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**International
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Court**

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Date: **8 March 2024**

TRIAL CHAMBER V

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

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

Public

**Public redacted version of “Prosecution’s Seventeenth Application for Submission
of Facebook Evidence from the Bar Table”,
25 August 2023, (ICC-01/14-01/18-2062-Conf)**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) requests Trial Chamber V (“Chamber”) to recognise as formally submitted [REDACTED] items of evidence obtained from, or related to [REDACTED] Facebook [REDACTED] (“Facebook Evidence”).¹ The Request is made pursuant to the Chamber’s invitation to submit evidence in writing through a ‘bar table’ application,² and in accordance with articles 64(9)(a) and 69(2), (3), and (4).

2. The Facebook Evidence is relevant to material issues at trial, is mutually corroborative, and bears sufficient indicia of reliability. As demonstrated in this application and its Annex A, each item of evidence satisfies *prima facie* the criteria for submission.

3. Recognising the formal submission of the Facebook Evidence causes no undue prejudice. It will enable the Chamber to understand other evidence in the case, and ultimately assist in determining the truth. Recognising the formal submission of the Facebook Evidence will also contribute to an expeditious trial.

4. As requested by the Chamber, the Annex to this filing details for each of the [REDACTED] items of evidence: (i) the evidence registration number (“ERN”); (ii) the type;³ (iii) the title;⁴ (iv) the main date of the document;⁵ (v) a short description of the item; (vi) its relevance and probative value; and (vii) the date of disclosure.⁶ These

¹ Hereinafter, “Request”.

² ICC-01/14-01/18-631, paras.61-62.

³ [REDACTED].

⁴ [REDACTED].

⁵ [REDACTED].

⁶ [REDACTED].

items were either on the Prosecution's 9 November 2020 List of Evidence or their inclusion was later authorised.⁷

5. Annex B will show the user attribution of the Facebook records, for which submission was requested to date.⁸

II. CONFIDENTIALITY

6. Pursuant to regulation 23bis(1) of the Regulations of the Court ("RoC"), the Prosecution files this Request as '*Confidential*' because it contains confidential information. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

7. The Facebook Evidence meets the criteria for the recognition of its formal submission, in accordance with the Chamber's "Decision on the First Prosecution Submission Request from the Bar Table (Sexual and Gender Based Violence)."⁹

8. The Facebook Evidence is relevant to the issues at trial, has significant probative value, and does not unfairly prejudice the Accused. The relevance and probative value of the [REDACTED] Facebook [REDACTED] is discussed in turn below.

9. Per the Initial Directions,¹⁰ on 15 June 2023, the Prosecution inquired with the Defence whether they consent or object to the submission of the items listed in Annex A.¹¹ Notably, while the NGAISSONA Defence team indicates that they do not object

⁷ Several items were authorised on the List of Evidence pursuant to ICC-01/14-01/18-1597-Conf. Item [CAR-OTP-2133-7314](#) was authorised on the List of Evidence by oral decision [REDACTED], *see* T-073-ENG-CONF ET.

⁸ Items listed in Annex A to this application, as well as the items listed in previous two Facebook bar table applications, ICC-01/14-01/18-1874-Conf and its Annex ICC-01/14-01/18-1874-Conf-Anx; ICC-01/14-01/18-1956-Conf and its Annex ICC-01/14-01/18-1956-Conf-Anx.

⁹ ICC-01/14-01/18-1359, paras.10-12 referring to Initial Directions on the Conduct of the Proceedings, 26 August 2020, ICC-01/14-01/18-631 (the 'Initial Directions'), paras.53-54, 62.

¹⁰ ICC-01/14-01/18-631, para.62.

¹¹ [REDACTED].

to the submission of the Facebook Evidence within the contours of their authorisation on the List of Evidence,¹² the YEKATOM Defence team objects to the submission of [REDACTED] items.¹³

A. Background

10. The Facebook Evidence comprises [REDACTED] conversations and related meta-data. It was obtained [REDACTED], pursuant to two Requests for Assistance (“RFA”) [REDACTED].¹⁴ [REDACTED], and transmitted it to the Prosecution in January 2019 and February 2021.¹⁵

B. The Facebook Evidence is relevant to the issues at trial

11. The Facebook Evidence is relevant to the case and would assist the Chamber to determine the truth.¹⁶ It is particularly relevant to NGAISSONA’s individual criminal responsibility, as its content bears on NGAISSONA’s *mens rea*, role, and contributions as set out in the Decision on the Confirmation of Charges, including financing the Anti-Balaka and liaising with Anti-Balaka members exercising key functions.¹⁷

12. The Facebook Evidence comprises [REDACTED]. In describing their relevance below, the Prosecution provides a summary translation and/or interpretation of the underlying conversation excerpts in each footnote.

¹² See ICC-01/14-01/18-1597-Conf, where the Chamber authorised the addition onto the List of Evidence of limited pages of items [CAR-OTP-2131-4793](#); [CAR-OTP-2131-1420](#); and [CAR-OTP-2133-1610](#). The pages are noted in Annex A.

¹³ In the *inter partes* discussion, the YEKATOM Defence team indicated to oppose the submission of the following items : [CAR-OTP-2103-3408](#); [CAR-OTP-2103-3900](#); [CAR-OTP-2103-3145](#); [CAR-OTP-2103-3180](#); [CAR-OTP-2103-3247](#); [CAR-OTP-2103-4051](#); [CAR-OTP-2103-4070](#); [CAR-OTP-2103-2203](#); [CAR-OTP-2103-2186](#); [CAR-OTP-2103-2082](#); [CAR-OTP-2103-2164](#); [CAR-OTP-2103-2132](#); [CAR-OTP-2103-2104](#); [CAR-OTP-2103-2156](#); [CAR-OTP-2103-2114](#); [CAR-OTP-2103-2160](#); [CAR-OTP-2131-6106](#); [CAR-OTP-2132-0056](#); [CAR-OTP-2132-7664](#); [CAR-OTP-2132-6515](#); [CAR-OTP-2132-6648](#); [CAR-OTP-2133-2450](#); [CAR-OTP-2133-1362](#); [CAR-OTP-2131-1303](#); [CAR-OTP-2133-7314](#); [CAR-OTP-2131-6546](#); [CAR-OTP-2133-1610](#).

¹⁴ [CAR-OTP-2130-0268](#); [CAR-OTP-2127-9187](#).

¹⁵ [CAR-OTP-2099-1340](#); [CAR-OTP-2131-0941](#).

¹⁶ See ICC-01/04-01/06-1398-Conf, para.20.

¹⁷ ICC-01/14-01/18-403-Conf-Corr, para.112, p. 111.

1. [REDACTED]

13. [REDACTED].¹⁸ [REDACTED]¹⁹ [REDACTED].²⁰ [REDACTED].²¹ [REDACTED].

14. [REDACTED],²² [REDACTED].²³ His conversations are relevant, in particular with respect to BOZIZE's inner circle, including NGAISSONA, and the Anti-Balaka activities on the ground.

15. *First*, the Facebook conversations demonstrate that [REDACTED] is a BOZIZE loyalist,²⁴ associated with his elements (the FROCCA/Anti-Balaka),²⁵ and that he is waiting for BOZIZE's signal to descend on BANGUI, to secure his return²⁶ and to free

¹⁸ [CAR-OTP-2099-5390](#) at 5390-5391.

¹⁹ [REDACTED], *see* [CAR-OTP-2099-5390](#) at 5391 (*July 2013*) and confirmed [REDACTED] [CAR-OTP-2103-3949](#) at 3950 (*October 2014*).

²⁰ [REDACTED], *see e.g.*, [CAR-OTP-2103-3194](#) at 3194 [REDACTED]; [CAR-OTP-2103-3761](#) at 3761 [REDACTED]; [REDACTED], *see e.g.*, [CAR-OTP-2103-3293](#) at 3293 [REDACTED]; [CAR-OTP-2103-3430](#) at 3430 [REDACTED]; [REDACTED], *see e.g.*, [CAR-OTP-2103-3975](#) at 3978 [REDACTED]; [CAR-OTP-2103-3247](#) at 3249 [REDACTED]; [CAR-OTP-2103-3293](#) at 3310, 3314 [REDACTED].

²¹ *See e.g.*, [CAR-OTP-2103-3293](#) at 3318 (*August 2013*); [CAR-OTP-2103-3156](#) at 3157 (*September 2013*); [CAR-OTP-2103-3496](#) at 3496-3497 (*November 2013*); [CAR-OTP-2103-3247](#) at 3247 (*August 2013*).

²² [REDACTED], [CAR-OTP-2122-8251-R01](#) at 8268, para.154 [REDACTED].

²³ [CAR-OTP-2103-3137](#) at 3138 [REDACTED]; [CAR-OTP-2103-3725](#) at 3726 [REDACTED]; [CAR-OTP-2103-4149](#) at 4151 [REDACTED]; [CAR-OTP-2103-3553](#) at 3553 [REDACTED]; *see also* T-039-CONF-ENG, p. 44, l. 24–p. 45, l. 18, p. 46, l. 10-13 [REDACTED].

²⁴ [CAR-OTP-2103-3408](#) at 3411 [REDACTED]; [CAR-OTP-2103-3761](#) at 3769 [REDACTED]; [CAR-OTP-2103-3896](#) at 3898 [REDACTED]; [CAR-OTP-2103-3626](#) at 3627 [REDACTED].

²⁵ *Associated with BOZIZE's elements (the FROCCA/Anti-Balaka)* [CAR-OTP-2103-3879](#) at 3880 [REDACTED]; [CAR-OTP-2103-3630](#) at 3631 [REDACTED]; [CAR-OTP-2103-3922](#) at 3923 [REDACTED]; [CAR-OTP-2103-3944](#) at 3944-3945 [REDACTED]; [CAR-OTP-2103-3919](#) at 3920 [REDACTED]; [CAR-OTP-2103-3481](#) at 3490 [REDACTED]; [CAR-OTP-2103-3922](#) at 3924 [REDACTED]; [CAR-OTP-2103-3524](#) at 3526 [REDACTED].

²⁶ *On BOZIZE's signal* [CAR-OTP-2103-4169](#) at 4176 [REDACTED]; [CAR-OTP-2103-3900](#) at 3901 [REDACTED]; [CAR-OTP-2103-3930](#) at 3933 [REDACTED]; [CAR-OTP-2103-3219](#) at 3224 [REDACTED]; [CAR-OTP-2103-4060](#) at 4064 [REDACTED].

On their readiness for a descent to BANGUI

[CAR-OTP-2103-4122](#) at 4126 [REDACTED]; [CAR-OTP-2103-3883](#) at 3887 [REDACTED]; [CAR-OTP-2103-3145](#) at 3152 [REDACTED].

In support of his comeback

[CAR-OTP-2103-3870](#) at 3873 [REDACTED]; [CAR-OTP-2103-3821](#) at 3821 [REDACTED].

the country ‘which does not belong to the Muslims’.²⁷ They also demonstrate that [REDACTED],²⁸ [REDACTED].²⁹

16. *Second*, they show the organisation of the Anti-Balaka prior to the 5 December 2013 attack on BANGUI³⁰ and the prevalence of anti-Muslim animus within the Anti-Balaka.³¹ Specifically, they show that: 1) in September 2013, BOSSANGO, BOUCA, and BATANGAFO have fallen³² and weapons were provided to the Anti-Balaka in ZONGO;³³ b) in October 2013, their elements are present in BOUAR, which has fallen;³⁴ c) in November 2013, FROCCA’s ‘return match’ was being prepared,³⁵ with the Anti-Balaka advancing towards BANGUI, taking over PK55 and DAMARA,³⁶ and with their men being likewise positioned at the CAMEROON border and in ZONGO (Democratic Republic of Congo, “DRC”), with the aim to celebrate the 1st December 2013 in BANGUI;³⁷ and d) in December 2013, the Anti-Balaka from BOSSANGO and BOZOUM reached BOALI³⁸ and were chasing out the “traitors” in BANGUI.³⁹

²⁷ [CAR-OTP-2103-3756](#) at 3758 [REDACTED].

²⁸ [CAR-OTP-2103-3637](#) at 3689 [REDACTED]; [CAR-OTP-2103-3481](#) at 3492 [REDACTED]; [CAR-OTP-2103-3444](#) at 3464 [REDACTED].

²⁹ [CAR-OTP-2103-3180](#) at 3182 [REDACTED]; [CAR-OTP-2103-4185](#) at 4186-4187 [REDACTED]; [CAR-OTP-2103-3553](#) at 3560 [REDACTED]; [CAR-OTP-2103-3761](#) at 3761, 3763 [REDACTED]; [CAR-OTP-2103-2149](#) at 2151 [REDACTED]; [CAR-OTP-2103-4167](#) at 4168 [REDACTED]; [CAR-OTP-2103-4023](#) at 4039 [REDACTED]; [CAR-OTP-2103-3855](#) at 3856-3857 [REDACTED].

³⁰ [CAR-OTP-2103-4023](#) at 4044 [REDACTED]; [CAR-OTP-2103-3260](#) at 3261 [REDACTED]; [CAR-OTP-2103-4070](#) at 4070-4071 [REDACTED]; [CAR-OTP-2103-4149](#) at 4151-4152 [REDACTED].

³¹ [CAR-OTP-2103-3964](#) at 3969-3970 [REDACTED]; [CAR-OTP-2103-3247](#) at 3249 [REDACTED]; [CAR-OTP-2103-3439](#) at 3439-3440 [REDACTED]; [CAR-OTP-2103-3496](#) at 3507-3508 [REDACTED]; [CAR-OTP-2103-3293](#) at 3310 [REDACTED]; [CAR-OTP-2103-3263](#) at 3264 [REDACTED]; [CAR-OTP-2103-3472](#) at 3474 [REDACTED]; [CAR-OTP-2103-3637](#) at 3639 [REDACTED]; [CAR-OTP-2103-3973](#) at 3973 [REDACTED].

³² [CAR-OTP-2103-4073](#) at 4076-4077 [REDACTED]; [CAR-OTP-2103-3293](#) at 3335 [REDACTED]; [CAR-OTP-2103-3444](#) at 3454 [REDACTED].

³³ [CAR-OTP-2103-3975](#) at 3998 [REDACTED].

³⁴ [CAR-OTP-2103-3180](#) at 3189-3190 [REDACTED].

³⁵ [CAR-OTP-2103-4023](#) at 4035, 4038 [REDACTED]; [CAR-OTP-2103-4185](#) at 4215-4216 [REDACTED].

³⁶ [CAR-OTP-2103-4101](#) at 4115 [REDACTED]; [CAR-OTP-2103-3855](#) at 3864-3865 [REDACTED]; [CAR-OTP-2103-3553](#) at 3563 [REDACTED]; [CAR-OTP-2103-4051](#) at 4054 [REDACTED].

³⁷ 1 December 2013 planned attack, men at the border:

[CAR-OTP-2103-4185](#) at 4226-4227 [REDACTED].

[CAR-OTP-2103-3169](#) at 3171 [REDACTED]; [CAR-OTP-2103-3398](#) at 3401 [REDACTED].

MEN in ZONGO:

[CAR-OTP-2103-3481](#) at 3492 [REDACTED]; [CAR-OTP-2103-3293](#) at 3362 [REDACTED]; [CAR-OTP-2103-3444](#) at 3464 [REDACTED]; [CAR-OTP-2103-3637](#) at 3689 [REDACTED].

³⁸ [CAR-OTP-2103-3496](#) at 3513 [REDACTED].

³⁹ [CAR-OTP-2103-3727](#) at 3743 [REDACTED].

17. *Finally*, the conversations confirm NGAISSONA's role and position in the Anti-Balaka. They demonstrate, *inter alia*, that in September 2013, NGAISSONA was in BERTOUA meeting other Anti-Balaka leaders.⁴⁰

2. [REDACTED]

18. [REDACTED].⁴¹ [REDACTED].⁴² [REDACTED].⁴³ [REDACTED].⁴⁴
[REDACTED].

19. [REDACTED],⁴⁵ [REDACTED].⁴⁶ His conversations are relevant, in particular with respect to BOZIZE's inner circle, and the Anti-Balaka activities on the ground.

20. *First*, the Facebook conversations demonstrate that [REDACTED] was associated with the Anti-Balaka,⁴⁷ ready to fight 'with his soul' for a change.⁴⁸ They further show that [REDACTED],⁴⁹ [REDACTED].⁵⁰

21. *Second*, they show for example, that: a) in October 2013, [REDACTED] and executed orders coming from ZONGO;⁵¹ b) in November 2013, [REDACTED]

⁴⁰ [CAR-OTP-2103-4023](#) at 4027 [REDACTED].

⁴¹ [CAR-OTP-2099-3801](#) at 3801-3802.

⁴² [REDACTED] [CAR-OTP-2103-2169](#) at 2171 (*September 2013*); [CAR-OTP-2103-2164](#) at 2166 (*April 2014*).

⁴³ [CAR-OTP-2103-2138](#) at 2140 [REDACTED].

⁴⁴ *See e.g.*, [CAR-OTP-2103-2114](#) at 2114-2115 (*September 2013*); [CAR-OTP-2103-2095](#) at 2095 (*October 2013*); [CAR-OTP-2103-2104](#) at 2104 (*October 2013*); [CAR-OTP-2103-2204](#) at 2207 (*January 2014*); [CAR-OTP-2103-2164](#) at 2166 (*April 2014*).

⁴⁵ [CAR-OTP-2103-2095](#) at 2101 [REDACTED]; [CAR-OTP-2103-2086](#) at 2087 [REDACTED]; *see also* T-040-CONF-ENG, p. 24, l. 8-20 [REDACTED].

⁴⁶ [CAR-OTP-2103-2084](#) at 2085 [REDACTED]; [CAR-OTP-2103-2095](#) at 2096 [REDACTED]; [CAR-OTP-2103-2111](#) at 2112 [REDACTED]; [CAR-OTP-2103-2149](#) at 2150-2151 [REDACTED]; [CAR-OTP-2103-2212](#) at 2215-2216 [REDACTED]; [CAR-OTP-2103-2120](#) at 2121 [REDACTED]; [CAR-OTP-2103-2186](#) at 2187 [REDACTED]; [CAR-OTP-2103-2191](#) at 2192 [REDACTED]; [CAR-OTP-2103-2123](#) at 2124 [REDACTED]; [CAR-OTP-2103-2114](#) at 2114-2115 [REDACTED]; [CAR-OTP-2103-2153](#) at 2154 [REDACTED]; [CAR-OTP-2103-2160](#) at 2161 [REDACTED]; *see also* T-081-CONF-ENG, p. 27, l. 3-11 [REDACTED].

⁴⁷ [CAR-OTP-2103-2095](#) at 2099-2101 [REDACTED]; [CAR-OTP-2103-2091](#) at 2092 [REDACTED]; [CAR-OTP-2103-2138](#) at 2145 [REDACTED].

⁴⁸ [CAR-OTP-2103-2198](#) at 2199 [REDACTED].

⁴⁹ [CAR-OTP-2103-2200](#) at 2200 [REDACTED], [REDACTED], *see* T-141-CONF-FRA ET, p. 36, l. 4; [REDACTED], *see* [CAR-OTP-2079-0993](#) [REDACTED], [CAR-OTP-2079-0574](#) at 0575.

⁵⁰ *See* [REDACTED] ([CAR-OTP-2103-2200](#)); [REDACTED] ([CAR-OTP-2103-2204](#)); [REDACTED] ([CAR-OTP-2103-2095](#)); [REDACTED] ([CAR-OTP-2103-2149](#)).

⁵¹ [CAR-OTP-2103-2095](#) at 2099-2101 [REDACTED]; [CAR-OTP-2103-2091](#) at 2092 [REDACTED].

coordinated, *inter alia*, with Captain NGREMANGOU, Captain SEMNDIRO, and Maxime MOKOM;⁵² and c) in late December 2013, [REDACTED] continued to be in contact with Anti-Balaka leaders.⁵³

3. [REDACTED]

22. [REDACTED].⁵⁴ [REDACTED].⁵⁵ [REDACTED].⁵⁶ [REDACTED].

23. [REDACTED].⁵⁷ His conversations are relevant, in particular with respect to BOZIZE's inner circle and Anti-Balaka activities on the ground.

24. *First*, [REDACTED].⁵⁸

21. *Second*, they show for example, that: a) in September 2013, the Anti-Balaka attacks were performed in view of preparing the final assault;⁵⁹ b) in October 2013, BOUAR fell at the hands of the Anti-Balaka⁶⁰ and the 'archers',⁶¹ and the men from DOUALA, YAOUNDE, BERTOUA, and GAROUA-BOULAI were authorised to reinforce the elements in BOUAR, to gain control over the airport;⁶² c) in November 2013, the 'last phase of the serious things' was about to start;⁶³ d) in December 2013, the preparation of the 5 December 2013 attack on BANGUI, for which food and

⁵² [CAR-OTP-2103-2204](#) at 2206 [REDACTED].

⁵³ [CAR-OTP-2103-2200](#) at 2200-2201 [REDACTED].

⁵⁴ [CAR-OTP-2099-3204](#) at 3204.

⁵⁵ [CAR-OTP-2099-3204](#) at 3204-3205.

[REDACTED] [CAR-OTP-2101-8129](#) at 8130, 8166, 8167 (*August 2013, July 2014*); [CAR-OTP-2099-9345](#) at 9453 (*April 2015*); [REDACTED] [CAR-OTP-2137-0081](#); [REDACTED] [CAR-OTP-2101-8129](#) at 8129 (*August 2013*); [CAR-OTP-2066-1601](#) at 1674 (*April 2014*) and [REDACTED] [CAR-OTP-2137-0081](#).

⁵⁶ See e.g., [CAR-OTP-2099-7606](#) at 7606, 7610 (*September 2013*); [CAR-OTP-2100-2993](#) at 2993 (*November 2013*).

⁵⁷ T-049-ENG-CT, p. 42, l. 15-20 [REDACTED], p. 43, l. 20-21 [REDACTED].

⁵⁸ See [REDACTED] [CAR-OTP-2099-7478](#), and [REDACTED] [CAR-OTP-2102-8338](#), [REDACTED] ([CAR-OTP-2099-7606](#), and [REDACTED] [CAR-OTP-2100-2993](#)), [REDACTED] ([CAR-OTP-2101-8129](#)), [REDACTED] ([CAR-OTP-2099-9345](#), and [REDACTED] [CAR-OTP-2102-9210](#) and [REDACTED] [CAR-OTP-2102-8584](#)).

⁵⁹ [CAR-OTP-2099-7830](#) at 7839-7840 [REDACTED].

⁶⁰ [CAR-OTP-2099-7606](#) at 7653 [REDACTED].

⁶¹ [CAR-OTP-2099-7478](#) at 7492, 7497-7502 [REDACTED].

⁶² [CAR-OTP-2099-7478](#) at 7497, 7499, 7501 [REDACTED].

⁶³ [CAR-OTP-2099-7606](#) at 7672-7673 [REDACTED].

hunting ammunition were being sent;⁶⁴ and e) in 2015, the inclusion of Alfred YEKATOM - the 'real boss' of the Anti-Balaka on the BIMBO-MBAIKI axis - on the UN Sanction list, for exactions committed by his men in BIMBO.⁶⁵

4. [REDACTED]

24. [REDACTED].⁶⁶ [REDACTED].⁶⁷ [REDACTED].⁶⁸ [REDACTED].

25. [REDACTED].⁶⁹ [REDACTED] conversations are relevant, in particular with respect to the Anti-Balaka activities on the ground.

26. *First*, the Facebook account shows that [REDACTED] was in CAMEROON, in particular BERTOUA and at the border,⁷⁰ and that he was in contact with, *inter alia*, MOKOM, Junior DANBOY, and Bienheureux DANBOY.⁷¹

27. *Second*, the account shows that in November 2013, the men in YAOUNDE wait on the decision-makers, who were still in DOUALA.⁷²

⁶⁴ [CAR-OTP-2099-7606](#) at 7682-7683, 7697-7698 [REDACTED].

⁶⁵ [CAR-OTP-2099-7897](#) at 8036-8037 [REDACTED].

⁶⁶ [CAR-OTP-2099-5455](#) at 5455.

⁶⁷ [REDACTED] *see* [CAR-OTP-2099-5455](#) at 5456 and [REDACTED] [CAR-OTP-2066-3003](#) at 3060 (November 2013); [CAR-OTP-2099-5455](#) at 5496 (August 2013); [REDACTED] [CAR-OTP-2066-3003](#) at 3060 (November 2013).

⁶⁸ *See e.g.*, [CAR-OTP-2099-5455](#) at 5499 [REDACTED]

⁶⁹ [REDACTED], [CAR-OTP-2078-0059-R03](#) at 0080, para.125 [REDACTED].

⁷⁰ [CAR-OTP-2099-5455](#) at 5523-5522, 5521-5520, 5501, 5499 [REDACTED].

⁷¹ *See* [REDACTED] (at 5498-5499), [REDACTED] (at 5490-5493), [REDACTED] (at 5523-5522).

⁷² [CAR-OTP-2099-5455](#) at 5490 [REDACTED].

5. [REDACTED]

28. [REDACTED]⁷³ [REDACTED].⁷⁴ [REDACTED].⁷⁵ [REDACTED],⁷⁶ [REDACTED],⁷⁷ [REDACTED].⁷⁸ [REDACTED].

29. [REDACTED],⁷⁹ [REDACTED].⁸⁰ [REDACTED] conversations are highly relevant, in particular with respect to BOZIZE's inner circle, the Anti-Balaka activities on the ground, and NGAISSONA's role within the Anti-Balaka.

30. *First*, the Facebook conversations demonstrate that [REDACTED] was in contact with, *inter alia*, [REDACTED],⁸¹ the Anti-Balaka elements on the ground,⁸² as well as other individuals associated with the Anti-Balaka, such as [REDACTED].⁸³ He is associated with the Anti-Balaka.⁸⁴

31. *Second*, they show for example, that: a) in June 2013, BOZIZE was already planning his return to power;⁸⁵ b) in July 2013, the Muslims were no longer wanted in

⁷³ [CAR-OTP-2101-3292](#) at 3293 [REDACTED]; [CAR-OTP-2025-0563](#) and its transcript [CAR-OTP-2045-1121](#) at 1123, l. 61 [REDACTED].

⁷⁴ [CAR-OTP-2131-1021](#) at 1022-1023.

⁷⁵ [REDACTED] [CAR-OTP-2133-3390](#) at 3448 (November 2013); [CAR-OTP-2131-2629](#) at 2643 (January 2014); [CAR-OTP-2131-7325](#) at 7394 (January 2014); [REDACTED], *see* [CAR-OTP-2131-1021](#) at 1023 (April 2014) and [REDACTED] [CAR-OTP-2131-8457](#), at 8461 (May 2013), [CAR-OTP-2131-9318](#), at 9320 (January 2014).

⁷⁶ *See e.g.*, [CAR-OTP-2131-2629](#) at 2690 [REDACTED]; [CAR-OTP-2131-7002](#) at 7002 [REDACTED]; [CAR-OTP-2131-7325](#) at 7325 [REDACTED]; [CAR-OTP-2132-1276](#) at 1278 [REDACTED]; [CAR-OTP-2132-5658](#) at 5659 [REDACTED]; [CAR-OTP-2132-9746](#) at 9747 [REDACTED]; [CAR-OTP-2133-1986](#) at 1986 [REDACTED].

⁷⁷ [CAR-OTP-2102-8899](#) at 8942-8943 [REDACTED].

⁷⁸ [CAR-OTP-2133-6061](#) at 6096-6100 [REDACTED].

⁷⁹ [CAR-OTP-2001-1870](#) at 1942 [REDACTED]; [CAR-OTP-2088-1574](#) at 1575-1576 [REDACTED].

⁸⁰ [CAR-OTP-2131-5988](#) at 5989 [REDACTED]; [CAR-OTP-2132-9746](#) at 9746-9747 [REDACTED].

⁸¹ [CAR-OTP-2131-2629](#) at 2636 [REDACTED].

⁸² [CAR-OTP-2133-4968](#) at 5143-5144, 5239-5240 [REDACTED]; [CAR-OTP-2131-7325](#) at 7334-7337 [REDACTED]; [CAR-OTP-2133-3390](#) at 3490 [REDACTED].

⁸³ *See* [REDACTED] ([CAR-OTP-2133-5725](#)), [REDACTED] ([CAR-OTP-2131-5707](#)), [REDACTED] ([CAR-OTP-2133-3618](#)), [REDACTED] ([CAR-OTP-2132-5658](#)), [REDACTED] ([CAR-OTP-2099-9596](#)), and [REDACTED] [CAR-OTP-2102-8899](#) and [REDACTED] [CAR-OTP-2102-8720](#), [REDACTED] ([CAR-OTP-2102-5771](#)).

⁸⁴ [CAR-OTP-2133-3390](#) at 3478 [REDACTED]; [CAR-OTP-2133-4968](#) at 5276-5277 [REDACTED].

⁸⁵ [CAR-OTP-2133-4968](#) at 5009-5010 [REDACTED].

CAR;⁸⁶ c) in September 2013, the attack on BOSSANGO was qualified as a genocide;⁸⁷ d) in October 2013, the Anti-Balaka were working discreetly, but advancing⁸⁸ *inter alia*, having captured BOUAR and surrounded DAMARA,⁸⁹ and with the men positioned and waiting for the ‘final attack’;⁹⁰ e) in November 2013, the Anti-Balaka reached PK55,⁹¹ and the group received material,⁹² in anticipation of an imminent attack on BANGUI;⁹³ f) in December 2013, the Anti-Balaka group at the *Colline* were in contact directly with ‘the boss’;⁹⁴ the group received ammunition in anticipation of the attack,⁹⁵ and the Anti-Balaka and FACA led the 5 December 2013 attack on BANGUI;⁹⁶ g) in late December 2013, the Muslims were leaving the country;⁹⁷ and f) in January 2014, the Anti-Balaka were mixed with FACA⁹⁸ and the Anti-Balaka elements were well equipped.⁹⁹

32. *Third*, they show that: a) in November 2013, Eric and Franklin needed to discuss with NGAISSONA an instruction received from ‘the VIP’;¹⁰⁰ and b) in January 2014, NGAISSONA had returned to BANGUI to coordinate things and the arrival of ‘the boss’,¹⁰¹ and the Anti-Balaka’s capacity to create disorder, in responding to information about NGAISSONA being arrested.¹⁰²

⁸⁶ [CAR-OTP-2132-3145](#) at 3256 [REDACTED].

⁸⁷ [CAR-OTP-2131-8427](#) at 8436 [REDACTED].

⁸⁸ [CAR-OTP-2131-7002](#) at 7049 [REDACTED].

⁸⁹ [CAR-OTP-2131-2344](#) at 2418-2419 [REDACTED].

⁹⁰ [CAR-OTP-2131-2344](#) at 2426-2427 [REDACTED].

⁹¹ [CAR-OTP-2133-4968](#) at 5318-5319 [REDACTED].

⁹² [CAR-OTP-2131-5707](#) at 5825, 5828 [REDACTED].

⁹³ [CAR-OTP-2132-5658](#) at 5691-5693 [REDACTED].

⁹⁴ [CAR-OTP-2133-5725](#) at 5758-5760 [REDACTED].

⁹⁵ [CAR-OTP-2133-3757](#) at 3765-3766 [REDACTED].

⁹⁶ [CAR-OTP-2133-3757](#) at 3767-3769 [REDACTED].

⁹⁷ [CAR-OTP-2133-3390](#) at 3494 [REDACTED].

⁹⁸ [CAR-OTP-2132-0056](#) at 0082 [REDACTED].

⁹⁹ [CAR-OTP-2133-6061](#) at 6158 [REDACTED].

¹⁰⁰ [CAR-OTP-2133-2227](#) at 2254-2255 [REDACTED].

¹⁰¹ [CAR-OTP-2131-2344](#) at 2475-2476 [REDACTED]; [CAR-OTP-2132-1276](#) at 1291 [REDACTED]; [CAR-OTP-2133-5725](#) at 5833-5834 [REDACTED]; [CAR-OTP-2132-9197](#) at 9202-9203 [REDACTED].

¹⁰² [CAR-OTP-2133-4968](#) at 5498-5499 [REDACTED].

6. [REDACTED]

33. [REDACTED].¹⁰³ [REDACTED].¹⁰⁴ [REDACTED].¹⁰⁵ [REDACTED].¹⁰⁶
[REDACTED].

34. [REDACTED],¹⁰⁷ [REDACTED],¹⁰⁸ [REDACTED].¹⁰⁹ [REDACTED] conversations are highly relevant, in particular with respect to BOZIZE's inner circle, the Anti-Balaka activities on the ground, and NGAISSONA's role within the Anti-Balaka.

35. *First*, the Facebook conversations demonstrate that [REDACTED],¹¹⁰ [REDACTED],¹¹¹ [REDACTED].¹¹²

36. *Second*, they show for example, BOZIZE's intention to return to power through violent means¹¹³ and the prevalence of anti-Muslim animus within the Anti-Balaka.¹¹⁴ Specifically, they show that: a) in September 2013, the Anti-Balaka attacked

¹⁰³ [CAR-OTP-2131-1003](#).

¹⁰⁴ [REDACTED] ([CAR-OTP-2100-4110](#)), [REDACTED] ([CAR-OTP-2101-8987](#)), [REDACTED] ([CAR-OTP-2102-8377](#)), and [REDACTED], see [CAR-OTP-2131-1003](#) at 1003.

¹⁰⁵ [CAR-OTP-2131-1003](#) at 1003-1005. [REDACTED] [CAR-OTP-2131-3310](#) at 3319 (*March 2013*), 3338, 3378 (*April 2013*), [CAR-OTP-2133-7159](#) at 7162 (*June 2013*);

[REDACTED] [CAR-OTP-2131-3310](#) at 3359 (*April 2013*); [CAR-OTP-2133-2450](#) at 2467 (*May 2013*); [CAR-OTP-2131-5407](#) at 5416 (*June 2013*); [CAR-OTP-2133-7159](#) at 7164 (*July 2013*); [CAR-OTP-2133-7723](#) at 7790 (*December 2013*);

[REDACTED] [CAR-OTP-2131-3310](#) at 3349 (*April 2013*), [CAR-OTP-2132-6515](#) at 6517 (*April 2013*); [CAR-OTP-2133-2450](#) at 2465 (*May 2013*); [CAR-OTP-2131-5407](#) at 5416 (*June 2013*); [CAR-OTP-2132-5088](#) at 5092 (*September 2013*); [CAR-OTP-2132-2869](#) at 2913 (*December 2013*).

¹⁰⁶ See e.g., [CAR-OTP-2131-3310](#) at 3314 (*March 2013*), 3331 (*April 2013*), 3423 (*May 2013*), 3449 (*July 2013*), 3477-3478 (*September 2013*); [CAR-OTP-2132-0463](#) at 0479 (*September 2013*), 0493 (*November 2013*), 0504 (*December 2013*); [CAR-OTP-2132-4240](#) at 4249 (*June 2013*), 4263 (*August 2013*), 4277 (*September 2013*), 4284 (*December 2013*).

¹⁰⁷ [CAR-OTP-2132-0463](#) at 0470 [REDACTED].

¹⁰⁸ [CAR-OTP-2131-5407](#) at 5411 [REDACTED]; [CAR-OTP-2100-2993](#) at 2993 [REDACTED].

¹⁰⁹ [REDACTED] [CAR-OTP-2122-8251-R01](#) at 8265, para.132 [REDACTED]; [CAR-OTP-2100-2994](#) at 3027 [REDACTED]; [CAR-OTP-2131-7091](#) at 7101 [REDACTED]; [CAR-OTP-2132-0463](#) at 0492 [REDACTED]; see also [REDACTED] [CAR-OTP-2131-2865](#) at 2866 [REDACTED]; [CAR-OTP-2133-0458](#) at 0462 [REDACTED].

¹¹⁰ [CAR-OTP-2131-5407](#) at 5505-5507 [REDACTED].

¹¹¹ [CAR-OTP-2132-7664](#) at 7666 [REDACTED]; [CAR-OTP-2131-5407](#) at 5411, 5427 [REDACTED].

¹¹² [REDACTED] ([CAR-OTP-2101-8987](#) and [REDACTED] [CAR-OTP-2102-8377](#)), [REDACTED] ([CAR-OTP-2100-2994](#)), [REDACTED] ([CAR-OTP-2133-7723](#)).

¹¹³ [CAR-OTP-2131-3310](#) at 3363, 3378-3379 [REDACTED]; [CAR-OTP-2133-3029](#) at 3063 [REDACTED]; [CAR-OTP-2132-5849](#) at 5855-5856 [REDACTED]; [CAR-OTP-2132-1239](#) at 1243-1244 [REDACTED].

¹¹⁴ [CAR-OTP-2132-4240](#) at 4282-4283 [REDACTED]; [CAR-OTP-2133-1362](#) at 1408-1411 [REDACTED]; [CAR-OTP-2132-6648](#) at 6661-6662 [REDACTED]; [CAR-OTP-2133-0880](#) at 0930-0931 [REDACTED].

BOSSANGO, ¹¹⁵ the Anti-Balaka use Thuraya to get in touch with their leadership, ¹¹⁶ and material was delivered to the Anti-Balaka; ¹¹⁷ b) in October 2013, medical supplies were being sent to the field ¹¹⁸ and weapons and ammunitions had already reached BOUAR and BAMBARI; ¹¹⁹ c) in November 2013, the Anti-Balaka, who were remotely directed from YAOUNDE, ¹²⁰ had already advanced to BANGUI ¹²¹ and that the FACA from YAOUNDE would be going to BELOKO on 1 December 2013; ¹²² and d) in December 2013, the series of Anti-Balaka attacks was supposed to start with BOUAR, ¹²³ and the FACA were asked to gather at COMBATTANT to be equipped during the 5 December 2013 attack on BANGUI. ¹²⁴

37. *Third*, they show that: a) in September 2013, NGAISSONA's, YAKETE's, and KOKATE's arrival in DOUALA signified the certain likelihood of action afoot; ¹²⁵ b) in October 2013, NGAISSONA and Bernard MOKOM visited troops at the border and brought them ammunitions ¹²⁶ in view of an imminent operation; ¹²⁷ c) in November 2013, NGAISSONA travelled to DOUALA ¹²⁸ and then to YAOUNDE where he was together with OUEBIO, KOKATE, and Bernard MOKOM, ¹²⁹ when BOZIZE ('the boss') called to give instructions. ¹³⁰

¹¹⁵ [CAR-OTP-2132-6105](#) at 6125 [REDACTED]; [CAR-OTP-2133-7723](#) at 7728-7729, 7730-7731 [REDACTED].

¹¹⁶ [CAR-OTP-2131-7091](#) at 7167-7168 [REDACTED].

¹¹⁷ [CAR-OTP-2131-7091](#) at 7157 [REDACTED]; [CAR-OTP-2133-7723](#) at 7750-7751 [REDACTED].

¹¹⁸ [CAR-OTP-2131-5407](#) at 5497 [REDACTED].

¹¹⁹ [CAR-OTP-2132-6685](#) at 6697-6698 [REDACTED].

¹²⁰ [CAR-OTP-2132-5849](#) at 5868 [REDACTED].

¹²¹ [CAR-OTP-2132-0463](#) at 0501 [REDACTED]; [CAR-OTP-2132-5088](#) at 5093 [REDACTED].

¹²² [CAR-OTP-2132-2869](#) at 2911 [REDACTED].

¹²³ [CAR-OTP-2133-7723](#) at 7786-7787 [REDACTED].

¹²⁴ [CAR-OTP-2132-6105](#) at 6173-6174 [REDACTED].

¹²⁵ [CAR-OTP-2132-2869](#) at 2881 [REDACTED].

¹²⁶ [CAR-OTP-2133-7723](#) at 7776-7777 [REDACTED].

¹²⁷ [CAR-OTP-2133-7723](#) at 7778-7779 [REDACTED].

¹²⁸ [CAR-OTP-2131-6407](#) at 6408 [REDACTED].

¹²⁹ [CAR-OTP-2131-5407](#) at 5505-5506 [REDACTED]; [CAR-OTP-2132-1004](#) at 1010-1011 [REDACTED].

¹³⁰ [CAR-OTP-2131-5407](#) at 5506-5507 [REDACTED].

7. [REDACTED]

38. [REDACTED].¹³¹ [REDACTED].¹³² [REDACTED].¹³³ [REDACTED].¹³⁴

39. [REDACTED]¹³⁵ [REDACTED].¹³⁶ [REDACTED].¹³⁷ [REDACTED].¹³⁸
[REDACTED] conversations are relevant, in particular with respect to the Anti-Balaka's activities on the ground.

40. [REDACTED] conversation [REDACTED] shows that on 31 December 2013, LAKOUE TENE's men would be ready and able to reach 'their target' within a reasonable timeframe, should they receive an order from the French.¹³⁹

8. [REDACTED]

41. [REDACTED].¹⁴⁰ [REDACTED].¹⁴¹ [REDACTED].¹⁴² [REDACTED].¹⁴³

¹³¹ [CAR-OTP-2131-1038-R01](#) at 1038-1039.

¹³² [REDACTED], [CAR-OTP-2132-1249](#) at 1249 (December 2013), [CAR-OTP-2133-8373](#) at 8373 (January 2014), [CAR-OTP-2132-7562](#) (January 2014).

¹³³ See e.g., [REDACTED], [CAR-OTP-2131-1265](#) at 1266 (December 2013); [CAR-OTP-2131-2850](#) at 2852 (December 2013); [CAR-OTP-2131-6616](#) at 6616, 6621 (December 2013, January 2014); [CAR-OTP-2132-5728](#) at 5728 (January 2014).

¹³⁴ ICC-01/14-01/18-1597-Conf, paras.19-20.

¹³⁵ T-029-CONF-ENG CT, p. 12, l. 24- p.13, l. 4 [REDACTED].

¹³⁶ T-029-CONF-ENG CT, p. 28, l. 4-5 [REDACTED].

¹³⁷ T-029-CONF-ENG CT, p. 43, l. 25- p. 44, l. 8. [REDACTED].

¹³⁸ [CAR-OTP-2124-0890](#).

¹³⁹ [CAR-OTP-2131-1303](#) at 1304-1305 [REDACTED].

¹⁴⁰ [CAR-OTP-2131-1032](#) at 1032-1034.

¹⁴¹ [REDACTED] [CAR-OTP-2133-2041](#) at 2049 (September 2013) and [REDACTED] [CAR-OTP-2133-6463](#) at 6464 (September 2013), [CAR-OTP-2132-9527](#) at 9531 (September 2013); [REDACTED] [CAR-OTP-2134-0501](#); [REDACTED] [CAR-OTP-2133-1267](#) at 1271 (September 2013).

¹⁴² [REDACTED] see e.g., [CAR-OTP-2131-2814](#) at 2814 (September 2013); [CAR-OTP-2133-6457](#) at 6457, 6458, 6460 (September 2013). [REDACTED] see e.g., [CAR-OTP-2132-0370](#) at 0370 (May 2013).

¹⁴³ ICC-01/14-01/18-1597-Conf, paras.19-20.

42. [REDACTED],¹⁴⁴ [REDACTED],¹⁴⁵ where he was in contact with, *inter alia*, NGAISSONA.¹⁴⁶ [REDACTED] conversations are highly relevant, in particular with respect to BOZIZE's inner circle and the Anti-Balaka activities on the ground.

43. *First*, the Facebook conversations demonstrate [REDACTED].¹⁴⁷ It further shows that he was in contact with individuals associated with the Anti-Balaka, such as [REDACTED].¹⁴⁸

44. *Second*, they show for example, that in September 2013, the Anti-Balaka were fighting to keep control of BOSSANGO, ¹⁴⁹ and that FROCCA, with Edouard SEREFIO as Deputy Coordinator, was created to bring back BOZIZE to power.¹⁵⁰

45. *Third*, they show that in September 2013, NGAISSONA was one of the key persons who knew about the Anti-Balaka descent to BANGUI, together with YAKETE, Eric DANBOY, and Nico NICAISE.¹⁵¹

¹⁴⁴ T-092-CONF-ENG ET, p. 21, l. 7-17, p. 25, l. 11 [REDACTED].

¹⁴⁵ T-076-CONF-ENG ET, p. 42, l. 17-23 [REDACTED].

¹⁴⁶ T-054-CONF-ENG ET, p. 59, l. 22-p. 60, l. 11; p. 61, l. 21-22 [REDACTED].

¹⁴⁷ [CAR-OTP-2133-2041](#) at 2042-2043 [REDACTED].

¹⁴⁸ *See* [REDACTED] ([CAR-OTP-2131-2814](#)), [REDACTED] ([CAR-OTP-2133-6457](#)), and [REDACTED], ([CAR-OTP-2132-1254](#)).

¹⁴⁹ [CAR-OTP-2132-0370](#) at 0371-0372 [REDACTED].

¹⁵⁰ [CAR-OTP-2132-1254](#) at 1255 [REDACTED].

¹⁵¹ [CAR-OTP-2131-2814](#) at 2815-2816 [REDACTED].

9. [REDACTED]

46. [REDACTED].¹⁵² [REDACTED].¹⁵³ [REDACTED].¹⁵⁴ [REDACTED].¹⁵⁵
[REDACTED].¹⁵⁶ [REDACTED].¹⁵⁷

47. [REDACTED].¹⁵⁸ [REDACTED].¹⁵⁹ [REDACTED] conversations are highly relevant, in particular with respect to the Anti-Balaka activities on the ground, and NGAISSONA's role within the Anti-Balaka.

48. *First*, the Facebook conversations demonstrate that [REDACTED].¹⁶⁰

49. *Second*, they show, for example, that on 5 December 2013 the Anti-Balaka attacked BANGUI, but as they lacked material, retreated and awaited reinforcements,¹⁶¹ and that anti-Muslim animus was prevalent among the Anti-Balaka.¹⁶²

50. *Third*, they show that: a) on 21 December 2013, NGAISSONA was in MORROCCO;¹⁶³ and b) in January 2014, NGAISSONA used the phone number [REDACTED],¹⁶⁴ and that he was clearly the Anti-Balaka Coordinator.¹⁶⁵

¹⁵² [CAR-OTP-2131-0993-R01](#) at 0993-0994.

¹⁵³ [REDACTED] [CAR-OTP-2124-0890](#), [CAR-OTP-2124-0891](#), [CAR-OTP-2124-0892](#), [CAR-OTP-2124-0894](#), [CAR-OTP-2124-0896](#), [CAR-OTP-2124-0899](#), [CAR-OTP-2124-0903](#), [CAR-OTP-2130-3377](#), [CAR-OTP-2130-3379](#).

[REDACTED] [CAR-OTP-00000092](#) at 000022-000023 (*February 2022*).

¹⁵⁴ [CAR-OTP-2133-7314](#) at 7314-7315 [REDACTED].

¹⁵⁵ *See e.g.*, [CAR-OTP-2131-1420](#) at 1420-1421, 1423-1424, 1426-1427, 1429, 1431, 1434, 1438-1440, 1443-1444 (*May 2013-February 2014*); [CAR-OTP-2131-4793](#) at 4793 (*July 2013*).

¹⁵⁶ T-073-CONF-ENG ET, p. 39, l. 12 ; p. 46, l. 11-p. 48, l. 2 [REDACTED].

¹⁵⁷ Pursuant to ICC-01/14-01/18-1597-Conf, paras.19-20; item [CAR-OTP-2133-7314](#) authorised on the List of Evidence by oral decision [REDACTED], *see* T-073-CONF-ENG.

¹⁵⁸ T-073-CONF-ENG ET, p. 18, l. 21-p. 19, l. 22.

¹⁵⁹ *See e.g.*, T-073-CONF-ENG ET, p. 48, l. 1-2.

¹⁶⁰ [CAR-OTP-2131-4793](#) at 4827-4828, 4830 [REDACTED].

¹⁶¹ [CAR-OTP-2131-6546](#) at 6556-6558 [REDACTED]; [CAR-OTP-2133-7314](#) at 7321-7322 [REDACTED].

¹⁶² [CAR-OTP-2133-7314](#) at 7328 [REDACTED]; [CAR-OTP-2131-1420](#) at 1436 [REDACTED]; [CAR-OTP-2131-4793](#) at 4824 [REDACTED]; [CAR-OTP-2133-1610](#) at 1622 [REDACTED].

¹⁶³ [CAR-OTP-2131-4793](#) at 4817 [REDACTED]; [CAR-OTP-2133-1610](#) at 1611 [REDACTED].

¹⁶⁴ [CAR-OTP-2131-4793](#) at 4830 [REDACTED].

¹⁶⁵ [CAR-OTP-2131-4793](#) at 4828-4829 [REDACTED].

C. The Facebook Evidence is reliable and authentic

51. The Facebook Evidence is reliable and self-authenticating. To assess the *prima facie* reliability of evidentiary material, the Chamber may evaluate the factors affecting its authenticity, such as: its origin, the context in which it was created, the method with which the information contained therein was compiled, and the availability of corroborative evidence.¹⁶⁶

52. *First*, the collection of Facebook Evidence demonstrates sufficient authenticity for their submission into evidence,¹⁶⁷ in that: a) their complete and accurate compilation and maintenance is undertaken in the regular course of business and in accordance with domestic laws; b) the records are obtained through legal and official means from a service provider as their custodian. Specifically, the Facebook Evidence was obtained from an objective primary source, [REDACTED], pursuant to two RFAs to the competent authorities [REDACTED].¹⁶⁸ [REDACTED];¹⁶⁹ and c) the origin of the records are immediately apparent from the documents themselves.

53. The record's metadata, in particular the [REDACTED], provide further indicia of reliability and authenticity.

54. *Second*, the Facebook Evidence is sufficiently reliable. The attribution of [REDACTED] to its effective user (*i.e.*, 'authentication' of social media evidence in US case law) is an issue of the reliability of the evidence rather than its authenticity, within the meaning developed at the ICC.¹⁷⁰ In other words, the authorship of the records

¹⁶⁶ ICC-01/04-01/06-1399, paras.36-40; *see also* ICC-01/04-01/07-1665-Corr, para.98.

¹⁶⁷ For which the Chamber deferred to the deliberation of the judgment pursuant to Article 74(2) of the Statute, *see* Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, para.53; Decisions on Submitted Materials for P-0291 and for P-2193 (Emails Trial Chamber V, on 01/10/2021 at 12:31; on 04/05/2021 at 11:44, respectively).

¹⁶⁸ [CAR-OTP-2130-0268](#), [CAR-OTP-2127-9187](#).

¹⁶⁹ [CAR-OTP-2099-1340](#), [CAR-OTP-2131-0941](#).

¹⁷⁰ ICC-01/04-01/07-2635, paras.22, 26, defining authenticity as the situation where "a document is what the party tendering it purports it to be" and reliability "where the evidence displays such qualities that, when considered alone, it could reasonably be believed".

([REDACTED]) is distinct from the authorship of the content ([REDACTED]). As such, in addition to the information provided so far [REDACTED],¹⁷¹ their identity can also be established inferentially, through extrinsic and intrinsic evidence. The latter may comprise information appearing in communications and the conversations themselves, such as: the user's name, nickname, or military position; an evaluation of the user's writing style, language, and grammar. The Chamber may consider circumstantial evidence in its holistic assessment of the probative value and weight of the Facebook Evidence. Annex B provides such extrinsic and intrinsic substantiation of the identity [REDACTED] for the totality of the Facebook Evidence proposed for submission from the Bar Table.¹⁷²

55. *Finally*, external corroboration of the information described above in the form of other Facebook Evidence, witness evidence, Call Data Records, and email.

D. The probative value of the Facebook Evidence outweighs any prejudicial effect

56. The submission of the Facebook Evidence does not cause any undue prejudice to the Accused. Besides having used information from these records in the course of the trial themselves, including seeking their formal submission, the Defence will have the opportunity to address the relevance and probative value of such evidence.

57. Further, the Defence have been on notice as to which parts of the Facebook materials are referenced in the Prosecution's Trial Brief¹⁷³ and those of particular materiality to the case, for years.

¹⁷¹ See the present application, as well as the Prosecution's previous applications ICC-01/14-01/18-1285-Conf, ICC-01/14-01/18-1874-Conf, ICC-01/14-01/18-1956-Conf.

¹⁷² *Ibid.*

¹⁷³ ICC-01/14-01/18-723-Red.

IV. RELIEF SOUGHT

58. For the above reasons, the Prosecution requests the Chamber to recognise the formal submission of the Facebook Evidence listed in confidential Annex A to this filing, as framed in this filing and Annex B.

A handwritten signature in black ink, appearing to be 'K.A.K.', with a horizontal line underneath it.

Karim A. A. Khan KC, Prosecutor

Dated this 8th day of March 2024
At The Hague, The Netherlands