98 (severe deprivation of physical liberty), and Count 99 (persecution) qualify as the underlying conduct of the war crime of attacks directed against the civilian population.

Count 87 – Murder (article 7(1)(a))

Count 88 – Murder (article 8(2)(c)(i))

545. During the BERBERATI attack and in the days following, elements of the BERBERATI Group killed at least seven Muslim civilians. These included [REDACTED]. There was no indication that any of the victims were Seleka, armed, or otherwise engaged in combat.

Count 89 – Destruction of the adversary’s property (article 8(2)(e)(xii))

Count 90 – Pillaging (article 8(2)(e)(v))

546. [REDACTED] Anti-Balaka group and elements of the BERBERATI Group systematically looted homes and shops in the Muslim districts. They took roofs, doors, windows, vehicles, motorbikes, generators, electronics, cooking utensils, beds, and other furniture. [REDACTED] personally participated in the pillaging.

547. They destroyed Muslim houses: at least 19 in the 2^e *arrondissement*; 228 in the 3^e *arrondissement*; 205 in the 4^e *arrondissement*; and some 542 in the 5^e *arrondissement*. Christian houses marked with distinctive signs (palm leaves) were spared, as happened during other Anti-Balaka attacks elsewhere in western CAR.

Count 91 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))

Count 92 – Pillaging (article 8(2)(e)(v))

Count 93 – Destruction of the adversary’s property (article 8(2)(e)(xii))

548. During the attack and in the weeks following, the BERBERATI Group pillaged several mosques in POTO-POTO. These included the Central Mosque, the TAKWA Mosque, and the HAMISSOU and SAMBANDA mosques. They dismantled the structures, taking roofs, doors, windows, as well as speakers and generators.

Count 94 – Forcible transfer, deportation (article 7(1)(d))

Count 95 – Displacement (article 8(2)(e)(viii))

549. The first night of the attack, over 400 Muslims fled to the *St Basile* Church before being evacuated by the MISCA to [REDACTED] *Ste Anne* Church, where Muslims fleeing Anti-Balaka attacks in surrounding towns had already settled. Joined by those from BERBERATI, the number of displaced Muslims living in the *Ste Anne* IDP site rose to thousands in the days and weeks after the attack.

550. As of April 2014, international forces escorted thousands of displaced Muslims from BERBERATI, mainly to CAMEROON.

Count 96 – Inhumane acts (article 7(1)(k))

Count 97 – Degrading treatment (article 8(2)(c)(ii))

551. Those Muslims forced to remain at the *Ste Anne* IDP site for fear of attack by the Anti-Balaka lived precariously throughout 2014. Most of them slept outside with limited access to medical care and adequate sanitary facilities, relying on the Church and NGOs for food. Without access to the Muslim cemetery, persons who died of sickness at *Ste Anne* IDP site were buried on the [REDACTED] premises.

Count 98 – Severe deprivation of physical liberty (article 7(1)(e))

552. Throughout 2014, the BERBERATI Group ensured that Muslims had no choice but to stay at the *Ste Anne* IDP site. In addition to their constant threats to attack the site, the Anti-Balaka assaulted individuals who tried to leave it.

553. Throughout 2014 and well into 2015, the Anti-Balaka prevented the Muslim community from returning to its neighbourhoods – their stance: “the returning of Muslims to the neighbourhoods meant the returning of the *Seleka* in BERBERATI.” Around 400 Muslims were forced to live at the *Ste Anne* IDP site until July 2015 when they moved back to their neighbourhoods under the protection of international forces.

Count 99 – Persecution (article 7(1)(h))

554. The crimes and acts described above were committed by the BERBERATI Group and other Anti-Balaka elements in a coordinated effort to cleanse BERBERATI of its Muslim population. That effort demonstrates a common plan or purpose involving the BERBERATI Group, its local leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in BERBERATI, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the *Seleka*.

555. The Anti-Balaka's attack on over a thousand Muslim civilians; the murder of several; the pillaging and destruction of their property, communities, and places of worship; their expulsion; restriction of liberty; forced enclavement, subject to inhumane conditions; and the commission of numerous violent crimes and acts, all severely deprived BERBERATI's Muslims of fundamental rights. These include the right to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

556. The BERBERATI attack and subsequent crimes were executed by the BERBERATI Group [REDACTED]. Following the attack, [REDACTED].

557. In the weeks following the initial attack, [REDACTED] joined [REDACTED] within the Anti-Balaka leadership of the BERBERATI Group. [REDACTED] was in charge of the larger area (sub-prefecture) of BERBERATI.

558. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements that they and their subordinates made. Their crimes were committed in furtherance of the BERBERATI Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

d) The National Coordination was involved with the BERBERATI Group

i. From December 2013, the BERBERATI Group was in contact with the National Coordination

559. The Anti-Balaka National Coordination was involved with the leadership of the BERBERATI Group. From December 2013 and throughout 2014, [REDACTED] was in contact with members of the Anti-Balaka leadership and/or high-level Anti-Balaka ComZones, including [REDACTED].

560. Likewise, from December 2013 and throughout 2014, [REDACTED] was in contact with NGAISSONA and other members of the National Coordination and/or

high-level Anti-Balaka ComZones, [REDACTED]. [REDACTED] was in frequent contact with [REDACTED].

ii. [REDACTED] received instructions and directions from the National Coordination

561. The leadership of the BERBERATI Group acknowledged their subordination to the National Coordination. For instance, [REDACTED] was closely associated with, and openly acknowledged allegiance to, **NGAISSONA**.

562. Likewise, [REDACTED] acknowledged his subordination to the National Coordination. On his death in May 2014, an Anti-Balaka element in his group, left without guidance, contacted **NGAISSONA** with the message: [REDACTED].

e) Knowledge and intent of NGAISSONA

563. **NGAISSONA** knew of and intended the crimes committed by the BERBERATI Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including in BERBERATI.

i. NGAISSONA knew about the situation in BERBERATI

564. **NGAISSONA** knew about the situation in BERBERATI either, directly or through members of the National Coordination from the initial attacks throughout the duration of the enclave, which remained in place well into 2015.

565. *First*, as mentioned, there were numerous telephone contacts between the BERBERATI Anti-Balaka leadership and the National Coordination, as early as December 2013.

566. *Second*, a few days before [REDACTED] arrived at BERBERATI, [REDACTED] to prevent him from stopping the Anti-Balaka from entering BERBERATI.

567. *Third*, after the initial attack, [REDACTED] attended several meetings with **NGAISSONA** and members of the National Coordination in BANGUI.

568. *Fourth*, other Anti-Balaka members in BERBERATI discussed the deplorable situation of the Muslims in BERBERATI with Anti-Balaka delegates, such as **NGAISSONA** representative [REDACTED]. **NGAISSONA** also would have known about the plight of BERBERATI's Muslims "either through other Anti-Balaka or through the numerous reports and articles about it on the media."

569. *Fifth*, **NGAISSONA** referred to the BERBERATI Group in early May 2014 and sent Coordination members on missions to BERBERATI throughout 2014, including [REDACTED]. [REDACTED] also visited BERBERATI.

570. On 8 July 2014, **NGAISSONA** sent a delegation of the National Coordination led by [REDACTED] to BERBERATI. They visited the *Ste Anne* IDP site and met with [REDACTED] Anti-Balaka leaders.

571. *Finally*, **NGAISSONA**'s knowledge can also be inferred from the direct reporting of crimes in BERBERATI [REDACTED], who, for example, was directly apprised of the Anti-Balaka's assault of a BERBERATI-based [REDACTED].

ii. **NGAISSONA intended and endorsed the situation in BERBERATI**

572. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslims, first forced into the enclave and then made to endure its lasting existence as a result of the unlawful conduct of the BERBERATI Group.

573. Despite knowledge of the crimes committed by the Anti-Balaka in BERBERATI, **NGAISSONA** did not condemn the participation of the BERBERATI Group, did not act to end the continued subjugation of Muslims by them and other Anti-Balaka ComZones, and did nothing to end their siege of the Muslim community or to stop their contribution to the perpetuation of the enclave.

574. Instead, **NGAISSONA** validated the actions of Anti-Balaka leaders. He accepted [REDACTED] continued membership in the group, [REDACTED].

M. GUEN (MAMBERE-KADEI PREFECTURE)

a) General

575. GUEN is a village in the MAMBERE-KADEI Prefecture, approximately 10 km west of the GADZI Sub-Prefecture and 100 km east of CARNOT. Its 2012 estimated population of 10,000 consisted of around 13 to 15% Muslims. Many Muslims worked in the diamond sector, notably as “collectors.”

576. From mid-January 2014, many Muslims started leaving GUEN, having heard of Anti-Balaka attacks against Muslims in YALOKÉ, ZAWA, and MBAIKI. More fled when the Anti-Balaka’s presence was reported some 30 km north at MBAINA village, and on the Seleka’s withdrawal from GUEN and GADZI on or about 30 January 2014.

577. Beginning on or about 1 February 2014, about 100 to 400 Anti-Balaka with firearms and ‘*armes blanches*’ led by [REDACTED] including [REDACTED] attacked GUEN from all sides. They encountered no military resistance since the Seleka had already left, and GUEN’s Muslim residents comprised only civilians. The attack and occupation of the village by the GUEN Group lasted until around early April 2014.

b) Crimes committed

Count 100 – Attack directed against the civilian population (article 8(2)(e)(i))

578. Fuelled by vengeance and hatred toward Muslims, the GUEN Group attacked the village’s Muslim civilian population from their arrival on 1 February 2014 throughout their occupation. Their shared intent was unequivocal: to violently attack GUEN’s Muslims and cleanse the town of their presence. The attack comprised numerous violent crimes and acts, including murder and extermination, as described below.

579. The submissions regarding Counts 101-103 (murder, attempted murder and extermination), Counts 107-108 (pillaging and destruction), Counts 108-109 (forcible displacement and deportation), and Counts 105-106 (rape and attempted rape), also comprise Count 100 (attack directed against the civilian population) and Count 111 (persecution).

Count 101 – Murder, attempted murder (article 7(1)(a))

Count 102 – Murder, attempted murder (article 8(2)(c)(i))

Count 103 – Extermination (article 7(1)(b))

580. Between 1 and about 8 February 2014, [REDACTED] the GUEN Group murdered at least 75 Muslim civilian men and boys, some as young as nine years old. Sometime between 1 February and March 2014, they also buried two Muslim civilian women alive. All the victims were neither Seleka, nor otherwise engaged in combat.

581. On or about 1 February 2014, they killed around 22 male Muslim civilians throughout the village, particularly in the *quartiers* MBOROKOUTOU, HAOUSSA, and FINI LEGE. They spared neither children nor the elderly who comprised of, at least: [REDACTED].

582. On or about 6 February 2014, elements of the GUEN Group killed [REDACTED] at the [REDACTED]. The same day, they forced Muslims to bury alive a certain [REDACTED] close by.

583. On or about 4 February 2014, the GUEN Group pursued Muslim civilians who had fled the 1 February 2014 attack to the compound of [REDACTED]. After securing the compound, they separated the men, removed the victims from the house to the courtyard, and then summarily executed about 42 in all. The known victims include: [REDACTED].

584. On or about 6 February 2014, [REDACTED] killed a certain [REDACTED] and his brother [REDACTED]. Their bodies were found [REDACTED]. On or about 8 February 2014, an element of the GUEN Group named [REDACTED] killed [REDACTED], a Muslim and [REDACTED]. The same or following day, elements of the GUEN Group killed [REDACTED] at [REDACTED] compound. They threw his body [REDACTED].

585. In February or March 2014, elements of the GUEN Group buried alive two elderly [REDACTED] in GUEN, one of whom was named [REDACTED] or [REDACTED].

586. There was no indication that any of the murder victims mentioned above were Seleka or otherwise engaged in combat.

**Count 104 – Imprisonment or other severe deprivation of physical liberty
(article 7(1)(e))**

Count 105 – Rape and attempted rape (article 7(1)(g))

Count 106 – Rape and attempted rape (article 8(2)(e)(vi))

587. [REDACTED].

588. [REDACTED].

Count 107 – Pillaging (article 8(2)(e)(v))

Count 108 – Destruction of the adversary's property (article 8(2)(e)(xii))

589. From 1 February 2014, the GUEN Group systematically destroyed Muslim houses and shops, including along the road toward CARNOT and in GUEN's HAOUSSA and MBOROKOUTOU *quartiers*. Most Muslim houses were destroyed by the GUEN Group. Christian houses marked with distinctive signs (palm leaves) were spared, as was done during other Anti-Balaka attacks in western CAR.

590. The GUEN Group also systematically pillaged Muslim houses and shops, looting beds, mattresses, clothes, cooking pots, televisions, radios, furniture, iron sheets, doors, motorcycles, cars, diamonds, cattle, and other merchandise.

591. In the course of the summary executions on or about 4 February 2014 at [REDACTED] compound, elements of the GUEN Group pillaged telephones, shoes, and other personal items. [REDACTED] stole motorcycles, cars, and cattle. [REDACTED] GUEN Group took the pillaged property to MBAINA and/or TEDOA. They also extorted money from Muslims.

Count 109 – Forcible transfer, deportation (article 7(1)(d))

Count 110 – Displacement (article 8(2)(e)(viii))

592. The GUEN Group's attack forced GUEN's Muslim civilian population to flee to the bush or to safe places, such as [REDACTED] compound and [REDACTED] and other houses.

593. On or about 5 February 2014, [REDACTED] the GUEN Group removed about 163 Muslim civilians from [REDACTED] compound to the Catholic Mission in DJOMO,

about 5 km west of GUEN. Almost a month later on 1 April 2014, MISCA escorted them to CARNOT. From there, most were taken to CAMEROON. The few Muslim civilians remaining in GUEN also later fled, fearing [REDACTED] the GUEN Group's continued occupation of the village.

Count 111 – Persecution (article 7(1)(h))

594. The crimes and acts described above were committed by the GUEN Group in a coordinated effort to cleanse GUEN of its Muslim population. That effort demonstrates a common plan or purpose involving the GUEN Group, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in GUEN, who, based on their religious, national or ethnic affiliations, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

595. The GUEN Group's attack on Muslim civilians; their brutal murder; the extermination of at least 66 Muslim men and boys; their expulsion; restriction of liberty; pillaging and destruction of Muslim property and communities; and the commission of numerous violent crimes and acts, including sexual violence, all deprived the Muslims of GUEN of fundamental rights. These include the rights to life, property, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

596. The GUEN attack and the underlying crimes were executed by the GUEN Group [REDACTED].

597. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they made. Their crimes were committed in furtherance of the GUEN Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

d) [REDACTED]

i. [REDACTED]

598. [REDACTED].

599. [REDACTED].

600. [REDACTED].

601. [REDACTED].

e) The National Coordination endorsed and/or rewarded the GUEN Group

602. The National Coordination was aware of the circumstances on the ground in GUEN, including the serious crimes committed by the GUEN Group through April 2014.

603. They never condemned the actions of the GUEN Group [REDACTED]. Rather they rewarded the GUEN Group after it had departed from GUEN by endorsing the continued Anti-Balaka membership of its members through issuing them with Anti-Balaka identification badges.

f) [REDACTED])

604. [REDACTED].

g) Knowledge and intent of NGAISSONA

605. **NGAISSONA** knew of and intended the crimes committed by the GUEN Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including in GUEN.

i. NGAISSONA knew about the situation in GUEN

606. **NGAISSONA** knew about the situation in GUEN [REDACTED] from the initial attacks on 1 February 2014 and the GUEN Group's occupation of the village lasting until around early April 2014.

607. [REDACTED].

608. *Second*, the GUEN Group's attack on Muslim civilians, including the executions perpetrated on or about 4 February 2014, was widely reported and condemned locally and internationally from at least 13 February 2014 onwards.

609. *Third*, members of the Anti-Balaka National Coordination, including [REDACTED], as well as an official delegation from the Coordination, visited the village in the days following the 4 February 2014 executions.

ii. NGAISSONA intended and endorsed the situation in GUEN

610. **NGAISSONA** was aware of the circumstances on the ground in GUEN, including the serious crimes committed by the Anti-Balaka and the GUEN Group through April 2014.

611. Despite his role as General National Coordinator [REDACTED], **NGAISSONA** did nothing to stop the attack on GUEN and the related crimes. **NGAISSONA** never condemned the actions of the GUEN Group [REDACTED]. He also rewarded the GUEN Group after it had departed from GUEN by endorsing their continued membership in the Anti-Balaka, [REDACTED] through, *inter alia*, issuing them with Anti-Balaka identification badges.

VIII. THE CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY ARE SATISFIED

612. As set out above, there are substantial grounds to believe that the Charged Crimes were committed by the Anti-Balaka as part of a widespread and/or systematic attack directed at a civilian population and carried out under an organisational policy.

613. *First*, the evidence and information, submitted and detailed above, demonstrates that the Charged Crimes constituted “a campaign or operation carried out against the civilian population”.

614. *Second*, large scale Anti-Balaka attacks against the Muslim population – beginning at the latest in September 2013 in the OUHAM Prefecture and continuing in 2014 throughout the prefectures in western CAR and in and around BANGUI – were widespread and systematic. The large number of victims and violent targeting of the Muslim community at each discrete incident location, as well as cumulatively across the different locations, illustrates the widespread nature of the attack. Similarly, the many crimes attributable to the group across at least five western CAR Prefectures demonstrate the vast territorial breadth and scope of the attack. The attack’s systematic nature is further demonstrated by the consistent pattern of violence used by Anti-Balaka groups in targeting Muslim civilians. The charged incidents involved similar conduct, tactics, and crimes, such as forced displacement, killings, torture and cruel treatment, and the destruction of mosques, homes, and businesses of the Muslim community. This pattern of violence is consistent within any given incident location and across the different locations.

615. *Third*, the evidence and information submitted and detailed above, demonstrates that the attack was executed in furtherance of a State or organisational policy.

616. From September 2013 onwards, the Anti-Balaka operated as an increasingly structured organisation. It is clear from the sheer number of attacks on villages throughout western CAR that the Anti-Balaka had the resources, means, and capacity to carry out the attacks. In addition, the systematic targeting and cleansing of Muslims is evidenced by, *inter alia*, the rampant hate speech used by the Anti-Balaka publicly and in the media. This hate speech was endorsed, and even promoted, by the Anti-Balaka leadership who systematically focused their public statements on the victimisation of the Christian community while either omitting to mention, or justifying, the crimes committed against Muslims. The narrative conflated the enemy Seleka forces and the Muslim population in general, while also denying the legitimacy of the Central African Muslim community. The Anti-Balaka conduct and rhetoric betrayed a policy which entailed the violent targeting of the Muslim population in western CAR who, based on

their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

IX. THE CONTEXTUAL ELEMENTS OF WAR CRIMES ARE SATISFIED

617. There are substantial grounds to believe that the Charged Crimes were committed in the context of a NIAC in CAR which commenced in at least March 2013 between the FACA/pro-BOZIZE forces and Seleka forces, and which continued between the Anti-Balaka and the Seleka until at least December 2014.

618. *First*, as concerns the scope of this case, the Anti-Balaka exhibited a sufficient degree of organisation. From September 2013 onwards, they engaged in sustained and intense armed confrontation overrunning large territory in western CAR. Seleka forces also operated with the requisite level of organisation.

619. Following the 24 March 2013 *Coup*, Seleka forces took over existing state structures and utilised them for their own purposes. At the same time, the Seleka continued to operate under a military framework, with prominent Seleka commanders controlling groups of foot-soldiers (“elements”), within their respective bases in BANGUI and geographic areas of responsibility. The Seleka possessed military equipment, including firearms and heavy weapons, and demonstrated the ability to plan and carry out sustained military operations over a prolonged period (including the *Coup* itself). Despite their official disbanding in mid-September 2013, Seleka forces were not effectively disarmed or demobilised and the factions that constituted the group remained intact. The UN estimated that Seleka numbers had grown from 5,000 fighters in March 2013 to between 15,000 and 20,000 in November 2013.

620. *Second*, the violence in CAR remained at a sufficient level of intensity throughout the Relevant Period, having exceeded this threshold by early 2013. The United Nations Security Council (“UNSC”) passed six resolutions between January 2013 and October 2014 addressing the situation in the CAR. These resolutions recognised the existence of an armed conflict and ultimately authorised foreign military interventions by MISCA, FRANCE, and the EU with the objective of contributing to, *inter alia*, the protection of

civilians, the stabilisation of the country, and restoration of State authority in CAR under Chapter VII of the UN Charter.

621. *Third*, the period encompassing the armed conflict was also marked by several ceasefire agreements between the Seleka and their opponents, including the Anti-Balaka. In January 2013, the LIBREVILLE Agreement was signed. Further agreements were made at the BRAZZAVILLE Summit in July 2014; the NAIROBI Summit from December 2014 to April 2015; and the BANGUI Forum.

X. NEXUS BETWEEN THE ALLEGED CRIMES AND THE NIAC

622. The *nexus* between the crimes charged and the NIAC is evident from their commission by the same group — the Anti-Balaka — a party to the conflict. Additionally, the crimes were carried out in furtherance of a plan to claim or reclaim power in CAR (the *Strategic Common Plan*), and pursuant to an Anti-Balaka policy which entailed the violent targeting of the Muslim population in western CAR who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka – another party to the conflict. Moreover, the crimes occurred within the temporal and geographical scope of the conflict.

XI. EVIDENTIARY CONSIDERATIONS

A. The Chamber’s assessment of the evidence

623. The evidentiary burden established by article 61(7) is met upon the presentation of concrete and tangible evidence demonstrating a clear line of reasoning underpinning the Prosecution’s specific allegations. Several Chambers have observed that the confirmation hearing is not a “mini-trial” or a “trial before the trial”; but rather, designed to protect a suspect from wrongful and unfounded charges, distinguishing between cases that should go to trial and those that should not.

624. At this stage, the Chamber should accept as dispositive the Prosecution’s evidence where it is relevant and not expressly inadmissible. The Chamber should not reject evidence for lack of corroboration, as a reasonable trier of fact may reach findings based

on uncorroborated evidence. The Chamber should also proceed with great caution in seeking to resolve any apparent contradictions in the evidence. Such resolution is impossible without a full airing of the evidence, and a careful weighing of the credibility of witnesses which will occur at trial. The confirmation hearing is not an “end in itself but rather serves the purpose of filtering out those cases and charges for which the evidence is insufficient to justify a trial.” Only where the Prosecution case is shown to be “riddled with ambiguities, inconsistencies, contradictions or doubts as to credibility” should the Chamber decline to rely on such evidence.

B. Multiple legal characterisations of the same facts

625. The facts and the evidence submitted may satisfy more than one mode or crime. When evidence establishes multiple legal characterisations of the same facts, it is appropriate that charges be confirmed under *all* substantiated modes of liability, and left to the Trial Chamber to determine which of those legal characterisations meets the standard of proof at trial.

626. Confirming *all* of the applicable and substantiated legal characterisations on the same facts provides early notice to the defence of the different legal characterisations that may be considered at trial, thereby promoting judicial efficiency and reducing the potential disruptive effect of notifying the possible legal re-characterisation of facts at trial. This approach is without prejudice to the Trial Chamber making its own determinations based on the evidence before it as to any other applicable alternative characterisations, or which characterisation is ultimately established on the basis of the relevant standard of proof at trial.

627. This DCC presents cumulative charges against the Suspects. Cumulative charging is permitted when one crime contains a “‘materially distinct’ element not required by the other.” As with multiple modes of liability, the Trial Chamber is better poised, after the parties’ presentation of the evidence, to evaluate which charges may be retained based upon their sufficiency. This Chamber should not constrain the Trial Chamber, but should rather give it deference since, informed by a full trial, it will be better placed to resolve questions of concurrence of offences. Because the Prosecution is not bound to adduce all of the same evidence at trial as submitted at confirmation, the Pre-Trial Chamber should

confirm all modes of liability presented in the Schedule of Charges meeting the applicable burden of proof at this stage. If, for example, the Pre-Trial Chamber were to confirm one mode of liability as “more appropriate” than another on the basis of the evidence before it (e.g. article 25(3)(a) or (c)) as opposed to article 25(3)(d)), should the evidence of the one remain at the ‘substantial grounds’ standard at trial, the Trial Chamber would effectively be precluded from any consideration of the other, even though evidence adduced at trial may sustain it beyond a reasonable doubt.

XII. SCHEDULE OF CHARGES

628. Below is a Schedule of Charges, organised per incident, listing the crimes charged and applicable modes of liability with respect to each Suspect.

A. BANGUI (INCLUDING CATTIN) AND BOEING

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | | DESCRIPTION | DATE |
|--------------|--|---|---|---|--------------------------------|
| | | NGAISSON A | YEKATOM | | |
| 1 | Attack directed against the civilian population Article 8(2)(e)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Attack BOEING and BANGUI, including residential neighbourhoods such as CATTIN | 5 December 2013 and continuing |

| | | | | | |
|---|---|--|---|--|-----------------|
| 2 | Murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | At least 6 Muslim civilians during the attack on Boeing Market | 5 December 2013 |
| 3 | Murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | At least 6 Muslim civilians during the attack on Boeing Market | 5 December 2013 |
| 4 | Forcible transfer Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Displacement of Muslim civilians in CATTIN and BOEING to the PK5 Enclave in BANGUI | 5 December 2013 |

| | | | | | |
|----------|---|--|---|--|---------------------------------------|
| 5 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Displacement of Muslim civilians in CATTIN and BOEING to the PK5 Enclave in BANGUI | 5 December 2013 |
| 6 | Attacks against buildings dedicated to religion Article 8(2)(e)(iv) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Destruction of the BOEING Mosque | Around 20 December 2013 at the latest |
| 7 | Destruction of the adversary's property Article 8(2)(e)(xii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Destruction of the BOEING Mosque | Around 20 December 2013 at the latest |

| | | | | | |
|----------|---------------------------------------|---|---|---|----------------------|
| 8 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Underlying acts and crimes described in Counts 1-7 | 5 – 20 December 2013 |
|----------|---------------------------------------|---|---|---|----------------------|

B. BOEING MUSLIM CEMETERY

| COUNT | CRIME | CRIMINAL RESPONSIBILITY NGAISSONA | DESCRIPTION | DATE |
|-----------|---|---|--|--|
| 9 | Committing outrages on personal dignity Article 8(2)(c)(ii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Denying deceased Muslims the right to be interred with dignity, in accordance with their religious practices | 5 December 2013 through at least December 2014 |
| 10 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration), Article 25(3)(c) (assisting in the commission) Article 25(3)(d) common purpose liability) | Underlying acts and crimes described in Count 9 | 5 December 2013 through at least December 2014 |

C. YAMWARA SCHOOL BASE – BOEING

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | | DESCRIPTION | DATE |
|-------|-------|-------------------------|---------|-------------|------|
| | | NGAISSONA | YEKATOM | | |

| | | | | | |
|-----------|---|---|---|-------------|------------|
| 11 | Inhumane acts Article 7(1)(k) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | [REDACTED] | [REDACTED] |
| 12 | Torture Article 7(1)(f) | Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | [REDACTED] | [REDACTED] |
| 13 | Mutilation, cruel treatment, and torture Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | [REDACTED] | [REDACTED] |

| | | | | | |
|-----------|--|---|---|-------------|------------|
| 14 | Imprisonment and severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | [REDACTED] | [REDACTED] |
| 15 | Murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | [REDACTED]. | [REDACTED] |
| 16 | Murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | [REDACTED]. | [REDACTED] |

| | | | | | |
|-----------|---------------------------------------|---|---|---|------------|
| 17 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Underlying acts and crimes described in Counts 11-16 | [REDACTED] |
|-----------|---------------------------------------|---|---|---|------------|

D. BOY-RABE BASE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | DESCRIPTION | DATE |
|-----------|---|---|-------------|------------|
| | | NGAISSONA | | |
| 18 | Severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | [REDACTED] | [REDACTED] |
| 19 | Cruel treatment Article 7(1)(f) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | [REDACTED] | [REDACTED] |
| 20 | Cruel treatment Article 7(1)(f) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | [REDACTED] | [REDACTED] |
| 21 | Rape Article 7(1)(g) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | [REDACTED] | [REDACTED] |

| | | | | |
|-----------|---------------------------------------|---|---|------------|
| 22 | Rape Article 8(2)(e)(vi) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | [REDACTED] | [REDACTED] |
| 23 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 18-22 | [REDACTED] |

E. PK9 – MBAIKI AXIS – LOBAYE PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | | DESCRIPTION | DATE |
|-----------|---|---|--|--|---|
| | | NGAISSONA | YEKATOM | | |
| 24 | Forcible transfer and deportation Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Displacement of Muslim civilians in SEKIA, NDANGALA BIMON, KAPOU, BOSSONGO, PISSA, and MBAIKI within CAR and mainly to CHAD. | From around 11 January 2014 to the end of February 2014 |
| 25 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of Muslim civilians in SEKIA, NDANGALA BIMON, KAPOU, BOSSONGO, PISSA, and MBAIKI within CAR and mainly to CHAD. | From around 11 January 2014 to the end of February 2014 |

| | | | | | |
|-----------|---------------------------------------|--|--|---|---|
| 26 | Murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing of the MBAIKI Second Deputy Mayor Djido SALEH | 28 February 2014 |
| | | | Article 28(a) (as commander) | | |
| 27 | Murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing of the MBAIKI Second Deputy Mayor Djido SALEH | 28 February 2014 |
| | | | Article 28(a) (as commander) | | |
| 28 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 24-27 | Between around 11 January 2014 through the end of February 2014 |

| | | | | | |
|--|--|--|--|--|--|
| | | | Article 28(a) (as commander) | | |
|--|--|--|--|--|--|

F. CHILD SOLDIERS – LOBAYE PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | | DESCRIPTION | DATE |
|-----------|--|---|---|--|---|
| | | NGAISSONA | YEKATOM | | |
| 29 | Enlistment and use of children under the age of 15 in hostilities Article 8(2)(e)(vii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander) | Enlisting [REDACTED] children under the age of 15 years in YEKATOM's Group and using them to participate actively in hostilities | Between September 2013 and at least August 2014 |

G. BOSSANGO – OUHAM PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | DESCRIPTION | DATE |
|-------|--|---|--|-----------------|
| | | NGAISSONA | | |
| 30 | Attack directed against the civilian population Article 8(2)(e)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Attack on BOSSANGO A including on Muslim residential neighbourhoods, including BORO, ARABE and FULBE | 5 December 2013 |
| 31 | Murder and attempted murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Murder of at least 18 Muslim civilians, and attempted murder of at least one other, [REDACTED] | 5 December 2013 |

| | | | | |
|-----------|---|---|--|--|
| 32 | Murder and attempted murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Murder of at least 18 Muslim civilians, and attempted murder of at least one other, [REDACTED] | 5 December 2013 |
| 33 | Destruction of the adversary's property Article 8(2)(e)(xii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Destruction of 1500 Muslim houses in predominantly the BORO, ARABE and FULBE neighbourhoods | 5 December 2013 and the following days |
| 34 | Pillaging Article 8(2)(e)(v) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Looting of numerous Muslim homes and shops | 5 December 2013 and the following days |
| 35 | Attacks against buildings dedicated to religion Article 8(2)(e)(iv) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Destruction of several mosques, including the central Mosque in BOSSANGO A | Around 12 December 2013 and the following days |
| 36 | Destruction of the adversary's property Article 8(2)(e)(xii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Destruction of several mosques, including the central Mosque in BOSSANGO A | Around 12 December 2013 and the following days |
| 37 | Forcible transfer and deportation Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of thousands of Muslim civilians in BOSSANGO A within CAR and to CHAD and/or other neighbouring countries | 5 December 2013 and weeks following |

| | | | | |
|-----------|---|---|--|-------------------------------------|
| 38 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of thousands of Muslim civilians in BOSSANGO A within CAR and to CHAD and/or other neighbouring countries | 5 December 2013 and weeks following |
| 39 | Severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Forced enclaving of about 7,000 Muslim civilians at the <i>Ecole de la Liberté</i> , in BOSSANGO A | 5 December 2013 to April 2014 |
| 40 | Rape Article 7(1)(g) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Rape of [REDACTED] and a second woman | 5 December 2013 |
| 41 | Rape Article 8(2)(e)(vi) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Rape of [REDACTED] and a second woman | 5 December 2013 |
| 42 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 30-41 | 5 December 2013 to April 2014 |

H. YALOEKE, GAGA, AND ZAWA – OMBELLA-M'POKO PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | DESCRIPTION | DATE |
|-------|-------|-------------------------|-------------|------|
| | | NGAISSONA | | |

| | | | | |
|-----------|--|---|--|--|
| 43 | Attack directed against the civilian population Article 8(2)(e)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Attacks on YALoke, GAGA and ZAWA | From around 17 January 2014 through at least December 2014 |
| 44 | Murder and attempted murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing and attempted killing of at least 7 Muslim civilians in YALoke, and attempted killing of at least 5 Muslim civilians in YALoke | From around 22 January 2014 through early February 2014 |
| 45 | Murder and attempted murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing and attempted killing of at least 7 Muslim civilians in YALoke, and attempted killing of at least 5 Muslim civilians in YALoke | From around 22 January 2014 through early February 2014 |
| 46 | Forcible transfer and deportation Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of Muslim civilians in YALoke (including those who arrived from GAGA and ZAWA) within CAR and to CAMEROON and/or other neighbouring countries | Mid-January 2014 through around 22 February 2014 |

| | | | | |
|-----------|--|---|---|--|
| 47 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of Muslim civilians in YALOKÉ (including those who arrived from GAGA and ZAWA) within CAR and to CAMEROON and/or other neighbouring countries | Mid-January 2014 through around 22 February 2014 |
| 48 | Destruction of the adversary's property Article 8(2)(e)(xii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Destruction of numerous Muslim houses and shops in YALOKÉ, particularly in the <i>quartier ARABE</i> | Mid-January 2014 to at least February 2014 |
| 49 | Pillaging Article 8(2)(e)(v) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Looting of several Muslim homes and shops in YALOKÉ | Mid-January 2014 to at least February 2014 |
| 50 | Severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Forced enslaving of about 500-600 ethnic Peuhl civilians in YALOKÉ | April 2014 to at least December 2014 |
| 51 | Inhumane acts Article 7(1)(k) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | The confinement of about 500-600 ethnic Peuhl civilians in YALOKÉ, subject to, and under threat of, serious physical harm, and deplorable, and life threatening living conditions | April 2014 to at least December 2014 |

| | | | | |
|-----------|---|---|---|---|
| 52 | Degrading treatment Article 8(2)(c)(ii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | The confinement of about 500-600 ethnic Peuhl civilians in YALOKÉ, subject to, and under threat of, serious physical harm, and deplorable, and life threatening living conditions | April 2014 to at least December 2014 |
| 53 | Extermination Article 7(1)(b) | Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Deaths of at least 42 Peuhl civilians from severe malnutrition and respiratory and other diseases as a result of their forced enslaving in YALOKÉ | April 2014 to at least December 2014 |
| 54 | Rape Article 7(1)(g) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Rape of [REDACTED] | Early February 2014 |
| 55 | Rape Article 8(2)(e)(vi) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Rape of [REDACTED] | Early February 2014 |
| 56 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 43-55 | From around 17 January 2014 to at least December 2014 |

I. BOSSEMPTELE – OUHAM-PENDE PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | DESCRIPTION | DATE |
|-------|-------|-------------------------|-------------|------|
| | | NGAISSONA | | |

| | | | | |
|-----------|---|---|---|--|
| 57 | Attack directed against the civilian population Article 8(2)(e)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Attack on BOSSEMPTELE , particularly the Muslim residential neighbourhood ARABE | 18 January 2014 to at least July 2014 |
| 58 | Murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing of least 22 Muslim civilians | 18 January 2014 and the days following |
| 59 | Murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing of least 22 Muslim civilians | 18 January 2014 and the days following |
| 60 | Destruction of the adversary's property Article 8(2)(e)(xii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | The burning of several Muslim houses, particularly in the neighbourhoods ARABE and BALA | 18 January 2014 and the days following |
| 61 | Pillaging Article 8(2)(e)(v) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Looting of several Muslim shops in the main market | 18 January 2014 |
| 62 | Attacks against buildings dedicated to religion Article 8(2)(e)(iv) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Burning and destruction of the Central Mosque and the Chadian Mosque in the ARABE and BALA neighbourhoods | 18 January 2014 and the days following |
| 63 | Forcible transfer and deportation Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of over 1,000 Muslim civilians in BOSSEMPTELE within CAR and mainly to CAMEROON | 18 January 2014 to at least July 2014 |

| | | | | |
|-----------|---|---|--|---------------------------------------|
| 64 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of over 1,000 Muslim civilians in BOSSEMPTELE within CAR and mainly to CAMEROON | 18 January 2014 to at least July 2014 |
| 65 | Severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Restriction of movement of Muslim civilians in BOSSEMPTELE until the arrival of international forces; and the capture of several Muslim hostages | 18 January 2014 and following months |
| 66 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 57-65 | 18 January 2014 to at least July 2014 |

J. BODA – LOBAYE PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | DESCRIPTION | DATE |
|-----------|--|---|--|---|
| | | NGAISSONA | | |
| 67 | Attack directed against the civilian population Article 8(2)(e)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Attack on Muslim residential neighbourhoods | 28 January 2014 to at least December 2014 |
| 68 | Severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Forced enclaving of over 11,000 Muslim civilians in BODA | Early February 2014 to at least December 2014 |

| | | | | |
|-----------|---|---|---|---|
| 69 | Inhumane acts Article 7(1)(k) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Confinement of over 11,000 Muslim civilians to BODA enclave, subject to, and under threat of, serious physical harm, and deplorable and life threatening living conditions | Early February 2014 to at least December 2014 |
| 70 | Degrading treatment Article 8(2)(c)(ii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Confinement of over 11,000 Muslim civilians to BODA enclave, subject to, and under threat of, serious physical harm, and deplorable and life threatening living conditions | Early February 2014 to at least December 2014 |
| 71 | Forcible transfer and deportation Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of thousands of Muslim civilians within BODA to the BODA enclave; displacement of the remaining of BODA's Muslims within CAR and to CAMEROON, CHAD and/or other neighbouring countries | Early February 2014 to at least December 2014 |

| | | | | |
|-----------|--|---|---|---|
| 72 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of thousands of Muslim civilians within BODA to the BODA enclave; displacement of the remaining of BODA's Muslims within CAR and to CAMEROON, CHAD and/or other neighbouring countries | Early February 2014 to at least December 2014 |
| 73 | Rape Article 7(1)(g) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Rape of [REDACTED] rape of [REDACTED] | [REDACTED] |
| 74 | Rape Article 8(2)(e)(vi) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Rape of [REDACTED] rape of [REDACTED] | [REDACTED] |
| 75 | Cruel treatment Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | [REDACTED] | [REDACTED] |
| 76 | Murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing of [REDACTED] | [REDACTED] |
| 77 | Murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing of [REDACTED] | [REDACTED] |

| | | | | |
|-----------|---------------------------------------|---|---|------------|
| 78 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 67-77 | [REDACTED] |
|-----------|---------------------------------------|---|---|------------|

K. CARNOT – MAMBERE-KADEI PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | DESCRIPTION | DATE |
|-----------|--|---|---|---|
| | | NGAISSONA | | |
| 79 | Attack directed against the civilian population Article 8(2)(e)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Attack on Muslim residential neighbourhoods, including DONOUM and others | Early February 2014 to at least December 2014 |
| 80 | Forcible transfer and deportation Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of 13-15,000 Muslim civilians in CARNOT within CAR and to CAMEROON, CHAD and/or other neighbouring countries | Early February 2014 and in the days following |
| 81 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of 13-15,000 Muslim civilians in CARNOT within CAR and to CAMEROON, CHAD and/or other neighbouring countries | Early February 2014 and in the days following |

| | | | | |
|-----------|---|---|--|---|
| 82 | Severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Forced enslaving of around 3,000 Muslim civilians from CARNOT and neighbouring areas at the <i>Saint Martyr de l'Ouganda</i> Church compound | Early February 2014 to at least December 2014 |
| 83 | Inhumane acts Article 7(1)(k) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Confinement of around 3,000 Muslim civilians from CARNOT and neighbouring areas at the <i>Saint Martyr de l'Ouganda</i> Church compound, subject to, and under threat of, serious physical harm and deplorable, and life threatening living conditions | Early February 2014 to at least December 2014 |
| 84 | Degrading treatment Article 8(2)(c)(ii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Confinement of around 3,000 Muslim civilians from CARNOT and neighbouring areas at the <i>Saint Martyr de l'Ouganda</i> Church compound in CARNOT, subject to, and under threat of, serious physical harm and deplorable, and life threatening living conditions | Early February 2014 to at least December 2014 |

| | | | | |
|-----------|---------------------------------------|---|---|---|
| 85 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 79-84 | Early February 2014 to at least December 2014 |
|-----------|---------------------------------------|---|---|---|

L. BERBERATI – MAMBERE-KADEI PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | DESCRIPTION | DATE |
|-----------|--|---|---|---|
| | | NGAISSONA | | |
| 86 | Attack directed against the civilian population Article 8(2)(e)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Attack on BERBERATI including on Muslim residential neighbourhoods such as POTO-POTO, DJAMBALA, and BABA-NANI | Around 10 February 2014 to at least December 2014 |
| 87 | Murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Murder of least 7 Muslim civilians, including in and around POTO-POTO and DJAMBALA | Around 10 February 2014 and the days following |
| 88 | Murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Murder of least 7 Muslim civilians, including in and around POTO-POTO and DJAMBALA | Around 10 February 2014 and the days following |

| | | | | |
|-----------|---|---|--|---|
| 89 | Destruction of the adversary's property Article 8(2)(e)(xii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Destruction of more than 800 Muslim houses in the 3 ^e <i>arrondissement</i> , the 4 ^e <i>arrondissement</i> , and the 5 ^e <i>arrondissement</i> , as well as Muslim shops | Around 10 February 2014 and the weeks following |
| 90 | Pillaging Article 8(2)(e)(v) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Looting of Muslim homes and shops of roofs, doors, windows, vehicles, motorbikes, generators, electronics, cooking utensils, beds, and other furniture | Around 10 February 2014 and the weeks following |
| 91 | Attacks against buildings dedicated to religion Article 8(2)(e)(iv) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Destruction of the mosques in the BERBERATI neighbourhoods of POTO-POTO, DJAMBALA, SAMBANDA, TAKWA, HAMISSOU | Around 10 February 2014 and the weeks following |
| 92 | Pillaging Article 8(2)(e)(v) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Looting of several mosques, including in Central Mosque, the TAKWA mosque, and the HAMISSOU and SAMBANDA mosques | Around 10 February 2014 and the weeks following |

| | | | | |
|-----------|--|---|---|---|
| 93 | Destruction of the adversary's property Article 8(2)(e)(xii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | The dismantling and looting of structural parts, such as windows, roofs of several mosques, including Central Mosque, the TAKWA mosque, and the HAMISSOU and SAMBANDA mosques | Around 10 February 2014 and the weeks following |
| 94 | Forcible transfer and deportation Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of 400 Muslim civilians within BERBERATI to <i>St Basile</i> Church and to the <i>Ste Anne</i> Church, and displacement of thousands of Muslim civilians from BERBERATI on to CAMEROON and/or other neighbouring countries | Around 10 February 2014 and the weeks following |
| 95 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of 400 Muslim civilians within BERBERATI to <i>St Basile</i> Church and to the <i>Ste Anne</i> Church, and displacement of thousands of Muslim civilians from BERBERATI on to CAMEROON and/or other neighbouring countries | Around 10 February 2014 and the weeks following |

| | | | | |
|-----------|---|---|--|--|
| 96 | Inhumane acts Article 7(1)(k) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Confinement of about 1,500 Muslim civilians at the <i>Ste Anne</i> Church in BERBERATI subject to, and under threat of, serious physical harm, and deplorable and life threatening living conditions | From 10 February 2014 through at least December 2014 |
| 97 | Degrading treatment Article 8(2)(c)(ii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Confinement of about 1,500 Muslim civilians at the <i>Ste Anne</i> Church in BERBERATI subject to, and under threat of, serious physical harm, and deplorable and life threatening living conditions | From 10 February 2014 through at least December 2014 |
| 98 | Severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Forced enslaving of about 1,500 Muslim civilians at the <i>Ste Anne</i> Church in BERBERATI | 10 February 2014 to at least December 2014 |
| 99 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 86-98 | 10 February 2014 to at least December 2014 |

M. GUEN – MAMBERE-KADEI PREFECTURE

| COUNT | CRIME | CRIMINAL RESPONSIBILITY | DESCRIPTION | DATE |
|-------|-------|-------------------------|-------------|------|
| | | NGAISSONA | | |

| | | | | |
|------------|--|--|---|---|
| 100 | Attack directed against the civilian population Article 8(2)(e)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Attack on GUEN, including Muslim residential neighbourhoods | From 1 February 2014 to at least April 2014 |
| 101 | Murder and attempted murder Article 7(1)(a) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing of at least 75 Muslim civilians between 1 and 8 February 2014; and [REDACTED] that took place on 1 February and around 4 February 2014 | Between 1 February and 8 February 2014 |
| 102 | Murder and attempted murder Article 8(2)(c)(i) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 25(3)(d) (attempt) | Killing of at least 75 Muslim civilians between 1 and 8 February 2014; and [REDACTED] that took place on 1 February and around 4 February 2014 | Between 1 February and 8 February 2014 |
| 103 | Extermination Article 7(1)(b) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Killing of at least 75 Muslim civilians between 1 and 8 February 2014, including the summary execution of 42 Muslim civilians (including children) on or around 4 February 2014 | Between 1 February and 8 February 2014 |
| 104 | Imprisonment and other severe deprivation of liberty Article 7(1)(e) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | [REDACTED] | Between around 8 February and April 2014 |

| | | | | |
|------------|--|---|--|---|
| 105 | Rape and attempted rape Article 7(1)(g) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Rape of [REDACTED] | Between around [REDACTED] |
| 106 | Rape and attempted rape Article 8(2)(e)(vi) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Rape of [REDACTED] | Between around [REDACTED] |
| 107 | Pillaging Article 8(2)(e)(v) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Looting of several Muslim homes and shops, particularly in the HAOUSSA and MBOROKOUT OU <i>quartiers</i> | From 1 February 2014 to at least April 2014 |
| 108 | Destruction of the adversary's property Article 8(2)(e)(xii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Destruction of the majority of Muslim houses and shops, particularly in the HAOUSSA and MBOROKOUT OU <i>quartiers</i> | From 1 February 2014 to at least April 2014 |
| 109 | Forcible transfer and deportation Article 7(1)(d) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of over several hundreds of Muslim civilians in GUEN within CAR and to CAMEROON and/or other neighbouring countries | From 1 February 2014 to at least April 2014 |

| | | | | |
|------------|--|---|--|---|
| 110 | Displacement Article 8(2)(e)(viii) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Displacement of over several hundreds of Muslim civilians in GUEN within CAR and to CAMEROON and/or other neighbouring countries | From 1 February 2014 to at least early April 2014 |
| 111 | Persecution Article 7(1)(h) | Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) | Underlying acts and crimes described in Counts 100-110 | From 1 February 2014 to at least April 2014 |

XIII. CONCLUSION

629. On the facts and circumstances described above taken as a whole, there are substantial grounds to believe that **NGAISSONA** is criminally responsible pursuant to article 25(3)(a), (c) and (d) for all crimes set out in the Schedule of Charges in respect of the following incidents:

- A. BANGUI (INCLUDING CATTIN) AND BOEING (**Counts 1-8**);
- B. BOEING MUSLIM CEMETERY (**Counts 9-10**);
- C. YAMWARA SCHOOL BASE – BOEING (**Counts 11-17**);
- D. BOY-RABE BASE (**Counts 18-23**);
- E. PK9 - MBAIKI AXIS – LOBAYE PREFECTURE (**Counts 24-28**);
- F. CHILD SOLDIERS – LOBAYE PREFECTURE (**Count 29**);
- G. BOSSANGOA – OUHAM PREFECTURE (**Counts 30-42**);
- H. YALOKÉ, GAGA AND ZAWA – OMBELLA-MPOKO PREFECTURE (**Counts 43-56**);
- I. BOSSEMPTELE – OUHAM-PENDE PREFECTURE (**Counts 57-66**);
- J. BODA – LOBAYE PREFECTURE (**Counts 67-78**);
- K. CARNOT – MAMBERE-KADEI PREFECTURE (**Counts 79-85**);
- L. BERBERATI – MAMBERE-KADEI PREFECTURE (**Counts 86-99**); and
- M. GUEN – MAMBERE-KADEI PREFECTURE (**Counts 100-111**).

630. On the facts and circumstances described above taken as a whole, there are substantial grounds to believe that **YEKATOM** is criminally responsible pursuant to articles 25(3)(a), (b), (c), and (d), and article 28(a) for the crimes set out in the Schedule of Charges in respect of the following incidents:

- A. BANGUI (INCLUDING CATTIN) AND BOEING (**Counts 1-8**);
- C. YAMWARA SCHOOL BASE – BOEING (**Counts 11-17**);
- F. PK9 - MBAIKI AXIS – LOBAYE PREFECTURE (**Counts 24-28**); and
- G. CHILD SOLDIERS – LOBAYE PREFECTURE (**Count 29**).

631. In sum, the Chamber should confirm all charges against **NGAISSONA** and **YEKATOM** under every mode of liability as set out in the Schedule of Charges and commit this case for trial.



Fatou Bensouda, Prosecutor

Dated this 18th of September 2019
At The Hague, The Netherlands