

Situation in Central African Republic II

ICC-PIDS-CIS-CARII-03-012/20\_Eng

Updated: July 2021

*The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*

ICC-01/14-01/18

Suspected of crimes against humanity and war crimes allegedly committed in Central African Republic (CAR) between December 2013 and December 2014. Confirmation of charges hearing took place on 19 – 25 September and 11 October 2019. Charges partially confirmed on 11 December 2019. Assigned to Trial Chamber V. In ICC custody. Trial opened on 16 February 2021. Prosecution's presentation of evidence is ongoing.

## Alfred Yekatom



**Date of birth:** 23 January 1975

**Place of birth :** Bimbo, Central African Republic

**Nationality:** Central African Republic

**Title:** Alleged former commander in the Anti-Balaka movement

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

**Transfer:** 17 November 2018

**First appearance:** 23 November 2018

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

**Confirmation decision:** 11 December 2019

**Opening of the trial:** 16 February 2021

**Situation:** In ICC custody

## Patrice-Edouard Ngaïssona



**Date of birth:** 30 June 1967

**Place of birth :** Begoua, Central African Republic

**Nationality :** Central African Republic

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

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

**Arrest:** 12 December 2018

**Transfer:** 23 January 2019

**First appearance:** 25 January 2019

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

**Confirmation decision:** 11 December 2019

**Opening of the trial:** 16 February 2021

**Situation:** In ICC custody

## Charges

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

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

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

With regard to M. Ngaïssona, the Chamber concluded that there are substantial grounds to believe that he is responsible for: (i) the war crimes of directing attacks against the civilian population, murder, torture, cruel treatment, rape, directing attacks against buildings dedicated to religion, displacement of the civilian population, destroying the property of an adversary, pillaging; and (ii) the crimes against humanity of murder, deportation,

forcible transfer of population, imprisonment and other forms of severe deprivation of physical liberty, torture, rape, persecution and other inhumane acts. The alleged crimes were committed in various locations in the CAR (Bangui, including Cattin; Boeing; Yamwara School; Bossangoa and the PK9-Mbaïki Axis). The Chamber found that there are substantial grounds to believe that M. Ngaïssona aided, abetted or otherwise assisted in the commission of the above-mentioned crimes or, in the alternative, has contributed in any other way to their commission by a group of persons acting with a common purpose.

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

## Key judicial developments

### REFERRAL AND OPENING OF THE INVESTIGATION

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

### WARRANTS OF ARREST

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

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

### ARRESTS AND TRANSFERS

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

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

### INITIAL APPEARANCES

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

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

### JOINDER OF THE CASES

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

### CONFIRMATION OF CHARGES

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

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

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

### TRIAL

On 16 March 2020, the ICC Presidency [constituted Trial Chamber V](#) to be in charge of this case and is composed of [Judge Bertram Schmitt](#), [Judge Péter Kovács](#) and [Judge Chang-ho Chung](#).

The [opening of the trial](#) took place on 16-18 February 2021. The trial started with the reading of the charges against the accused persons. The Chamber was satisfied that they understood the nature of the charges. Mr Yekatom and Mr Ngaïssona both pleaded not-guilty to all the charges.

The Office of the Prosecutor, the Common Legal Representatives of the Victims and the Defence of Mr Ngaïssona successively made their opening statements. The Defence of Mr Yekatom will make its opening statements at the beginning of the presentation of its evidence.

The trial resumed on 15 March 2021, when the Prosecution began to present its evidence and to call its witnesses before the judges. The Prosecution's presentation of evidence is ongoing.

## VICTIMS PARTICIPATION

The judges have allowed 325 victims to participate in the trial. However, this number will continue to evolve as the judges have allowed victims to submit requests to participate until the OTP presentation of evidence is completed. Throughout this period, the Court's Victims Participation and Reparations Section will continue to assess and transmit victims' requests to the judges. The Section is also reassessing the requests of victims authorized to participate at the pre-trial phase in the light of the confirmation of charges decision. Ultimately, the judges will decide who can be allowed to participate in the trial.

In this case, the judges appointed two separate teams of lawyers to represent two groups of victims authorized to participate, i.e. a group of former child soldiers, on the one hand, and victims of other crimes on the others:

- The group of victims of former child soldiers is represented by Counsel Dmytro Suprun
- The group of victims of other crimes is represented by five lawyers working in one single team: Counsels Marie-Edith Douzima Lawson, Abdou Dangabo, Paolina Massidda, Yaré Fall and Elisabeth Rabesandratana.

### Composition of Trial Chamber V

Judge Bertram Schmitt, Presiding Judge  
Judge Péter Kovács  
Judge Chang-ho Chung

### Representation of the Office of the Prosecutor

Karim A.A. Khan QC, Prosecutor  
James Stewart, Deputy Prosecutor

### Defence Counsel for Mr Yekatom

Mylène Dimitri

### Defence Counsel for Mr Ngaïssona

Geert-Jan Alexander Knoops  
Richard Omissé-Namkeamai  
Marie-Hélène Proulx

### Legal Representatives of the Victims

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