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**Before:** Judge Bertram Schmitt, Presiding Judge  
Judge Péter Kovács  
Judge Chang-ho Chung  
Judge Beti Hohler, Alternate Judge

**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 Closing Brief",  
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## I. INTRODUCTION

1. The evidence demonstrates beyond reasonable doubt that Patrice-Edouard **NGAISSONA** and Alfred **YEKATOM** are criminally responsible for crimes against humanity and war crimes as confirmed on 11 December 2019 (“Charged Crimes”).<sup>1</sup>

2. **NGAISSONA** bears individual criminal responsibility under article 25(3)(c) and/or article 25(3)(d) for Anti-Balaka crimes committed during the group’s attacks on BANGUI and BOSSANGOA on 5 December 2013 and in their aftermaths, including crimes committed by **YEKATOM** and his Group in and around BANGUI and the LOBAYE Prefecture through 28 February 2014.<sup>2</sup>

3. **YEKATOM** is individually criminal responsible for crimes committed by his Anti-Balaka Group in the course of the 5 December 2013 attack on BANGUI and its aftermath, at the YAMWARA School base, in the LOBAYE Prefecture, and for the enlistment of children under the age of 15 through August 2014 under articles 25(3)(a) and 25(3)(b).<sup>3</sup>

4. The evidence shows that **NGAISSONA**, the former President of the Central African Republic (“CAR”) Francois BOZIZE (“BOZIZE”), Maxime MOKOM, Bernard MOKOM, and others, implemented a strategy to reclaim power after BOZIZE’s 24 March 2013 ouster by the Seleka armed group (“Seleka”) <sup>4</sup> in a *coup d’état* (“24 March 2013 Coup”).<sup>5</sup>

5. A member of BOZIZE’s inner circle, **NGAISSONA**, assisted in structuring, arming, financing, and organising a force composed, *inter alia*, of members of BOZIZE’s Presidential Guard (“PG”), the *Forces Armées Centrafricaines* (“FACA”), pre-existing self-defence groups, new recruits, and others, to forcibly remove the incumbent Seleka regime and re-install the former President. **NGAISSONA** did so fully aware that the force, known by September 2013 as the “Anti-Balaka”, was motivated by vengeance – to which he and other members of BOZIZE’s inner circle contributed – and would inevitably violently target the Muslim civilian population in western CAR, committing the widespread attack that took place from September 2013 through December 2014 (“Relevant Period”), including the seminal coordinated Anti-Balaka attacks on BANGUI and BOSSANGOA on 5 December 2013.

6. **NGAISSONA** was a principal in the Anti-Balaka. Before his designation as the group’s National General Coordinator in January 2014, **NGAISSONA** was a *de facto* political

<sup>1</sup> ICC-01/14-01/18-403-Corr-Red (“[Confirmation Decision](#)”), p. 103-112.

<sup>2</sup> These are the crimes charged under Counts 1-6, 8, 11-17, 24-28, 30-35, and 37-42: [Confirmation Decision](#), p. 107-111.

<sup>3</sup> These are the crimes charged under Counts 1-6, 8, 11-17 and 24-29: [Confirmation Decision](#), p. 103-107.

<sup>4</sup> The name “Seleka” refers to the armed group also known as “ex-Seleka” after September 2013.

Coordinator in the group.<sup>6</sup> Maxime MOKOM was its recognised Coordinator for military operations. From its inception, **NGAISSONA** was aware of the group’s organisational policy, which entailed the violent targeting of the Muslim civilian population in western CAR who, based on their political, ethnic and/or religious affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka (“Criminal Policy” and “Common Purpose”). Together with others, **NGAISSONA**’s contributions promoted and encouraged the establishment, implementation, and perpetuation of the Anti-Balaka’s organisational Criminal Policy and Common Purpose which resulted in the commission of the Charged Crimes.<sup>7</sup>

7. Having fled CAR after BOZIZE’s overthrow, **YEKATOM**, a former FACA *caporal chef*, amassed and commanded a group of 3,000 Anti-Balaka fighters (“**YEKATOM**’s Group”). **YEKATOM** trained, structured, and armed his elements. He prepared, planned, ordered and led them in the crimes they committed as part of the Anti-Balaka’s widespread attack against the Muslim civilian population of western CAR, in furtherance of its Criminal Policy and Common Purpose.

8. Pursuant to a common plan to violently target the Muslim civilian population of western CAR, and specifically in BANGUI (including CATTIN), BOEING, and 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, **YEKATOM** and his Group participated in the 5 December 2013 BANGUI attack, killing Muslim civilians in BOEING Market and the CATTIN neighbourhood (“CATTIN”), and attacking the BOEING Mosque. In the aftermath of the attack, **YEKATOM**’s Group continued to target and commit crimes against Muslim civilians at the YAMWARA School Base and in villages along the PK9-MBAIKI axis through 28 February 2014. The violent targeting of Muslims and the accompanying threat of force also resulted in the displacement, forcible transfer, and deportation of the Muslim civilian population residing in CATTIN, BOEING and the towns and villages along the PK9-MBAIKI axis. Further, from at least December 2013, **YEKATOM**’s Group enlisted child soldiers under 15 years of age.

## II. EXPLANATION OF THE STRUCTURE OF THE CLOSING BRIEF

9. This brief is organised in seven parts. Following the introduction, Parts III and IV describe **NGAISSONA**’s and **YEKATOM**’s individual criminal responsibility, respectively.

<sup>6</sup> ‘Coordinator’ means ‘head’, ‘principle’, ‘leader’ or ‘chief’ of a group or unit within the Anti-Balaka.

<sup>7</sup> [Confirmation Decision](#), para. 64, and p. 107, 111.

Part V addresses the Charged Crimes. Part VI addresses the contextual elements and Part VII is the conclusion.<sup>8</sup> This filing is Confidential with two Confidential Annexes A and B.

### **III. INDIVIDUAL CRIMINAL RESPONSIBILITY OF NGAISSONA**

10. NGAISSONA's participation with BOZIZE and the members of his inner circle in a criminal plan to retain power, and then to reclaim it, including by instrumentalising the Anti-Balaka, spans the Relevant Period and before it. His actions were consistent, deliberate, and carried out over a long period. This brief sets out, in context and chronologically, NGAISSONA's commitment to obtaining power in CAR, directly and indirectly, tracing his several contributions to the commission of the Charged Crimes through his involvement.

#### **A. NGAISSONA's involvement in the events**

11. NGAISSONA is criminally responsible for crimes committed by the Anti-Balaka set out under Counts 1-6, 8, 11-17, 24-28, 30-35, and 37-42 of the Confirmation Decision, pursuant to article 25(3)(c) and article 25(3)(d).<sup>9</sup>

12. The evidence in this case proves beyond reasonable doubt that NGAISSONA contributed to the Charged Crimes by: (i) by taking steps to structure the Anti-Balaka; (ii) financing the Anti-Balaka, including for purchasing weapons; (iii) issuing instructions to Anti-Balaka members, including with regard to the 5 December attacks on BANGUI and BOSSANGO and the attacks preceding it; and (iv) liaising with Anti-Balaka members exercising key functions, including Bernard MOKOM and Maxime MOKOM.<sup>10</sup>

13. NGAISSONA was instrumental to the Anti-Balaka's establishment. He was a part of its practical organisation and promoted the ideology underpinning the organisational Criminal Policy which came to define the Group. NGAISSONA rallied support for the Anti-Balaka; provided money; facilitated the acquisition of arms and ammunition; and consistently liaised with members of BOZIZE's inner circle, who were themselves leaders and/or instrumental in the group's formation and operations. NGAISSONA passed on directives and gave orders, including regarding deploying Anti-Balaka elements in operations resulting in crimes forming a part of the context in this case – before and after the 5 December 2013 Anti-Balaka attack on BANGUI. As shown, NGAISSONA's deliberate actions and omissions individually and cumulatively over time, contributed to the Charged Crimes.

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<sup>8</sup> Unless otherwise specified, all transcript citations in this Closing Brief are to the latest Confidential English transcripts. When a corrected (CT) version is available, the Prosecution relies on the latest version. Where no CT version is yet available, the Prosecution relies on the latest edited (ET) version.

<sup>9</sup> See [Confirmation Decision](#), p. 111, line 12.

<sup>10</sup> See [Confirmation Decision](#), p. 111.



### a. General

14. Throughout the critical events that transpired during the CAR crisis relevant to this case, **NGAISSONA** single-mindedly sought power. The actions he took to realise this aim were numerous, continuing, and varied. Between December 2012 and December 2014, **NGAISSONA**'s conduct was directed to achieving this objective — to claim the prize of power in his country, indifferent to its human cost.

15. **NGAISSONA**'s conduct impacted every aspect of the commission of the Charged Crimes. They affected the impetus and capacity of the Anti-Balaka to carry them out, the context in which they were committed, and the policy of revenge fuelling the Group. His actions encouraged and promoted the Anti-Balaka's criminal activity, helped to strengthen its capacity to commit the Charged Crimes, and further impeded the CAR authorities' and international community's efforts to stop them, and bring those responsible to justice.

16. As an influential public figure, **NGAISSONA** was well-known as a wealthy and successful businessman.<sup>11</sup> He was a *Kwa Na Kwa* ("KNK") representative of BANGUI's 4<sup>th</sup> *Arrondissement* in 2005 and of NANA BAKASSA in 2011.<sup>12</sup> As the President of the *Fédération Centrafricaine de Football* ("CAF") and Minister of Youth, Sports, Arts and Culture, **NGAISSONA** held sway over the largest constituency of Anti-Balaka fighters (*i.e.*, the Youth). Of Gbaya ethnicity and within BOZIZE's inner circle,<sup>13</sup> **NGAISSONA** was a recognised leader in the Anti-Balaka movement well before his designation as National General Coordinator in January 2014. As P-2843 put it, by October 2013, "everybody knew that Mr Ngaissona was the coordinator of the Anti-Balaka".<sup>14</sup> P-2841 put it this way: "as the Anti-Balaka advanced on the ground and were taking over a number of cities [...] it was understood that he [**NGAISSONA**] would be the one in charge of resources, mobilising resources and that resources should be transferred through him."<sup>15</sup>

17. Similarly, P-0884 acknowledged that, "[e]verybody knew they [**NGAISSONA**, Bernard MOKOM, and others] were in Cameroon and that they were setting up a resistance *structure*."<sup>16</sup>

<sup>11</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0015-0016, para. 30; [T-069](#), p. 18, lines 1-12, p. 25, lines 4-5; [CAR-OTP-0080-0718](#) at 0720.

<sup>12</sup> ICC-01/14-01/18-811-Corr ("[Agreed Facts](#)"), para. 18(iii); [CAR-OTP-2018-0174](#) at 0231 [CAR-OTP-2030-0984](#) at 0984; [CAR-OTP-2001-2769](#) at 2829 (stating **NGAISSONA** represented the KNK in BOY-RABE).

<sup>13</sup> P-0801: [T-034](#), p. 15, lines 20-23; P-2328: [T-046](#), p. 88, line 17-p. 89, line 3; P-0808: [CAR-OTP-2093-0010-R02](#) at 0022, para. 62; P-1847: [CAR-OTP-2061-1534-R01](#) at line 563, paras 113-114 [T-023](#), p. 48, lines 9-11. *See also* p. 83, lines 12-20, p. 85, lines 7-12; P-1576: [CAR-OTP-2060-0280-R01](#) at 0287, para. 41; P-1962: [CAR-OTP-2068-0037-R04](#) at 0055, para. 86; P-2841: [CAR-OTP-2127-4238-R01](#) at 4250, para. 69; [CAR-OTP-0080-0718](#) at 0720; [CAR-OTP-2030-0984](#) at 0984; [CAR-OTP-2001-2769](#) at 2829.

<sup>14</sup> P-2843: [T-073](#), p. 73, line. 25-p. 75, line 25, p. 54, line 22-p. 55, line 8; [CAR-OTP-2124-0985](#).

<sup>15</sup> P-2841: [T-030](#), p. 18, line 21-p. 19, line 5.

<sup>16</sup> P-0884: [T-055](#), p. 45, line 25-p. 46, line 21, *in particular*: p. 46, lines 19-21.

18. **NGAISSONA**'s conduct promoted and encouraged the Anti-Balaka's organisational Criminal Policy — one which defined its membership in their concerted effort to claim/reclaim power by force, and which, in the prevailing circumstances, clearly entailed targeting the Muslim community in western CAR collectively in violent retribution for Seleka crimes.

19. The following section sets out the evidence proving **NGAISSONA**'s consistent pattern of conduct regarding the events precipitating the Anti-Balaka's commission of the Charged Crimes, and which prove his intent, knowledge, and culpable contributions.

**b. DECEMBER 2012-MARCH 2013: BOZIZE's inner circle spreads false narratives portraying the Seleka as "foreigners" intent on targeting "real" Central Africans**

20. Around August 2012, a coalition of politico-military groups opposed to BOZIZE rose in the north and east of CAR. Known as the Seleka, the alliance was predominantly made up of Muslim constituents and was supported by a political opposition.<sup>17</sup>

21. The Seleka was led by Central African nationals, including Michel DJOTODIA ("DJOTODIA"). It progressively gained in numbers and strength, enlisting Central African Muslims of the Goula, Rounga, and other ethnicities. Thus, along with fighters from SUDAN and CHAD, the Seleka comprised a sizeable component of CAR nationals.<sup>18</sup> Following earlier attacks on SIBUT and DAMARA, the Seleka's 10 December 2012 NDELE offensive marked a key threshold in its advance on BANGUI.<sup>19</sup>

22. BOZIZE set in place a strategy to stay in power, realising the national army could not withstand another Seleka offensive because some FACA members had joined the Seleka, and the FACA itself suffered from logistical issues.<sup>20</sup> His strategy relied on foreign support (*e.g.*,

<sup>17</sup> [CAR-OTP-2001-2890](#) at 2897-2898; P-2926: [CAR-OTP-2127-4289](#) at 4292-4293, para. 5-9; P-2328: [T-046](#), p. 29, lines 7-16, p. 32, lines 17-22, p. 43, line 9-p. 45, line 12; [CAR-OTP-2008-0754](#) at 0754-0756 and [T-046](#), p. 46, lines 14-19; P-2012: [T-025](#), p. 18, line 23-p. 19, line 5, p. 36, line 18-p. 37, line 13; P-0952: [T-025](#), p. 11, line 23-p. 12, line 6; P-0291: [CAR-OTP-2034-0104-R04](#) at 0113, para. 51; P-0801: [T-033](#), p. 34, line 9-p. 35, line 17.

<sup>18</sup> See items and their related transcript/translation lines in column 6 from

B, Bar Table Origins: ICC-01/14-01/18-1868-Conf-AnxB, item 1, lines 4-13, item 5, lines 33-35, 53-56, 65-67; P-0952: [T-249](#), p. 6, lines 16-17, p. 7, lines 13-18, lines 11-2; [T-252](#), p. 7, lines 2-6; P-2926: [CAR-OTP-2127-4289](#) at 4292-4293, para. 5-9; P-1847: [T-022](#), p. 29, line 8-p. 30, line 17, p. 31, lines 8-21, p. 33, lines 1-14, p. 91, lines 6-10; P-1577: [T-028](#), p. 23, line 6-p. 24, line 11; P-2012: [T-025](#), p. 15, lines 8-17, p. 36, line 18-p. 37, line 1; P-2328: [T-046](#), p. 36, line 21-p. 37, line 19; P-0287: [T-021](#), p. 63, lines 5-10, p. 65, lines 1-4; [CAR-OTP-2001-5739](#), at 5754; [CAR-OTP-2025-0396](#) at 0404.

<sup>19</sup> P-0291: [CAR-OTP-2024-0036-R05](#) at 0045, para. 52; P-2926: [CAR-OTP-2127-4289](#) at 4292, para. 4; [CAR-OTP-2001-1976](#) at 1979 (*in particular* second paragraph), 1987-1988; [CAR-OTP-2101-0446](#) at 0449, 0451-0452; [CAR-OTP-2101-0471](#) at 0473; [CAR-OTP-2001-2769](#) at 2775.

<sup>20</sup> See *e.g.* [CAR-OTP-2000-0634](#) from [00:00:00] to [00:11:23], partial translation [CAR-OTP-2136-0929](#) at 0931, lines 76-90; [CAR-OTP-00002015](#); [CAR-OTP-2057-0930](#) at 0932.

from South Africa and the *Communauté Economique des Etats de L'Afrique Centrale* (“CEEAC”<sup>21</sup>), and domestically, on indoctrinating the Youth to mobilise them.

23. Thus, BOZIZE and members of his government and the KNK, including NGAISSONA, began stepping up efforts to mobilise support for the regime, resorting to nationalistic appeals discriminating against, and targeting Muslims.

24. After the Seleka’s NDELE offensive, on **27 December 2012**, BOZIZE delivered a seminal address at the *Place de la République* at BANGUI’s PK0, anticipating the impending *coup* (“27 December Rally”).<sup>22</sup> To motivate popular support, BOZIZE stoked fear and engendered ethno-religious animus toward the country’s Muslim population, falsely portraying his political opponents as the product of a foreign Muslim invasion. In reality, the Seleka was formed and led by Central Africans, and joined in *en masse* by CAR nationals, expanding its ranks from 5,000 at the beginning of its advance to some 20,000 on reaching BANGUI and thereafter.<sup>23</sup> Nevertheless, BOZIZE branded the Seleka’s leadership and its supporters as “foreigners” intending to invade and destroy the country: « *Ce sont tous des étrangers* » « *il n’y a aucun Centrafricain parmi eux* »,<sup>24</sup> « *ils ne parlent pas sango, ils ne parlent pas français* ». <sup>25</sup> He referred to the Seleka as a Muslim foreign terrorist group, as “Janjaweed”,<sup>26</sup> or “TORO BORO.”<sup>27</sup> BOZIZE urged vigilance of “the foreigners” who “live in the fenced houses”, a thinly veiled reference to CAR’s Muslim community,<sup>28</sup> whom he painted as collectively complicit. In his fear-mongering, he insisted on their intent to kill the non-Muslim populace.<sup>29</sup>

25. Despite several feigned references to ‘peaceful’ resistance, BOZIZE called on the Youth (especially) to take up arms against the “enemy” and prepare to die.<sup>30</sup> To this purpose, BOZIZE asked the Youth and the population to “get organised.”<sup>31</sup>

<sup>21</sup> [CAR-OTP-2057-0930](#) at 0933; [CAR-OTP-2088-0020](#) at 0020; P-2328: [T-046](#), p. 65, line 21-p. 68, line 5; *see* items and their related transcript/translation lines in column 6 from Annex B, Bar Table Origins ICC-01/14-01/18-1868-Conf-AnxB, item 1, lines 4-13, 42-66, 79-80; item 12, line 6-19, 25-27; item 20, line 9-10, 14-17.

<sup>22</sup> [CAR-OTP-2000-0630](#) translation [CAR-OTP-2060-0678](#) as analysed in ICC-01/14-01/18-1868-Conf-AnxB, item 4, in particular [CAR-OTP-2060-0678](#) at 0682-0692, lines 76-92, 123-157, 192-526.

<sup>23</sup> [CAR-OTP-2001-2564](#) at 2573; P-2012: [T-025](#), p. 36, line 15-p. 37, line 1, p.39, lines 20-25.

<sup>24</sup> [CAR-OTP-2060-0678](#) at 0685, lines 199-200.

<sup>25</sup> [CAR-OTP-2060-0678](#) at 0685, line 202.

<sup>26</sup> [CAR-OTP-2060-0678](#) at 0682-0685, lines 89, 137, 155-156, 199-200.

<sup>27</sup> [CAR-OTP-2060-0678](#) at 0682, line 90. For the definition of Toro Boro: *see* [CAR-OTP-2089-0143](#) at 0144.

<sup>28</sup> *See below*, para.35. *See also*, P-0475: [CAR-OTP-2104-0116-R04](#) at 0119, para. 20-21; [T-090](#), p. 14, line 5-p. 15, line 12, p. 27, lines 4-15; [T-091](#), p. 32, line 3-p. 35, line 17.

<sup>29</sup> [CAR-OTP-2060-0678](#) at 0685, 0681, lines 204-209, 476-478.

<sup>30</sup> [CAR-OTP-2060-0678](#) at 0691-0692, lines 459-461, 489-490, 500-501.

<sup>31</sup> [CAR-OTP-2060-0678](#) at 0687, lines 307-310.

26. Levy YAKETE (“YAKETE”), leader of the Youth militia *Coalition citoyenne d’opposition aux rebellions armées* (“COCORA”) also spoke, insisting they were surrounded by traitors (“*des Judas*”) and that the so-called ‘foreigners’ would have to walk over their dead bodies before they would cede power — “*la patrie ou la mort*”.<sup>32</sup> He confirmed the Youth’s support for the regime and committed COCORA to patrolling every district in BANGUI and to expand its presence in every province.<sup>33</sup>

27. On 31 December 2012, BOZIZE repeated his rhetoric assimilating the Seleka with the “Janjaweed”. He declared that CAR had become two countries — one belonging to the “Janjaweed”; the other, to ‘real’ Central Africans.<sup>34</sup>

**c. NGAISSONA took part along with other members of BOZIZE’s inner circle in the regime’s fear-mongering tactics regarding Muslims**

28. Following the 27 December Rally through the 24 March 2013 *Coup*, BOZIZE and his inner circle incessantly pitted ‘real’ Central Africans against the so-called ‘foreigners’ – Muslims. They exploited the fear that they themselves heightened to mobilise the non-Muslim population to take up arms in support of the failing regime.

29. BOZIZE continued to portray the Seleka as Muslim *foreigners*, terrorists, intent on harming *real* Central Africans.<sup>35</sup> KNK members YAKETE,<sup>36</sup> YAMBETE,<sup>37</sup> and members of

<sup>32</sup> [CAR-OTP-2060-0678](#) at 0689, lines 397-402.

<sup>33</sup> [CAR-OTP-2060-0678](#) at 0689, lines 387-389.

<sup>34</sup> [CAR-OTP-2000-0632](#) [00:03:23] to [00:05:24], [00:10:22] to [00:12:31], [00:14:49] to [00:16:12], translation [CAR-OTP-2060-0693](#) at 0695, 0698-0699, lines 30-40, 105-111, 141-144.

<sup>35</sup> BOZIZE’s public statements: [CAR-OTP-2136-0929](#) at 0930, lines 14-18, 26-27; [CAR-OTP-00002015](#) at 000003-000005, lines 14-16, 35-42, 51-53, 87-113; [CAR-OTP-2000-0640](#), translation [CAR-OTP-2060-0709](#) at 0711, lines 2-7, 9-10, 14-17, 31-34, 37; [CAR-OTP-2000-0647](#) [00:00:00] to [00:15:40], translation [CAR-OTP-2060-0727](#) at 0731-0730, lines 55-113; [CAR-OTP-2042-0263](#) [00:00:00] to [00:05:11], translation [CAR-OTP-2135-1312](#) at 1325, lines 5-17, 22-33; [CAR-OTP-2000-0627](#) [00:20:20] to [00:31:44], translation [CAR-OTP-2060-0668](#) at 0674, 0676, lines 197-215, 294-303; [CAR-OTP-2000-0656](#) [00:00:00] to [00:37:29], translation [CAR-OTP-2060-0740](#) at 0744-0747, 0750-0751, lines 95-106, 129-142, 151-181, 225-232, 330-394.

<sup>36</sup> YAKETE’s public statements: [CAR-OTP-2000-0683](#) [00:00:00] to [00:04:46], translation [CAR-OTP-2087-9867](#) at 9869, lines 20-24, 34-39; [CAR-OTP-2000-0661](#) [00:00:00] to [00:04:24], translation [CAR-OTP-2087-9840](#) at 9842, lines 4-12, 42-44; [CAR-OTP-2000-0668](#) [00:00:00] to [00:06:05], translation [CAR-OTP-2087-9850](#) at 9852-9853, lines 4-28, 46-50, 53-54, 57-60; [CAR-OTP-2000-0678](#) [00:00:00] to [00:07:55], translation [CAR-OTP-2087-9858](#) at 9860, 9862, lines 1-27, 35-46; [CAR-OTP-2000-0648](#) [01:32:30] to [01:37:37], translation [CAR-OTP-2087-9630](#) at 9653-9654, lines 921-924, 954-959.

<sup>37</sup> YAMBETE’s public statements: [CAR-OTP-2042-2137](#) [00:12:52] to [00:14:40], transcript [CAR-OTP-2107-1481](#) at 1482; [CAR-OTP-2000-0691](#) [00:00:00] to [00:09:13] translation, [CAR-OTP-2135-1465](#) at 1467-1469, lines 6-7, 15-19, 23-24, 41-50, 60-61, 65-71, 75-79, 94-120; [CAR-OTP-2000-0689](#) [00:00:00] to [00:04:02], translation [CAR-OTP-2130-1294](#) at 1296-1297, lines 2-7, 16-23, 26-39, 43-57; [CAR-OTP-2042-0259](#) [00:00:00] to [00:02:30], translation [CAR-OTP-2118-5618](#) at 5620, lines 11-13, 31-33, 36-38; [CAR-OTP-2042-0262](#) [00:00:00] to [00:04:19], translation [CAR-OTP-2125-0466](#) at 0468-0469, lines 6-11, 35-45, 54-61, 71-72; [CAR-OTP-2000-0688](#) [00:00:00] to [00:02:29], translation [CAR-OTP-2122-2243](#) at 2245-2246, lines 3-17, 41-48.

BOZIZE's government, such as Louis OGUERE NGAIKOUMON ("OGUERE"),<sup>38</sup> and others,<sup>39</sup> publicly echoed these sentiments.

30. NGAISSONA also participated in instigating the rising popular animus against CAR's Muslim community. On 4 January 2013, BOZIZE's Press Director Javon Papa ZAMA ("ZAMA") delivered a speech on NGAISSONA's behalf calling for support against the "enemies of the Nation who decided to create trouble by bringing Sharia law" and who "want to use Islamism to destroy the country." The speech sought to galvanise the Youth and called on them to march against the Seleka crimes blamed on Muslims. In a divisive appeal, he said: *« les ennemis de la nation ont décidé de créer des troubles en amenant la charia dans le but d'empêcher les diverses confessions religieuses de vaquer à leurs activités normales. Certaines personnes veulent utiliser l'islamisme pour détruire le pays, pour saccager toutes les bonnes initiatives prises par le gouvernement pour le bien-être de nos concitoyens, pour leurs permettre de vaquer à leurs différentes occupations, et pour le développement du pays »*.<sup>40</sup>

31. On 6 January 2013, NGAISSONA continued the false narrative. While recruiting the Youth to attend a 10 January 2013 rally supporting BOZIZE before the LIBREVILLE Summit as agreed with COCORA, NGAISSONA said that the people who were coming to take power were 'foreigners' intending to kill and destroy 'Central Africans': *« Peuple centrafricain, ces gens qui viennent, ils ne te connaissent pas. Ils ne diront jamais: « tu es mon frère et comme je suis dans la rébellion, je pourrais t'épargner », ça jamais ils ne le feront. Ils viennent en tant qu'étrangers. Ils ...ils vont d'abord te tuer »* [...] *« Ce ne sont pas les Centrafricains qui ont fait ces choses-là. Je pense c'est les étrangers qui s'y mélangent au milieu des Centrafricains pour venir revendiquer. C'est eux qui ont détruit tout sur leur passage »*.<sup>41</sup>

32. On 11 January 2013, NGAISSONA repeated the false narrative being pressed by BOZIZE's inner circle, stating in a radio interview: *« Je remercie le peuple centrafricain qui a pu répondre à l'appel de la coordination combattant de la paix, cette organisation pour moi*

<sup>38</sup> OGUERE's public statements: [CAR-OTP-2130-1069](#) at 1078, lines 371-379.

<sup>39</sup> Public statements of other individuals: P-0884: [T-054](#), p. 44, lines 15-24; [CAR-OTP-2042-0968](#) [00:00:00] to [00:26:19], translation [CAR-OTP-2127-4164](#) at 4167-4168, 4171, lines 77-114, 231-293; [CAR-OTP-2000-0656](#) [00:00:00] to [00:37:29], translation [CAR-OTP-2060-0740](#) at 0747-0748, lines 242-247.

<sup>40</sup> Public statements on behalf of NGAISSONA: [CAR-OTP-2000-0680](#) [00:00:00] to [00:05:37], translation [CAR-OTP-2087-9863](#) at 9865-9866, lines 2-14, 44-53, in particular lines 44-46, 53 (emphasis added).

<sup>41</sup> Public statements of NGAISSONA: [CAR-OTP-2042-0976](#) [00:00:00] to [00:07:22], translation [CAR-OTP-2107-1473](#) at 1474, lines 3-30 in particular lines 21-23 (emphasis added); [CAR-OTP-2135-3389](#), and [CAR-OTP-2135-3392](#) at 3394-3395, lines 3-55 in particular lines 28-31. See also another speech from NGAISSONA on the same day voicing the same rhetoric publicly during a radio program: [CAR-OTP-2042-2132](#) [00:09:56] to [00:12:00] translation [CAR-OTP-2127-7401](#) at 7404, 7406, lines 106-110.

*c'est ... c'est une manière de brandir haut et fort que la République centrafricaine ne doit pas être envahie par les étrangers ».*<sup>42</sup>

33. Only three days later, in a 14 January 2013 radio broadcast, **NGAISSONA** praised **BOZIZE** as ‘the messiah of CAR’ and affirmed his ‘unconditional’ support for his leadership.<sup>43</sup>

34. The disinformation and fear-mongering spread by **BOZIZE**’s regime to remain in power and in which **NGAISSONA** participated, was widely disseminated and discussed in CAR’s media. For example, **ZAMA**, **Abakar PIKO** (“**PIKO**”), and **Severin Vele FAIMINDI** (“**FAIMINDI**”)’s *Radio Centrafrique* program amplified hatred towards perceived opponents of **BOZIZE**’s regime and targeted the Muslim population.<sup>44</sup> **KNK** member **David GBANGA** (“**GBANGA**”), the Director of *Radio Centrafrique*<sup>45</sup> disseminated anti-Muslim rhetoric through his regular radio broadcasts.<sup>46</sup> He would later participate in meetings in CAMEROON where **BOZIZE**’s plan to reclaim power was elaborated, as discussed below.<sup>47</sup>

35. As at least 11 witnesses confirmed,<sup>48</sup> **BOZIZE**’s public statements were directed at the Seleka, but were understood to target Muslims, who were perceived collectively to support it, and thus generating a wave of violence against them.<sup>49</sup> The amplification of hate speech, including by **NGAISSONA**, to be instrumentalised in spurring support for **BOZIZE**’s incumbency, fanned the flames of a dangerous anti-Muslim sentiment in CAR which took root.

36. As noted, among the Youth **NGAISSONA** helped mobilise were members of two militias: **COCORA** and *le Comité d'organisation des actions citoyennes* (“**COAC**”), led

<sup>42</sup> [CAR-OTP-2042-2144](#) [00:07:25] to [00:09:24], transcript [CAR-OTP-2107-1483](#) at 1484, lines 3-23 *in particular* lines 3-10.

<sup>43</sup> [CAR-OTP-2042-2159](#) [00:01:15] to [00:03:46], transcript [CAR-OTP-2107-1487](#) at 1488, lines 3-23 *in particular* lines 12-19.

<sup>44</sup> [CAR-OTP-2000-0724](#) from [00:00:00] to [00:17:01], translation [CAR-OTP-2127-7044](#) at 7046-7050, lines 6-194; P-1847: [CAR-OTP-2122-8251-R01](#) at 8268-8569, para. 160-162; [T-022](#), p. 33, lines 1-15; [T-023](#), p. 3, lines 17-25, p. 4, line 7-p. 5, line 21, p. 10, line 23-p. 11, line 5; P-2625: [T-188](#), p. 35, line 12-p. 36, line 4; p. 37, lines 7-10; [CAR-OTP-2003-0019](#) at 0107; [CAR-OTP-2042-2217](#) from [00:33:18] to [00:35:00], transcript [CAR-OTP-2122-7378](#) at 7387-7388, lines 371-384, *in particular* lines 377-384. *See also* [CAR-OTP-2101-0462](#) at 0465.

<sup>45</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6442, para. 44; P-2841: [CAR-OTP-2127-4238-R01](#) at 4257, para 113.

<sup>46</sup> P-1847: [T-022](#), p. 33, line 1-p. 33, line 15; [CAR-OTP-2088-1574](#) at 1601.

<sup>47</sup> *See below*, Section III, A, e and j, paras.47, 49-54, and 124.

<sup>48</sup> Namely, P-0291, P-0460, P-0461, P-0475, P-0876, P-0889, P-0967, P-1847, P-2200, P-2232, and P-2926.

<sup>49</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1569, 1573-1574, para. 224, 250-253; [T-022](#), p. 34, lines 8-11; P-0291: [CAR-OTP-2024-0036-R05](#) at 0056, para. 128; [T-051](#), p. 16, lines 6-15; P-0967: [T-199](#), p. 13, lines 9-22, p. 14, lines 1-2, p. 14, lines 10-16, p. 14, line 23-p. 15, line 1; P-0461: [CAR-OTP-2031-0190-R01](#) at 0193, para. 20; P-2926: [CAR-OTP-2127-4292](#) at 4297, para. 18; P-0475: [CAR-OTP-2104-0116-R04](#) at 0119, para. 20-21; [T-090](#), p. 14, line 5-p. 15, line 12, p. 27, lines 4-15; [T-091](#), p. 32, line 3-p. 35, line 17; P-2232: [T-075](#), p. 11, lines 5-24; P-2200: [CAR-OTP-2088-2146-R04](#) at 2149, para. 19; P-0876: [CAR-OTP-2046-0295-R01](#) at 0309-0310, lines 493-509, 521-530; [CAR-OTP-2046-0370-R01](#) at 0375-0379, lines 180-291; [CAR-OTP-2046-0380-R01](#) at 0381-0382, 0385-0386, lines 12-43, 156-199; [T-088](#), p. 6, lines 18-20; [CAR-OTP-2034-0270](#) at 0284-0285, 0294-0295, para. 76, 120, 124; [CAR-OTP-2104-1137](#).

respectively by YAKETE and Mike Steve YAMBETE (“YAMBETE”)<sup>50</sup> – NGAISSONA’s *Chargé de mission* in the Ministry of Youth.<sup>51</sup> Both YAKETE’s and YAMBETE’s militias, armed with machetes and AK-47s, erected barricades and checkpoints throughout BANGUI and BIMBO at the end of December 2012 into early 2013, including in NGAISSONA’s BOY-RABE stronghold in the 4<sup>th</sup> *Arrondissement*.<sup>52</sup> They detained, searched, and arrested Muslims, some of whom were never seen again.<sup>53</sup>

**d. The manner in which the Youth were mobilised presented a clear and present danger to the Muslim community in CAR**

37. The goal of the mobilised Youth to defend BOZIZE’s regime encompassed not only stopping the Seleka, but threatening its perceived supporters, especially Muslims of the Goula, Rounga, Youlou, Kara, Sara, and Hausa ethnicities. The Youth militias’ witch-hunts against Muslim civilians, particularly of these ethnicities in and around BANGUI was open and notorious, and also contemporaneously covered in the local media.<sup>54</sup> Despite their violent and discriminatory actions, NGAISSONA involved himself with COCORA/COAC.

38. UN reports show that NGAISSONA funded COCORA<sup>55</sup> which, like COAC, operated in the 4<sup>th</sup> *Arrondissement* where he lived and previously served as a KNK representative. NGAISSONA’s involvement is also consistent with the testimony of P-2926, P-1143, P-2328, P-1847, and P-2625, tying the Youth militias to BOZIZE’s regime and the KNK through its

<sup>50</sup> P-0291: [CAR-OTP-2024-0036-R05](#) at 0056, para. 130; P-0884: [T-054](#), p. 35, line 16-p. 36, line 3; P-2232: [T-075](#), p. 14, lines 18-23, p. 15, lines 3-4; P-0876: [T-085](#), p. 16, line 10-p. 17, line 3; P-0889: [CAR-OTP-2122-7517-R02](#) at 7542-7543, lines 1021-1042; [CAR-OTP-2025-0563](#) transcript [CAR-OTP-2045-1121](#) at 1124, lines 105-119; [CAR-OTP-2100-2668](#); [CAR-OTP-2129-1677](#) at 1679; [CAR-OTP-2042-2201](#) [00:12:30] to [00:14:43], transcript [CAR-OTP-2127-4006](#) at 4010, lines 141-165; [CAR-OTP-2000-0674](#) [00:00:00] to [00:02:52], translation [CAR-OTP-2006-0753](#) at 0755, lines 15-18, 28-29; [CAR-REG-0001-0013](#); [CAR-OTP-2000-0687](#) [00:00:00] to [00:01:13], transcript [CAR-OTP-2107-1493](#) at 1494, lines 3-14; [CAR-OTP-2000-0677](#) [00:00:00] to [00:03:05], translation [CAR-OTP-2130-1285](#), lines 1-28; [CAR-OTP-2042-2125](#) from [00:15:38] to [00:22:34], transcript [CAR-OTP-2127-6888](#) at 6893-6894, lines 171-184, 188-208, 213-216; [CAR-OTP-2042-0264](#) [00:00:00] to [00:03:22]; [CAR-OTP-2101-3292](#) at 3294; [CAR-OTP-2054-1448](#) [00:00:00] to [00:01:20], transcript [CAR-OTP-2127-6696](#) at 6697, lines 4-15; [CAR-OTP-2008-2036](#) at 2036 para. 12.

<sup>51</sup> D30-4197: [T-278](#), p. 67, line 15-p. 68, line 7, lines 15-19; [CAR-OTP-2098-0154](#) at 0154; P-2232: [T-078](#), p. 16, lines 11-13; P-0801: [T-033](#), p. 56, line 24-p. 57, line 5; P-0884: [T-054](#), p. 37, line 18-p. 38, line 4; [CAR-OTP-2113-0664](#) at 0664.

<sup>52</sup> [P-2625: T-188, p. 33, lines 2-13, p. 36, line 20-p. 37, line 20, p. 38, line 25-p. 40, line 16, p. 44, lines 2-18, p. 46, lines 5-23.](#)

<sup>53</sup> P-2328: [T-046](#), p. 60, line 8-p. 61, line 20; P-0876: [CAR-OTP-2046-0295-R01](#) at 0309, lines 500-503; [CAR-OTP-2046-0370-R01](#) at 0378, lines 257-258; [CAR-OTP-2046-0380-R01](#) at 0381-0382, lines 26-43; P-0808: [CAR-OTP-2025-0324-R05](#) at 0349, para. 152-153; P-1847: [CAR-OTP-2061-1534-R01](#) at 1574, para. 253; [CAR-OTP-2122-8251-R01](#) at 8270-8271, para. 177, 179, 182; [T-022](#), p. 44, lines 4-5, p. 45, lines 11-14, p. 48, lines 4-15, p. 57, lines 7-21, p. 58, lines 6-12; P-2232: [T-075](#), p. 12, lines 6-12, p. 12, line 21-p. 13, line 8, p. 21, line 22-p.22, line 11; P-0884: [T-054](#), p. 34, line 13-p. 35, line 17; P-0889: [CAR-OTP-2122-7517-R02](#) at 7543, lines 1047-1060; [CAR-OTP-2122-7554-R02](#) at 7556, lines 42-45; [CAR-OTP-2087-9545](#); [CAR-OTP-2001-0172](#) at 0180, para. 34; [CAR-OTP-2001-1341](#) at 1347; [CAR-OTP-2113-0664](#) at 0664-0665; [CAR-OTP-2001-2769](#) at 2830.

<sup>54</sup> [CAR-OTP-2101-0462](#) at 0465; [CAR-OTP-2088-1836](#) at 1837; [CAR-OTP-2088-1817](#) at 1818; [CAR-REG-0001-0013.](#)

<sup>55</sup> [CAR-OTP-2001-0835](#) at 0876, para. 1; [CAR-OTP-2088-1574](#) at 1595, 1597; [CAR-OTP-2001-4359.](#)

leadership, membership, and even the physical location of their offices within the KNK.<sup>56</sup> P-2841 confirmed that **NGAISSONA** was known to have financed youth and political movements including the KNK and the National Youth Council, to remain on good terms with “those who held power” and to secure his financial interests.<sup>57</sup>

39. As D30-4197 noted, given his 2008 appointment as CAF President,<sup>58</sup> **NGAISSONA** acquired fame and wielded considerable influence over the Youth,<sup>59</sup> including those later joining the Anti-Balaka. **NGAISSONA** later confirmed in an FIDH interview that the Anti-Balaka wanted him as a leader “because [he] stand[s] with the Youth.”<sup>60</sup> **NGAISSONA** lent himself and his influence to the BOZIZE regime’s campaign of disinformation and hate speech to galvanise support from the non-Muslim population against the Seleka, while demonising the Muslim community as a whole. **NGAISSONA** wholeheartedly participated in this effort, playing an important role for which BOZIZE ‘rewarded’ him with a ministerial appointment,<sup>61</sup> in the framework of the 11 January 2013 LIBREVILLE Agreement, as P-2625 testified.<sup>62</sup>

40. As Minister of Youth, **NGAISSONA** persisted in his efforts to mobilise support for BOZIZE. He exploited the traditional link between youth organisations and politicians. P-2926 explained how the CAR government manages the country’s Youth and, in particular, how it engages them for political ends.<sup>63</sup>

41. **NGAISSONA** served as the regime’s conduit in *instrumentalising* the National Youth Council, a function of his ministerial appointment. As P-2926 described, “the national council

<sup>56</sup> P-2926: [CAR-OTP-2127-4289](#) at 4296, para. 17; [T-031](#), p. 40, line 22-p. 41, line 14; P-1847: [CAR-OTP-2122-8251-R01](#) at 8268-8270, para. 160-161, 177-178, 181; [T-022](#), p. 37, lines 17-20, p. 39, line 19-p. 41, line 8, p. 43, lines 13-25, p. 45, lines 17-25; [T-023](#), p. 12, lines 7-12; P-1143: [CAR-OTP-2058-0227-R03](#) at 0230, para. 20; P-2328: [T-046](#), p. 49, lines 3-4, p. 55, line 22-p. 57, line 15; P-2625: [CAR-OTP-2123-0437](#) at 0448-0449; D30-4720: [T-280](#), p. 14, line 22-p. 15, line 4, p. 15, lines 14-24; [CAR-OTP-2136-0929](#) at 0931, lines 71-78; [CAR-OTP-2001-1767](#) at 1781, para. 2; [CAR-OTP-2088-1836](#) at 1837; [CAR-OTP-2074-0411](#) at 0420 – *see commentary by* P-2328: [T-046](#), p. 57, line 16-p. 59, lines 14; [CAR-OTP-2003-0019](#) at 0037-0038, 0107; [CAR-OTP-2042-2217](#) from [00:33:18] to [00:35:00], transcript [CAR-OTP-2122-7378](#) at 7387-7388, lines 371-384, in particular lines 371-377; [CAR-OTP-2042-0256](#) from [00:04:45] to [00:05:38].

<sup>57</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4261, 4272, para. 130.

<sup>58</sup> [Agreed Facts](#), para. 18(ii).

<sup>59</sup> On **NGAISSONA**’s influence over the Youth, *see* D30-4197: [T-278](#), p. 65, lines 4-24; P-2232: [T-075](#), p. 8, lines 12-16, p. 10, lines 2-11, p. 20, line 16-p. 21, line 6; P-0808: [T-069](#), p. 18, lines 11-14.

<sup>60</sup> [CAR-OTP-2001-2769](#) at 2829.

<sup>61</sup> P-2625: [T-188](#), p. 33, lines 2-13, p. 36, line 20-p. 37, line 20, p. 38, line 25-p. 39, line 17-p. 40, line 16, p. 44, line 2-18, p. 46, lines 5-23, p. 53, line 5-p. 54, line 1.

<sup>62</sup> The LIBREVILLE Agreement, signed on 11 January 2013, provided for the redistribution of certain Government positions, and the expiry of BOZIZE’s term in 2016. Nicolas TIANGAYE was installed as Prime Minister, and DJOTODIA as First Vice Prime Minister and Minister of Defence of the new Government of National Unity: [CAR-OTP-2054-1342](#); [CAR-OTP-2101-3081](#); [CAR-OTP-2054-1346](#); [CAR-OTP-2004-1530](#) at 1533-1541; [CAR-OTP-2101-1895](#) at 1895 at 1896-1901; [CAR-OTP-2101-0471](#), at 0474; P-0291: [CAR-OTP-2024-0036-R05](#) at 0045, para. 55; [T-051](#), p.10, line 23-p. 11, line 2; P-2926: [CAR-OTP-2127-4289](#) at 4297-4298, para. 19; P-0801: [T-033](#), p. 55, line 21-p. 56, line 2, p. 61, lines 22-25; P-0884: [T-054](#), p. 26, lines 12-17.

<sup>63</sup> P-2926: [T-031](#), p. 40, lines 10-17.



for youth is a structure known for this. Particularly, it's used because it is replicated in the different provinces so you can pass on orders to these structures in the provinces which are similar to the one in the centre. And this type of service are usually paid for.<sup>64</sup> Further, UN Panel Expert P-0287 testified that, as BOZIZE's Minister of Youth, NGAISSONA used COCORA to marshal the Youth.<sup>65</sup>

42. On 13 March 2013, BOZIZE was questioned about the concern that his contingents may be inclined to consider the 'Muslims' as 'Seleka' and whether there would be a risk of the crisis degenerating into a religious confrontation, given that the Muslim population already felt stigmatised. In his response, BOZIZE admitted being aware of such a risk.<sup>66</sup> Yet, two days later on 15 March 2013, speaking on behalf of the Youth that he claimed represented "more than half of the CAR population", NGAISSONA praised BOZIZE whilst reaffirming his commitment to him and to the defence of the regime.<sup>67</sup>

43. The following week, on **22 March 2013**, on NGAISSONA's behalf, YAMBETE delivered his message on Radio France International ("RFI"). He told the Youth « *attends au moment où on va te dire que ta vie est menacée, c'est à ce moment-là que tu peux faire tout ce que tu veux* », reiterating that they would be called upon when needed.<sup>68</sup>

**e. MARCH-JUNE 2013: NGAISSONA and other members of BOZIZE's inner circle planned a strategy to forcibly remove the Seleka regime and re-install BOZIZE**

**i. General**

44. The January 2013 LIBREVILLE Agreement provided for power-sharing among BOZIZE and his political opponents, including the democratic opposition and the Seleka, in a new Government of National Unity, among several other conditions. However, BOZIZE failed to honour his undertakings. Consequently, the Seleka resumed its offensive, seizing BANGUI in the 24 March 2013 *Coup*.<sup>69</sup>

45. Seleka forces immediately expanded territorial control, suppressing resistance in BOZIZE strongholds and regions linked to his regime and his Gbaya ethnic group. Seleka

<sup>64</sup> On the role of these Youth Coordination, see P-2926: [T-031](#), p. 39, line 23-p. 40, line 21; P-2625: [T-188](#), p.51, line 15-p. 52, line 1; P-0808: [CAR-OTP-2093-0010-R02](#) at 0012-0013, paras 13-15, 17-18.

<sup>65</sup> P-0287: [T-020](#), p. 13, line 20-p. 14, line 9, commenting on [CAR-OTP-2115-0239-R01](#) at 0247, para. 38.

<sup>66</sup> [CAR-OTP-2057-0930](#) at 0934.

<sup>67</sup> [CAR-OTP-2000-0655](#) from [00:12:00] to [00:18:00], translation [CAR-OTP-2130-1099](#) at 1103-1104, lines 121-126, 142-146, 166-176, *in particular* lines 166-171.

<sup>68</sup> [CAR-OTP-2042-1783](#) from [00:01:15] to [00:02:36], transcript [CAR-OTP-2107-1475](#) at 1476, line 9-16.

<sup>69</sup> P-0291: [CAR-OTP-2024-0036-R05](#) at 0045-0047, paras 57-58, 67; [T-051](#), p. 16, lines 16-p. 17, line 20; P-2926: [CAR-OTP-2127-4289](#) at 4298, paras 21-22; P-0884: [T-054](#), p. 32, lines 10-23, p. 39, lines 1-19; P-2328: [T-046](#), p. 65, line 21-p. 68, line 5; [CAR-OTP-2025-0362](#) at 0364; [CAR-OTP-2087-9176](#); [CAR-OTP-2025-0396](#) at 0398; [CAR-OTP-2030-0255](#) at 2055-2056; [CAR-OTP-2087-9110](#) at 9110-9111.

forces brutally attacked insurgents and civilians.<sup>70</sup> At the same time, members of BOZIZE's inner circle began organising a plan to claim/reclaim power. As members of BOZIZE's Gbaya ethnic group and family, **NGAISSONA**, Bernard MOKOM (a former sub-prefect of GAMBOULA),<sup>71</sup> and Maxime MOKOM (a former intelligence officer)<sup>72</sup> were key members of his inner circle.<sup>73</sup>

46. With operatives abroad and in CAR, they planned and coordinated a multifaceted response, including a strategic military option that would ultimately galvanise, exploit, and coordinate the Anti-Balaka, enhancing their ability to carry out violent retribution and vengeance against Muslims for Seleka crimes.

47. To implement the plan, the inner circle relied and/or called on, *inter alia*, BOZIZE's family, followers, supporters, and relatives,<sup>74</sup> including: (i) BOZIZE's family: BOZIZE's sons Francis, Franklin, and Aimé Vincent (aka Papy),<sup>75</sup> BOZIZE's brother Bernard MOKOM, and his sons Maxime and Rocca MOKOM;<sup>76</sup> BOZIZE's nephews Hector, Edia, Eusèbe, Ismael, and Aurel EMTENOU (sons of 'father' EMTENOU, BOZIZE's older brother),<sup>77</sup> and BOZIZE's nephews Firmin Junior DANBOY and Eric DANBOY;<sup>78</sup> (ii) members of BOZIZE's KNK (including **NGAISSONA**, YAKETE, GBANGA, KPEFIO, GALLAUT, and

<sup>70</sup> See e.g. P-0884: [T-054](#), p. 27, lines 1-6, p. 40, lines 18-25, p. 52, lines 7-9; [T-057](#), p. 23, lines 6-11, p. 24, lines 12-15; [T-058](#), p. 21, line 25-p. 22, line 5; P-2027: [CAR-OTP-2078-0059-R03](#) at 0063, para. 30; P-0808: [CAR-OTP-2093-0010-R02](#) at 0016, para. 34; P-0889: [CAR-OTP-2027-2290-R02](#) at 2292-2293, para. 15; [CAR-OTP-2122-7576-R02](#) at 7596-7597, lines 756-775; [CAR-OTP-2133-8109](#) at 8111, 06/04/2013, 16:23:24-16:39:29 - see commentary by P-0889: [T-108](#), p. 23, line 14-p. 24, line 24, p. 25, lines 4-18; [CAR-OTP-2001-1870](#) at 1913; adopted by P-2467 at [CAR-OTP-2109-0520-R01](#) at 0523, para. 15; [CAR-OTP-2001-1767](#) at 1782, 1785.

<sup>71</sup> [CAR-OTP-2001-5672](#) at 5672; [CAR-OTP-0080-0821](#) – see commentary by P-2328: [T-047](#), p. 7, line 21-p. 8, line 14.

<sup>72</sup> P-0446: [CAR-OTP-2059-1626-R01](#) at 1645, lines 730-734; P-2232: [T-078](#), p. 21, lines 1-7; [T-079](#), p. 11, lines 8-11.

<sup>73</sup> For **NGAISSONA**'s relationship with BOZIZE: see above para.16. For the relationship between Bernard/Maxime MOKOM, see: P-0808: [CAR-OTP-2093-0010-R02](#) at 0022, para. 62; P-1847: [CAR-OTP-2061-1534-R01](#) at 1540, 1563, para. 33, 113-114, 187; [T-023](#), p. 48, lines 9-11 see also p. 83, lines 12-20, p. 85, lines 7-12; P-0801: [T-034](#), p. 15, lines 20-22; P-0884: [T-054](#), p.66, lines17-24; [T-055](#), p. 9, lines 16-17; P-0889: [CAR-OTP-2027-2290-R02](#), at 2295, 2298, para. 48; P-2673: [CAR-OTP-2127-6435-R01](#), at 6452, para. 108; [CAR-OTP-2023-0032](#) at 0042, para. 33.

<sup>74</sup> For a full overview of the organisations and the individuals concerned, see ICC-01/14-01/18-723-Conf-AnxB (Individuals and Organisations supporting BOZIZE).

<sup>75</sup> Whom, as D30-4720 stated, would be the only ones BOZIZE would confide in about what he wanted to do: see [T-281](#), p. 18, lines 16-18.

<sup>76</sup> P-2133: [CAR-OTP-2093-0267-R02](#) at 0289, para. 153; P-2269: [CAR-OTP-2111-0336-R01](#) at 0340, para. 32; P-1847: [CAR-OTP-2061-1534-R01](#) at 1540 para. 33; [CAR-OTP-2023-0032](#) at 0042, para. 33.

<sup>77</sup> [CAR-OTP-2102-2520](#) at 2609, 04/10/2013, 13:20:00, 13:21:26; P-2232: [T-075](#), p. 70, lines 14-16; P-2673: [CAR-OTP-2127-6435-R01](#), at 6445, 6452-6453, para. 66, 113; D30-4679: [T-299](#), p. 46, line 21-p. 47, line 3, p. 74, lines 9-11.

<sup>78</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4246, para. 47; P-1847: [CAR-OTP-2061-1534-R01](#) at 1547, para. 88; D30-4679: [T-299](#), p. 52, lines 18-20.

OGUERE); (iii) BOZIZE's *ex-libérateurs*<sup>79</sup> (including **YEKATOM**, Claude NGAIKOSSET, Eugène NGAIKOSSET, Danboy DEDANE, Yvon KONATE, and Olivier KOUDEMON (aka GBANGOUMA); (iv) members of BOZIZE's PG (including BOZIZE's *aides de camp* Vincent WAPOUNABA<sup>80</sup> and TOUABOYE,<sup>81</sup> as well as Steve YAMBETE, Florent KEMA, and Guy MAZIMBELE); and (v) Loyal FACA (including Richard BEJOUANE, Emmanuel NGBOYA, and Tandor-Hyppolite LAMKAGUE).

*ii. NGAISSONA fled to CAMEROON and met with other members of BOZIZE's inner circle to design a strategy*

48. BOZIZE and members of his inner circle fled the Seleka, taking refuge in CAMEROON.<sup>82</sup> NGAISSONA followed soon thereafter, joining BOZIZE and Bernard MOKOM there.<sup>83</sup>

49. In April-May 2013, NGAISSONA participated in meetings at BOZIZE's Hilton Hotel suite in YAOUNDE, together with Bernard MOKOM, KOKATE, YAKETE, OGUERE, POUSSOU, GBANGA, and others.<sup>84</sup>

<sup>79</sup> On the expression « *les libérateurs* », see P-2926: [CAR-OTP-2127-4289](#) at 4324-4325; P-2232: [T-075](#), p. 37, lines 14-15; P-2027: [CAR-OTP-2078-0059-R03](#) at 0078, para. 111; P-2269: [CAR-OTP-2111-0336-R01](#) at 0340, para. 27; P-1339: [T-151](#), p. 21, line 15-p. 22, line 1.

<sup>80</sup> P-2232: [T-075](#), p. 25, lines 22-24; P-2841, [CAR-OTP-2127-4238-R01](#) at 4246, para. 47. On WAPOUNABA being BOZIZE's aide de camp: P-0884: [T-056](#), p. 7, lines 16-18; D30- 4679: [T-299](#), p. 38, lines 7-23.

<sup>81</sup> P-2232: [T-075](#), p. 25, line 22-24; P-2841: [CAR-OTP-2127-4238-R01](#) at 4246, para. 47.

<sup>82</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1537-1540, 1545-1546, 1550-1552, 1561-1562, paras 16-26, 33-34, 75, 80-83, 106-107, 109-110, 112-114, 176; [CAR-OTP-2122-8251-R01](#) at 8255, para. 33; [T-022](#), p. 63, line 5-p. 67, line 21, p. 70, line 11-p. 71, line 24; P-2232: [T-075](#), p. 23, line 13-p. 24, line 10, p. 56, lines 11-15, p. 57, lines 8-16; [T-076](#), p. 18, lines 12-15; P-876: [CAR-OTP-2046-0295-R01](#) at 0321, lines 933-951; P-2328: [T-046](#), p. 69, line 19-p. 70, line 7, p. 76, line 23-p. 77, line 11; P-1339: [T-152](#), p. 30, lines 17-18; [CAR-OTP-2075-1289](#) see comments by P-2328: [T-046](#), p. 81, line 14-p. 86, line 3; P-2027: [CAR-OTP-2078-0059-R03](#) at 0063, 0066-0067 para. 31-32, 47-49; P-0884: [T-054](#), p. 57, line 21-p.58, line 14, p. 60, line 8-p. 61, line 22, p. 63, line 11-p. 64, line 19, p. 65, line 6-p. 66, line 12; [T-055](#), p. 4, line 5-p. 5, line 9, p. 9, lines 4-17; [CAR-OTP-2001-4020](#) at 4020; [CAR-OTP-2001-4146](#) at 4147; [CAR-OTP-2079-0533](#) at 0534-0535. See e.g. P-1339: [T-157](#), p. 36, lines 10-17; P-0889: [T-108](#), p. 68, lines 1-9, p. 69, lines 11-14.

<sup>83</sup> P-2232: [T-075](#), p. 23, line 13-p. 24, line 10, p. 56, lines 11-15, p. 57, lines 8-16; [T-076](#), p. 18, lines 12-15; P-1847: [CAR-OTP-2061-1534-R01](#) at 1539, 1545, 1551-1552, 1561-1562, paras 25-26, 75, 112-114, 176; P-2483: [T-073](#), p. 28, line 5-p. 29, line 4, including commentary on [CAR-OTP-2130-3372](#) at 3372; [CAR-OTP-2098-0095](#) at 0105; [CAR-OTP-2098-0107](#) at 0112; [CAR-OTP-2103-0039](#); [CAR-OTP-2124-0964](#); [CAR-OTP-2103-0037](#); [CAR-OTP-2101-9451](#) at 9552, 07/10/2013 17:08:17. See also emails and related attachments indicating NGAISSONA's presence in CAMEROON *a.o.*, at the following dates: 11MAY2013 ([CAR-OTP-2124-0927](#) at 0927); 17SEP2013 ([CAR-OTP-2124-0484](#) at 0484-0487); 28OCT2013 ([CAR-OTP-2124-0906](#) at 0906); 19NOV2013 ([CAR-OTP-2124-0935](#)); 22NOV2013 ([CAR-OTP-2124-0936](#)); 07DEC2013 ([CAR-OTP-2124-0931](#) with attachment [CAR-OTP-2124-0933](#) at 0933); 26DEC2013 ([CAR-OTP-2124-0931](#) with attachment [CAR-OTP-2124-0933](#) at 0933); 03JAN2014 ([CAR-OTP-2124-0547](#) at 0548); 12JAN2014 ([CAR-OTP-2124-0509](#)).

<sup>84</sup> On meetings at the Hilton Hotel: D30-4679: [T-299](#), p. 41, line 18-p. 43, line 20; [T-301](#), p. 31, line 16-p. 32, line 17; P-0801: [T-033](#), p.73, lines 14-23; [T-034](#), p. 5, line 10-p. 7, line 7; P-2625: [T-188](#), p. 69, line 10-p. 70, line 16; [T-189](#) p. 3, line 17-p. 6, line 5, p. 7, line 25-p. 8, line 2, p. 11, line 23-p. 12, line 10; P-2328: [T-046](#), p. 87, line 13-p. 87, line 25, p. 88, line 17-p. 88, line 25; P-1847: [CAR-OTP-2061-1534-R01](#) at 1538-1540, 1542, para. 24-25, 29, 34-36, 38, 48; [T-022](#), p. 81, line 13-p. 82, line 21, p. 84, line 21-p. 85, line 21; [T-023](#), p. 16, line 18-p. 17, line 15, p. 37, lines 22-23; [CAR-OTP-2079-0574](#) at 0574.

50. That BOZIZE’s inner circle envisaged using non-military trained Youth — those mobilised, *inter alia*, through their prior campaign of hate speech and disinformation — is consistent with a FACEBOOK conversation of D30-4679 from 27 April 2013, in which he, on BOZIZE’s behalf, asks Pedro BARROSO whether military trainers can be provided to cover all types of battle techniques.<sup>85</sup>

51. In a 5 May 2013 *Radio Centrafrique* broadcast, the acts of BOZIZE’s inner circle in CAMEROON were considered to be **“of a nature to jeopardize public peace” and “with the goal of organizing terrorist acts or acts destabilizing the country”**. **It was already public knowledge that** action was also being undertaken in the DRC, and that their collaborators **in BANGUI were in daily communication to coordinate**.<sup>86</sup>

52. In May 2013, NGAISSONA also attended meetings at the CAR Embassy in CAMEROON with BOZIZE, Francis BOZIZE, Franklin BOZIZE, Aimé Vincent BOZIZE, Claude NGAIKOSSET, Eugène NGAIKOSSET (aka “Boucher de PAOUA”<sup>87</sup>), YAKETE, KOUDEMON, OGUERE, [REDACTED], Eric DANBOY, and others.<sup>88</sup>

53. In an RFI article of 17 May 2013 concerning these Embassy meetings, YAKETE effectively admitted that an armed insurgency was within contemplation, stating, in reference to the connection between the leaders of BOZIZE’s former regime and armed movements led by Armel SAYO, and Abdoulaye MISKINE (with whom NGAISSONA met a few days earlier<sup>89</sup>): *« nous ne sommes pas dans une logique conflictuelle, mais si des officiers veulent se battre pour le rétablissement de l'ordre constitutionnel, nous considérerons que la fin justifie les moyens »*.<sup>90</sup>

54. After mid-May-June 2013, BOZIZE organised meetings at his new residence at the *Cité du Golf* in YAOUNDE (“Golf Residence”),<sup>91</sup> attended by NGAISSONA, Bernard MOKOM, YAKETE, KOKATE, GBANGA, Eric DANBOY, and those living at the residence, including

<sup>85</sup> [CAR-OTP-2131-3310](#) at 3378-3379, 27/04/2013, 09:48:19-23:07:40; D30-4679: [T-301](#), p. 21, line 13-p. 22, line 22, p. 23, lines 7-15.

<sup>86</sup> [CAR-OTP-2042-2217](#), from [00:40:00] to [00:41:53], transcript [CAR-OTP-2122-7378](#), at 7388-7389, lines 438-449.

<sup>87</sup> See [CAR-OTP-2045-1121](#) at 1124, line 96.

<sup>88</sup> On meetings at the CAR Embassy in May 2013: [CAR-OTP-2079-0574](#) at 0574-0575; D30-P-4679: [T-301](#), p. 31, line 16-p. 32, line 17; P-0801: [T-034](#), p.17, lines 19-23, p.19, lines 2-20; P-2328: [T-047](#), p. 3, lines 14-23; See also, [CAR-OTP-2042-2217](#) [00:40:00] to [00:41:53], transcript [CAR-OTP-2122-7378](#) at 7388-7389, lines 438-449; [CAR-OTP-2003-0019](#) at 0109.

<sup>89</sup> [CAR-OTP-2102-8381](#) at 8386, 09/05/2013 at 11:39:30; [CAR-OTP-2001-2769](#) at 2833-2834.

<sup>90</sup> [CAR-OTP-2079-0574](#) at 0574-0575.

On BOZIZE’s move from Hilton to Golf Residence: see [CAR-OTP-2079-0574](#) at 0574; P-1847: [CAR-OTP-2061-1534-R01](#), at 1534, at 1538-1539 para. 24-25, 29; [T-023](#), p. 20, lines 5-25; D30- 4679: [T-299](#), p. 46, lines 1-25.

WAPOUNABA, among others.<sup>92</sup> Meetings were also held at other locations, including at NGAISSONA's residence, among smaller groups of people close to BOZIZE, such as his family members, and others within his Gbaya ethnic group.<sup>93</sup>

55. As explained below,<sup>94</sup> after BOZIZE left the Golf Residence, NGAISSONA and Bernard MOKOM continued to have meetings there to progress the group's plans to regain power.

*iii. NGAISSONA and other members of BOZIZE's inner circle contemplated reclaiming power by force*

56. The clear resolve and point of the several meetings was to galvanise support for, and ensure BOZIZE's return to power at whatever cost, including through force and military action.<sup>95</sup> Once again, BOZIZE and those within his circle repeated the anti-Muslim rhetoric expressed earlier, as P-0801 and P-2625 – both of whom attended the meetings – confirmed. It was said that the country should not be left to the 'foreign' invaders, referring to CAR's Muslims.<sup>96</sup> That the group considered Muslims as such to be complicit with the Seleka, and should therefore be equally fought against, is clear from numerous FACEBOOK messages,

<sup>92</sup> D30- 4679: [T-299](#), p. 53, lines 13-14; [T-301](#), p. 14, lines 16-19; P-1847: [CAR-OTP-2061-1534-R01](#) at 1539-1540, 1545-1547, 1551-1552, 1561-1562, para. 31, 75, 83-87, 112, 114, 176. *See also* [T-023](#), p. 21, line 2-p. 23, line 19, p. 26, line 2-p. 29, line 25.

<sup>93</sup> P-2027: [CAR-OTP-2078-0059-R03](#) at 0069-0070, paras 61-65; P-0992: [CAR-OTP-2110-0048-R05](#) at 0054, 0057 paras 32, 46; [T-141](#), p. 25, 34-36; [T-141](#), p. 37, line 22-p. 39, line 14; P-2841: [CAR-OTP-2127-4238-R01](#) at 4252, 4256-4257, 4270, para. 78, 113, 154, 178; P-2673: [CAR-OTP-2127-6435-R01](#) at 6442, paras 44-47; [T-041](#), p. 33, line 21-p. 34, line 4, p. 37, lines 19-21, p. 48, line 11-p. 49, line 1; [T-042](#), p. 5, line 10-p. 6, line 6, p. 7, lines 1-12; P-0801: [T-034](#), p. 28, line 1-p. 30, line 6; p. 31, line 17-25; [T-035](#), p. 18, lines 19-25; *see also* [CAR-OTP-2074-0487](#) at 0497.

<sup>94</sup> *See below*, Section III, A, j, iv.

<sup>95</sup> P-2328: [T-046](#), p. 88, line 17-p. 89, line 25; [T-047](#), p. 59, line 17-p. 60, line 13, p. 77, line 12-p. 81, line 11 - *see also* [CAR-OTP-0080-0821](#), commented upon by P-2328: [T-047](#), p. 9, line 14-p. 10, line 24; P-2673: [CAR-OTP-2127-6435-R01](#) at 6442, para. 44-47; P-2841: [CAR-OTP-2127-4238-R01](#) at 4250, para. 69; P-0884: [T-055](#), p. 17, line 21-p. 18, line 4, p. 21, line 20-p. 22, line 1, p. 49, lines 14-20; P-2232: [T-075](#), p. 56, lines 16-18, p. 57, lines 9-16; [T-076](#), p. 8, line 17-p. 9, line 13, p. 18, lines 12-23; P-1847: [CAR-OTP-2061-1534-R01](#) at 1540, 1546-1547, 1551, 1561, paras. 35, 84-85, 112, 175; P-1172: [CAR-OTP-2082-1058-R03](#) at 1063-1064, paras 29-30, 33; P-0889 [CAR-OTP-2122-7576-R02](#) at 7586, lines 348-363; [CAR-OTP-2122-7600-R02](#) at 7611-7614, 7619, lines 411-417, 428-432, 444-451, 516-519, 530-533, 560-567, 741-749; [CAR-OTP-2122-7626-R02](#) at 7628, lines 42-53; [CAR-OTP-2122-7740-R02](#) at 7748, lines 254-268; P-0287: [CAR-OTP-2115-0239-R01](#) at 0247, paras 40-41; [CAR-OTP-2003-0019](#) at 0109, 0480-0483, commented upon by P-2328: at [T-046](#), p. 62, line 10-p. 64, line 15; [CAR-OTP-2079-0540](#) at 0540; [CAR-OTP-2001-5739](#) at 5782, 5793; [CAR-OTP-2001-0984](#) at 0984.

<sup>96</sup> Meetings discussed taking back power militarily and expressed the same rhetoric as during the 2013 public statements: P-0801: [T-034](#), p. 11, line 20-p.13, line 8, p. 16, line 15-p. 17, line 9, p. 19, line 23-p. 20, line 11, p. 21, line 3-p. 23, line 11, p. 25, line 12-p. 26, line 5, p. 58, lines 16-24; P-2625: [T-188](#), p. 69, line 18-p. 70, line 16; [T-189](#), p. 3, line 17- p. 7, line 10, p. 8, line 19-p. 11, line 11, p. 20, line 19-p. 22, line 7; [CAR-OTP-2088-1179](#) at 1181, 1194.

including of individuals who participated in the meetings.<sup>97</sup> That BOZIZE's inner circle knew already then that the Muslims would be targeted is obvious.<sup>98</sup>

57. P-2328 explained that BOZIZE's insurgency contemplated mobilising: (i) existing self-defence groups, (ii) Youth associated with the KNK, COCORA militia types, (iii) PGs, FACA members, and even gendarmes and policemen. These all had to be structured and coordinated.<sup>99</sup>

58. NGAISSONA took on a coordinating role from the outset. An email as early as 10 May 2013 from Thierry BONGOLO to NGAISSONA spells this out.<sup>100</sup> BONGOLO later joined NGAISSONA as a founding member of BOZIZE's political action group *Front pour le retour de l'ordre constitutionnel en Centrafrique* ("FROCCA").<sup>101</sup>

***iv. FACEBOOK messages corroborate the planning of military operations and NGAISSONA's participation in related meetings***

59. FACEBOOK messages among persons close to the inner circle are consistent with the trial testimony, and independently corroborate (i) that planning meetings took place in YAOUNDE and (ii) the plan to engage in military operations in May-June 2013.<sup>102</sup>

60. For example, as early as 24 May 2013, D30-4679 confirmed that BOZIZE was in YAOUNDE trying to find a solution to return to power. The messages discussed that the war risks becoming one of religions (« *ca risq d devenir confessionnelle cette guerre* »).<sup>103</sup> By 18 June 2013, YAKETE explained that 'the men' on the ground were available in large numbers, but would need money for clothes, food, and weapons.<sup>104</sup>

<sup>97</sup> See for example: [CAR-OTP-2100-7713](#), [CAR-OTP-2100-7111](#), [CAR-OTP-2101-8267](#) at 8280, 15/11/2013, 16:05:18-16:15:35. See also, Section III, B, e, paras.335-336.

<sup>98</sup> See for example:[CAR-OTP-2102-3799](#) at 3822, see [CAR-OTP-2103-3263](#) at 3264. [CAR-OTP-2103-3572](#) at 3579-3580, 09/08/2013, 23:45:22-23:58:53. See Section III, B.

<sup>99</sup> P-2328: [T-046](#), p. 77, line 12-p. 81, line 11.

<sup>100</sup> [CAR-OTP-2130-3466](#) at 3466.

<sup>101</sup> See below, para.86.

<sup>102</sup> For example, in a 12 May 2013 exchange, [REDACTED] informed [REDACTED] that they held two meetings with BOZIZE ['boss'], Francis BOZIZE, and all the others. He explained that there will be a government in exile, a cabinet and an '*état major*' to define the big lines ('*grandes axes*'), and that soon they would be launching an offensive: [CAR-OTP-2102-2520](#) at 2533, 12/05/2013, 19:28:46-19:34:30; Likewise, on 13 May 2013, [REDACTED] informed that BOZIZE ['the boss'] was planning an operation in BANGUI: [CAR-OTP-2133-3029](#) at 3063, 13/05/2013, 11:48:51. On 21 May 2013, [REDACTED] reported that NGAISSONA was in YAOUNDE, and that NGAISSONA had participated in a meeting together with him: [CAR-OTP-2102-8290](#) at 8299-8300, 21/05/2013, 13:30:32-13:32:34. On 23 May 2013, YAKETE confirmed that he was with BOZIZE ['PR', i.e., 'President'] [CAR-OTP-2100-7469](#) at 7475, 23/05/2013, 09:11:31. On 21 June 2013, NGAYA confirmed to YAKETE having 'recently' been in YAOUNDE, where he was in contact with 'Minister NGAISSONA', [REDACTED]: [CAR-OTP-2100-7317](#) at 7319, 21/06/2013, 13:55:16-14:11:21.

<sup>103</sup> [CAR-OTP-2132-5849](#) at 5855-5856, 24/05/2013, 08:00:30-08:07:21; [CAR-OTP-2132-5849](#) at 5857, 24/05/2013, 08:21:33-08:22:42, commented upon by D30-4679: [T-301](#), p. 50, line 20-p. 51, line 4.

<sup>104</sup> [CAR-OTP-2101-8240](#) at 8247-8248, 18/06/2013, 19:52:09-20:13:11.

**f. MARCH-JULY 2013: Maxime MOKOM prepares military action from ZONGO**

**i. General**

61. Several witnesses testified that on fleeing to ZONGO after the 24 March 2013 *Coup*, Maxime MOKOM liaised with BOZIZE’s sons, members of the PG, FACA, *ex-libérateurs*, and others loyal to BOZIZE. These included, among others, Bruno SEMNDIRO, Abel DENAMGANAI, Thierry TRIBUNAL (P-1172), Florent DOKABONA, Elie Hervé GANAZOUI, Patrick OROFEI, Samy URBAIN (aka BAWA), and Brice Emotion NAMSIO (P-0446). Maxime MOKOM also liaised with Eusèbe and Edia EMTENOU (BOZIZE’s nephews)<sup>105</sup> and with Eugène and Claude NGAIKOSSET.<sup>106</sup>

62. Maxime MOKOM further met with fellow *ex-libérateur* YEKATOM<sup>107</sup> whom he knew,<sup>108</sup> and his would-be deputies *caporal-chefs* Freddy OUANDJIO (aka “*Coeur de Lion*”) and Habib BEINA (“BEINA”).<sup>109</sup>

**ii. Maxime MOKOM joined in the plan of BOZIZE’s inner circle to regain power**

63. From ZONGO, Maxime MOKOM joined in the plan of BOZIZE’s inner circle to regain power. P-0889 — [REDACTED] — testified that Maxime MOKOM considered that he “was able to use all those officers [there] to try and recapture power and hand it over to Bozizé.”<sup>110</sup> P-2232 similarly confirmed: “all those who found themselves in Zongo, well, Mokom was in a way their leader”.<sup>111</sup> In this context, P-1339 testified that: “[the FACA in ZONGO] would

<sup>105</sup> See above, para.47. See also P-1847: [T-022](#), p. 24, lines 3-11; P-2232: [T-075](#), p. 70, lines 14-17.

<sup>106</sup> P-0889: [CAR-OTP-2027-2290-R02](#) at 2294-2296, para. 27-28, 36; [CAR-OTP-2122-7653-R02](#) at 7654-7655, 7659-7660, 7662-7663, lines 38-49, 202-226, 244-257, 318-350; [CAR-OTP-2122-7740-R02](#) at 7742-7746, lines 47-62, 78-115, 146-183; [CAR-OTP-2122-7626-R02](#) at 7636-7637, lines 376-393, 396-410; [CAR-OTP-2122-8036-R02](#) at 8037, 8075-8076, lines 31-32, 1331-1333, 1349, 1362-1365; [T-108](#), p. 34, line 25-p. 35, line 6, p. 49, lines 17-22; P-0446: [CAR-OTP-2059-1626-R01](#) at 1638-1642, 1646, lines 445-618, 788, 742-754; [T-096](#), p. 30, lines 7-11; P-2232: [T-075](#), p. 14, lines 1-7, p. 23, lines 13-17, p. 26, lines 7-p. 27, line 5, p. 29, lines 5-16, p. 31, lines 9-24, p. 33, line 10-p. 34, line 4, p. 36, lines 5-13, p. 39, lines 4-19, p. 42, lines 1-17, p. 46, lines 12-19, p. 50, line 21; [T-079](#), p. 10, lines 5-25; P-1339: [T-151](#), p. 5, lines 6-10, p. 16, lines 3-11, p. 18, lines 5-7, p. 18, line 14-p. 19, line 9, p. 20, line 1-p. 21, line 10, p. 22, line 4-p. 23, line 3, p. 24, lines 4-14, p. 30, line 21-p. 31, line 2; P-1521: [T-080](#), p. 49, lines 20-23, p. 50, line 24-p. 53, line 9; D30-4848: [T-296](#), p. 26, line 15-p.27, line 1; P-0876: [CAR-OTP-2046-0267-R01](#) at 0281, lines 503-521; P-0992: [CAR-OTP-2110-0048-R05](#) at 0055, 0057-0058, para. 34, 36, 47-48; P-2269: [CAR-OTP-2111-0336-R01](#) at 0340, para. 27; [CAR-OTP-2131-7002](#) at 7017, 11/06/2013, 20:30:46; [CAR-OTP-2102-9551](#) at 9555-9557, 01/06/2013, 20:31:45-20:37:14; [CAR-OTP-2066-3003](#) at 3064, 26/10/2013, 08:40:34-08:47:47; [CAR-OTP-2102-8338](#) at 8345-8347, 26/10/2013, 10:17:55-14:40:47.

<sup>107</sup> D30-4848: [T-298](#), p. 50, lines 1-4; P-2027: [CAR-OTP-2078-0059-R03](#) at 0078, para. 111.

<sup>108</sup> P-0884: [T-055](#), p. 78, lines 9-11.

<sup>109</sup> P-2232: [T-075](#), p. 33, line 10-p. 34, line 4, p. 36, lines 9-13, p. 37, lines 14-15, p. 38, line 24; P-1339: [T-151](#), p. 20, line 1-p. 23, line 16, p. 24, lines 4-14, p. 30, line 21-p. 31, line 9; P-0888: [CAR-OTP-2031-0217-R03](#) at 0220-0222, paras 23, 31; [T-120](#), p. 19, lines 4-9, p. 20, line 7-p. 21, line 12, p. 24, lines 12-15, p. 29, lines 14-15; P-0884: [T-055](#), p. 72, lines 22-23; [CAR-OTP-2118-0415](#) [53:30:00] to [01:00:07], translation [CAR-OTP-2127-4410](#) at 4432-4434, lines 760-840; [CAR-OTP-2065-2404](#) from [00:02:30] to [00:03:04], translation [CAR-OTP-2127-3644](#) at 3648, lines 70-73. [CAR-OTP-2065-0716](#) [00:00:00] to [00:02:00], translation [CAR-OTP-2122-2292](#) at 2294, lines 22-29.

<sup>110</sup> P-0889: [T-108](#), p. 35, lines 3-10.

<sup>111</sup> P-2232: [T-075](#), p. 39, line 15-p. 40, line 7.

get together and talk, and he [Eugène NGAIKOSSET] said to his military buddies that the day would come when they could take vengeance for what they had been subjected to.”<sup>112</sup> In a video interview, **YEKATOM** — several months later — tacitly admitted their activities, stating that « *c’est de là-bas qu’on avait des idées de démarrer notre mouvement* ». <sup>113</sup>

**iii. Maxime MOKOM coordinated fighters in GOBERE**

64. From June 2013 onwards, FACA and PG loyal to BOZIZE gathered pre-existing self-defence groups and new recruits in GOBERE and BENZAMBE (near BOSSANGO<sup>114</sup>), where they prepared them for combat. They administered traditional rituals (“vaccinations”) and/or fetishes (“*gris-gris*”) to protect them in combat. The elements were provided rudimentary training and subjected to discipline by FACA members. They were organised into a military-like structure and were armed, *inter alia*, with traditional hunting rifles. Collectively, they would become known as the Anti-Balaka.<sup>115</sup>

65. FACA, PGs, and non-military chiefs assumed and/or shared command over approximately 2,000 elements in GOBERE. These included Danboy DEDANE, Rodrigue NGAIBONA (aka “ANDJILO”), Thierry LEBENE (aka “12 Puissances”), Côme-Hypolite AZOUNOU, Dieudonné HOURONTI, Richard BEJOUANE, Benjamin OUAPOUTOU, Florent KEMA, Theophile NDANGBA, and others.<sup>116</sup> Guy MAZIMBELE and Yvon

<sup>112</sup> P-1339: [T-151](#), p. 23, lines 8-10.

<sup>113</sup> [CAR-OTP-2065-0716](#) from [00:01:02] to [00:01:28], translation [CAR-OTP-2122-2292](#) at 2294, lines 22-29.

<sup>114</sup> P-2658 positions GOBERE as being North-East of BOSSANGO, reachable by taking the road to BENZAMBE, and then taking paths through the bush near the villages of BONGUERRE and BOGATO: P-2658: [CAR-OTP-2126-0012-R02](#) at 0016, para. 21; [T-134](#), p. 19, line 5-10; [T-135](#), p. 29, lines 12-19, p. 37, lines 8-10; P-2658: [CAR-REG-0001-0007](#); [CAR-OTP-2075-1375](#). See also P-0966: [CAR-OTP-2031-0241-R03](#) at 0425, para. 26; [CAR-OTP-2031-0266-R01](#); [CAR-OTP-2031-0267-R01](#); P-0884: [T-055](#), p. 33, lines 18-19; P-2133: [CAR-OTP-2093-0267-R02](#) at 0279, para. 90.

<sup>115</sup> General references: D30-4953: [CAR-D30-0026-0001-R01](#) at 0003, para. 20; P-0966: [T-118](#), p. 57, line 19-p. 58, line 2; [T-118](#), p. 58, lines 16-19; P-2556: [CAR-OTP-2112-1300-R01](#) at 1304-1305, para. 26-28, 31-35; [T-146](#), p. 3, line 22-p. 4, line 5; P-0884: [T-055](#), p. 23, line 9-p. 24, line 11, p. 32, line 21-p. 33, line 1; P-1521: [T-081](#), p.10, line 21-p.13, line 1, [T-082](#), p. 57, lines 6-18; P-2602: [CAR-OTP-2118-9598-R01](#) at 9607, lines 287-308; P-0975: [CAR-OTP-2033-7885-R02](#) at 7888-7889, para. 25-30; P-0992: [CAR-OTP-2110-0048-R05](#) at 0054-0055, para. 33; See also [CAR-OTP-2085-2953](#) from [00:02:38] to [00:03:40], translation at [CAR-OTP-2122-2371](#) at 2375-2376, lines 73-111 – see commentary by P-1577: [T-028](#), at p. 53, line 16-p. 54, line 21; [CAR-OTP-2065-5470](#) from [00:00:32] to [00:01:46], transcript [CAR-OTP-2107-1559](#) at 1560, lines 16-25; [CAR-OTP-2081-1769](#) from [00:02:55] to [00:04:50], translation [CAR-OTP-2122-2313](#) at 2316-2319, lines 65-137; [CAR-OTP-2076-0825](#) from [00:03:46] to [00:04:52], transcript [CAR-OTP-2122-7403](#) at 7405, lines 52-65; [CAR-OTP-2084-1331](#) from [00:02:34] to [00:03:40], transcription [CAR-OTP-2107-1586](#) at 1587, lines 30-33; [CAR-D30-0007-0177](#) at 0181; [CAR-OTP-2025-0396](#) at 0401; P-0808: [CAR-OTP-2093-0010-R02](#); [CAR-OTP-2101-0221](#) at 0222; [CAR-OTP-2084-1263](#) from [00:00:00] to [00:05:13], transcript [CAR-OTP-2107-1565](#) at 1566-1569, lines 1-113; [CAR-OTP-2084-1259](#) from [00:04:37] to [00:05:13], transcript [CAR-OTP-2107-6963](#) and translation [CAR-OTP-2122-2339](#) at 2344, lines 103-112; [CAR-OTP-2019-1359](#) from [00:01:44] to [00:01:49] – see commentary by P-2556: [CAR-OTP-2112-1300-R01](#) at 1324, para. 188; [CAR-OTP-2041-0802](#) – see commentary by P-1339: [T-155](#), p. 89, lines 8-23; [CAR-OTP-2041-0783](#) – see commentary by P-1339: [T-155](#), p. 84, line 17-p. 85, line 8, p. 88, lines 17-23.

<sup>116</sup> [CAR-OTP-2068-0118](#) – see commentary by P-2251: [CAR-OTP-2093-0045-R01](#) at 0077, paras 208, 213; [CAR-OTP-2046-0628](#) – see commentary by P-1521: [T-081](#), p. 25, line 19-p. 31, line 5; [CAR-OTP-2060-0590](#) at 0594



KONATE joined them later,<sup>117</sup> whereas Sylvestre YAGOUZOU subsequently led elements from GOBERE in BOEING.<sup>118</sup>

66. Maxime MOKOM coordinated them. P-0889 explained that Maxime MOKOM was in communication with the leaders of the self-defence groups in the BOSSANGO A area, whose contact details he obtained through Achille GODONAM, a marabout who provided *gris-gris* for the fighters and a relative of Maxime MOKOM. DEDANE acted as Maxime MOKOM's deputy and ensured that his instructions were passed on to the other FACA on the ground. From that point, Maxime MOKOM started discussing the idea that they had to chase out the Seleka.<sup>119</sup> P-2322 explained that "*Dedane contacted the -- the leader, he handed things over to Mokom. And whenever he heard that a group had been formed in a village, he would try to contact their leader to organise the members and then link them up with Mokom.*"<sup>120</sup> Maxime MOKOM himself informed P-0884 expressly that he was gathering the elements together in BOSSANGO A and coordinating the Anti-Balaka.<sup>121</sup> Numerous other witnesses confirmed that MOKOM and his Deputy DEDANE worked closely together, and coordinated the GOBERE group.<sup>122</sup>

67. CDRs confirm the overwhelming testimony proving Maxime MOKOM's coordinating role, including his admissions in contemporaneous FACEBOOK conversations.<sup>123</sup> Consistent with his function within the group, they show that at the latest from 7 August 2013 to 5

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– see commentary by P-0884: [T-055](#), p. 26, line 8-p. 27, line 12; P-2251: [CAR-OTP-2093-0045-R01](#) at 0050-0052, 0077-0078, paras 34-39, 45, 208-213, 216-217; [T-043](#), p. 12, line 25-p. 13, line 6, p. 25, line 17-p. 26, line 3, p. 30, lines 18-23; [T-044](#), p. 7, lines 12-15, p. 7, line 24-p. 8, line 11; [T-044](#), p. 31, lines 5-7; P-0966: [CAR-OTP-2031-0241-R03](#) at 0246, para. 28; [T-116](#), p. 9, lines 7-15; [T-117](#), p. 41, lines 5-8, p. 44, lines 5-16; [T-116](#), p. 8, lines 19-p. 9, line 15; P-2602: [CAR-OTP-2118-9579-R01](#) at 9595-9597, lines 522-593; P-0884: [T-055](#), p. 28, lines 18-21, p. 30, lines 13-14; P-2027: [CAR-OTP-2078-0059-R03](#) at 0076, para. 100; P-2602: [CAR-OTP-2118-9579-R01](#) at 9595-9597, lines 522-593; P-2232: [T-076](#), p. 3, l 15-24; P-0992: [CAR-OTP-2128-0288-R02](#) at 0303, para. 96.

<sup>117</sup> P-1521: [T-081](#), p. 23, line 19-p. 24, line 4; P-2232: [T-076](#), p. 3, line 25-p. 4, line 12; P-0966: [T-116](#), p. 10, lines 15-16, p. 12, lines 1-4.

<sup>118</sup> P-1339: [T-155](#), p. 78, lines 4-7, p. 89, line 8-p. 90, line 15; [P-889: T-111](#), p. 12, lines 1-4; [CAR-OTP-2046-0628](#).

<sup>119</sup> P-0889: [CAR-OTP-2027-2290-R02](#), at 2295, para. 30-31; [CAR-OTP-2122-7576-R02](#) at 7586, lines 348-363; [CAR-OTP-2122-7600-R02](#) at 7611-7614, 7627, 7619, lines 403-451, 482-489, 516-519, 530-533, 560-567, 741-749; [CAR-OTP-2122-7626-R02](#) at 7628, lines 42-54, at 7632, lines 235-251; [CAR-OTP-2122-7740-R02](#) at 7748-7752, 7754-7755, 7758-7759, lines 254-319, 331-377, 400-417, 468-490, 603-610, 641-670; [CAR-OTP-2122-7653-R02](#) at 7664, lines 399-404; [CAR-OTP-2122-7962-R02](#) at 7970-7971, lines 286-299, 307-345; [CAR-OTP-2122-8112-R02](#) at 8115-8119, lines 78-127, 139-179, 211-245.

<sup>120</sup> P-2232: [T-075](#), p. 54, lines 20-23.

<sup>121</sup> P-0884: [T-055](#), p. 21, line 21-p. 22, line 16.

<sup>122</sup> P-0966: [CAR-OTP-2031-0241-R03](#) at 0246-0247, para. 31, 33; [T-116](#), p. 15, lines 9-12, p. 19, lines 4-10, p. 24, line 24-p. 25, line 1; [T-117](#), p. 38, line 2-p. 39, line 2, p. 44, lines 5-16, p. 50, lines 14-19; P-2658: [CAR-OTP-2126-0012-R02](#) at 0020, 0027, para. 48-49, 96-97; [T-023](#), at p. 91, line 18-p. 92, line 1; P-0884: [T-055](#), p. 39, line 24-p. 40, line 6. See French transcript: [T-056](#) FRA, p. 10, line 22-p. 11, line 6; [CAR-OTP-2066-1601](#) at 1775-1776, 24/02/2014, 16:51:16-17:08:50.

<sup>123</sup> For the FACEBOOK conversations, see below, para.71.

December 2013, Maxime MOKOM was in contact with DEDANE on a daily basis — over 580 times, and that they continued contact after 5 December 2013.<sup>124</sup>

68. CDRs also show that from September 2013 to December 2013, Maxime MOKOM had over 450 contacts with LEBENE, YAGOUZOU, NDANGBA, and KEMA.<sup>125</sup> They further reflect Maxime MOKOM's regular contact with BEJOUANE and MOKPEM, and his contacts with ANDJILO (after October 2013).<sup>126</sup> CDRs are also consistent with DEDANE's role as Maxime MOKOM's deputy. Specifically, they show that from 1 September 2013 to mid-December 2013, DEDANE was in contact with several other Anti-Balaka leaders, such as OUAPOUTOU, MOKPEM, BEJOUANE, ANDJILO, LEBENE, and KONATE.<sup>127</sup>

69. Achille GODONAM's role and movements require further explanation: originally from BOSSANGO, GODONAM fled to GAROUA-BOULAI in July-August 2013.<sup>128</sup> From there, GODONAM continued organising and deploying his elements to fight in the BOSSANGO area in coordination with Maxime MOKOM and with the assistance of money provided by NGAISSONA and Bernard MOKOM.<sup>129</sup> FACEBOOK messages show that GODONAM (« *Achil le chef des archers de bossango* ») liaised with Francis BOZIZE as early as 22 July 2013,<sup>130</sup> and CDRs further corroborate that GODONAM was in contact with Maxime MOKOM from June 2013 onwards, and their contact continued in July and August 2013.<sup>131</sup> As explained below, NGAISSONA and Bernard MOKOM would be in direct contact with several important GOBERE chiefs, including DEDANE, AZOUNOU, and GODONAM.<sup>132</sup>

<sup>124</sup> For contacts between Maxime MOKOM and DEDANE from 7 August to 18 December 2013: Call Sequence Table 7, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC.

<sup>125</sup> For contacts between Maxime MOKOM and YAGOUZOU from 18 October 2013 and 27 December 2013: Call Sequence Table 6 at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC; for contacts between Maxime MOKOM and LEBENE from 7 November 2013 to 23 December 2013: Call Sequence Table 5 available at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC; for contacts between Maxime MOKOM ([REDACTED]) and NDANGBA ([REDACTED]) from 23 November 2013 to 5 December 2013 [CAR-OTP-2054-1480](#); for contacts between Maxime MOKOM and KEMA from 6 September 2013 to 26 December 2013: Call Sequence Table 8 at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC.

<sup>126</sup> For contacts between MOKOM ([REDACTED]) and MOKPEM ([REDACTED]): [CAR-OTP-2054-1480](#); for contacts between MOKOM ([REDACTED]) and BEJOUANE ([REDACTED]): from 7 September 2013 to 27 September 2013: [CAR-OTP-2054-1479](#), [CAR-OTP-2054-1480](#); for contacts between MOKOM ([REDACTED]) and ANDJILO ([REDACTED]).

<sup>127</sup> For contacts between DEDANE ([REDACTED]) and: OUAPOUTOU ([REDACTED]), BEJOUANE ([REDACTED]), ANDJILO ([REDACTED]), LEBENE ([REDACTED]), KONATE ([REDACTED]), MOKPEM ([REDACTED]): [CAR-OTP-2112-1513](#).

<sup>128</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1553, para. 125; [CAR-OTP-2122-8251-R01](#) at 8254, para. 25, 28; P-0889: [T-109](#), p. 18, lines 11-13; P-2049: [T-100](#), p. 12, lines 11-15, p. 15, line 17-23, p. 17, line 6-8; [T-102](#), p. 7, line 21-p. 8, line 5; P-2673: [CAR-OTP-2127-6435-R01](#) at 6442, 6454, para. 46, 125; P-2232: [T-077](#), p. 5, lines 17-23. *See also* [CAR-OTP-2102-8009](#) at 8027, 12/08/2013, 10:04:00.

<sup>129</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1550-1551, para. 104-109, in particular para. 104.

<sup>130</sup> [CAR-OTP-2101-6366](#) at 6371-6372, 22/07/2013 20:54:31-20:57:05.

<sup>131</sup> For contacts between GODONAM ([REDACTED]) and MOKOM ([REDACTED]): [CAR-OTP-2054-1479](#).

<sup>132</sup> *See below*, Section III, A, j.

**iv. Maxime MOKOM's coordination of the group increased its capacity and strength**

70. Having been enlisted through his father Bernard MOKOM into BOZIZE's inner circle's plan to reclaim power and NGAISSONA, Maxime MOKOM coordinated Anti-Balaka elements. Over the next months, the GOBERE group incorporated an increasing number of FACA, PG members, and new recruits, who were trained and disciplined.<sup>133</sup> They demonstrated their growing number, strength, and military capability in their first series of major attacks around BOSSANGO in September 2013.<sup>134</sup>

71. Maxime MOKOM's role in the plan to claim and/or reclaim power in CAR intensified over time. He liaised with Anti-Balaka elements and coordinated their deployments, not only around GOBERE but also in other areas in CAR, including BOSSEMBELE and the CAR-CAMEROON border. As such, he was the group's *de facto* Operations Coordinator.<sup>135</sup> Numerous FACEBOOK communications, including Maxime MOKOM's, confirm his coordinating role.<sup>136</sup>

**v. Maxime MOKOM secured money, weapons and ammunition for the Anti-Balaka**

72. Several witnesses confirmed that Maxime MOKOM secured money, weapons and ammunition for the Anti-Balaka. Their evidence establishes that (i) money was transferred through Western Union either in Maxime MOKOM's or in Claude NGAIKOSSET's name,

<sup>133</sup> P-2658: [CAR-OTP-2126-0012-R02](#) at 0024-0027, para. 78-79, 92-95; [T-134](#), p. 30, line 24-p. 32, line 1, p. 47, line 21-p. 48, line 6; P-0966: [CAR-OTP-2031-0241-R03](#) at 0245-0246, paras. 23-25, 28-30; [T-116](#), p. 9, lines 3-17, p. 21, lines 24-25, p. 27, line 8-11; [T-117](#), p. 5, lines 5-8, p. 26, lines 9-16, p. 31, lines 18-20, p. 38, line 24-p. 39, line 2; [T-118](#), p. 59, line 21-p. 60, line 2; [T-119](#), p. 5, line 25; P-2602: [CAR-OTP-2118-9598-R01](#) at 9607-9610, lines 313-419; [CAR-OTP-2118-9617-R01](#) at 9619-9621, lines 64-116; P-1172: [CAR-OTP-2082-1058-R03](#) at 1064, para. 33; P-1847: [CAR-OTP-2061-1534-R01](#) at 1560, 1570, para. 164, 227; [CAR-OTP-2122-8251-R01](#) at 8253-8254, para. 14, 19; P-2012: [CAR-OTP-2091-0127-R01](#) at 0136, para. 45; P-2926: [T-032](#), p. 80, lines 3-8; [CAR-OTP-2001-6251](#) at 6293, para. 2; [CAR-OTP-2102-8381](#) at 8411, 19/06/2013, 13:13:21; [CAR-OTP-2101-9735](#) at 9761, 24/07/2013, 10:59:41.

<sup>134</sup> See below, Section III, A, k.

<sup>135</sup> P-0889: [CAR-OTP-2122-7600-R02](#) at 7612, 7614-7615, 7623, lines 454-461, 467-470, 567-580, 901-906; [CAR-OTP-2122-7626-R02](#) at 7628, 7647, lines 53-58, 824-835; [CAR-OTP-2122-7962-R02](#) at 7972, 7978-7979, lines 367-374, 589-599; [CAR-OTP-2027-2290-R02](#) at 2295-2297, 2302, para. 31-32, 34-35, 39-40, 77; P-2232: [T-075](#), p. 39, lines 15-19, p. 42, lines 17-21, p. 52, lines 3-6, p. 60, lines 3-6; [T-076](#), p. 19, line 10-p. 20, line 8, p. 46, line 16-p. 47, line 5; [T-078](#), p. 23, lines 22-25, p. 24, lines 10-12, p. 31, lines 7-13, p. 38, lines 2-15, p. 48, lines 1-4; [CAR-OTP-2100-2602](#) at 2604-2608 – see commentary by P-1521: [T-081](#), p. 61, lines 17-23; P-0884: [T-055](#), p. 22, lines 10-16, p. 40, lines 3-8; [T-058](#), p. 27, lines 16-17; P-2027: [CAR-OTP-2078-0059-R03](#) at 0074-0077, 0085, para. 89-93, 102-103, 105, 158; P-0992: [CAR-OTP-2128-0288-R02](#) at 0310, para. 135; P-1719: [T-142](#), p. 25, lines 6-12.

<sup>136</sup> [CAR-OTP-2133-2741](#) at 2765, 22/01/2014, 18:17:48; [CAR-OTP-2066-3003](#), at 3071, 26/10/2013, 09:30:24; [CAR-OTP-2066-3003](#) at 3016-3018, 01/11/2013, 19:33:06-18:42:21; [CAR-OTP-2066-3003](#), at 3070, 26/10/2013, 08:29:11; [CAR-OTP-2066-3003](#) at 3063-3064, 26/10/2013, 08:40:34-09:54:43; [CAR-OTP-2103-4354](#) at 4355-4356, 07/10/2013 17:38:31, 19:28:33-19:36:03; [CAR-OTP-2103-4757](#) at 4770, 07/10/2013, 23:41:19-23:43:42; [CAR-OTP-2103-4149](#) at 4152, 01/11/2013, 19:27:32-19:34:00; [CAR-OTP-2102-8837](#) at 8846, 01/11/2013, 23:05:21-23:06:48; [CAR-OTP-2066-3003](#) at 3072, 01/11/2013, 20:01:55-20:41:58; [CAR-OTP-2101-5511](#) at 5512, 17/11/2013, 20:55:00-21:02:58; [CAR-OTP-2103-2204](#) at 2206, 14/11/2013, 22:08:58; [CAR-OTP-2101-5511](#) at 5512, 17/11/2013, 20:55:00-21:02:58; [CAR-OTP-2102-7677](#) at 7679, 18/11/2013, 19:46:46-20:07:31; [CAR-OTP-2101-8599](#) at 8719-8721, 18/11/2013, 12:59:49-13:30:22; [CAR-OTP-2131-5407](#) at 5505-5506, 18/11/2013, 08:15:11-08:33:13; [CAR-OTP-2066-3003](#) at 3015, 11/11/2013, 09:50:40-09:53:26.

and it was brought in cash or collected by Maxime MOKOM's wife from Ecobank in BANGUI; (ii) Maxime MOKOM distributed or transferred the money to the elements, or that the money was used to buy ammunition, medication, or phone credit for the elements on the ground; (iii) he bought weapons (including AK-47s) and ammunition in ZONGO, and organised their transport to the field, including to BOSSANGOA; (iv) he promised to secure additional equipment; (v) and the money/military equipment was used in the 5 December 2013 attacks.<sup>137</sup>

73. As explained below, the evidence shows that **NGAISSONA** and Bernard MOKOM not only assisted Maxime MOKOM, but also secured money and equipment for the Anti-Balaka themselves, as did BOZIZE, BOZIZE's sons, and other members of BOZIZE's inner circle.

**g. MAY-AUGUST 2013: BOZIZE's inner circle prepares for military action in BANGUI**

*i. General*

74. Individuals enlisted by BOZIZE's inner circle remained in and around BANGUI preparing military action, particularly NGREMANGOU, LAKOUE TENE, and Eric DANBOY. They liaised with **NGAISSONA**, Maxime MOKOM, Bernard MOKOM, BOZIZE, Francis BOZIZE, YAMBETE, Eugene NGAIKOSSET, and Edia EMTENOU.

*ii. NGREMANGOU*

75. Witnesses testified that well before 5 December 2013, NGREMANGOU was preparing for a military offensive in BANGUI. From a base in BOEING, he recruited and organised FACA to support the Anti-Balaka. He coordinated their actions, and was in charge of logistics, including the provision of weapons, ammunition, and food.<sup>138</sup>

76. Emails corroborate these testimonies, showing that already in May 2013, NGREMANGOU prepared for a military offensive in BANGUI. He circulated lists of available FACA, which include **YEKATOM**'s name as among the FACA elements in BOEING.<sup>139</sup> In July and August 2013, as military preparations intensified, NGREMANGOU liaised with YAMBETE, Eugène NGAIKOSSET, and Edia EMTENOU, sending them a list of

<sup>137</sup> P-1847: CAR-OTP-2122-8251-R01 at 8256, 8258, 8264, paras 45, 60, 121; [CAR-OTP-2061-1534-R01](#), at 1549, 1555, 1558, paras 102, 132-135, 150; P-2232: T-075, p. 51, lines 1-12, p. 64, lines 3-9, p. 66, line 1-p. 69, line 25; T-076, p. 6, line 18-p. 7, line 2; T-078, p. 39, lines 19-25, p. 42, line 3; P-0889: [CAR-OTP-2027-2290-R02](#) at 2296, paras 35-36; [CAR-OTP-2122-7962-R02](#) at 7979-7981, lines 622-675, at 7981-7983 lines 698-765; T-108, p. 32, line 19-p. 33, line 17; P-0876: [CAR-OTP-2046-0267-R01](#) at 0276-0277, line 336-356; [CAR-OTP-2046-0295-R01](#) at 0301, line 185-201; [T-085](#), p. 25, line 6-p. 27, line 17; P-0884: [T-055](#), p. 69, line 18-p. 70, line 10; P-0954: [T-166](#), p. 68, lines 2-10; P-2269: [CAR-OTP-2111-0336-R01](#) at 0345, para. 68-69; P-2673: [CAR-OTP-2127-6435-R01](#)-R01, at 6451, para. 102; P-0966: [T-117](#), p. 10, lines 7-9.

<sup>138</sup> P-2232: [T-076](#), p. 21, lines 4-11, p. 43, lines 1-7; P-0487: [T-202](#), p. 19, lines 9-15, p. 20, lines 1-14.

<sup>139</sup> As explained in ICC-01/14-01/18-1450-Conf ("[Prosecution Email Evidence Bar Table Motion](#)"), paras 63-64, incorporated by reference.

requirements for combat (« *Expressions de Besoins* »), clarifying he was still awaiting BOZIZE's instructions. NGREMANGOU later provided YAMBETE, Eugène NGAIKOSSET, and Edia EMTENOU, with updated and significantly longer « *Expressions de Besoins* », but also more detailed military intelligence, including maps of BANGUI and CAR, marking « *regions militaires demarque* » and « *zones de defense* », as well as the names, functions, and neighbourhoods where Seleka leaders resided in BANGUI, in addition to various Seleka positions (number of men and weapons) along various strategic axes.<sup>140</sup> FACEBOOK messages show these emails were acted on.<sup>141</sup>

77. Both NGAISSONA and Maxime MOKOM liaised with NGREMANGOU in furtherance of the plan to reclaim power. For instance, P-0808's testimony shows that NGREMANGOU reported directly to NGAISSONA and Maxime MOKOM.<sup>142</sup> P-0487 also similarly testified, adding that NGREMANGOU and NGAISSONA were also close.<sup>143</sup> At a minimum, this demonstrates that they were involved with, and liaised with one another in the context of the Anti-Balaka's activities. Moreover, P-2232 testified that in ZONGO, NGREMANGOU communicated with Maxime MOKOM regularly.<sup>144</sup> CDRs confirm this, and reflect more than 140 contacts among them between September 2013 and 4 December 2013,<sup>145</sup> as well as multiple contacts on 5 December 2013, and in the period thereafter.<sup>146</sup> CDRs also show that NGREMANGOU was in contact with other Anti-Balaka members in this period, including P-0884,<sup>147</sup> who — in turn testified to having been in contact with NGAISSONA and Bernard MOKOM from August 2013 onwards.<sup>148</sup>

**iii. LAKOUE TENE, DOGUE LA, [REDACTED]**

78. From June 2013 onwards, LAKOUE TENE, DOGUE LA, [REDACTED] were involved in securing logistical support for the Anti-Balaka. LAKOUE TENE, in particular, liaised with Maxime MOKOM, Bernard MOKOM, BOZIZE, and Francis BOZIZE, finally turning to NGAISSONA and WAPOUNABA in October 2013.<sup>149</sup>

<sup>140</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), paras. 66-72, incorporated by reference.

<sup>141</sup> [CAR-OTP-2103-3900](#) at 3908-3909, 17/09/2013, 15:57:18-16:06:24; [CAR-OTP-2103-3975](#) at 3998, 18/09/2013, 12:11:12.

<sup>142</sup> P-0808: [CAR-OTP-2025-0324-R05](#) at 0347, para. 144; [T-069](#), p. 51, line 9-p. 52, line 10.

<sup>143</sup> P-0487: [T-202](#), p. 19, line 16-p. 21, line 1.

<sup>144</sup> P-2232: [T-078](#), p. 30, lines 10-14.

<sup>145</sup> For contacts between MOKOM ([REDACTED]) and NGREMANGOU ([REDACTED]) between 17 September and 4 December: [CAR-OTP-2054-1480](#), [CAR-OTP-2069-0479](#), [CAR-OTP-2019-2839](#). See also *below*, Section III, A, p, v-vi.

<sup>146</sup> See *below*, Section III, A, p, v-vi.

<sup>147</sup> For contacts between [REDACTED] and NGREMANGOU [REDACTED]) from 27 September to 4 December 2013: [CAR-OTP-2054-1480](#). See *below*, Section III, A, p, vi.

<sup>148</sup> See *below*, Section III, A, i, para.106, and p.

<sup>149</sup> See *below*, Section III, A, m, i.

79. P-2843 testified that LAKOUE TENE and DOGUE LA acted as intermediaries with the soldiers in the field.<sup>150</sup> FACEBOOK messages from July 2013 onwards corroborate his testimony, and show that LAKOUE TENE, DOGUE LA [REDACTED] prepared for military action, and conveyed information regarding the group's military capacity in BANGUI to several members of BOZIZE's inner circle, including [REDACTED],<sup>151</sup> who had participated in meetings with NGAISSONA in YAOUNDE in May 2013,<sup>152</sup> and who, per P-2841's testimony, was in contact with all the politicians in exile.<sup>153</sup>

80. P-2841 testified that LAKOUE TENE liaised intensively with Maxime MOKOM and Bernard MOKOM, and that LAKOUE TENE first received money from Maxime MOKOM sometime between April-June 2013, to mobilise the Youth and organise demonstrations or attacks in BANGUI at DJOTODIA's 18 August 2013 inauguration.<sup>154</sup> CDRs confirm LAKOUE TENE's frequent contacts with Maxime MOKOM – more than 800 contacts between June 2013 to February 2014, over 400 of which occurred *before* 5 December 2013.<sup>155</sup>

81. In his testimony, P-2841 explained that LAKOUE TENE continued to be involved in the preparation of Anti-Balaka military operations, and that he updated him on the progressive deployment of the Anti-Balaka, and the availability of military equipment, with a view to mounting a final attack.<sup>156</sup> [REDACTED] testified that he regularly saw and called LAKOUE TENE.<sup>157</sup> CDRs further show that LAKOUE TENE was in contact with BOZIZE and Francis BOZIZE from July 2013 onwards and, particularly, the second half of September and October 2013.<sup>158</sup>

82. In October 2013, NGAISSONA was approached by [REDACTED] to supply financing and weapons to LAKOUE TENE and DOGUE LA.<sup>159</sup>

<sup>150</sup> P-2843: [T-073](#), p. 62, lines 7-15.

<sup>151</sup> [CAR-OTP-2102-3799](#) at 3815-3817, 3834-3835, 28/07/2013, 20:24:20-20:36:26, 11/08/2013, 19:40:55-19:46:53. *See also* [CAR-OTP-2101-9735](#) at 9756, 14/7/2013, 21:09:58 - *see commentary by* P-2843: [T-073](#), p. 37, line 11-p. 38, line 5. CDRs show that [REDACTED] had been in constant telephone contact with LAKOUE TENE, including in August 2013 before this information was shared: for contacts between LAKOUE TENE ([REDACTED]) and [REDACTED].

<sup>152</sup> [CAR-OTP-2102-8290](#) at 8299-8300, 21/05/2013 13:30:32-13:32:34.

<sup>153</sup> [REDACTED], [T-029](#), p. 15, line 2–19.

<sup>154</sup> [REDACTED]: [CAR-OTP-2127-4238-R01](#) at 4259, para. 119. *See also*, [CAR-OTP-2101-8109](#) at 8114-8115, 21/08/2013, 19:07:18-19:28:22.

<sup>155</sup> For contacts between Prince LAKOUE TENE ([REDACTED]) and Maxime MOKOM ([REDACTED]) before 5 December: [CAR-OTP-2054-1479](#) and [CAR-OTP-2054-1480](#)

<sup>156</sup> P-2841: [T-029](#), p. 27, line 3-p. 30, line 19, commenting on [CAR-OTP-2101-9735](#) at 9798, 9801, 01/10/2013, 11:32:32, 02/10/2013, 11:18:17-11:21:51.

<sup>157</sup> P-2841: [T-029](#), p. 12, lines 6-13; p. 13, line 5-p. 14, line 25, p. 43, line 22-p. 44, line 8.

<sup>158</sup> [CAR-OTP-2112-1538](#).

<sup>159</sup> *See below*, Section III, A, m.i.

**iv. Eric DANBOY**

83. Eric DANBOY was directly involved in preparing military actions in furtherance of the plan to retake power. As noted, Eric DANBOY, a former PG was an *ex-libérateur* (like YEKATOM and many others in the Anti-Balaka).<sup>160</sup> He was also BOZIZE’s nephew and Director of Security, who visited BOZIZE at the Golf Residence in YAOUNDE.<sup>161</sup> Following Eric DANBOY’s [REDACTED], documents recovered [REDACTED] list needed weaponry and ammunition, as well as other materials, fuel, medical equipment, means of communication, uniforms etc.<sup>162</sup> Significantly, NGAISSONA, would be in direct contact with Eric DANBOY in October 2013 to facilitate the provision of military supplies and equipment sought by LAKOUE TENE and DOGUELA for Anti-Balaka elements active on the ground. As NGAISSONA’s emails show, he forwarded the written requests sent to him for such equipment to Eric DANBOY.<sup>163</sup>

**h. JULY-AUGUST 2013: Creation of FROCCA and preparation for military action**

**i. General**

84. At the end of July through the beginning of August 2013, BOZIZE created FROCCA, of which NGAISSONA was a founding member. FROCCA openly advocated for the forcible removal of DJOTODIA — by then the formally recognised Head of the CAR Transition government<sup>164</sup> — and the Seleka, and for BOZIZE’s return to power. It reprised the same anti-Muslim rhetoric previously disseminated by BOZIZE and his acolytes, and promoted an incendiary agenda falsely portraying Muslims as collectively collaborating with Seleka forces in an effort to “islamist[e]” the country. FROCCA sought to appeal to non-Muslims to support the Anti-Balaka on the premise of eliminating so-called “islamists” and “djihadists”.

**ii. NGAISSONA was a founding member of FROCCA**

85. In or around July 2013, BOZIZE and members of his inner circle met in PARIS. They created FROCCA to advocate for the so-called return to the constitutional order in CAR — a euphemism for BOZIZE’s return to power. FROCCA included the same core group of individuals as those who met in CAMEROON to elaborate a plan to reclaim power, *i.e.*,

<sup>160</sup> See above, para.47.

<sup>161</sup> P-2232: [T-075](#), p. 23, line 18-p. 24, line 10; [T-076](#), p. 18, lines 12-20; P-2841: [CAR-OTP-2127-4238-R01](#) at 4246, para. 47; P-1847: [CAR-OTP-2061-1534-R01](#) at 1547, para. 88; D30-4679: [T-299](#), p. 52, lines 7-23; [CAR-OTP-2001-5739](#) at 5793; [CAR-OTP-2102-8009](#) at 8019-8020, 31/07/2013, 09:06:20-09:11:14.

<sup>162</sup> [CAR-OTP-2134-0441](#); [CAR-OTP-2134-0407](#) at 0419-0420, 0430-0431. Eric DANBOY’s document and NGREMANGOU’s emails show the efforts of BOZIZE’s inner circle to obtain foreign military support, including from SOUTH-SUDAN: [CAR-OTP-2126-2628](#). See also, [CAR-OTP-2134-0449](#); [CAR-OTP-2066-3003](#) at 3084-3092, 01/11/2023, 17:42:08-20:52:17; P-1847: [CAR-OTP-2061-1534-R01](#), at 1547, para. 88; [CAR-OTP-2103-4757](#) at 4765-4767, 06/10/2013, 23:27:35-23:52:14.

<sup>163</sup> See below, Section III, A, m, I, para.189.

<sup>164</sup> P-2625: [T-188](#), p. 55, line 17-p. 57, line 3; [CAR-OTP-2100-1832](#).

BOZIZE, **NGAISSONA**, OGUERE, YAKETE, KOKATE, POUSSOU, and others such as Francis BOZIZE, Lin BANOUKEPA, Jean-Serge WAFIO, and Yvon SONGUET.<sup>165</sup>

86. **NGAISSONA**'s designation as « *Responsable des affaires intérieures et des associations* » is set out in a contemporaneous July 2013 FROCCA Protocol Agreement (or 'founding document'). It is also confirmed in an 8 August 2013 contemporaneous email identifying the roles of the group's founding members. BANOUKEPA was designated FROCCA's political and diplomatic Coordinator, and YAKETE its spokesperson. POUSSOU, Thierry BONGOLO and others, including D30-4720, were also assigned roles.<sup>166</sup> A copy of the founding document was recovered from **NGAISSONA**'s email account, attached to a 24 September 2013 email received from WAFIO.<sup>167</sup>

*iii. NGAISSONA exercised his important role in FROCCA*

87. **NGAISSONA** was an active participant in FROCCA, as is clear from his assigned role in the founding document, other documents, and the testimony of several witnesses.<sup>168</sup> For instance, NGAYA testified that, while BANOUKEPA was a leading figure in FROCCA, all of his [NGAYA's] contacts with FROCCA went through **NGAISSONA**.<sup>169</sup>

88. NGAYA's testimony is corroborated by email exchanges concerning FROCCA from early August and September 2013: on 3 August 2013, **NGAISSONA** informed NGAYA of FROCCA's creation, and that steps had been taken in order to be able to act quickly. In the execution of his designated role, **NGAISSONA** requests NGAYA to urgently take up contact with the leaders of the associations with which they can collaborate.<sup>170</sup> NGAYA's subscription

<sup>165</sup> P-0801: [T-034](#), p. 32, line 16-p. 34, line 19, p. 37, lines 14-17, p. 46, lines 7-9, p. 47, lines 22-24; P-2625: [T-189](#), p. 18, line 9-p. 19, line 10, p. 23, line 16-p. 24, line 2, p. 24, line 22-p. 26, line 3, commenting on [CAR-OTP-2123-0414](#) at 0423; *see also* D30-4720: [T-280](#), p. 67, lines 7-13, p. 68, line 2-p. 69, lines 8, 16-25; [T-282](#), p. 10, lines 6-10, p. 12, line 25-p. 13, line 5; P-1847: [CAR-OTP-2061-1534-R01](#) at 1549, para. 98-100; [T-023](#), p. 51, lines 8-20; P-2328: [T-047](#), p. 4, line 10-p. 5, line 2; P-0884: [T-055](#), p. 42, lines 7-16, 23-25, p. 46, lines 5-8; [T-056](#), p. 34, lines 10-16; [T-057](#), p. 68, line 20-p. 69, line 2; [T-058](#), p. 15, lines 15-22; P-0808: [CAR-OTP-2025-0324-R05](#) at 0348-0349, para. 151; [CAR-OTP-2001-4048](#) at 4048; [CAR-OTP-2081-1412](#); [CAR-OTP-2091-1720](#). **NGAISSONA** went from DOUALA via BRUSSELS to PARIS on 20 July 2013: [CAR-OTP-2122-7299-R01](#) at 7303, 7306; [CAR-OTP-2124-0869](#) at 0869.

<sup>166</sup> FROCCA's Protocol Agreement: [CAR-OTP-2124-0852](#) at 0853, 0859 (referring to 100 days since the Seleka Coup); email: [CAR-OTP-2124-0002-R03](#) at 0002-0003 (listing the functions of various FROCCA members including **NGAISSONA**). The FROCCA Protocol Agreement was attached to an email sent to **NGAISSONA** on 24 September 2013: [CAR-OTP-2124-0851](#) at 0851, and its other attachments listing possible FROCCA activities in FRANCE and CAR: [CAR-OTP-2124-0861](#) at 0861-0865 and [CAR-OTP-2124-0867](#) at 0867-0868. *See also* D30-4720: [T-280](#), p. 75, lines 7-13, p. 75, line 22-p. 76, lines 1, 23-25; [T-281](#), p. 24, line 20-p. 25, line 5; [CAR-OTP-2132-1254](#) at 1255, **11/10/2013, 21:59:24**; [CAR-OTP-2129-1690](#) at 1690; [CAR-OTP-2091-1720](#).

<sup>167</sup> FROCCA's Protocol Agreement: [CAR-OTP-2124-0852](#) at 0859; [CAR-OTP-2124-0851](#) at 0851.

<sup>168</sup> P-2926: [CAR-OTP-2127-4289](#) at 4307, para. 41; P-2625: [T-189](#), p. 23, lines 16-24; P-0884: [T-055](#), p. 43, lines 19-22. *See also* the reference to **NGAISSONA** as "the people from FRANCE" in [CAR-OTP-2102-2520](#) at 2641, 14/10/2013, 21:42:32-21:43:59.

<sup>169</sup> P-0808: [T-069](#), p. 23, line 9-p. 24 line 2.

<sup>170</sup> [CAR-OTP-2130-3299](#) at 3299.



to FROCCA is shown by his further interactions with **NGAISSONA**, who is exercising his designated role in the group.<sup>171</sup>

89. Several other of **NGAISSONA**'s contemporaneous communications demonstrate his active role in FROCCA. For instance, on 13 August 2013, **NGAISSONA** forwarded to **POUSSOU** the body of a 16 July 2013 email from **NGAYA**, wherein **NGAYA** acknowledges, *inter alia*, that « *le but ultime de ce mouvement est surtout d'exiger la destitution de fameux DOTODJA, et le retour au pouvoir du Président BOZIZE qui a été victime d'une injustice internationale* ». <sup>172</sup> The same day, **NGAYA** sent **NGAISSONA** a copy of an 'Appel Patriotique' distributed in BANGUI on behalf of FROCCA.<sup>173</sup> Significantly, the *Appel Patriotique* contained the same anti-Muslim rhetoric expressed by FROCCA in several press communiqués,<sup>174</sup> scapegoating Islam *in general* for crimes committed by the Seleka.<sup>175</sup>

90. **NGAISSONA**'s review of the *Appel Patriotique* confirms his active discharge of his designated role in FROCCA, as a 14 August 2013 email with **NGAYA** reflects. In their exchange, **NGAISSONA** suggested changes to the document, and indicates that **BOZIZE** (the "Autorité") wanted to read it.<sup>176</sup> His role in FROCCA is also shown in a contemporaneous 14 August 2013 FACEBOOK message between **YAKETE** and **BONGOLO** on the launch of FROCCA's website, wherein he noted **NGAISSONA**'s agreement to hold a "strategic meeting" on the matter.<sup>177</sup>

**iv. FROCCA advocated force and supported violence**

91. In an interview with RFI in relation to FROCCA's establishment, published on 10 August 2013, when asked directly whether a return to the constitutional order meant re-taking power in CAR, **BOZIZE** confirmed directly, « *Oui reprendre le pouvoir. Si l'occasion se présente, je le ferai* ». Pressed on whether he intended to do so through political means or by arms, his cryptic answer spoke volumes: « *La voie politique, puisque la voie des armes ne vient que lorsque la solution politique n'est pas trouvée, bon, bah, on choisit la voie des armes. Ça a été toujours comme ça* ». <sup>178</sup>

92. In another interview, published on 16 August 2013, **BOZIZE** confirmed that he was in contact with some FACA in hiding. On that occasion however, when asked whether he

<sup>171</sup> [CAR-OTP-2130-3300](#) at 3300; [CAR-OTP-2130-3298](#) at 3298.

<sup>172</sup> [CAR-OTP-2130-3303](#) at 3303-3304.

<sup>173</sup> [CAR-OTP-2130-3306](#) at 3306. See also [CAR-OTP-2124-0004-R02](#) at 0005; [CAR-OTP-2124-0007](#) at 0007.

<sup>174</sup> [CAR-OTP-2124-0007](#) at 0007.

<sup>175</sup> [CAR-OTP-2124-0007](#) at 0007.

<sup>176</sup> [CAR-OTP-2130-3306](#) at 3306.

<sup>177</sup> [CAR-OTP-2100-4217](#) at 422014/08/2013, 13:07:27. See also, [CAR-OTP-2124-0002-R03](#) at 0002-0003, where Thierry BONGOLO is listed as being in charge of 'Youth/ Mobilisation/Sensibilisation'.

<sup>178</sup> [CAR-OTP-00036359](#) from [00:00:55] to [00:05:37], transcript [CAR-OTP-00036817](#) (emphasis added).

intended to take up arms, BOZIZE responded: « *Je ne m'interdis rien, mais ce n'est pas d'actualité* ». <sup>179</sup> His response corresponds with the testimony of P-0801 that « *Et avec ce mouvement FROCCA, il [BOZIZE] utilisera maintenant tous les moyens — je dis bien tous les moyens — pour revenir au pouvoir par tous les moyens* ». <sup>180</sup>

93. With the aim of returning BOZIZE to power (article 1), the FROCCA Protocol Agreement provided for three contingent plans: diplomatic, political, and strategic (article 2). In terms of modalities (article 3), the document expressly foresaw, *inter alia*, putting in place a « *Coordination Stratégique, avec des points focaux dans les pays voisins de la République Centrafricaine, et dans les différentes régions du pays* »; and providing « *à chaque entité les moyens indispensables pour la conduite et le succès des actions* ». <sup>181</sup>

94. FROCCA's mobilisation efforts toward orchestrating a militarised campaign in CAR is clear from its founding document, the evidence of P-0801, P-2526, and P-1847, <sup>182</sup> as well as FACEBOOK messages and other public documents. <sup>183</sup>

**v. FROCCA continued BOZIZE's blueprint for mobilising support through anti-Muslim rhetoric**

95. As noted above, FROCCA used the threat of 'Islamisation' to frighten and mobilise the non-Muslim population in advancing its objective. They claimed that CAR had to be protected from the 'foreigners' — Muslims, including civilians — presumed to support the Seleka, regardless of their nationality. Their propaganda was designed to promote, and did promote, ethnic division and hatred of the Muslim population.

96. P-2926 explained that FROCCA promoted the rhetoric of BOZIZE, YAMBETE, YAKETE, and NGAISSONA expressed at the start of the conflict, which: « *conceptualise la lutte contre les musulmans en mettant en avant la notion de « centrafricanité » empruntée au*

<sup>179</sup> [CAR-OTP-2001-4146](#) at 4147-4148.

<sup>180</sup> P-0801: [T-034](#) [FR], p. 31, lines 19-27; [T-034](#) [ENG], p. 34, lines 4-19. According to P-1847, BOZIZE was already organising the military to take back power and chase the Seleka before August 2013: P-1847: [T-023](#), p. 18, line 14; p. 20 line 4.

<sup>181</sup> FROCCA Protocol Agreement [CAR-OTP-2124-0852](#) at 0854-0856, articles 1-3 (emphasis added).

<sup>182</sup> FROCCA's plan included military action: P-0801: [T-034](#), p.32, line 17-p.34, line 18; p.37, lines 13-16, p. 41, line 22-p. 42, line 17; p. 43, line 9-p. 44, line 5, p. 46, lines 3-5, p. 47, lines 18-20; P-2625: [T-189](#), p. 36, lines 9-21; *commentary on* [CAR-OTP-2124-0852](#) at 0854-0855 by P-1847: [T-023](#), p. 51, line 24-p. 52, line 1, p. 52, line 9-p. 54, line 1. *See also* [CAR-OTP-2100-6685](#) at 6691-6692, 04/08/2013, 20:43:33-20:57:16. FROCCA member D30-4720's ignorance on this point is consistent with her testimony that she never received any FROCCA emails (as she did not have an email account at the time), nor saw any FROCCA documents, including press releases, never heard of any military branch of FROCCA, and that BOZIZE was a very discreet man, who would only confide in his children about what he wanted to do. D30-4720 also confirmed her lack of awareness of any 'private' FROCCA meetings, adding that she had "no way of knowing this": D30-4720: [T-281](#), p. 17, line 1-p. 18, line 18, p. 36, lines 11-12; [T-282](#), p. 7, lines 4-21.

<sup>183</sup> [CAR-OTP-2101-8129](#) at 8130, 06/08/2013, 07:58:56; [CAR-OTP-2100-9951](#) at 9961, 14/08/2013, 13:46:22-13:51:23; [CAR-OTP-2091-1804](#) at 1804-1805; [CAR-OTP-2091-1779](#) at 1779-1780; [CAR-OTP-2001-4146](#) at 4146-4148; [CAR-OTP-2069-3544-R01](#) at 3544; [CAR-OTP-2088-3053](#) at 3055.

*contexte politique ivoirien* ». <sup>184</sup> The FROCCA Protocol Agreement refers to ‘*mercenaires islamistes*’ and ‘*envahisseurs islamistes sans foi ni loi*’. <sup>185</sup> As YAKETE’s letter to the French Authorities later confirmed, the group was created simply « *en vue de poursuivre le travail de sensibilisation entamé à Yaoundé* ». <sup>186</sup>

97. Press-communicues and public statements issued by FROCCA members, including BANOUKEPA, BOZIZE, and YAKETE, sought to mobilise the (non-Muslim) population through fear-mongering and disinformation, despite the obvious danger that the Muslim community would be collectively assimilated with the so-called “islamists” and the “dijihadists”, to be eliminated from CAR. As early as 5 August 2013, FROCCA’s claims were more direct, asserting that 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 “*islamis[e]*” CAR. <sup>187</sup> In their FACEBOOK messages, members of BOZIZE’s inner circle repeated the same rhetoric. <sup>188</sup>

**vi. NGAISSONA participated in FROCCA’s mobilisation effort**

98. NGAISSONA attended meetings in which FROCCA’s tactics in manipulating the non-Muslim population to mobilise were discussed. <sup>189</sup> Although it was known among its members that there was no actual Islamisation taking place by the Seleka, as P-2625 testified, having attended the FROCCA meetings, the group used the false narrative to advance its objectives. <sup>190</sup> Nevertheless, NGAISSONA not only engaged with the development of appeals containing the group’s inflammatory and dangerous rhetoric, but distributed FROCCA pamphlets containing the same. <sup>191</sup>

<sup>184</sup> P-2926: [CAR-OTP-2127-4289](#) at 4307, para. 42.

<sup>185</sup> FROCCA Protocol Agreement [CAR-OTP-2124-0852](#) at 0854-0855, articles 1 and 2.

<sup>186</sup> [CAR-OTP-2129-1677](#) at 1681 (emphasis added).

<sup>187</sup> For FROCCA press releases see: [CAR-OTP-2094-0387](#) at 0387-0393, 0964 at 0387-0390, 0393; [CAR-OTP-2091-1732](#) at 1733; [CAR-OTP-2091-1722](#) at 1722-1723. For additional public statements/interviews by Lin BANOUKEPA, BOZIZE, KOKATE, and YAKETE see: [CAR-OTP-2069-3540](#) at 3540-3541; [CAR-OTP-2091-1728](#) at 1718-1730; [CAR-OTP-2001-4016](#) at 4016-4017; [CAR-OTP-2123-0469](#) at 0469-0470; [CAR-OTP-2001-4043](#) at 4043-4044; [CAR-OTP-2089-0056](#) at 0057-0058; [CAR-OTP-2088-2034](#) from [00:00:00] to [00:02:11], translation [CAR-OTP-2107-1596](#) at 1597, l. 11-23; [CAR-OTP-2091-1739](#) at 1739-1740; [CAR-OTP-2091-1783](#); [CAR-OTP-2091-1804](#) at 1804-1805; [CAR-OTP-2091-1779](#) at 1779-1780, at 1783; [CAR-OTP-00036359](#) from [00:00:55] to [00:05:37], transcript [CAR-OTP-00036817](#). See also D30-4720: [T-281](#), p. 27, line 19-p. 28, line 1. For statements published on the FACEBOOK account Bangui FROCCA see: [CAR-OTP-2091-0434](#) at 0434, BANGUI FROCCA, 12/08/2013, 08:22:26; [CAR-OTP-2114-0543](#) at 0548, BANGUI FROCCA, 12/08/2013, 08:19:51.

<sup>188</sup> See below, Section III, B, e, paras.335-336.

<sup>189</sup> P-2625: [T-189](#), p. 70 line 13-p. 75, line 22; [T-190](#), p. 16, lines 4-19.

<sup>190</sup> P-2625: [T-189](#), p.70, lines 10-25.

<sup>191</sup> [CAR-OTP-2124-0007](#) and its forwards to POUSSOU [CAR-OTP-2124-0823](#); [CAR-OTP-2130-3303](#); and [CAR-OTP-2124-0004-R02](#).

**vii. FROCCA sought to develop a military capacity**

99. In August and September 2013, politico-military groups in CAR purported to align themselves with FROCCA, including YAKETE's *Mouvement Révolutionnaire Populaire pour la Libération* ("MOREPOL") and KOKATE's *Collectif des Officiers Libres* ("COL").<sup>192</sup> Their public so-called adhesion statements would also serve to mobilise further support for FROCCA and its objectives from the Youth.

100. At the same time, FROCCA expanded its influence over the Youth by creating focal points under its leadership.<sup>193</sup> It also enlisted FACA as well as new recruits. BOZIZE alluded to this in his interview published on 16 August 2013, stating: « *Nous sommes d'ailleurs en contact avec certains d'entre eux, ainsi qu'avec les FACA qui se cachent.* »<sup>194</sup> In fact, FACA loyal to BOZIZE (in hiding) were called upon to reinforce the self-defence groups and new recruits in GOBERE, at the CAMEROON-CAR border, in ZONGO, and in BANGUI, providing them with training and weapons.<sup>195</sup>

**i. JUNE 2013 – NGAISSONA executed his coordinating role in mobilising the Youth in BANGUI and liaising with operators there AUGUST 2013 – NGAISSONA executed his coordinating role in mobilising the Youth in BANGUI and liaising with operators there**

101. In line with his tasks assigned in CAMEROON, and his designation as the FROCCA's « *Responsable des affaires intérieures et des associations* », NGAISSONA activated his network in BANGUI, liaising with individuals on the ground.

102. NGAISSONA's emails<sup>196</sup> show that, as early as June 2013, he sought actors on the ground in BANGUI to influence, organise, and mobilise the population. They reflect

<sup>192</sup> See ICC-01/14-01/18-Conf-AnxB (List of Individuals and Organizations supporting BOZIZE). For COL of KOKATE see [CAR-OTP-2103-4844](#) at 4844, 17/08/2013, 17:27:11; [CAR-OTP-2084-1163](#) at 1163-1164; [CAR-OTP-2043-0201](#); [CAR-OTP-2069-3544-R01](#); [CAR-OTP-2088-3053](#) at 3055. For MOREPOL see [CAR-OTP-2101-8129](#) at 8130, 05/08/2013-06/08/2013, 06:53:34-07:58:56; [CAR-OTP-2074-0445](#) at 0446; [CAR-OTP-2103-4841](#) at 4841, 17:42:30; [CAR-OTP-2103-4846](#) at 4848, 05/10/2013, 12:33:12-12:44:48; [CAR-OTP-2001-4043](#); [CAR-OTP-2088-2398](#) at 2400.

<sup>193</sup> [CAR-OTP-2081-1414](#); [CAR-OTP-2081-1416](#); [CAR-OTP-2081-1418](#); [CAR-OTP-2081-1420](#); [CAR-OTP-2081-1430](#); [CAR-OTP-2081-1432](#); [CAR-OTP-2081-1435](#).

<sup>194</sup> [CAR-OTP-2001-4146](#) at 4147-4148.

<sup>195</sup> P-1847: [CAR-OTP-2122-8251-R01](#) at 8260, para. 77; [T-023](#), p. 56, lines 15-19; P-0992: [CAR-OTP-2128-0288-R02](#) at 0311, para. 144-145; [T-092](#), p. 28, line 1-p. 29, line 1; [CAR-OTP-2001-0835](#) at 0845, para. 28; [CAR-OTP-2001-0409](#) at 0410, para. 5; [CAR-OTP-2068-0118](#) – see commentary by P-1521: [T-081](#), p. 19, line 3-p. 25, line 13; P-2012: [CAR-OTP-2091-0127-R01](#) at 0134, 0136, para. 34, 45; P-2926: [T-032](#), p. 80, lines 3-8; P-1577: [CAR-OTP-2081-0769-R01](#) at 0792; [T-027](#), p. 46, lines 14-20; [T-028](#), p. 42, line 25-p. 43, line 14; [CAR-OTP-2001-2564](#) at 2578; [CAR-OTP-2032-0034](#) at 0035; [CAR-OTP-2001-0984](#) at 0984; [CAR-OTP-2001-5739](#) at 5782-5783; [CAR-OTP-2001-4020](#) at 4020. See also [CAR-OTP-2101-9735](#) at 9834, 27/10/2013, 19:41:39-19:52:21 – see commentary by P-2841: [CAR-OTP-2127-4238-R01](#) at 4265, para. 155.

<sup>196</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), paras. 13-15, 20-24, incorporated herein by reference.

NGAISSONA and NGAYA's 31 July 2013 discussion on instigating a 'popular insurrection' in BANGUI, together with the start of military operations. NGAYA stated: « *nous souhaitons obtenir de vous une proposition de date, pour nous permettre de programmer les actions d'insurrection populaire. Par ailleurs, si ces opérations doivent commencer par la province, il ne sera pas utile de pousser Bangui dans la rue aussi vite. Cette insurrection populaire de Bangui sera efficace si les opérations militaires débutent par Bangui. Nous attendons vos propositions afin de nous organiser en conséquence.* »

103. In reply, on 2 August 2013, NGAISSONA confirmed he would soon have information on the operations and to keep in contact.<sup>197</sup> This is consistent with NGAISSONA's discussions with other FROCCA members in this period regarding planned military operations on the ground.<sup>198</sup>

104. NGAISSONA's organisation of the BANGUI Youth, and his close liaising with NGAYA is further corroborated by P-0992, who confirmed that from CAMEROON, NGAISSONA was informed of the resistance movement. P-0992 clarified that NGAISSONA was "outraged that foreigners from elsewhere [...] could attack our country and its inhabitants". He felt that the CAR "had opened its doors" to them and that he, NGAISSONA, "could not accept what was happening". NGAISSONA said that "he would do everything to return to the country", the reason why he decided to organise the Youth (« *NGAISSONA avait décidé d'encadrer ces jeunes, ces enfants* »). P-0992 also confirmed that NGAYA was a liaison, relaying back information from NGAISSONA regarding meetings he attended in CAMEROON with BOZIZE, KOUDEMON, and others.<sup>199</sup>

105. FACEBOOK messages corroborate NGAISSONA's mobilisation efforts. They show that on 17 August 2013, at BOZIZE's request, NGAISSONA activated his BOY-RABE network to organise protests and agitation during DJOTODIA's 18 August 2013 inauguration.<sup>200</sup> As indicated above, P-2841 testified that LAKOUETENE received money from Maxime MOKOM for the same purpose.<sup>201</sup>

<sup>197</sup> See in particular [Prosecution Email Evidence Bar Table Motion](#), para. 20, incorporated herein by reference. Whilst P-0808 admitted contact with NGAISSONA in this period to discuss actions that helped "create pressure which led, [...], to DJOTODIA's resignation (see P-0808: [CAR-OTP-2093-0010-R02](#) at 0015-0016, 0020-0021, para. 30, 58; P-0808: [T-069](#), p. 11, line 22-p. 22, line 15), he was evasive in Court regarding the meaning of 'military operations' in the emails referred to above (see P-0808: [T-069](#), p. 13, line 22-p. 14, line 4).

<sup>198</sup> See further, Section III, A, k, v.

<sup>199</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0055-0056, para. 38; [CAR-OTP-2128-0288-R02](#) at 0304-0305, para. 104, 108.

<sup>200</sup> [CAR-OTP-2101-8599](#) at 8641-8642, 19/08/2013, 10:51:47-10:59:50; [CAR-OTP-2101-9735](#) at 9773-9774, 21/08/2013, 18:59:28-19:08:12.

<sup>201</sup> See above, para. 80.

106. Likewise, P-0884 testified that following [REDACTED], Bernard MOKOM recruited him, and he was put in contact with Maxime MOKOM and further contacted by NGAISSONA. P-0884 testified that in this period he and NGAISSONA called each other about two or three times a week.<sup>202</sup> P-0884 testified that Maxime MOKOM, Bernard MOKOM, NGAISSONA and KOKATE were well aware of the situation on the ground and the activities of the Group, and organised military operations in the field, and the Anti-Balaka's advance toward BANGUI.<sup>203</sup>

**j. AUGUST 2013 onwards - NGAISSONA mobilised, supported, and equipped self-defence groups, new recruits, FACA and PGs [Structuring, liaising, financing and weapons]**

**i. General**

107. Consistent with the plan set out in FROCCA's founding document, NGAISSONA helped mobilise and equip existing self-defence groups, new recruits, FACA and PGs in strategic positions in BANGUI, ZONGO, around GOBERE (near BOSSANGO), and along the CAMEROON and CAR border, to prepare and execute attacks against Seleka positions.

108. P-1847's testimony establishes that originally, Bernard MOKOM was tasked by BOZIZE to contact the Anti-Balaka in BOSSANGO, at the CAMEROON border, and in CAR, whereas KOKATE was put in charge of contacting and organising former FACA at the CAMEROON border.<sup>204</sup> The evidence below shows that NGAISSONA and Bernard MOKOM, together were involved in both, long before the 5 December 2013 attacks.

**ii. NGAISSONA participated in coordinating the actions on the ground**

109. Despite attempting to retract his prior testimony,<sup>205</sup> P-1847's evidence confirms that, before the 5 December 2013 attacks, NGAISSONA gave direct orders and instructions by phone to the Anti-Balaka, including the military, in CAR and at the border. P-1847 explained that in terms of hierarchy, BOZIZE was on top, followed by NGAISSONA and then Bernard

<sup>202</sup> P-0884: [T-055](#), p. 13, line 11-p. 18, line 5.

<sup>203</sup> See below, para.117 and further.

<sup>204</sup> P-1847: [T-023](#), p. 21, line 12-p. 29, line 22; [CAR-OTP-2061-1534-R01](#) at 1545-1547, para. 75, 83-87.

<sup>205</sup> P-1847's prior recorded testimony explicitly implicates NGAISSONA in the plan to retake power, detailing his direct involvement and the several contributions he made toward furthering the Anti-Balaka's military and logistical preparations. P-1847's attempts to recant his earlier statements — the truth, accuracy, and reliability of which he affirmed under oath at the start of his testimony are clear in the record, and his prior statements should be credited, particularly where inconsistent with his oral testimony in respect of NGAISSONA's culpable conduct. To this extent, the Prosecution incorporates by reference its submissions set out in its previous filing pursuant to Rule 68(2)(d) regarding unlawful interference with P-1847. See ICC-01/14-01/18-1971-Conf ("[Prosecution P-1847 Prior Recorded Testimony Request](#)").

MOKOM; that all three would meet regularly; and that BOZIZE also communicated with **NGAISSONA** through BOZIZE *aide de camp* WAPOUNABA.<sup>206</sup>

110. P-0801 corroborated P-1847's evidence that **NGAISSONA** organised and funded the Anti-Balaka, and that he was coordinating military actions before his 14 January 2014 return to BANGUI.<sup>207</sup> P-0801 confirmed that **NGAISSONA** was very close to BOZIZE acted as his liaison person, passing on BOZIZE's messages.<sup>208</sup> Likewise, P-0291's account establishes that BOZIZE, his sons, and **NGAISSONA** directed and financed the Anti-Balaka.<sup>209</sup>

111. P-2673 testified that, from YAOUNDE, **NGAISSONA** was in phone contact with the Anti-Balaka and their chiefs stationed in BOUAR, BOSSANGO, and BOUCA, including with NDALE, ANDJILO, and the chiefs in BOSSANGO. He clarified that "**NGAISSONA** wanted to be a leader. The goal of **NGAISSONA**'s group was also to take power."<sup>210</sup> P-2673's evidence also establishes that the orders came from BOZIZE, **NGAISSONA**, and Bernard MOKOM.<sup>211</sup> P-2658 confirmed that KEMA and others, based in BOSSANGO, were in communication with **NGAISSONA**.<sup>212</sup>

112. P-0974 corroborates this. He testified that in January 2014, [REDACTED], **NGAISSONA** told SAMBA-PANZA about having organised meetings with ex-FACA from CAMEROON, and having been in telephone contact with elements in the provinces at the birth of the movement.<sup>213</sup> This is in line with P-0808's testimony that upon **NGAISSONA**'s return to BANGUI, he realised that **NGAISSONA** knew the Anti-Balaka very well and had prior links with the military.<sup>214</sup>

113. P-1719's testimony establishes that in YAOUNDE the inner circle consisted of **NGAISSONA**, Bernard MOKOM, YAKETE, KPEFIO, Francis BOZIZE, and others, but that **NGAISSONA** and Bernard MOKOM were heading the Anti-Balaka elements.<sup>215</sup>

114. FACEBOOK messages among persons close to BOZIZE's inner circle confirm **NGAISSONA**'s role. They show that, on or about 29 August 2013, **NGAISSONA**, BOZIZE,

<sup>206</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1552-1558, paras 112-114, 118,126, 130, 138, 152.

<sup>207</sup> P-0801: [T-034](#), p. 51, line 17-p.53, line 8; [T-035](#), p. 8, lines 6-9; p. 12, lines 12-16.

<sup>208</sup> P-0801: [T-034](#), p. 31, line 18-p. 32, line 1; [T-035](#), p.18, lines 19-25.

<sup>209</sup> P-0291: [CAR-OTP-2024-0036-R05](#) at 0055, para.118.

<sup>210</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6455, 6459, para. 132, 153, 155; P-2673: [T-041](#), p. 14, line 24-p. 15, line 5. See also P-2673: [CAR-OTP-2127-6435-R01](#) at 6453, para. 117-119.

<sup>211</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6442, para. 44.

<sup>212</sup> P-2658: [CAR-OTP-2126-0012-R02](#) at 0037, para. 164; [CAR-OTP-2135-3476-R01](#) at 3488-3489, para. 164; P-2658 [T-134](#), p. 60, lines 8-19, p. 61, lines 9-24, p. 62, line 15-p. 63, line 2.

<sup>213</sup> P-0974: [CAR-OTP-2058-0165-R01](#) at 0177, para. 80-81; [T-243](#), p. 9, line 6-p. 11, line 8, p. 13, line 14-p. 15, line 5; [CAR-OTP-2087-9027](#) – see commentary by P-0974: [T-243](#), p. 28, line 4-p. 31, line 4, p. 50, lines 19-25; p. 57, line 8-p. 58, line 15; [T-244](#), p. 30, line 25-p. 31, line 12, p. 33, line 17-p. 34, line 2; p. 35, l. 14-20.

<sup>214</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0021, para. 59.

<sup>215</sup> P-1719: [T-143](#), p. 24, line 21-p. 25, line 2.

YAKETE, KOKATE, and Francis BOZIZE, met in YAOUNDE,<sup>216</sup> and that BOZIZE explicitly called upon them to regain power.<sup>217</sup> NGAISSONA's subsequent move to DOUALA with YAKETE and KOKATE,<sup>218</sup> led [REDACTED] to conclude that actions were planned.<sup>219</sup> A FACEBOOK message of 31 October 2013, corroborates that NGAISSONA and Bernard MOKOM's assignment was originally limited to taking care of the Anti-Balaka, in coordination with KOKATE who was responsible for military operations, but that they did not respect this arrangement.<sup>220</sup> P-2841 explained that NGAISSONA and Bernard MOKOM did not want him [KOKATE], as "they wanted to be in charge themselves, hence their behaviour to put him in a difficult position. In these types of situations, the person who has the most connections and means, gets the power".<sup>221</sup>

115. Likewise, commenting on his FACEBOOK message of 27 November 2013, showing that NGAISSONA and Bernard MOKOM are believed to be coordinating the Anti-Balaka and KOKATE the military, D30-4848 testified that at the time, this information had been gathered by different people.<sup>222</sup>

*iii. NGAISSONA executed his coordinating role together with Bernard and Maxime MOKOM*

116. The evidence demonstrates unequivocally that NGAISSONA exercised his coordinating role in collaboration with Bernard MOKOM and Maxime MOKOM.

117. P-0884 testified that NGAISSONA, Bernard MOKOM, Maxime MOKOM, and KOKATE organised Anti-Balaka military operations and the group's advance to BANGUI. He testified that they set up a team to coordinate the group's activities in CAMEROON, and that NGAISSONA was in regular contact with Maxime MOKOM.<sup>223</sup> P-1719 confirmed that NGAISSONA, Bernard MOKOM, and Maxime MOKOM played key-roles in the Anti-Balaka, before the 5 December 2013 attacks, clarifying "that at that time, whoever spoke about NGAISSONA was talking about Bernard MOKOM. They were together, they were living

<sup>216</sup> [CAR-OTP-2102-8179](#) at 8193-8194, 29/08/2013, 15:41:55-15:46:46; [CAR-OTP-2102-8009](#) at 8036, 29/08/2013, 16:12:19-16:14:56.

<sup>217</sup> [CAR-OTP-2102-4833](#) at 4933, 29/08/2013, 16:39:18-16:42:43.

<sup>218</sup> [CAR-OTP-2102-7512](#) at 7521, 01/09/2013, 10:46:42-10:49:57.

<sup>219</sup> [CAR-OTP-2132-2869](#) at 2881, 1/09/2013, 10:36:03-10:37:04.

<sup>220</sup> [CAR-OTP-2101-8599](#) at 8709-8710, 31/10/2013, 08:07:10-08:19:25.

<sup>221</sup> [CAR-OTP-2127-4238-R01](#) at 4265, para. 152-154.

<sup>222</sup> [CAR-OTP-2102-5471](#) at 5633-5634, 27/11/2013, 18:45:54-19:15:24 – see commentary by D30-4848: [T-297](#), p. 27, lines 7-21.

<sup>223</sup> P-0884: [T-055](#), p. 49, lines 14-20; P-0884: [T-055](#), p. 21, line 20-p. 22, line 1, p. 49, lines 14-21, p. 71, lines 13-21.



together, they were organising their projects together”.<sup>224</sup> Even D30-4679 confirmed hearing that **NGAISSONA** and [Bernard] MOKOM wanted to lead the assaults in the field.<sup>225</sup>

118. P-2232 elaborated on this, noting that Maxime MOKOM was in phone contact with his father, providing reports to CAMEROON so that they could know what was going on in the field and could supervise Maxime MOKOM’s activities. That P-2232’s reference to “the people in CAMEROON” includes **NGAISSONA**, is clear. He explained that if they had not been liaising, Maxime MOKOM would have become the Anti-Balaka National Coordinator. Instead, because they were ‘working together’ and ‘talked all the time’, **NGAISSONA** and Bernard MOKOM « [ont pris] la direction de la coordination »; whilst Maxime MOKOM coordinated operations. P-2232 further explained that, when **NGAISSONA** was designated National General Coordinator on their return to BANGUI, Bernard MOKOM served as his adviser, while Maxime MOKOM was charged with coordinating Anti-Balaka operations. P-2232 concluded that “the work was done together and they came to BANGUI with this set up.”<sup>226</sup>

119. P-2673 likewise considered that **NGAISSONA** and Maxime MOKOM were in contact, given their communication with the Anti-Balaka chiefs on the ground and that **NGAISSONA** was ‘with Bernard MOKOM’.<sup>227</sup>

120. Several witnesses further confirmed the close contacts between Bernard MOKOM and Maxime MOKOM in this period: P-1847’s evidence shows that on FROCCA’s creation, Maxime MOKOM was in permanent contact with his father regarding the coordination of the Anti-Balaka.<sup>228</sup> P-0889, [REDACTED], testified that he kept Bernard MOKOM fully abreast of the developments in GOBERE, including information he received from GODONAM.<sup>229</sup> Further, as P-1847 and others establish, **NGAISSONA** liaised directly with GODONAM.<sup>230</sup>

121. FACEBOOK messages among persons close to BOZIZE’s inner circle corroborate the testimony that **NGAISSONA** was working closely with Bernard MOKOM (*see further*). Messages (including from Maxime MOKOM himself) confirm that **NGAISSONA** was liaising with Maxime MOKOM.<sup>231</sup>

<sup>224</sup> P-1719: [T-141](#), p. 42, line 4-p. 43, line 2; [T-142](#), p. 20, lines 11-20, p. 26, line 24-p. 27, line 2.

<sup>225</sup> D30-4679: [T-301](#), p. 58, lines 8-12.

<sup>226</sup> P-2232: [T-076](#), p. 19, line 10-p. 20, line 10, *see also* [T-076](#) FR, p.18, line 22-p. 19, line 25; [T-078](#), p. 39, line 1-p. 40, line 1.

<sup>227</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6455-6456, para. 132.

<sup>228</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1549, para. 102.

<sup>229</sup> P-0889: [CAR-OTP-2122-7600-R02](#) at 7619-7620, lines 736-739, 785-794; [CAR-OTP-2122-7626-R02](#) at 7647, lines 834-837.

<sup>230</sup> *See* paras. 69, 124, and Section III, A, I.

<sup>231</sup> [CAR-OTP-2102-6699](#) at 7122-7123, 03/01/2014, 17:55:56-18:07:31; [CAR-OTP-2066-2142](#) at 2158-2159, 13/01/2014, 20:07:00-20:21:53; [CAR-OTP-2101-8987](#) at 8995-8996, 28/09/2013, **17:58:38-18:12:51**.

*iv. NGAISSONA invited members of the KNK, FACA, and chiefs of self-defence groups to meetings in YAOUNDE toward structuring the Anti-Balaka*

122. Prosecution and Defence witnesses confirmed that, after BOZIZE left YAOUNDE,<sup>232</sup> members of his family, close protection, and entourage stayed at the Golf Residence, temporarily or permanently.<sup>233</sup>

123. Further, NGAISSONA and Bernard MOKOM were consistently in close contact, including at the Golf Residence,<sup>234</sup> and through their return to BANGUI together on 14 January 2014.<sup>235</sup>

124. NGAISSONA and Bernard MOKOM were meeting with members of the KNK, FACAs and PGs, and chiefs of self-defence groups in YAOUNDE, before the 5 December 2013 attacks, *i.e.*, ‘to form an armed group to fight DJOTODIA’.<sup>236</sup> Numerous witnesses testified that NGAISSONA and Bernard MOKOM met with (i) various KNK members, including GBANGA, KPEFIO, and GALLAUT; (ii) military leaders, including KOKATE, Eugene NGAIKOSSET, YAMBETE, and LAMKAGUE; (iii) FACA members in BERTOUA, including NGBOYA and KOUDEMON (aka GBANGOUMA); (iv) individuals stationed in GAROUA-BOULAI, including SABE, Aaron OUILIBONA, and Rocca MOKOM; and (v) Adamou NDALE and Achille GODONAM, who led ‘self-defence’ groups.<sup>237</sup> Most of these

<sup>232</sup> [CAR-OTP-2079-0574](#) at 0574; P-1847: [CAR-OTP-2061-1534-R01](#) at 1538-1539 para. 24-25, 29; [T-023](#), p. 20, lines 5-25.

<sup>233</sup> Including his sons, his older brother referred to as ‘père’ EMTENOU, BOZIZE’s *aide de camp* WAPOUNABA, [REDACTED], Firmin Junior DANBOY, D30-4679, Eugène NGAIKOSSET, and Hector EMTENOU: *see* D30-4679: [T-299](#), p. 31, line 21-p. 32, line 9, p. 46, line 8-p. 47, line 4, p. 57, line 4-12, p. 60, line 21-p. 61, line 5, p. 66, line 8-p. 69, line 12, p. 70, lines 1-6, p. 74, lines 9-13; P-2673: [CAR-OTP-2127-6435-R01](#) at 6442-6443, 6449 para. 44, 48, 52, 91; P-0884: [T-054](#), p. 56, lines 9-15; P-0801: [T-034](#), p. 57, lines 9-16; P-1847: [CAR-OTP-2061-1534-R01](#) at 1561, para. 176; [T-023](#), p. 20, lines 9-25.

<sup>234</sup> On NGAISSONA’s residence at the Golf, with Bernard MOKOM: P-1847: [CAR-OTP-2061-1534-R01](#) at 1552, 1561-1562, para. 114, 176; P-1847: [T-023](#), p. 24, lines 14-19, p. 42, lines 4-7, p. 43, line 20-p. 44, line 2, p. 49, lines 11-13, p. 50, lines 21-25, p. 63, lines 23-24; P-2673: [T-041](#), p. 20, lines 10-19; [T-042](#), p. 9, line 21-p. 10, line 8, p. 12, lines 18-20, p. 14, lines 13-25, p. 18, line 17-p. 19, line 2. *See also* [CAR-OTP-2102-2520](#) at 2643, 15/10/2013, 11:04:09-11:07:00.

<sup>235</sup> P-2673: [T-042](#), p. 12, lines 18-20, p. 14, lines 14-25; P-2232: [T-076](#), p. 20, lines 12-18; [CAR-OTP-2102-5471](#) at 5703-5704, 14/01/2013, 09:15:22-09:17:30 – *see commentary by* D30-4848: [T-298](#), p. 16, line 14-p. 17, line 23.

<sup>236</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6442, para. 44.

<sup>237</sup> On NGAISSONA meeting GBANGA, KPEFIO, GALLAUT: P-2673: [CAR-OTP-2127-6435-R01](#), at 6442, paras 43-48; P-2841: [CAR-OTP-2127-4238-R01](#) at 4257, para. 113; P-0884: [T-054](#), p. 54, lines 2-10, p. 56, lines 6-19, p. 57, line 21-p. 58, line 14, p. 60, lines 8-11; *see also* P-2673: [CAR-OTP-2127-6435-R01](#) at 6442, para. 43; P-1719: [T-141](#), p. 39, line 18-p. 40, line 20. On NGAISSONA meeting with KOKATE, NGAIKOSSET, YAMBETE, and LAMKAGUE: P-2027: [CAR-OTP-2078-0059-R03](#) at 0069-0070, para. 58, 61-65; P-2673: [CAR-OTP-2127-6435-R01](#) at 6445, 6449, paras 64, 86; P-2673: [T-041](#), p. 33, line 21-p. 34, line 4; P-1847: [CAR-OTP-2061-1534-R01](#) at 1561, para. 175-176. *See also* P-1719: [T-141](#), p. 53, lines 4-11; P-0884: [T-054](#), p. 60, lines 4-11. On NGAISSONA meeting with NGBOYA and KOUDEMON: P-2673: [CAR-OTP-2127-6435-R01](#) at 6459, para. 156; [T-041](#), p. 37, lines 19-21; P-2027: [CAR-OTP-2078-0059-R03](#) at 0069-0070, para. 58, 61-65; P-0884: [T-054](#), p. 60, lines 4-11. *See also* D30-4848: [T-296](#), p. 67, lines 9-15; P-2673: [T-042](#), p. 5, line 10-p. 6, line 6, p. 7, lines 1-12; P-2673: [T-041](#), p. 48, line 11-p. 49, line 1. *See also* P-1719: [T-142](#), p. 16, lines 7-13; [T-142](#), p.

individuals were key to strengthening the Anti-Balaka's capacity to carry out the 5 December 2013 attacks, an essential component of the Group's strategy to reclaim power.

125. P-2673 further explained that in YAOUNDE, **NGAISSONA** "brought together all the soldiers to mobilise and encourage them" and distributed a small amount of money to everyone "to boost their morale".<sup>238</sup> **NGAISSONA** likewise mobilised soldiers in DOUALA.<sup>239</sup>

126. Whist D30-4679 testified that **NGAISSONA** only 'sometimes' spent the night at the Golf Residence,<sup>240</sup> he confirmed that [REDACTED] (who provided funds to **NGAISSONA**<sup>241</sup>), Yvon SONGUET (who also financed the Anti-Balaka<sup>242</sup>), Eric DANBOY, Francis BOZIZE, and Franklin BOZIZE (who were both involved in procuring military equipment to the Anti-Balaka<sup>243</sup>) would visit **NGAISSONA** at the Golf Residence.<sup>244</sup>

**v. *NGAISSONA helped to provide money and ammunition including via Maxime and Bernard MOKOM***

127. **NGAISSONA** provided money, ammunition, food, medication, and Thuraya satellite phones to Anti-Balaka elements in the field both directly and indirectly, including through Bernard MOKOM and Maxime MOKOM.

128. P-1847's testimony establishes that before 5 December 2013, several key Anti-Balaka leaders received money from **NGAISSONA**, Bernard MOKOM, and [REDACTED], including DEDANE, AZOUNOU, (both stationed in GOBERE/BOSSANGO), and GODONAM, and NDALE (both stationed in BERTOUA<sup>245</sup>). P-1847 further explained that the money was provided through intermediaries or money transfer services « *en vue de perpétrer des attaques* » or to deploy elements from CAMEROON to fight in CAR. His testimony

26, lines 7-25; [T-142](#), p. 48, line 2-p. 49, line 15; [T-143](#), p. 27, lines 13-21; [T-143](#), p. 39, lines 5-25; [T-143](#), p. 40, line 21-p. 41, line 11; [T-144](#), p. 40, l. 15-21. On **NGAISSONA** and Bernard MOKOM meeting with GODONAM and NDALE: P-2673: [T-042](#), p. 4, lines 12-22, p. 12, line 18-p. 13, line 4; P-1847: [CAR-OTP-2061-1534-R01](#) at 1550, para. 105-107; [T-023](#), p. 20, lines 9-25; [T-023](#) FRA, p. 32, line 10-p. 33, line 6. On NGOYA and KOUDEMON being based in BERTOUA: P-2328: [T-046](#), p. 88, lines 6-16; P-1847: [CAR-OTP-2122-8251-R01](#) at 8263, para. 115; P-1719: [T-141](#), p. 64, lines 2-17, commenting on [CAR-OTP-2101-6428](#) at 6432, 31/10/2013, 14:08:11. [CAR-OTP-2102-4062](#) at 4065, 12/04/2013, 13:57:29; [CAR-OTP-2103-3761](#) at 3761, 3763, 23/07/2013, 12:45:26-12:53:34. On SABE, OUILIBONA, Rocca MOKOM being based in GAROUA-BOULAI: P-1719: [T-141](#), p. 51, lines 3-24; [T-142](#), p. 16, lines 7-13; *see also* [T-143](#), p. 18, line 1-p.19, line 12; P-2673: [CAR-OTP-2127-6435-R01](#) at 6445, para. 61-62.

<sup>238</sup> P-2673: [T-042](#), p. 7, lines 2-12, p. 9, lines 2-24.

<sup>239</sup> P-1847: [CAR-OTP-2122-8251-R01](#) at 8263, para. 115; P-1719: [T-141](#), p. 36, line 20-p. 37, line 7; [T-141](#), p. 44, line 1- p. 48, line 18; [T-142](#), p. 17, lines 13-22; [T-142](#), p. 19, line 1, p. 24, line 25-p. 25, line 18; *See also* D30-4679: [T-299](#), p. 91, lines 2-6, commenting on [CAR-OTP-2131-6407](#) at 6408, 04/11/2013, 06:34:22; D30-4848: [T-296](#), p. 39, lines 14-22.

<sup>240</sup> D30-4679: [T-299](#), p. 62, lines 17-19, p. 64, lines 2-8.

<sup>241</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6444, para. 55.

<sup>242</sup> [P-2625: T-188, p. 11, lines 12-20.](#)

<sup>243</sup> *See* paras. 78, 81, 253, and Section III, A, n, vii.

<sup>244</sup> D30-4679: [T-299](#), p. 31, line 22-p. 32, line 9, p. 52, lines 7-17, p. 52, line 24-p. 53, line 2.

<sup>245</sup> *See* para. 154.

establishes that the elements were promised additional military equipment and significantly, that **NGAISSONA** « *controlait et vérifiait si l'argent qu'il transférait aux combattants, était bien arrivé à destination et avait été utilisé aux fins projetées, par exemple l'achat des munitions* ». <sup>246</sup>

129. Numerous witnesses independently corroborate P-1847's testimony. P-0884 ([REDACTED]) testified that before 5 December 2013, **NGAISSONA** sent money to the Anti-Balaka elements through other individuals, including [REDACTED]. <sup>247</sup> P-1719 testified that **NGAISSONA** was supporting the Anti-Balaka at the financial level, in coordination with Maxime MOKOM. <sup>248</sup> P-2269's testimony establishes that **NGAISSONA** provided money to the Anti-Balaka in GOBERE, via MoneyGram. <sup>249</sup> Likewise, P-0966 confirmed that they received money for food and medication 'from CAMEROON', <sup>250</sup> which is corroborated by P-2232. <sup>251</sup> P-2658 confirmed he heard from DEDANE that 'chief' **NGAISSONA** promised to send ammunition and equipment 'for the battle', and that he saw DEDANE bringing back ammunition from BOSSANGOA before the attacks there. <sup>252</sup> D30-4551's testimony suggesting that P-2658's account is unreliable is as predictable as it is unpersuasive for the reasons set out in the Prosecution's filing on the matter. <sup>253</sup>

130. P-2625 testified that **NGAISSONA** informed FROCCA members as early as August 2013 that "he was financing the children out in the field and he considered these Anti-Balaka combatants out in the field as being his children" and "he was responsible for their upkeep". <sup>254</sup>

131. Moreover, as will be detailed further below, several witnesses confirm that **NGAISSONA** (i) provided money, ammunition, medication, and Thurayas to Anti-Balaka elements to enable them to attack BOUAR; (ii) provided money for elements in YAOUNDE to cross into CAR to participate in the BANGUI and BOSSANGOA attacks; (iii) was involved in securing money and/or military equipment and provisions for the Anti-Balaka in BANGUI and elsewhere, and liaised, inter alia, with [REDACTED], LAKOUETENE, and DOGUELA

<sup>246</sup> P-1847: [CAR-OTP-2122-8251-R01](#) at 8256, para. 45, at 8258 para. 60; [CAR-OTP-2061-1534-R01](#) at 1550, para. 104, at 1551, para. 112, at 1555, para. 132-135; [T-023](#), p. 55, line 10-p. 56, line 12.

<sup>247</sup> P-0884: [T-058](#), p. 99, lines 19-23.

<sup>248</sup> P-1719: [T-142](#), p. 23, line 23-p. 25, line 18.

<sup>249</sup> P-2269: [CAR-OTP-2111-0336-R01](#) at 0350-0351, para. 108-113.

<sup>250</sup> P-0966: [CAR-OTP-2031-0241-R03](#), at 0253, para. 68-69.

<sup>251</sup> P-2232: [T-078](#), p. 39, line 1-p. 40, line 1.

<sup>252</sup> P-2658: [CAR-OTP-2126-0012-R02](#) at 0037, para. 164; [CAR-OTP-2135-3476-R01](#) at 3488-3489, para. 164; [T-134](#), p. 60, lines 8-19, p. 61, lines 9-24, p. 62, line 15-p. 63, line 2.

<sup>253</sup> See ICC-01/14-01/18-2494-Conf ("Prosecution Response to Disclosure Violation Motion"), paras. 13-16. See also P-2049, who independently identifies D30-4551 as one of the [REDACTED], who financed the Anti-Balaka for the purposes of the BOSSANGOA attack: [CAR-OTP-2088-2173-R04](#) at 2186, para. 65.

<sup>254</sup> P-2625: [T-189](#), p. 35, line 18-p. 38, line 14. See also [CAR-OTP-2102-8009](#) at 8039, 05/09/2013, 06:13:34-06:41:08.

for such purposes; (iv) provided money to Maxime MOKOM in ZONGO; and (v) promised to support the Anti-Balaka elements after the 5 December attacks.

**k. SEPTEMBER 2013: The Anti-Balaka's first major attacks in and around BOSSANGO**

*i. The Anti-Balaka targeted Muslim civilians in repeated attacks on BOSSANGO and its surrounding areas in September 2013*

132. By September 2013 at the latest, the Anti-Balaka had become an organised armed group engaged in a sustained and intense armed conflict against the Seleka in western CAR.

133. Between 6-9 September 2013, the Anti-Balaka attacked several villages in the BOSSANGO area, including BOSSANGO, ZERE, BOWAYE, BENZAMBE, and BOUCA. The Anti-Balaka targeted not only the Seleka, but equally Muslim civilians whom they associated with the Seleka.<sup>255</sup> On 17 September 2013, the Anti-Balaka targeted the Muslim civilian population in a second attack on BOSSANGO.<sup>256</sup>

134. Several witnesses confirmed that Anti-Balaka ComZones LEBENE, KEMA, NDANGBA, and ANDJILO, among others, participated in the attacks, which were led by Maxime MOKOM's Deputy DEDANE.<sup>257</sup>

<sup>255</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2151-2152, para. 27-28; P-2926: [CAR-OTP-2127-4289](#) at 4304, para. 34; P-0966: [CAR-OTP-2031-0241-R03](#) at 0248-0251, para. 40-55; P-2251: [CAR-OTP-2093-0045-R01](#) at 0053, para. 49-51; P-2462: [T-059](#), p. 15, line 17-p. 17, line 12, p. 19, lines 3-17, p. 36, lines 9-12; P-0567: [CAR-OTP-2059-0084-R04](#) at 0096, para. 76, at 0107, para. 154; P-2657: [T-103](#), p. 13, line 8-p. 14, line 8; [T-104](#), p. 10, line 11-p. 11, line 20; P-0992: [CAR-OTP-2128-0288-R02](#) at 0304, para. 100; P-2453: [CAR-OTP-2111-0415-R04](#) at 0420-0425, para. 27-46; [T-136](#), p. 77, line 7-p. 80, line 23; P-2658: [CAR-OTP-2126-0012-R02](#) at 0016-0017, 0026, 0028-0030, para. 22, 23, 27, 87, 102, 105-118; [CAR-OTP-2135-3476-R01](#) at 3484-3486, para. 104-105, 111, 116; [T-134](#), p. 20, lines 15-22; [CAR-OTP-2075-0978](#) at 0978-0979; [CAR-OTP-2001-0835](#) at 0875, para. 1; [CAR-OTP-2049-0462](#) at 0501; [CAR-OTP-2001-2769](#) at 2786; [CAR-OTP-2001-2564](#) at 2578; [CAR-OTP-2001-2043](#) at 2045, 2051-2055; [CAR-OTP-2079-0622](#) at 0632, 0634; [CAR-OTP-2001-7017](#) at 7035, para. 46; [CAR-OTP-2001-0329](#) at 0337, para. 41; [CAR-OTP-2001-0391](#) at 0394, para. 9; [CAR-OTP-2101-3086](#) at 3091; [CAR-OTP-2055-1987](#) at 2122, 2242; [CAR-OTP-2001-2237](#) at 2242; [CAR-OTP-2100-1790](#) at 1791; [CAR-OTP-2084-1271](#) [00:00:50] to [00:03:33], transcript [CAR-OTP-2107-1570](#) at 1571-1573, lines 16-83; [CAR-OTP-2084-1275](#) [00:00:00] to [00:05:13], translation [CAR-OTP-2107-7117](#). For the 9 September 2013 attack on BOUCA, see: P-0966: [CAR-OTP-2031-0241-R03](#) at 0248, para. 42; [CAR-OTP-2001-2769](#) at 2786; P-2041: [CAR-OTP-2104-0003-R02](#) at 0007, para. 25-30; P-2652: [CAR-OTP-2126-0175-R01](#) at 0184, para. 47; P-0520: [CAR-OTP-2050-0788-R02](#) at 0799, para. 56; [CAR-OTP-2100-3030](#) at 3031, 09/09/2013, 16:06:23-09:51:09, at 3052, 10/11/2013, 20:38:36 – see commentary by P-2673: [T-041](#), p. 12, lines 11-25, p. 13, lines 22-24, p. 39, line 21-p. 40, line 3.

<sup>256</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2151-2153, para. 29-38; P-2049: [T-100](#), p. 62, line 21-p. 66, line 18; P-2453: [CAR-OTP-2111-0415-R04](#) at 0426, para. 49-51; P-0966: [CAR-OTP-2031-0241-R03](#) at 0250-0251, para. 54-55; [T-116](#), p. 48, line 25-p. 49, line 6; [CAR-OTP-2055-1987](#) at 2122; [CAR-OTP-2001-2769](#) at 2787; [CAR-OTP-2107-1169](#) [00:01:10] to [00:01:57], translation [CAR-OTP-2127-4626](#) at 4628-4629 lines 33-45; [CAR-OTP-2075-1046](#) at 1049; [CAR-OTP-2003-1592](#) at 1642, point 3. See also [CAR-OTP-2066-5308](#) [00:03:00] to [00:03:31], translation [CAR-OTP-2122-2307](#) at 2310, lines 97-102; [CAR-OTP-2085-2953](#) [00:06:29] to [00:11:40], translation [CAR-OTP-2122-2371](#) at 2378-2380, lines 169-243.

<sup>257</sup> P-2658: [CAR-OTP-2126-0012-R02](#) at 0028, 0030, para. 105, 119-122 (and the witness' corrections to his Prior Statement: [CAR-OTP-2135-3476-R01](#)); P-2232: [T-075](#), p. 42, lines 17-20, p. 45, lines 2-20, p. 52, lines 3-6, p. 54, lines 20-23; P-2049: [T-100](#), p. 28, line 24-p. 29, line 10, p. 34, lines 17-21, p. 40, lines 8-12, p. 45, lines 10-20, p. 45, line 25-p. 47, line 20, p. 52, lines 11-18, p. 52, line 20-p. 53, line 17, p. 54, line 20-p. 55, line 13, p. 62,

135. **NGAISSONA** was in communication with the GOBERE chiefs, including DEDANE, and was aware of Maxime MOKOM's coordinating role, directly and through Bernard MOKOM.<sup>258</sup> In addition, **NGAISSONA** had been involved in providing money to the GOBERE group.<sup>259</sup> Of note is P-1847's testimony, that **NGAISSONA** and Bernard MOKOM had financed the deployment of GODONAM's elements to fight in BOSSANGO.<sup>260</sup>

*ii. FACEBOOK messages show that members of BOZIZE's inner circle were fully appraised of the situation*

136. FACEBOOK messages provide a contemporaneous account in relation to the Anti-Balaka operations of 6-9 September 2013<sup>261</sup> and 17 September 2013.<sup>262</sup> They show that members of BOZIZE's inner circle and others close to them were involved in and/or monitoring the attacks closely, such as Eugène NGAIKOSSET, YAMBETE, [REDACTED].<sup>263</sup>

137. FACEBOOK exchanges among these individuals also show that on or around 7 September 2013, ammunition for the attack was provided through Claude and Eugène

l. 20-p. 66, l. 23, including commentary on [CAR-OTP-2073-1329](#) [00:02:16] to [00:03:54], translation [CAR-OTP-2127-6597](#) at 6599-6600, lines 29-53 and [CAR-OTP-2088-2200](#); P-0992: [CAR-OTP-2128-0288-R02](#) at 0303-0304, para. 96, 101; P-2602: [CAR-OTP-2118-9598-R01](#) at 9600-9602, lines 44-128; [CAR-OTP-2102-5143](#) at 5153-5154, 17/09/2013, 10:19:09-11:43:55; [CAR-OTP-2100-3030](#) at 3032, 17/09/2013 10:42:15-11:11:48. For Maxime MOKOM's coordinating role over DEDANE, see also above, paras. 66-68.

<sup>258</sup> See above, Section III, A, j, in particular para. 124. See also, para.69.

<sup>259</sup> See above, Section III, A, j, in particular paras. 128-129. See also, para.69.

<sup>260</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1550, para. 104; P-2232: [T-077](#), p. 5, lines 17-23. See also [CAR-OTP-2102-8374](#) at 8374-8375, 08/09/2013, 20:31:58; [CAR-OTP-2101-6366](#) at 6371, 22/07/2013, 20:55:48; [CAR-OTP-2101-9451](#) at 9464-9466, 26/07/2013, 19:54:10-19:57:10. See also above, para.69.

<sup>261</sup> [CAR-OTP-2102-7585](#) at 7587-7588, 08/09/2013, 15:33:56-15:52:51; [CAR-OTP-2102-8374](#) at 8374 – 8375, 08/09/2013, 20:31:58; [CAR-OTP-2102-8207](#) at 8218-8219, 08/09/2013, 20:37:19-20:52:48; [CAR-OTP-2102-8254](#) at 8256, 08/09/2013, 20:55:38-21:00:03; [CAR-OTP-2101-9402](#) at 9408, 08/09/2013, 19:54:58; [CAR-OTP-2102-6699](#) at 6763-64, 07/09/2013, 12:27:03 – 13:04:12; [CAR-OTP-2103-4073](#) at 4076-4077, 09/09/2013, 18:59:24–19:21:46.

<sup>262</sup> [CAR-OTP-2131-5407](#) at 5490, 17/09/2013, 05:38:45–07:49:49; [CAR-OTP-2100-3030](#) at 3032, 17/09/2013, 10:42:15-11:11:48; [CAR-OTP-2101-9368](#) at 9376, 17/09/2013, 10:15:12-10:18:53; [CAR-OTP-2102-5143](#) at 5153-5155, 17/09/2013, 10:19:09-17:35:48; [CAR-OTP-2099-9345](#) at 9356, 17/09/2013, 11:12:03; [CAR-OTP-2101-8855](#) at 8877, 17/09/2013, 20:01:16; [CAR-OTP-2102-6552](#) at 6565, 17/09/2013, 18:18:42-18:29:07; [CAR-OTP-2101-9735](#) at 9784, 17/09/2013, 20:13:24; [CAR-OTP-2103-3444](#) at 3454, 17/09/2013, 17:57:48; [CAR-OTP-2103-2224](#) at 2229, 17/09/2013, 18:42: 40; [CAR-OTP-2103-2271](#) at 2333, 17/09/2013, 13:31:13; [CAR-OTP-2103-2515](#) at 2519, 17/09/2013, 18:51:17; [CAR-OTP-2103-2816](#) at 2828, 17/09/2013, 18:27:27; [CAR-OTP-2103-3040](#) at 3040 - 3041, 17/09/2013, 09:38:09–09:42:39. A number of messages originating from [REDACTED] [residing in DOUALA], [REDACTED] [residing in YAOUNDE], and [REDACTED] [residing in BANGUI], provide information on the takeover of BOSSANGO, by the Anti-Balaka, around mid-day of 17 September 2013: [CAR-OTP-2103-3975](#) at 3998, 18/09/2013, 12:11:12. Despite the initial success of the Anti-Balaka, the Anti-Balaka could not hold their positions on 18 September 2013: [CAR-OTP-2132-0370](#) at 0371, 19:51:57 - 19:57:15; [CAR-OTP-2133-7723](#) at 7730-7731, 18/09/2013, 13:47:34-18:39:07; [CAR-OTP-2103-1947](#) at 1973-1974, 18/09/2013, 13:00:51; [CAR-OTP-2102-3799](#) at 3840, 18/09/2013, 00:13:47 - 00:15:51; [CAR-OTP-2103-3975](#) at 3998, 18/09/2013, 12:06:31.

<sup>263</sup> [CAR-OTP-2133-2735](#), at 2736-2737, 12:08:44-19:27:31 see commentary by P-0889: [T-108](#), p. 21, line 23-p. 23, line 12.

NGAIKOSSET's sister, Nicole NAMSE.<sup>264</sup> NAMSE was a long-standing KNK member, as were other BOZIZE loyalists who communicated about these events, such as [REDACTED], [REDACTED], among others.<sup>265</sup> Similarly, a 8 September 2013 message for [REDACTED] GODONAM to solve an ammunition problem in BOSSANGO, <sup>266</sup> confirms the coordination of Anti-Balaka operations from YAOUNDE.

138. As mentioned above, Claude and Eugene NGAIKOSSET had participated in the planning meetings in YAOUNDE, and Eugene NGAIKOSSET would later visit NGAISSONA and Bernard MOKOM in relation to 5 December 2013 attack on BANGUI.<sup>267</sup> Other individuals following the BOSSANGO attacks were also in close contact with NGAISSONA.

*iii. FROCCA was involved in the Anti-Balaka's September 2013 attacks on BOSSANGO*

139. FROCCA's involvement in the Anti-Balaka's attacks on BOSSANGO in September 2013 is clear, including from its immediate and public claim of responsibility and concession that they comprised a step towards reclaiming power.<sup>268</sup>

140. FACEBOOK messages corroborate the evidence that the attacking forces in and around BOSSANGO were fighters that (eventually) identified as Anti-Balaka. They included loyal FACA and members of BOZIZE's PG, and self-defence groups who joined their ranks. They were also identified as elements of FROCCA.<sup>269</sup>

141. That the attacks were not a mere popular uprising, but rather part of a planned strategy, is clear from a [REDACTED] September 2013 FACEBOOK message in which D30-4679 discusses the strategic reasons behind the attack, namely to attack as many villages as possible

<sup>264</sup> [CAR-OTP-2101-9451](#) at 9497-9498, 07/09/2013, 21:52:43-22:03:34.

<sup>265</sup> [CAR-D30-0007-0740](#) at 0742; D30-4720: [T-281](#), p. 59, line 20-p. 60, line 9, p. 61, lines 13-23. In addition to NAMSE and [REDACTED], the document also lists the continued membership into the KNK of Jean-Francois BOZIZE, [REDACTED], among others.

<sup>266</sup> [CAR-OTP-2102-6348](#) at 6372, 08/09/2013, 22:07:23-22:19:18.

<sup>267</sup> See further, Section III, A, j, iv, and Section III, A, n, iii, paras.201-202.

<sup>268</sup> [CAR-OTP-2122-9926](#); [CAR-OTP-2091-1785](#) at 1785-1786; [CAR-OTP-2061-1428](#) at 1428; [CAR-OTP-2088-2946](#) at 2949; [CAR-OTP-2091-1791](#) at 1791-1792; [CAR-OTP-2091-1707](#) at 1707-1708; [CAR-OTP-2074-0278](#), at 0287, column 1-2; [CAR-OTP-2091-1743](#) at 1752, column 2-3; [CAR-OTP-2102-8664](#) at 8679, 06/09/2013, 20:29:15, 08/09/2013, 23:22:22; [CAR-OTP-2100-3030](#) at 3031, 09/09/2013 16:06:23-09:51:09 – see commentary by P-2673: [T-041](#), p. 12, lines 11-23, p. 13, lines 22-24; [CAR-OTP-2102-6699](#) at 6764-6765, 08/09/2013 12:15:37-12:36:18; [CAR-OTP-2102-8377](#) at 8378, 19/09/2013 04:43:27- 04:46:46.

<sup>269</sup> [CAR-OTP-2101-9402](#) at 9408, 08/09/2013, 19:54:58; [CAR-OTP-2102-8374](#) at 8374-8375, 08/09/2013, 20:31:58; [CAR-OTP-2102-6699](#) at 6765, 08/09/2013, 12:27:03 - 12:36:18; [CAR-OTP-2102-6348](#) at 6372, 08/09/2013, 22:07:23 - 22:19:18; [CAR-OTP-2101-7523](#) at 7525-7526, 15/09/2013, 11:32:53-11:55:25; [CAR-OTP-2100-3030](#) at 3032, 17/09/2013, 10:42:15-11:11:48; [CAR-OTP-2102-5471](#) at 5533, 17/09/2013, 20:03:07 commented upon by D30-4848: [T-298](#), p. 22, line 6-p. 23, line 3; [CAR-OTP-2102-5471](#) at 5521-5522, 08/09/2013, 20:37:04-09:08:00, commented upon by D30-4848: [T-297](#), p. 19, line 2-p. 20, line 21; [CAR-OTP-2101-6070](#) at 6075, 18/09/2013, 14:29:49 - 14:34:39; [CAR-OTP-2101-7659](#) at 7661, 20/09/2013, 13:20:08 - 13:29:40; [CAR-OTP-2100-8862](#) at 8864-8865, 20/09/2013, 12:50:48 - 12:54:10.

in the provinces, gain as much territory as possible, before the meeting of the General Assembly of the United Nations,<sup>270</sup> scheduled the week thereafter.<sup>271</sup>

***iv. FROCCA continued disseminating Anti-Muslim rhetoric to mobilise the Youth after the failed BOSSANGOA offensives***

142. FACEBOOK messages reflect the Anti-Balaka's inability to hold its position in the September 2013 BOSSANGOA attack.<sup>272</sup> Its failure to maintain control over the town was relayed in correspondence on the afternoon of 18 September 2013 involving [REDACTED].<sup>273</sup>

143. On the failure of the offensive, FROCCA issued a press release 18 September 2013 amplifying its prior false claims that the Seleka sought to forcibly Islamise the CAR and introduce the Koran, whilst targeting Christian religious properties<sup>274</sup> in an effort to further mobilise support.<sup>275</sup> Relevantly, DJOTODIA had officially dissolved the Seleka a week before, on 13 September 2013.

144. FACEBOOK messages show that the Anti-Balaka continued to operate in the area;<sup>276</sup> that between 20 September and October 2013, military equipment among other provisions were brought to BOSSANGOA; and that members of BOZIZE's inner circle [REDACTED] were following the developments closely.<sup>277</sup>

***v. NGAISSONA informed NGAYA and FROCCA members of the operations on the ground***

145. NGAISSONA's 19 September 2013 email to NGAYA reflects his awareness of the Anti-Balaka's ongoing operations. In particular, he informed NGAYA that « *on a des hommes sur le terrain qui manoeuvrent* ». <sup>278</sup> His liaising with BOZIZE is further demonstrated by his

<sup>270</sup> D30-P-4679: [T-301](#), p. 64, line 3-p. 65, line 6, commenting on [CAR-OTP-2131-7091](#) at 7148, 17/09/2013, 05:39:20-05:50:49.

<sup>271</sup> The 68<sup>th</sup> session of the General Assembly of the United Nations opened on 17 September 2013, with the General Debate running from 24 to 27 September and from 30 September to 1 October 2013.

<sup>272</sup> [CAR-OTP-2103-3975](#) at 3998, 18/09/2013, 12:11:12.

<sup>273</sup> [CAR-OTP-2132-0370](#) at 0371, 19:51:57 - 19:57:15; [CAR-OTP-2133-7723](#) at 7730-7731, 18/09/2013, 13:47:34-18:39:07; [CAR-OTP-2103-3975](#) at 3998, 18/09/2013, 12:06:31; [CAR-OTP-2102-8377](#) at 8378, 19/09/2013 04:43:27- 04:46:46. For the meaning of Boston (i.e., BOSSANGOA): P-2841: [CAR-OTP-2127-4238-R01](#) at 4248, para. 58.

<sup>274</sup> [CAR-OTP-2094-0387](#) at 0393.

<sup>275</sup> See also, e.g. [CAR-OTP-2102-8664](#) at 8679, /09/2013, 20:29:15, 08/09/2013, 23:22:22.

<sup>276</sup> [CAR-OTP-2133-7723](#) at 7748, 25/09/2013, 14:25:37; [CAR-OTP-2102-6348](#) at 6406-07, 26/09/2013, 20:58-29-21:10:23; [CAR-OTP-2133-2227](#) at 2228, 26/09/2013, 21:28:53 - 21:31:54; [CAR-OTP-2132-0463](#) at 0481, 21/09/2013, 12:05:36.

<sup>277</sup> [CAR-OTP-2102-2520](#) at 2581, 20/09/2013, 16:48:53-16:54:18. See also [CAR-OTP-2131-7091](#) at 7167-7168, 22/09/2013, 20:55:42-21:01:23; [CAR-OTP-2102-3203](#) at 3297, 23/09/2013, 17:44:28-17:48:22; [CAR-OTP-2133-7723](#) at 7750-7751, 25/09/2013, 14:48:45-14:57:44; [CAR-OTP-2101-8599](#) at 8681, 02/10/2013, 12:30:11.

<sup>278</sup> [CAR-OTP-2124-0823](#) at 0823.



22 September 2013 email once again to NGAYA, conveying that he was urgently expecting information since BOZIZE [*‘le Grand BOSS’*] was waiting for it.<sup>279</sup>

146. Moreover, witnesses confirmed that in this period, NGAISSONA remained active in FROCCA and attended further meetings.<sup>280</sup> P-2625 testified that at these meetings NGAISSONA briefed other principals in the group on his interactions in the field with the PG stationed in CAMEROON and with the elements in the areas of BANGUI and BOSSANGO, explaining that ‘his elements’ were determined and motivated to fight the Seleka. NGAISSONA also briefed them on the status of ammunition and weapons.<sup>281</sup> NGAISSONA called Maxime MOKOM to obtain updates on the situation on the ground, which he related contemporaneously to other FROCCA members.<sup>282</sup>

147. Not only was NGAISSONA aware of the Anti-Balaka’s military operations on the ground, but he was well aware of its violent targeting of the Muslim population. The Anti-Balaka’s BOSSANGO attacks and the ensuing targeting of the Muslim civilian population were contemporaneously and extensively covered in the media.<sup>283</sup>

148. Moreover, P-2625 testified that it was common knowledge that BOZIZE and his inner circle, including NGAISSONA, were seen as instrumentalising, organising, and launching these groups to attack Muslims. He clarified that since FROCCA was established, there were calls to defend the country as shown in BANOUKEPA’s press releases, entailing the use of force. BOZIZE was regarded as the person behind the attacks.<sup>284</sup> P-2625 affirmatively noted that NGAISSONA “was someone close to President Bozizé. He was in the inner circle.”<sup>285</sup>

149. That NGAISSONA was aware of the Anti-Balaka’s targeting of the Muslim population is also readily inferable from P-2232’s testimony that Maxime MOKOM received reports after

<sup>279</sup> [CAR-OTP-2124-0844](#).

<sup>280</sup> D30-4720: [T-280](#), p. 79, line 1-p. 81, line 10; [T-281](#), p. 48, line 6-19, p. 61, line 22-p. 67, line 6; [T-282](#), p. 20, line 18-p. 21, line 5.

<sup>281</sup> [P-2625: T-189, p. 36, line 9-p. 37, line 13](#).

<sup>282</sup> [P-2625: T-189, p. 47, line 3- p. 48, line 2](#).

<sup>283</sup> [CAR-OTP-2091-1725](#), at 1725; [CAR-OTP-2088-2398](#) at 2399, 2401; [CAR-OTP-2074-0278](#) at 0287, column 1-2; [CAR-OTP-2091-1743](#) at 1749, 1752, column 2 in fine- column 3; [CAR-OTP-2082-0793](#); [CAR-OTP-2073-1329](#) from [00:02:16] to [00:03:54], transcript, [CAR-OTP-2127-6597](#) at 6599-6600, lines 29-53; [CAR-OTP-2079-0622](#); [CAR-OTP-2079-1940](#) at 1940; [CAR-OTP-2001-4118](#) at 4120. [CAR-OTP-2107-1169](#) from [00:01:22:12] to [00:01:58:00], translation, [CAR-OTP-2127-4530](#) at 4531, lines 29-34, [CAR-OTP-2127-4626](#) at 4628-4629, lines 33-39; [CAR-OTP-2001-0391](#) at 0394, para. 9; [CAR-OTP-2001-2769](#) at 2786; [CAR-OTP-2001-7017](#) at 7035, para. 46; [CAR-OTP-2049-0462](#), at 0501; [CAR-OTP-2001-3302](#) at 3304; [CAR-OTP-2001-2308](#), at 2352; [CAR-OTP-2001-1767](#) at 1791. See below paras. 346, 347.

<sup>284</sup> [P-2625: T-190](#), p. 16, lines 4-19.

<sup>285</sup> [P-2625: T-190](#), p. 16, lines 18-19.

each attack, including regarding the victims.<sup>286</sup> As noted, **NGAISSONA** and Bernard MOKOM were liaising closely with Maxime MOKOM.<sup>287</sup>

150. P-0992's prior testimony confirms that **NGAISSONA** was kept well-informed of the Anti-Balaka's progress on the ground, including their crimes committed on their path to BANGUI. He notes "**NGAISSONA** was informed of the resistance and the movement of the resistance from the Provinces to BANGUI. He was with BOZIZE and they were kept informed" and "had already heard that some crimes were being committed. **NGAISSONA** and BOZIZE were informed by phone. They had contacts with a lot of people still living in BANGUI."<sup>288</sup>

151. In addition, because of the gravity of the crimes at that time, French President, Francois HOLLANDE explicitly addressed the unfolding atrocities at the UN General Assembly on 24 September 2013.<sup>289</sup> FROCCA member P-2625 travelled to the UNGA session in New York, for which BOZIZE paid.<sup>290</sup> Thus, these events would certainly have been discussed among the members of BOZIZE's inner circle, as well as BOZIZE's decision to abandon a diplomatic solution, which led P-2625 to distance himself from FROCCA upon his return.<sup>291</sup>

**I. SEPTEMBER – OCTOBER 2013: NGAISSONA mobilises self-defence groups and facilitates the provision of equipment and funds [Structuring, Financing, Liaising, Weapons]**

*i. General*

152. After the failed BOSSANGO attack in September 2013 in which the Anti-Balaka targeted the Muslim population leading to mass displacement and atrocities, **NGAISSONA** and Bernard MOKOM continued in their efforts to strengthen the Anti-Balaka's military capacity by (i) mobilising and recruiting self-defence groups into the Anti-Balaka and providing them with military equipment; (ii) organising and funding the deployment of elements in DOUALA and YAOUNDE to reinforce them; and (iii) ordering the 26 October 2013 BOUAR attack.

*ii. NGAISSONA engaged NDALE and GODONAM*

153. In September and October 2013, **NGAISSONA** and Bernard MOKOM visited Adamou NDALE and Achille GODONAM in BERTOUA and GAROUA-BOULAI to enlist their self-

<sup>286</sup> P-2232: [T-075](#), p. 60, lines 3-22, p. 61, lines 1-10, p. 65, lines 13-23.

<sup>287</sup> See below paras. 314, 352.

<sup>288</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0055-0056, para. 38.

<sup>289</sup> [CAR-OTP-2092-1001](#) from [00:11:30] to [00:12:22].

<sup>290</sup> P-2625, [T-193](#), p. 30, lines 3-6; P-1847; [CAR-OTP-2061-1534-R01](#) at 1549, paras 98-100.

<sup>291</sup> P-2625, [T-193](#), p. 33, lines 16-24.

defence groups in the Anti-Balaka, provide them with money, medication, ammunition, and Thurayas,<sup>292</sup> consistent with FROCCA's Protocol Agreement.<sup>293</sup>

154. NDALE led a self-defence group known as the "Archers of BOUAR",<sup>294</sup> and was later recognised in the National Coordination as the Anti-Balaka ComZone for BOUAR.<sup>295</sup> He became a member of **NGAISSONA**'s PCUD.<sup>296</sup> GODONAM led a self-defence group originally referred to as the "Anti-Zaraguinas" or "Archers" in the BOSSANGOYA area.<sup>297</sup> Having fled to GAROUA-BOULAI sometime in July-August 2013, he continued deploying elements to BOSSANGOYA.<sup>298</sup>

155. Testimonial evidence, including of witnesses P-2841 and P-2673 detail how the Anti-Balaka operations unfolded. Their testimony is corroborated by FACEBOOK messages, CDRs, and other evidence.

156. P-2841 testified that **NGAISSONA** and Bernard MOKOM travelled to BERTOUA and GAROUA-BOULAI on 3 September 2013 to meet and discuss recruiting the self-defence groups of NDALE and GODONAM (referred to as "the Archers"), confirming his FACEBOOK message.<sup>299</sup> P-2841 explained: "NGAISSONA and MOKOM père [Bernard MOKOM] wanted to approach them [the Archers] to see if they could also be used in the resistance. At the time, there were no Anti-Balaka in the north-west of the country and the Archers were contacted to join the movement."<sup>300</sup>

157. His account is consistent with FACEBOOK exchanges involving individuals close to BOZIZE's circle. They show that on 12 September 2013, BOZIZE's inner circle intended to open a front at BOUAR.<sup>301</sup> For that purpose, Francis BOZIZE requested the Cameroonian authorities to free the military equipment ("matos") while Bernard MOKOM was to return to BOUAR to provide the Archers with ammunition on 13 September 2013. Communications

<sup>292</sup>P-2673: [CAR-OTP-2127-6435-R01](#) at 6451, 6453, 6455, 6459, 6462-6464, paras 100, 118, 127-128, 155, 180-181, 184, 189; [T-041](#), p. 21, line 23- p. 25, line 24, p. 40, line 11-p. 41, line 6; [T-042](#), p. 26, line 18-22, p. 32, line 13-p. 33, line 8, p. 36, lines 2-9, p. 42, lines 6-10; P-1847: [CAR-OTP-2061-1534-R01](#) at 1551, para 110; [CAR-OTP-2122-8251-R01](#) at 8254-8256, 8263-8264, paras. 24-25, 28, 31, 40, 115, 119; [T-023](#), p. 33, lines 2-14, p. 54, line 21- p. 56, line 11, p. 61, lines 3-9. P-2841: [CAR-OTP-2127-4238-R01](#) at 4250, paras 68, 109. See also P-0966: [CAR-OTP-2031-0241-R03](#) at 0253, paras. 68-69.

<sup>293</sup> [CAR-OTP-2124-0852](#) at 0854-0855, article 2.

<sup>294</sup> P-1719: [T-142](#), p. 29, line 4- p. 30, line 1; P-1847: [CAR-OTP-2061-1534-R01](#) at 1556, 1559, paras 142, 162.

<sup>295</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0062, para. 76; [CAR-OTP-2046-0631](#) at 0631; [CAR-OTP-2030-0232](#) at 0236, row 82.

<sup>296</sup> [CAR-OTP-2030-0445](#) at 0452.

<sup>297</sup> P-2673: [T-041](#), p. 22, lines 4-9; P-2232: [T-077](#), p. 5, lines 17-23.

<sup>298</sup> See above, paras.69 and 128.

<sup>299</sup> [CAR-OTP-2101-9735](#) at 9780, 9787, 03/09/2013-19/09/2013, 20:50:52-14:50:32. See also P-2841: [CAR-OTP-2127-4238-R01](#) at 4250, paras 68-69.

<sup>300</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4250, para. 68.

<sup>301</sup> [CAR-OTP-2101-9451](#) at 9503, 12/09/2013, 20:52:16-20:53:31.

from 13 and 17 September 2013 also reflect Francis BOZIZE's ("MDD" – *i.e.*, *Minstre Délégué de la Défense*) visit to GAROUA-BOULAI and BERTOUA, and that his brother Franklin BOZIZE followed-up with the 'matos' from bordering countries.<sup>302</sup>

158. In his evidence, P-2841 confirmed that NGAISSONA returned to the border to liaise with the Archers on 19 September 2013, as indicated in his prior FACEBOOK message.<sup>303</sup>

159. Both P-2673 and P-2841 provided evidence that in mid-October,<sup>304</sup> NGAISSONA and Bernard MOKOM returned to the border to enlist the elements of NDALE and GODONAM into the Anti-Balaka, and that NGAISSONA provided them with ammunition and medication.<sup>305</sup> P-2841 explained that NGAISSONA undertook to go to the border personally "to take charge and push things forward."<sup>306</sup>

160. Their accounts are consistent with FACEBOOK exchanges involving individuals close to BOZIZE's circle. The exchanges show that on 6 October 2013, BOZIZE sent NGAISSONA with specific instructions on a mission regarding "the means" (*les moyens*),<sup>307</sup> and that NGAISSONA travelled to DOUALA, on 7 October 2013 where he received 1,500 EUR from Francis BOZIZE for the men (*« c'est ngaissona qui est arriver a douala, que francis lui a remis 1500€ pour les hommes d'ici »*).<sup>308</sup> CDR and bank records corroborate NGAISSONA's presence in CAMEROON from 4 October 2013 onwards.<sup>309</sup>

161. FACEBOOK messages of 12, 15 and 17 October 2013 further corroborate the supply of money (*sous*), ammunition, medication, and Thurayas for the elements in BOUAR and BERBERATI.<sup>310</sup> The communications of 15 October 2013 show that, after his mission,

<sup>302</sup> [CAR-OTP-2099-7830](#) at 7838, 13/09/2013, 11:27:59; [CAR-OTP-2131-7091](#) at 7157, 17/09/2013, 05:39:20–05:49:43, commented by D30-P-4679: [T-301](#), p. 65, line 7-p. 66, line 3.

<sup>303</sup> [CAR-OTP-2101-9735](#) at 9786-9787, 19/09/2013, 14:45:09-14:50:32, commented upon by P-2841: [CAR-OTP-2127-4238-R01](#) at 4252, para. 77.

<sup>304</sup> [CAR-OTP-2102-5143](#) at 5165, 11/10/2013, 15:40:54. [CAR-OTP-2100-3030](#) at 3040-3041, 12/10/2013, 06:35:12-09:51:09.

<sup>305</sup> [CAR-OTP-2102-5143](#) at 5165, 11/10/2013, 15:40:54; [CAR-OTP-2100-3030](#) at 3040-3041, 12/10/2013, 06:35:12-09:51:09, commented upon by P-2673: [CAR-OTP-2127-6435-R01](#) at 6459-6460, paras 154-160; P-2673: [T-041](#), p. 20, line 20-p. 22, line 9; [CAR-OTP-2101-9735](#) at 9817, 14/10/2013, 10:53:16-10:59:15, commented upon by P-2841: [CAR-OTP-2127-4238-R01](#) at 4257-4258, 4263, 4265, paras 109-110.

<sup>306</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4257-4258, 4265, para. 110.

<sup>307</sup> [CAR-OTP-2103-4757](#) at 4765-4767, 06/10/2013, 23:27:35-23:52:14.

<sup>308</sup> [CAR-OTP-2101-9451](#) at 9552, 07/10/2013, 17:08:17-17:13:07.

<sup>309</sup> For contacts of NGAISSONA ([REDACTED]) from 4 October 2013 onwards through his Cameroonian telephone, see [CAR-OTP-2112-1431](#).

<sup>310</sup> [CAR-OTP-2131-5407](#) at 5497-5499, 12/10/2013, 12:48:12-12:57:22; [CAR-OTP-2102-4062](#) at 4124, 12/10/2013, 20:00:26-20:03:15; [CAR-OTP-2101-9735](#) at 9818-9819, 15/10/2013, 09:22:53-09:32:34; [CAR-OTP-2101-8599](#) at 8691–8692, 15/10/2013, 10:55:27–11:22:00; [CAR-OTP-2102-5143](#) at 5168-5169, 15/10/2013, 10:55:19-11:32:01, commented on by P-2673: [T-041](#), p. 14, line 24-p. 15, line 4. [CAR-OTP-2133-7723](#) at 7776, 16/10/2013, 12:02:30-12:06:35; [CAR-OTP-2102-2520](#) at 2644, 16/10/2013, 14:29:53-14:33:30. See also [CAR-OTP-2102-7681](#) at 7701 17/10/2013, 14:48:00-14:55:23.

NGAISSONA returned to the Golf Residence in YAOUNDE,<sup>311</sup> and that NDALE came to YAOUNDE to receive money from Bernard MOKOM for his troops in BOUAR, which is also confirmed by P-1847's account.<sup>312</sup>

**iii. NGAISSONA organised and funded the deployment of elements stationed in CAMEROON to BOUAR**

162. In addition to mobilising self-defence groups and providing military equipment, NGAISSONA reinforced the Anti-Balaka by mobilising FACA, sending them to CAR to fight.

163. As mentioned, sometime before October 2013, NGAISSONA had brought together the FACA in YAOUNDE “‘to mobilize them and encourage them’, and [he] distributed a small amount of money to everyone ‘to boost their morale’.”<sup>313</sup>

164. Several witnesses testified that subsequently, NGAISSONA organised and funded the movement of elements deployed in DOUALA and YAOUNDE to the border *i.e.*, to BERTOUA and GAROUA-BOULAI and further to BOUAR. This was done first to reinforce the elements there for the 26 October 2013 attack,<sup>314</sup> and then to join in the 5 December 2013 attacks.<sup>315</sup>

165. NGAISSONA and Bernard MOKOM also liaised closely with Colonel NGBOYA, who was in charge of the FACAs and PGs stationed in BERTOUA.<sup>316</sup> Testimonial evidence shows that NDALE, GODONAM, and NGBOYA visited NGAISSONA in YAOUNDE.<sup>317</sup>

**iv. The 26 October 2013 BOUAR attack was planned to be executed by elements of self-defence groups reinforced by FACA and PGs**

166. Once the self-defence groups were integrated into the Anti-Balaka and reinforced by FACA and new recruits, the plan was to attack BOUAR on 26 October 2013.

<sup>311</sup> [CAR-OTP-2102-2520](#) at 2643, 15/10/2013, 11:04:09-11:07:00.

<sup>312</sup> [CAR-OTP-2103-1846](#) at 1847-1848, 15/10/2013, 17:00:14-17:07:10; P-1847: [CAR-OTP-2061-1534-R01](#) at 1550, para. 106.

<sup>313</sup> P-2673: [T-042](#), p. 9, lines 2-7.

<sup>314</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6443-6444, 6460-6461; [T-041](#), p. 22, line 13-p. 24, line 14; P-1719: [T-141](#), p. 44, line 9-p.46, line 16; [T-142](#), p. 49, line 25-p. 51, line 1; [CAR-OTP-2101-9735](#) at 9801, 02/10/2013, 11:15:41, commented on by P-2841: [CAR-OTP-2127-4238-R01](#) at 4253, para. 84; [T-029](#), p. 28, line 17-p. 30, line 3. *See also* P-2232: [T-075](#), p. 56, line 16-p. 57, line 16; [T-076](#), p. 8, line 17-p. 9, line 13, p. 18, lines 12-23.

<sup>315</sup> *See below*, Section III, A, n.

<sup>316</sup> P-2328: [T-046](#), p. 85, lines 7-13, p. 88, lines 6-16; P-1847: [CAR-OTP-2122-8251-R01](#) at 8263, para. 115; P-2673: [T-041](#), p. 36, line 16-p. 37, line 5. FACEBOOK messages confirm that NGBOYA and EMTENOU were in BERTOUA from April 2013 onwards: [CAR-OTP-2102-4062](#) at 4065, 02/04/2013, 13:57:29; [CAR-OTP-2103-2149](#) at 2151, 25/09/2013 19:12:34-19:21:53; [CAR-OTP-2103-3761](#) at 3761, 3763, 23/07/2013, 12:45:26-12:53:34. NGBOYA would later be presented by NGAISSONA to the transitional government in January 2014 as the Anti-Balaka candidate for the position of *chef d'état major*: [CAR-OTP-2087-9024](#) – *see commentary by* P-0952: [T-249](#), p. 22, line 17-p. 23, line 12.

<sup>317</sup> P-2673: [T-041](#), p. 36, line 21-p. 37, line 5; P-2673: [T-042](#), p. 4, lines 12-22, p. 5, lines 10-15, p. 11, line 25-p. 12, line 17; P-2673: [CAR-OTP-2127-6435-R01](#) at 6455, para. 132.

167. P-2841 provided testimony on **NGAISSONA**'s and Bernard MOKOM's roles regarding the planned Anti-Balaka attack on BOUAR, acknowledging specifically that he "knew that Bernard MOKOM and **NGAISSONA** were starting to organise the Anti-Balaka and also the military but at that point, it was a matter of wait and see".<sup>318</sup> He confirmed his [REDACTED] October 2013 contemporaneous message reflecting that the elements in BOUAR had been provided with the necessary military equipment ([REDACTED]); that Bernard MOKOM had contacted LAKOUE TENE for supplies ([REDACTED]); and that the planned attack was to take place in 10 days.<sup>319</sup> P-2841 testified to the close relationship between LAKOUE TENE and Bernard MOKOM,<sup>320</sup> and CDRs show that on 16 and 17 October 2013, LAKOUE TENE was in contact with two phone numbers from CAMEROON.<sup>321</sup>

168. P-2841's testimony is consistent with information provided in FACEBOOK exchanges between 17-21 October 2013 among individuals close to BOZIZE. The exchanges reflect that the plan to attack BOUAR had crystallised; that Francis BOZIZE (*'MDD - Ministre Délégué de la Défence'*) was involved in the operation; that the attack was to involve some 400 Archers with 5 sections of FACA to be carried simultaneously with an attack on BANGUI; that the Archers and the FACA had received equipment (ammunition, Thurayas, medication, and money); that the Archers were positioned 30 km from BOUAR and would work alongside the Anti-Balaka; that additional elements were to be sent to the border area; and that the attack would occur in the course of the week.<sup>322</sup> FACEBOOK exchanges between 22-25 October 2013 further reveal the final preparations for the upcoming attack, including the Anti-Balaka undergoing their usual shielding rituals.<sup>323</sup>

169. As mentioned above, **NGAISSONA** supplied the BOUAR group with ammunition and Thurayas.<sup>324</sup> The importance of the delivery of Thurayas is explained in Vincent Aimé

<sup>318</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4258, para. 117.

<sup>319</sup> [CAR-OTP-2101-9735](#) at 9821-9822, 17/10/2013, 08:16:30-08:25:47 – see commentary by P-2841: [CAR-OTP-2127-4238-R01](#) at 4258, para. 117.

<sup>320</sup> P-2841: [T-029](#), p. 55, lines 15-25.

<sup>321</sup> For contacts between LAKOUE TENE ([REDACTED]) and Cameroonian numbers [REDACTED] and [REDACTED] on 16 and 17 October 2013 for more than 5 times: [CAR-OTP-2112-1538](#).

<sup>322</sup> [CAR-OTP-2102-3203](#) at 3352-3353, 17/10/2013, 07:03:47-07:33:45; [CAR-OTP-2102-8009](#) at 8082-8083, 17/10/2013, 08:01:35-08:20:45; [CAR-OTP-2101-8391](#) at 8405-8407, 19/10/2013, 20:07:56-20:18:21; [CAR-OTP-2101-9277](#) at 9315, 21/10/2013, 21:09:14; [CAR-OTP-2133-7723](#) at 7778-7779, 21/10/2013, 08:54:42-09:54:37; [CAR-OTP-2099-7478](#) at 7495-7496, 21/10/2013, 21:11:35-21:21:56.

<sup>323</sup> [CAR-OTP-2102-2520](#) at 2660, 22/10/2013, 12:35:36-12:38:32; [CAR-OTP-2102-4653](#) at 4655-4656, 24/10/2013, 20:03:48-20:15:53; [CAR-OTP-2102-3203](#) at 3362, 25/10/2013, 09:52:36-09:56:22; [CAR-OTP-2101-9117](#) at 9143-9144, 25/10/2013, 13:00:23-13:05:10; [CAR-OTP-2131-5707](#) at 5777-5779, 24/10/2013, 19:57:37-20:14:56; [CAR-OTP-2102-5143](#) at 5175-5177, 25/10/2013 08:57:58-20:43:40.

<sup>324</sup> see paras 127-131.

BOZIZE's 24 October 2013 message, that — for the attack — they planned to cut the phone network, making the use of satellite phones indispensable.<sup>325</sup>

170. By 25 October 2013, the Anti-Balaka had encircled BOUAR, awaiting BOZIZE's green light. Additional elements were to be sent in from, *inter alia* YAOUNDE as reinforcement to help control BOUAR's airport, so that military equipment could be brought in.<sup>326</sup>

*v. Elements deployed to the border openly expressed anti-Muslim animus*

171. P-2673 testified that Anti-Balaka elements in GAROUA-BOULAI were fuelled by anti-Muslim animus and openly discussed this.<sup>327</sup> He explained that the Anti-Balaka elements in CAMEROON, FACA and civilians alike, expressed their intention to take revenge on Muslims for Seleka crimes as they could not be considered true Central Africans, adding that they killed Muslim civilians during the attacks as a result.<sup>328</sup> As P-0287 also observed, "because [the Anti-Balaka] make an association between Seleka, Sudanese, Chadians and 'foreigners' they would group them all together as their enemy ... the perceived enemy simply became 'Muslims in general'."<sup>329</sup> The simplified message that Muslims had to go, as BOZIZE's inner circle including NGAISSONA fomented, circulated in plain view among the lower ranks unchecked. It was an expression of the Anti-Balaka's criminal organisational policy and common purpose.

*vi. On 26 October 2013, the Anti-Balaka attacked BOUAR*

172. On 26 October 2013 the coalition of Archers, FACAs, and PGs, integrated into the Anti-Balaka carried out the BOUAR attack. P-1847's testimony establishes that NGAISSONA and Bernard MOKOM ordered the attack.<sup>330</sup> In addition to the Seleka, the Anti-Balaka targeted the Muslim population as a whole, resulting in the deaths of at least 20 civilians and the displacement of over 10,000 people.<sup>331</sup>

173. FACEBOOK messages show that the attack was monitored by Aime Vincent BOZIZE and Maxime MOKOM, with the latter providing operational advice to the elements.<sup>332</sup>

<sup>325</sup> [CAR-OTP-2131-5707](#) at 5777-5779, 24/10/2013, 19:57:37-20:14:56.

<sup>326</sup> [CAR-OTP-2102-4497](#) at 4526-4527, 25/10/2013, 16:16:16-26/10/2013, 10:47:14; [CAR-OTP-2101-8391](#) at 8412-8413, 26/10/2013, 11:22:48-11:32:13; [CAR-OTP-2101-8855](#) at 8885-8886, 31/10/2013, 13:01:54-13:18:27. For the confirmation of [REDACTED], see P-2673: [T-041](#), p. 24, line 4. See also [CAR-OTP-2079-1004](#) at 1009-1010 – see commentary by P-0291: [T-051](#), p. 39, line 4-p. 41, line 12. On the strategic importance of BOUAR as such: P-0291: [T-051](#), p. 42, line 20-p. 43, line 5.

<sup>327</sup> P-2673: [T-041](#), p. 27, line 13-p. 28, line 17, p. 46, line 21, p. 47, line 17.

<sup>328</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6446, 6450, 6456, paras 70-72, 95-96, 136-137.

<sup>329</sup> P-0287: [CAR-OTP-2115-0239-R01](#) at 0265-0266, para. 132; [T-020](#), p. 27, line 12-p. 28, line 13.

<sup>330</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1556, para. 142.

<sup>331</sup> [CAR-OTP-2001-0191](#); [CAR-OTP-2001-2769](#) at 2787; [CAR-OTP-2055-1987](#) at 2129.

<sup>332</sup> [CAR-OTP-2066-3003](#) at 3066-3063, 26/10/2013, 07:54:43-10:12:44; [CAR-OTP-2066-3003](#) at 3070, 26/10/2013, 08:31:01-08:54:16; [CAR-OTP-2066-3003](#) at 3071, 26/10/2013, 09:03:39-10:16:04; [CAR-OTP-](#)

Preceding the attack, the elements took over neighbouring town of the BAORO, seized the airport, and surrounded the town. Similar attacks were also foreseen on BOCANGOLO, MOUNGOUMBA, and DAMARA.<sup>333</sup>

174. FACEBOOK messages of 26-28 October 2013, show that, as the attack unfolded, timely reinforcement from CAMEROON became vital, as the Anti-Balaka were left vulnerable to additional contingents deployed against them. The messages show that **NGAISSONA** and Bernard MOKOM's late deployment of these reinforcements was criticised, and that they were blamed for having ordered the attack prematurely.<sup>334</sup>

175. P-2841 testified that **NGAISSONA and Bernard MOKOM's** role in the BOUAR operation was to "mobilise resources and send a little money to people in the field, such as to the Anti-Balaka at the border (the archers, the Anti-Balaka, and the FACA) who were requesting ammunition and supplies. In the end, **NGAISSONA** and Bernard MOKOM did not properly fulfil their role."<sup>335</sup>

176. Further FACEBOOK messages show **that from 29 October 2013** onwards, **NGAISSONA** and Bernard MOKOM continued to deploy reinforcements from CAMEROON, on to BOUAR and to BOSSANGOA, and that the elements on the ground used Thurayas for coordination.<sup>336</sup> However, as the reinforcements arrived too late, the group lost control of the town.

*vii. NGAISSONA was involved in the planning of Anti-Balaka operations*

177. **NGAISSONA** consistently involved himself in the planning and execution of Anti-Balaka military operations.

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[2102-8338](#) at 8345-8347, 26/10/2013, 10:17:55-14:40:47; [CAR-OTP-2131-2344](#) at 2418-2420, 26/10/2013, 16:33:33-16:42:24; [CAR-OTP-2131-5707](#) at 5777, 5779, 24/10/2013, 19:57:37-20:14:56.

<sup>333</sup> [CAR-OTP-2102-8354](#) at 8357-8359, 26/10/2013, 08:12:05-08:21:53; [CAR-OTP-2102-8338](#) at 8344-8345, 26/10/13, 08:05:37-08:16:28; [CAR-OTP-2102-8456](#) at 8456, Post of [REDACTED] under the name of [REDACTED], 26/10/2013, 08:01:30; [CAR-OTP-2102-5143](#) at 5178, 26/10/2013, 21:56:15-22:15:32; [CAR-OTP-2131-2344](#) at 2418-2420, 26/10/2013, 16:33:33-16:42:24.

<sup>334</sup> [CAR-OTP-2101-5470](#) at 5474, 27/10/2013, 12:46:30-13:00:15; [CAR-OTP-2102-5143](#) at 5178-5179, 27/10/2013, 17:58:16-18:22:05; [CAR-OTP-2101-8391](#) at 8414-8415, 27/10/2013, 08:21:10 – 21:26:43; [CAR-OTP-2101-9735](#) at 9832-9833, 9836, 27/10/2013, 19:16:25-19:28:24, 28/10/2013, 11:02:17-11:17:54. In a separate message, [REDACTED] discusses how losing BOUAR will have a devastating psychological effect on the troops: [CAR-OTP-2101-8599](#) at 8702-8705, 27/10/2013, 08:16:19-08:47:43. See also [CAR-OTP-2100-9923](#) at 9926-9928, 04/11/2013, 12:53:51-13:46:52; [CAR-OTP-2100-2994](#) at 3027, 07/11/2013, 11:06:17; [CAR-OTP-2102-3014](#) at 3081, 15/11/2013, 22:17:30.

<sup>335</sup> [CAR-OTP-2101-9735](#) at 9829-9831, 26/10/2013, 19:05:20-19:31:53 – see commentary by P-2841: [CAR-OTP-2127-4238-R01](#) at 4262-4263, paras 137-140.

<sup>336</sup> [CAR-OTP-2101-9735](#) at 9838, 30/10/2013, 09:08:58-09:11:28; [CAR-OTP-2101-6897](#) at 6900-6901, 31/10/2013, 12:57:49-13:24:20 – see commentary by P-2673: [CAR-OTP-2127-6435-R01](#) at 6450-6451, paras 98-99, 103; [T-041](#), p. 26, lines 1-7, p. 26, line 23-p. 27, line. 9; [CAR-OTP-2102-5143](#) at 5180, 31/10/2013, 13:34:48-13:37:28 – see commentary by P-2673: [T-041](#), p. 30, line 22; p. 31, line 17; [CAR-OTP-2102-7585](#) at 7601-7602, 01/11/2013, 14:05:43-14:55:53.



178. P-2841's testimony establishes that **NGAISSONA** and Bernard MOKOM competed with KOKATE in respect of leading Anti-Balaka military operations. He testified that, "they wanted to be in charge themselves, whence their behaviour to put him [KOKATE] in a difficult position. In these types of situations, the person who has the most connections and means, gets the power".<sup>337</sup> He added that "there would have been less violence if KOKATE and the military were in charge, because they were professionals who had been trained in the proper techniques of combat. They know how to structure and plan, without resorting to *gris-gris* and such."<sup>338</sup>

179. FACEBOOK exchanges corroborate P-2841's testimony. They show that KOKATE was originally designated to start the military operations with FACA in BOUAR in coordination with **NGAISSONA**, who would take charge of the Anti-Balaka. On 31 October 2013, [REDACTED] noted that BOZIZE: « *leurs a bien dit que c'est kokate qui est responsable des operations militaires, qu'eux doivent seulement s'occuper des anti balakas en coordination avk kokaté, mais eux [NGAISSONA and Bernard MOKOM] font de la fourberie* ». <sup>339</sup>

180. Later FACEBOOK messages show that **NGAISSONA** sought to exploit the Anti-Balaka to advance his political ambitions, drawing strident criticism from several individuals close to BOZIZE (e.g., YAKETE, [REDACTED]) for acting to discredit KOKATE's and YAKETE's leadership in the group, and claiming credit for the operation and the work of the Anti-Balaka he coordinated.<sup>340</sup>

181. **NGAISSONA** used his role as the *de facto* Coordinator of the Anti-Balaka, already at this early stage, to accumulate the political capital needed to obtain a lucrative political post after the destitution of DJOTODIA, which he later attempted to obtain.<sup>341</sup>

### **m. OCTOBER 2013: NGAISSONA assisted in the provision of military equipment**

#### ***i. NGAISSONA acted as a point-person***

182. **NGAISSONA**'s emails<sup>342</sup> show that in October 2013, he was involved in handling a request for military equipment and money for Anti-Balaka elements in the field. In particular, they reflect his dealings with [REDACTED] in regard to the supply of weapons and funds requested by LAKOUE TENE, DOGUELA, [REDACTED].

<sup>337</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4265, para. 152-154.

<sup>338</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4267, para. 164.

<sup>339</sup> [CAR-OTP-2101-8599](#) at 8708-8710, 31/10/2013, 07:52:31-08:19:25.

<sup>340</sup> [CAR-OTP-2100-9923](#) at 9926-9928, 04/11/2013, 12:53:51-13:46:52; [CAR-OTP-2101-8599](#) at 8720-8721, 18/11/2013, 13:10:32-13:30:22; [CAR-OTP-2102-6699](#) at 6948, 30/11/2013, 19:51:00-19:53:12.

<sup>341</sup> For **NGAISSONA**'s political ambitions, see P-0952: [T-249](#), p. 23, line 13-p. 24, line 12, commenting on [CAR-OTP-2087-9025](#).

<sup>342</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), paras 25-26, incorporated herein by reference.

183. On 5 October 2013, [REDACTED] emailed **NGAISSONA**, noting that while the elements in ZONGO had received financial and material support from those in BANGUI, and on the Axe BOALI, BOGANGOLO and BOZOUUM, *i.e.*, led by LAKOUTENE and DOGUELA, had not received their support as usual. **NGAISSONA** requested and received their telephone numbers on 6 October 2013,<sup>343</sup> and on 7 October 2013, [REDACTED] sent **NGAISSONA** detailed lists (*'Besoins'*) of equipment and money needed for LAKOUETENE and DOGUELA. On 12 October 2013, [REDACTED] sent **NGAISSONA** a similar list (*'Besoins Zone Sud'*), identifying [REDACTED] as the focal point, concerning a different area.<sup>344</sup>

184. [REDACTED],<sup>345</sup> [REDACTED] equipment and funding sought was drawn up by LAKOUETENE and DOGUELA for the purpose of the 5 December 2013 attack on BANGUI.<sup>346</sup>

185. CDRs show that **NGAISSONA** was in contact with DOGUELA from 13 October 2013 throughout 18 November 2013.<sup>347</sup> FACEBOOK messages also corroborate the emails,<sup>348</sup> and that [REDACTED] and **NGAISSONA** were in contact.<sup>349</sup>

*ii. NGAISSONA provided practical assistance to MOKOM in ZONGO*

186. P-2841 testified that **NGAISSONA** sent food and money to Maxime MOKOM and Claude NGAIKOSSET in ZONGO, to be dispatched to elements on the ground, [REDACTED].<sup>350</sup> [REDACTED].<sup>351</sup>

187. [REDACTED],<sup>352</sup> according to which [REDACTED] military equipment ([REDACTED]) had begun arriving in BANGUI, and testified that weapons, such as AK-47s

<sup>343</sup> CDR show that on 6 October 2013, LAKOUETENE ([REDACTED]) communicated with [REDACTED] twice, at 07:25 and 17:31: *see* Call Sequence Table 24 available at ICC-01/14-01/18-2061-Conf-AnxA, and relevant attributions at ICC-01/14-01/18-1296-Conf-AnxC and ICC-01/14-01/18-2061-Conf-AnxC.

<sup>344</sup> [Prosecution Email Evidence Bar Table Motion](#), paras 25-26, incorporated herein by reference.

<sup>345</sup> P-2843: [T-073](#), p. 62, lines 7-16.

<sup>346</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4245-4256, paras 41, 104; [T-029](#), p. 49, line 7-p. 50, line 3.

<sup>347</sup> CDR show that on 13 October 2013, **NGAISSONA** ([REDACTED]) communicated with [REDACTED] at 19:09: Call Sequence Table 25 available at ICC-01/14-01/18-2061-Conf-AnxA, and relevant attributions at ICC-01/14-01/18-1296-Conf-AnxC and ICC-01/14-01/18-2061-Conf-AnxC. For contacts between **NGAISSONA** ([REDACTED]) and DOGUELA ([REDACTED]) from 13 October-18 November 2013: [CAR-OTP-2112-1431](#).

<sup>348</sup> [CAR-OTP-2102-3799](#) at 3855-3857, 08/10/2013, 22:16:53-22:32:20 - *see commentary by* P-2843: [T-073](#), p. 72, lines. 5-15; [CAR-OTP-2101-9735](#) at 9811-9812, 06/09/2013, **12:56:16-13:07:37** and 09/10/2013, 10:12:33-10:40:21 - *see commentary by* P-2843: [T-073](#), p. 73, lines. 5-23; On [REDACTED] *see* P-2841: [CAR-OTP-2127-4238-R01](#) at 4254, para. 90; P-2843: [T-073](#), p. 18, lines. 19-20; CDRs show that [REDACTED] was in telephone contact with [REDACTED] in September and October 2013.

<sup>349</sup> [CAR-OTP-2102-3799](#) at 3858, 21/10/2013, 23:23:49.

<sup>350</sup> [CAR-OTP-2101-9735](#) at 9805, 9829, 06/10/2013, 12:56:16-12:58:40, 26/10/2013, 19:07:55 – *see commentary by* P-2841: [CAR-OTP-2127-4238-R01](#) at 4253-4254, 4265, paras 87-89, 153.

<sup>351</sup> P-2841: [T-029](#), p.41, line 8-p.42, line 25.

<sup>352</sup> [CAR-OTP-2101-9117](#) at 9121-9122, 01/10/2013, 17:43:502-17:59:34. *See also* [CAR-OTP-2102-2520](#) at 2614, 05/10/2013, 19:33:43.

and ammunition were brought in from the DRC via the OUBANGUI river.<sup>353</sup> P-2328 corroborates P-2841's testimony, and confirms **NGAISSONA's** involvement in the provision of ammunition located at the border to the Anti-Balaka through Maxime MOKOM.<sup>354</sup>

188. CDRs corroborate that in September and October 2013, [REDACTED] was indeed in regular telephone contact with LAKOUTENE.<sup>355</sup> As shown above, **NGAISSONA** liaised directly with LAKOUETENE and DOGUELA regarding the provision of military equipment in this period.

*iii. NGAISSONA liaised with Eric DANBOY regarding the provision of military equipment*

189. **NGAISSONA** continued liaising with members of BOZIZE's close entourage, as shown by the fact that on 17 October 2013, **NGAISSONA** forwarded the 12 October 2013 email with the requests for military equipment to Eric DANBOY at [REDACTED],<sup>356</sup> who responded that « *le compte rendu sera fait immédiatement* ». <sup>357</sup> On 17 October 2013, some four hours before Eric DANBOY replied with the assertion that « *le compte rendu sera fait immédiatement* », he had been in telephone contact with **NGAISSONA** for about 10 minutes.<sup>358</sup>

190. BOZIZE's inner circle's continuing reliance on LAKOUETENE in the field is also corroborated by a FACEBOOK message of 7 November 2013, in which WAPOUNABA asked LAKOUETENE to provide the exact number of elements so that they could be taken care of.<sup>359</sup> CDRs show that in this period (from 27 October 2013 to 15 November 2013), LAKOUETENE was in regular contact with WAPOUNABA,<sup>360</sup> who was involved with **NGAISSONA** in the planning meetings of the 5 December 2013 attacks.<sup>361</sup> As mentioned, LAKOUETENE was in regular contact with BOZIZE and Francis BOZIZE, in particular in the second half of September and October 2013.<sup>362</sup>

<sup>353</sup> P-2841: [T-029](#), p. 40, lines. 13-24, p. 42, lines-11.

<sup>354</sup> P-2328: [T-047](#), p. 36, line. 13-p. 37, line. 14.

<sup>355</sup> CDRs corroborate his testimony, showing regular contact in September and October 2013, between [REDACTED] and LAKOUTENE: for contacts between [REDACTED] and LAKOUETENE [REDACTED] during September and October 2013: [CAR-OTP-2112-1538](#).

<sup>356</sup> Regarding the attribution of the email address [REDACTED] to Eric DANBOY, see [CAR-OTP-2134-0407](#) at 0426-0427.

<sup>357</sup> [Prosecution Email Evidence Bar Table Motion](#), para. 26, incorporated herein by reference.

<sup>358</sup> For contacts between **NGAISSONA** ([REDACTED]) and DANBOY ([REDACTED]) at 13:50 with a call duration of 09:57: Call Sequence Table 26 available at ICC-01/14-01/18-2061-Conf-AnxA, and relevant attributions at ICC-01/14-01/18-1296-Conf-AnxC and ICC-01/14-01/18-2061-Conf-AnxC.

<sup>359</sup> [CAR-OTP-2101-9735](#) at 9854, 07/11/2013, 12:17:08-12:20:46.

<sup>360</sup> For contacts between LAKOUETENE ([REDACTED]) and WAPOUNABA ([REDACTED]): [CAR-OTP-2112-1538](#).

<sup>361</sup> See above, paras. 201-202.

<sup>362</sup> For contacts between LAKOUETENE ([REDACTED]) and Francis BOZIZE ([REDACTED]), and François BOZIZE ([REDACTED]) in September 2013: [CAR-OTP-2112-1538](#).

191. Moreover, the lists (*'Besoins' and 'Besoins Zone Sud'*) were not only similar to the list (*Expressions de Besoins*) sent by NGREMANGOU in July 2013,<sup>363</sup> but also those found on Eric DANBOY's computer last modified respectively on 26 August 2013 and on 2 September 2013.<sup>364</sup> In addition, as explained below, on 8 January 2014 Franklin BOZIZE sent an email to NGAISSONA with a similar request for military equipment.<sup>365</sup>

**iv. NGAISSONA mobilised Anti-Balaka resources and was known as a coordinator**

192. P-2841 described NGAISSONA's role in this period, stating: "NGAISSONA put himself as in charge, *the mobiliser of the resources*. So everything came through him," adding that "when he was in Cameroon and things were beginning to change on the ground as the Anti-Balaka advanced on the ground and were taking over a number of cities. So that is when *it was understood that he would be the one in charge of resources, mobilising resources and that resources should be transferred through him.*"<sup>366</sup>

193. Indeed, this is corroborated by [REDACTED], who testified that he was informed [REDACTED]<sup>367</sup> – that, "important people", [REDACTED] provided financial contributions to aid NGAISSONA, and further confirmed that [REDACTED].<sup>368</sup>

194. As P-2841 made clear, as it was known that the situation for the Anti-Balaka on the ground was complicated, "[t]he needed resources in order to be able to advance."<sup>369</sup> NGAISSONA was a conduit to securing the resources necessary to support and sustain that advance.

195. P-2843 confirmed NGAISSONA's significant coordinating role in this period, consistently with the evidence of P-0884, when confronted with his prior statement in Court.<sup>370</sup> [REDACTED] of DOGUELA and LAKOUETENE's requests for military, financial, and material assistance for Anti-Balaka elements in the field to NGAISSONA: "I have no interest in telling lies here. What I am telling you is that everyone knew that I was in contact with Mr Ngaïssona. And so, during that period, the situation in the country was terrible, and *everyone knew that Mr Ngaïssona was the coordinator of the Anti-Balaka*. So that's why they were compelled to come to have me send him the document."<sup>371</sup>

<sup>363</sup> See above. 76.

<sup>364</sup> See above, para. 89.

<sup>365</sup> See below, para. 265.

<sup>366</sup> P-2841, [T-030](#), p.18, line 4-p.19, line 5 (emphasis added).

<sup>367</sup> D30-P-4679: [T-299](#), p. 70, lines 1-6.

<sup>368</sup> [REDACTED].

<sup>369</sup> P-2841: [T-003](#), p.19, lines 9-20.

<sup>370</sup> P-0884: [T-055](#), p. 44, line 21-p. 46, line 13.

<sup>371</sup> P-2843: [T-073](#), p.75, lines 21-25, p. 73, line 25- p.75, line 25.

**n. NOVEMBER 2013: NGAISSONA continued liaising with members of BOZIZE’s inner circle and key Anti-Balaka leaders in preparing the 5 December 2013 attacks on BANGUI and BOSSANGOYA [Structuring and Financing]**

**i. General**

196. P-2926 testified that, by 13 October 2013, the security situation in the CAR had deteriorated to such an extent that FRANCE announced its intention to send in additional troops.<sup>372</sup> On 1 November 2013, the UN Special Advisor on the Prevention of Genocide, Mr. Adama DIENG, asserted that he would not rule out the possibility of genocide, whereas not long thereafter, John GING, the Operations Director of the UN Office for Coordination of Humanitarian Affairs warned, “We are very, very concerned that the seeds of a genocide are being sown.”<sup>373</sup> On 21 November 2013, Laurant FABIUS, the French Minister of Foreign Affairs, publicly stated that the CAR was “au bord du genocide”.<sup>374</sup> At the same time, the Anti-Balaka continued to target the Muslim community as a whole in October-November 2013 (e.g., at BOSSEMBELE and BOSSANGOYA). Many attacks were widely reported.<sup>375</sup>

197. Moreover, fears expressed in the media, by UN agencies, and among other international actors on the ground, that CAR was headed toward a serious humanitarian crisis could not have escaped NGAISSONA’s attention.<sup>376</sup>

198. Nevertheless, and on the heels of their failed BOSSANGOYA offensives in September and failure in BOUAR, which itself resulted in civilian deaths and casualties and the mass displacement of some 10,000 people,<sup>377</sup> in November 2013, BOZIZE’s inner circle, including NGAISSONA, ramped up their efforts, coordinating concerted Anti-Balaka operations along different fronts to attack BANGUI and BOSSANGOYA.

<sup>372</sup> P-2926: [CAR-OTP-2127-4289](#) at 4304-4305, para.35.

<sup>373</sup> [CAR-OTP-2081-0496](#) at 0501, 0514, 0533, 0567.

<sup>374</sup> [CAR-OTP-2012-0523](#) [00:13:04] to [00:16:10], translation CAR-OTP-2118-5547, at 5560-5562, lines 370-431, note lines 366-368.

<sup>375</sup> P-0992: [CAR-OTP-2128-0288-R02](#) at 0304, para. 100; P-0884: [T-055](#), p. 40, line 15-p. 41, line 2; [CAR-OTP-2001-0329](#) at 0338, para. 45; P-2133: [CAR-OTP-2093-0267-R02](#) at 0279-0280, paras 91-93; P-2647: [CAR-OTP-2109-0520-R01](#) at 0523-0524, paras 14-17, commenting on [CAR-OTP-2081-0496](#) at 0537-0538. See also [CAR-OTP-2001-3302](#) at 3304; P-2467: [CAR-OTP-2109-0404](#); P-1577: [CAR-OTP-2081-0769-R01](#) at 0773, para. 20, 25-26, at 0778, in relation to [CAR-OTP-2085-1201](#) at 0779 in relation to [CAR-OTP-2085-1941](#) at 0784; [CAR-OTP-2085-4852](#); [T-027](#), p. 15, lines 5-9, p. 17, line 23-p. 19, line 3, p. 20, line 24-p. 51, line 13-p. 52, line 16, commenting on [CAR-OTP-2085-4852](#); [CAR-OTP-2075-1092](#) at 1092; [CAR-OTP-2075-1097](#) at 1098; [CAR-OTP-2107-1169](#), [00:01:22:12] to [00:01:58:00], translation [CAR-OTP-2127-4626](#), at 4628-4629, lines 33-39; [CAR-OTP-2101-3086](#), at 3091; [CAR-OTP-2108-0678](#), translation [CAR-OTP-2130-0381](#).

<sup>376</sup> See below paras. 347-349.

<sup>377</sup> See above, Section III, A, 1, para. 172.

**ii. After the Anti-Balaka's failed offensive NGAISSONA continued funding the deployment of troops from CAMEROON to BOUAR**

199. After the Anti-Balaka's failed BOUAR attack, at the end of October and beginning of November 2013, NGAISSONA and Bernard MOKOM continued to send 'their elements' from CAMEROON to BERTOUA/GAROUA-BOULAI onto BOUAR.<sup>378</sup>

200. FACA officers were also being redeployed to reinforce the Anti-Balaka in the upcoming attacks, including Colonel NGBOYA.<sup>379</sup> Notably, NGAISSONA liaised regularly with NGBOYA, who also attended meetings in YAOUNDE at his request.<sup>380</sup> They similarly reflect NGAISSONA's and Bernard MOKOM's direct involvement in military actions on the ground,<sup>381</sup> their permanent contact with Francis BOZIZE,<sup>382</sup> and that Maxime MOKOM was kept abreast of the elements' deployments, *i.e.* from BERTOUA-GAROUA-BOULAI towards BOUAR and BERBERATI.<sup>383</sup>

**iii. NGAISSONA participated in the planning of the 5 December 2013 attacks**

201. Around the third week of November 2013, NGAISSONA liaised and/or met in YAOUNDE where they received instructions from BOZIZE regarding what would become the 5 December 2013 attack. P-0801 testified that at the end of November 2013, he met with NGAISSONA, Bernard MOKOM, Eugène NGAIKOSSET, Franklin BOZIZE, Eric DANBOY, and others in YAOUNDE, and was informed that an attack on BANGUI was imminent.<sup>384</sup> P-1847 corroborates this, confirming that, at NGAISSONA and Bernard MOKOM's request, Captain Eugène NGAIKOSSET came to YAOUNDE in November 2013 to receive instructions regarding the BANGUI attack, with a view to coordinating the Anti-Balaka's actions on the ground. His prior testimony is clear and unequivocal.<sup>385</sup>

202. FACEBOOK exchanges are consistent with this testimony. They also show that NGAISSONA, WAPOUNABA, and Eugène NGAIKOSSET arrived in YAOUNDE on 18 and

<sup>378</sup> See above, paras. 156-157.

<sup>379</sup> [CAR-OTP-2101-8921](#) at 8946, 04/11/2013, 10:30:33-10:41:05; [CAR-OTP-2102-4497](#) at 4544-4545, 04/11/2013, 20:31:05-21:41:57; [CAR-OTP-2101-8342](#) at 8349, 06/11/2013, 18:47:49-18:55:43; [CAR-OTP-2103-4023](#) at 4039, 06/11/2013, 20:21:06-20:25:35.

<sup>380</sup> See above, para. 165.

<sup>381</sup> [CAR-OTP-2100-2994](#) at 3027, 07/11/2013, 11:06:17 - 12:31:02.

<sup>382</sup> [CAR-OTP-2100-9923](#) at 9926-9927, 04/11/2013, 12:53:51-13:46:52.

<sup>383</sup> [CAR-OTP-2103-4149](#) at 4152, 01/11/2013, 19:27:32 - 19:34:00; [CAR-OTP-2103-4185](#) at 4217, 01/11/2013, 20:09:41. [REDACTED], see: P-2027: [T-039](#), p. 44, line 8-p. 45, line 18; [CAR-OTP-2103-2149](#) at 2151, 25/09/2013, 19:12:34 - 19:21:53

<sup>384</sup> P-0801: [T-035](#), p. 8, lines 5-11, [T-037](#), p. 87, lines 3-13.

<sup>385</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1561-1562, paras 175-176.

19 November 2013 respectively, joining [REDACTED] and Bernard MOKOM.<sup>386</sup> Significantly, they reflect that the Group designated the men to lead the people in BANGUI and that (« *un colonel et un capitaine ont été désignés pour prendre la tête des gens de Bangui* »).<sup>387</sup> The exchanges confirm that BOZIZE called to give the instructions to **NGAISSONA** and **Bernard MOKOM** (« *les choses évoluent très bien, le Boss a appelé pour donner des instructions* »),<sup>388</sup> and that Eugene NGAIKOSSET planned to return from YAOUNDE to BANGUI shortly to join the elements.<sup>389</sup>

203. The FACEBOOK exchanges corroborate P-0801's testimony that **NGAISSONA** liaised with Eric DANBOY ('Eric'), Franklin BOZIZE ('Franklin'), and BOZIZE, during this critical period.<sup>390</sup> In the exchanges, Aimé Vincent BOZIZE confirmed **NGAISSONA**'s role, stating on 25 November 2013 that they were working together with **NGAISSONA** ('*lui avk nous*', '*oui*') and that **NGAISSONA** was in CAMEROON covering DOUALA and the deployment of elements to the CAMEROON-CAR border ('*Il est sur Cameroun*' – '*oui de kel cote*' – '*Douala frontière en mouvement*').<sup>391</sup> In his testimony, P-2673 confirmed that a few days earlier, all the military chiefs had indeed gathered in DOUALA.<sup>392</sup>

*iv. At the end of November 2013 NGAISSONA continued participating in the deployment of elements in view of the 5 December 2013 attacks*

204. The evidence shows that in the lead up to the 5 December 2013 Anti-Balaka attacks, **NGAISSONA** was involved in deploying elements to strategic locations (BOSSEMBELE and ZONGO) and mobilising and funding elements in DOUALA and YAOUNDE to join the Anti-Balaka.

*a) NGAISSONA helped organise and fund the deployment of elements to BOSSEMBELE*

205. P-2673 explained that several soldiers received money from **NGAISSONA** at the Golf Residence to go to GAROUA-BOULAI and BOUAR to fight, adding that "they worked for

<sup>386</sup> [CAR-OTP-2131-5407](#) at 5505-5506, 18/11/2013-21/11/2013, 08:15:11-16:10:49; [CAR-OTP-2131-5407](#) at 5507, 21/11/2013, 16:16:02, commented upon by D30-P-4679: [T-301](#), p. 45, line. 22-p. 46, line 18; [CAR-OTP-2102-9800](#) at 9835-9836, 19/11/2013, 21:23:42-21:30:12; [CAR-OTP-2102-2520](#) at 2687, 23/11/2013, 19:09:41 – 19:11:33.

<sup>387</sup> [CAR-OTP-2102-3799](#) at 3879, 19/11/2013, 06:29:42.

<sup>388</sup> [CAR-OTP-2131-5407](#) at 5505-5507, 21/11/2013, 16:10:49-16:16:02 (confirming also that **NGAISSONA** and **Bernard MOKOM** [REDACTED]). See also [CAR-OTP-2100-6685](#), at 6734-6735, 24/11/2013, 23:16:24-23:57:44.

<sup>389</sup> [CAR-OTP-2102-2520](#) at 2687, 23/11/2013, 19:09:41 – 19:11:33.

<sup>390</sup> [CAR-OTP-2133-2227](#) at 2254-2255, 26/11/2013, 19:58:45-20:05:52.

<sup>391</sup> [CAR-OTP-2131-5707](#) at 5839, 25/11/2013, 21:53:44-21:59:05. A week earlier, on 18 November 2013, **Bernard MOKOM** had contacted [REDACTED] (*i.e.*, the interlocutor of the message cited above) to coordinate the troops in BANGUI – see [CAR-OTP-2101-8599](#) at 8719-8721, 18/11/2013, 12:59:49-13:30:22.

<sup>392</sup> [CAR-OTP-2102-5143](#) at 5184, 23/11/2013, 15:47:12, comment P-2673: [T-041](#), p. 43, lines 2-16.

**NGAISSONA**".<sup>393</sup> On 24 November 2013, **NGAISSONA** ordered the elements in BOUAR to reach BOSSEMBELE in three days,<sup>394</sup> and that EMTENOU and DANBOY were amongst those elements.<sup>395</sup> CDRs also show **NGAISSONA**'s frequent contacts with NDALE (one of the BOUAR chiefs–CR) from 11 through the end of November 2013.<sup>396</sup>

*b) NGAISSONA helped organise and fund the deployment of elements from ZONGO*

206. [REDACTED] FACEBOOK message, which reflects that **NGAISSONA** and Bernard MOKOM asked the Anti-Balaka elements stationed in ZONGO to cross over to BANGUI, and informed that those in DOUALA (*i.e.*, where [REDACTED] resides<sup>397</sup>) were leaving that night for the border. [REDACTED] confirmed the information that he received that **NGAISSONA** and MOKOM were managing the Anti-Balaka, while KOKATE was managing military members of the Group.<sup>398</sup> That **NGAISSONA**'s orders were executed on the ground is also shown by a message of 27 November 2013, that the elements from ZONGO had infiltrated BANGUI.<sup>399</sup> While [REDACTED], **NGAISSONA**'s hands-on role is consistent with P-1847's testimony that **NGAISSONA** and Bernard MOKOM advised the Anti-Balaka to rest before the 5 December 2013 attack – [REDACTED], DEDANE (*see further*).

*c) NGAISSONA helped organise and fund the deployment of elements from YAOUNDE and DOUALA*

207. In November-December 2013, **NGAISSONA** continued funding and deploying elements from CAMEROON towards BANGUI and BOSSANGO. P-1719 testified that he became aware that **NGAISSONA** was mobilising Central Africans in DOUALA to return to CAR to fight ("*revolter*").<sup>400</sup> He testified that **NGAISSONA** had funded the transportation of many soldiers he met later at the border and who had travelled from YAOUNDE, DOUALA and

<sup>393</sup> P-2673: CAR-OTP-2127-6435-R01 at 6443-6444, 6460-6461, paras 52-58, 168-169; T-041, p. 24, lines 5-14, p. 34, line 23-p. 35, line 10. *See also* [CAR-OTP-2101-8987](#) at 8998, 20/11/2013, 20:50:25-20:53:46 – *see* commentary by D30-P-4679: [T-301](#), p. 73, line 6-p. 74, line 7. P-1719's testimony further establishes that EMTENOU and [REDACTED] were soldiers, stationed in BOUAR: P-1719: [T-142](#), p. 29, lines 4-21.

<sup>394</sup> [CAR-OTP-2102-2520](#) at 2689, 24/11/2013, 21:05:10-21:12:08. *See also* [CAR-OTP-2101-9451](#) at 9583-9584, 24/11/2013, 22:16:33-22:53:48.

<sup>395</sup> [CAR-OTP-2101-9451](#) at 9583-9584, 24/11/2013, 22:16:33-22:53:48; [CAR-OTP-2100-6685](#) at 6734-6735, 24/11/2013, 23:16:24-23:57:44.

<sup>396</sup> For contacts between NDALE ([REDACTED]) and **NGAISSONA** ([REDACTED]) from 11 to 30 November 2013: [CAR-OTP-2068-0179](#).

<sup>397</sup> For [REDACTED]'s location: [CAR-OTP-2102-5143](#) at 5184, 23/11/2013, 15:47:12 – *see commentary* by P-2673: [T-041](#), p. 43, lines. 2-16.

<sup>398</sup> [CAR-OTP-2102-5471](#) at 5633-5634, 27/11/2013, 18:45:54–19:05:52, commented upon by D30-4848: [T-298](#), p. 28, line 15-p. 29, line 16.

<sup>399</sup> [CAR-OTP-2102-6699](#) at 6931, 27/11/2013, 20:39:16 -20:40:18.

<sup>400</sup> P-1719: [T-141](#), p. 44, line 1-p. 46, line 16. While the English transcript refers to 'resolve': [T-141](#) [ENG], p. 44, l. 1-11, the French transcript refers to *révolter*: [T-141](#) [FR], p. 43, line 18-p. 44. *See also* P-2673: [CAR-OTP-2127-6435-R01](#) at 6440, paras 32-34.



BERTOUA with **NGAISSONA**'s help.<sup>401</sup> At **NGAISSONA**'s invitation, he and other elements travelled to YAOUNDE, greeting him at his residence, before receiving money from Bernard MOKOM to travel to GAROUA-BOULAI. Bernard MOKOM informed them that other elements had received equal sums, which P-1719 confirmed when he arrived at the border.<sup>402</sup> P-1719 added that Bernard MOKOM encouraged [REDACTED] "to mobilise all their force to return to their country".<sup>403</sup> [REDACTED] **NGAISSONA** provided funds for his transportation just before that date.<sup>404</sup>

208. Also P-2673 had received funds to travel to GAROUA-BOULAI several weeks prior.<sup>405</sup> His evidence is consistent with P-1719's, confirming that several soldiers received money at the Golf Residence to go to GAROUA-BOULAI and to BOUAR to fight.<sup>406</sup> P-2673 described **NGAISSONA**'s role as follows: "Ngaïssona gave the money to Mokom[‘s] father because they shared the same residence, and Mokom was the one responsible for money" and that he [Bernard MOKOM] "accounted, and reported back to Ngaïssona afterwards."<sup>407</sup>

209. P-1847 explained **NGAISSONA**'s involvement in the provision of money clarifying that « *le Sous-Préfet Bernard MOKOM qui est le frère de BOZIZE, n'avait pas assez de moyens pour faire coordonner toutes ces attaques* ». <sup>408</sup> Similarly, P-2625's account about **NGAISSONA**'s frustration of having to support the Anti-Balaka in the field confirms his involvement. P-2625 testified that **NGAISSONA** was "reproachful to President Bozizé, to the extent that it was he [NGAISSONA] that was working out money, and he was responsible for the upkeep of these men out in the field."<sup>409</sup>

210. FACEBOOK messages from the last week of November 2013 provide a contemporaneous timeline of the troop movements, and show that a significant number were deployed from DOUALA and YAOUNDE to BOUAR, and from BOUAR to BOSSEMBELE, to join the elements on the BOSSANGO-NDJO axis to participate in the BANGUI attack.<sup>410</sup>

<sup>401</sup> P-1719: [T-142](#), p. 17, lines 13-22, 19, lines 10-18.

<sup>402</sup> P-1719: [T-141](#), p. 44, line 1-p. 46, line 16; p. 49, line 19-p. 51, line 2. For the time frame of this meeting, *see*: [T-141](#), p. 59, line 9-17 but clarified at [T-141](#), p. 70, l. 4-p. 71, line 10.

<sup>403</sup> P-1719: [T-142](#), p. 14, line 17-p. 15, line 20.

<sup>404</sup> [CAR-OTP-2101-6428](#), at 6449, 01/12/2013, 11:03:08.

<sup>405</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6444, 6452, para. 59, 111-113.

<sup>406</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6443-6444, 6460-6461, paras 52-58, 168-169.

<sup>407</sup> P-2673: [T-041](#), p. 20, line 10-12 .

<sup>408</sup> P-1847: [CAR-OTP-2061-1534-R01](#), at 1563, para. 187.

<sup>409</sup> P-2625: [T-189](#), p. 36, line 24-p. 37, line 5.

<sup>410</sup> [CAR-OTP-2102-2520](#) at 2689, 24/11/2013, 21:05:10-21:12:08; [CAR-OTP-2101-9451](#) at 9583-9584, 24/11/2013, 22:16:33-22:53:48; [CAR-OTP-2100-6685](#), at 6734-6735, 24/11/2013, 23:16:24-23:57:44; [CAR-OTP-2102-5471](#) at 5633-5634, 27/11/2013, 18:45:54-19:05:52; [CAR-OTP-2099-7606](#) at 7672-7673, 27/11/2013, 09:12:15; [CAR-OTP-2133-7723](#) at 7782-7784, 27/11/2013, 21:32:12-21:44:02; [CAR-OTP-2101-8921](#) at 8951, 29/11/2013, 07:34:11; [CAR-OTP-2101-6428](#), at 6449, 01/12/2013, 11:03:08.

**v. *The deployment of elements enhanced the Anti-Balaka's ability to carry out the 5 December 2013 attacks***

211. The deployment of Anti-Balaka elements — which NGAISSONA helped to organise and fund — was necessary for the preparation of the BANGUI and BOSSANGOYA attacks, as noted in Maxime MOKOM's 11 November 2013 message that the elements on his side were ready in anticipation of the 5 December 2013 attack on BANGUI, and only waiting for the Anti-Balaka to cross from the border into CAR.<sup>411</sup> By 18 November 2013, Maxime MOKOM was reassured that the elements were moving.<sup>412</sup> FACEBOOK messages show that Maxime MOKOM continued to monitor the movements of the troops closely.<sup>413</sup>

212. In addition, P-2673's testified that the 5 December 2013 BANGUI attack was delayed to allow elements from BOUAR and BOSSANGOYA to join up with those in BANGUI.<sup>414</sup> In any case, as is clear from the evidence of, *inter alia*, P-0884, P-0889, and P-1339, the Anti-Balaka who attacked BANGUI included elements from BOSSEMBELE and from BOUAR.<sup>415</sup>

**vi. *Maxime MOKOM prepared elements from BANGUI and ZONGO in parallel***

213. The evidence shows that, in furtherance of the strategic decisions of BOZIZE's inner circle (which included NGAISSONA), Maxime MOKOM organised the descent of the Anti-Balaka elements from the provinces and from ZONGO to BANGUI.

214. Numerous witnesses testified that in around mid-November 2013, under Maxime MOKOM's coordination, Anti-Balaka groups from GOBERE, BOSSANGOYA, BOUCA, (including elements led by ANDJILO, LEBENE, OUAPOUTOU, BEJOUANE, MOKPEM and MAZIMBELE) and Anti-Balaka elements from BOUAR and BOSSEMBELE, marched south to carry out the 5 December 2013 BANGUI attack. They assembled mostly behind the BOY-RABE hill (aka BAS-OUBANGUI hill or GBAZABANGUI hill), but also elsewhere,

<sup>411</sup> [CAR-OTP-2066-3003](#) at 3015, 11/11/2013, 09:50:40–09:53:26.

<sup>412</sup> [CAR-OTP-2102-7677](#) at 7679, 18/11/2013, 19:46:46–20:07:31.

<sup>413</sup> [CAR-OTP-2066-3003](#) at 3059, 30/11/2013, 21:22:22–21:39:11. As mentioned above, père EMTENOU was residing at the Golf Residence and NGAISSONA was 'working with' Aurel's brother Hector EMTENOU (see above). See also [CAR-OTP-2103-4149](#) at 4152, 01/11/2013, 19:27:32-19:34:00. On [REDACTED] being stationed in BERTOUA see: P-2027: [T-039](#), p. 44, line 8-p. 45, line 18; [CAR-OTP-2103-2149](#) at 2151, 25/09/2013, 19:12:34–19:21:53.

<sup>414</sup> P-2673: [CAR-OTP-2127-6435-R01](#) at 6461, paras 173-174; [T-042](#), p. 50, lines 5-10.

<sup>415</sup> P-0884: [T-055](#), p. 17, line 21-p. 18, line 5, p. 21, line 20-p. 22, line 16, p. 49, lines 14-20; [CAR-D29-0008-0002](#) [00:01:19] to [00:01:43], transcript [CAR-D29-0006-0226](#) at 0226, lines 15-19 – see commentary by P-0884: [T-057](#), p. 4, line 7-p. 5, line 11; P-0889: [CAR-OTP-2122-7626-R02](#), at 7629, 7647-7648, line 85-106, 841-880; P-1339: [T-152](#), p. 70, line 21, p. 77, lines 10-14, p. 79, lines 12-13, p. 80, lines 6-13; P-2673: [T-041](#), p. 49, lines 10-15; [T-042](#), p. 50, lines 5-10.

including in BOEING.<sup>416</sup> Civilians joining the ranks along the way were put under the command of Anti-Balaka leaders.<sup>417</sup>

215. On their path, the Anti-Balaka attacked several towns, including NDJO, BOSSEMBELE,<sup>418</sup> and BOALI (*see further*). P-1847, [REDACTED] and NGAISSONA, admitted: « *Il faut dire que les Anti-Balaka commettaient beaucoup d'exactions sur les populations musulmanes au cours de leur progression. Au niveau de la hiérarchie des Anti-Balaka il n'y avait aucune sanction qui découlait de ces actes criminels* ». <sup>419</sup>

<sup>416</sup> On Maxime MOKOM coordinating the arrival of the Anti-Balaka to Bangui: P-0446: [T-096](#), p. 32, line 6-p. 33, line 13; [CAR-OTP-2059-1498-R02](#) at 1517-1518, lines 706-711, 741-748; [CAR-OTP-2059-1626-R01](#) at 1640-1641, 1645, 1532-595, 721-728. [CAR-OTP-2059-1672-R02](#), at 1693, line 772-783; [REDACTED]: [CAR-OTP-2122-7600-R02](#) at 7612-7613, 7615, 7623, lines 467-470, 489-494, 581-610, 900-913; [CAR-OTP-2027-2290-R02](#) at 2295-2297, 2304, paras 31-40, 87; [CAR-OTP-2122-7600-R02](#) at 7612-7613, 7615, lines 466-475, 489-494, 585-607; [CAR-OTP-2122-7626-R02](#) at 7628-7629, 7631-7632, 7646, lines 51-61, 107-143, 189-190, 209-218, 773-778, 784-793; [CAR-OTP-2122-7962-R02](#) at 7979-7980, 7983, lines 622-675, 698-765; P-2232: [T-075](#), p. 39, lines 15-19; p. 51, lines 14-16, [T-076](#), p. 46, lines 16-18, p. 46, line 25-p. 47, line 3; [T-078](#), p. 23, lines 22-25, p. 24, lines 10-12, p. 31, lines 7-13, p. 38, lines 2-15, p. 39, line 19-p. 40, line 1, p. 41, lines 3-8, also commenting [CAR-OTP-2100-2602](#). On YAGOUZOU, ANDJILO, OUAPOUTOU, BEJOUANE, MOKPEM, MAZIMBELE, KONATE, LEBENE gathering behind the Hills and at PROGET in view of the 5 December attack on BANGUI: P-0446: [T-096](#), p. 35, line 7-p. 36, line 12, p. 39, line 12-p. 40, line 25, commenting and identifying himself in [CAR-OTP-2075-0074](#) at 0128-0130; [T-097](#), p. 19, line 7-p. 21, line 1, commenting on [CAR-OTP-2117-0708](#); [CAR-OTP-2122-7962-R02](#) at 7977, lines 537-549; [CAR-OTP-2059-1523-R01](#) at 1525, lines 53-61; [CAR-OTP-2059-1567-R01](#) at 1568-1569, lines 31-76; P-0808: [CAR-OTP-2025-0324-R05](#) at 0331-0332, paras 50-53; P-2251: [CAR-OTP-2093-0045-R01](#) at 0053-0059, paras 53-89. P-0975: [CAR-OTP-2033-7885-R02](#) at 7889-7891, paras 30-31, 37-38; P-1521: [T-081](#), p. 5, line 7-p. 9, line 22, p. 13, line 17-p. 14, line 5, p. 37, line 23-p. 40, line 25; P-1576: [CAR-OTP-2060-0280-R01](#) at 0283, paras 18-19; [T-239](#), p. 11, lines 6-22, p. 14, lines 8-18, p. 56, lines 5-22, commenting on [CAR-OTP-2075-0074](#) at 0129; [T-239](#), p. 57, lines 12-18; P-0475: [T-090](#), p. 27, line 6-10, [T-091](#), p. 39, line 23-p. 40, line 3, p. 56, lines 17-24; P-0884: [T-055](#), p. 33, lines 17-20, p. 75, line 25-p. 76, line 4; [T-056](#), p. 8, line 15-p. 12, line 22; [T-057](#), p. 4, line 7-p. 5, line 11; commenting on [CAR-D29-0008-0002](#) [00:01:19] to [00:01:43], transcript [CAR-D29-0006-0226](#) at 0226, lines 15-19; [T-057](#), p. 20, lines 1-3, p. 63, line 21-p. 64, line 2; P-0889: [CAR-OTP-2122-7626-R02](#) at 7629, 7630-7631, 7647-7648, 7965-7967, lines 71-170, 189-190, 415-485, 537-539, 550-558, 773-793, 841-880; [CAR-OTP-2122-8112-R02](#) at 8120, lines 257-275, 294-298; [CAR-OTP-2122-8079-R02](#) at 8086, lines 216-223; P-0922: [CAR-OTP-2110-0048-R05](#) at 0056-0058, paras 41-44, 51 and its corrections [CAR-OTP-2135-1765](#); [T-092](#), p. 28, lines 10-13; P-1172: [CAR-OTP-2082-1058-R03](#) at 1064, para. 36; P-1847: [CAR-OTP-2061-1534-R01](#) at 1560, paras 165-166; [CAR-OTP-2122-8251-R01](#) at 8255, paras 30, 34; [T-023](#), at p. 34, lines 17-25, p. 91, line 10- p. 92, line 3; [CAR-OTP-2061-1534-R01](#) at 1559-1560, 1564, paras 158-160, 165, 189; [T-023](#), at p. 34, line 17-p. 35, line 10; P-2232: [T-076](#), p. 3, lines 19-23, p. 25, lines 13-18; P-1339: [T-152](#), p. 69, line 17-p.70, line 21, p. 77, line 10-14, p. 79, line 12-13, p. 80, lines 6-13.; [T-154](#), p. 19, lines 2-10; [T-155](#), p. 90, lines 7-15, p. 95, line 21-p. 96, line 1; [T-159](#), p. 49, lines 7-17; P-0888: [CAR-OTP-2031-0217-R03](#) at 0222, paras 31, 36; P-2328: [T-047](#), p. 55, lines 9-15; P-2027: [CAR-OTP-2078-0059-R03](#) at 0076, paras 99-101; [CAR-OTP-2102-3014](#) at 3101, 28/11/2013, 23:32:44-23:35:17; [CAR-OTP-2101-9735](#) at 9875, 28/11/2013, 19:21:23; [CAR-OTP-2101-8599](#) at 8724-8725, 28/11/2013, 18:42:48; [CAR-OTP-2093-0083](#); [CAR-OTP-2030-0255](#) at 0256; [CAR-OTP-2087-9110](#) at 9111; [CAR-OTP-2025-0362](#) at 0364, commented upon by P-0808: [CAR-OTP-2025-0324-R05](#) para. 96; [CAR-OTP-2087-9176](#) at 0374; [CAR-OTP-2025-0396](#) at 0398, para. 3. *See also* [CAR-OTP-2101-8230](#) at 8235, 20/11/2013, 20:29:30.

<sup>417</sup> P-1521: [T-081](#), p. 5, line 7-p. 9, line 22; P-0889: [CAR-OTP-2122-7626-R02](#), at 7647-7648, lines 841-880.

<sup>418</sup> P-1847: [T-023](#), p. 33, line 23-p. 34, line 3, p. 91, line 10-p. 92, line 1; [CAR-OTP-2122-7626-R02](#) at 7629, 7647-7648, line 85-106, 841-880; P-1847: [CAR-OTP-2122-8251-R01](#) at 8256,8259, paras 44-45, 64; P-2251: [CAR-OTP-2093-0045-R01](#) at 0054, paras 58-59; P-0889: [CAR-OTP-2122-7626-R02](#) at 7629, lines 98-106; [CAR-OTP-2122-7962-R02](#)-R02 at 7977, lines 541-550; P-0889: [CAR-OTP-2122-7962-R02](#)-R02 at 7977-7979, lines 580-589, 599-602, 530-536. *See also* [CAR-OTP-2085-0251](#); [CAR-OTP-2085-0261](#); [CAR-OTP-2085-2041](#); [CAR-OTP-2085-2061](#) – *see commentary by* P-1577: [CAR-OTP-2081-0769-R01](#)-R01, at 0779-0780.

<sup>419</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1559, para. 161.

216. FACEBOOK messages show that earlier in November 2013, Maxime MOKOM had positioned elements on the axis BOSSEMBELE – DAMARA – PISSA, as well as in BANGUI,<sup>420</sup> where weapons began to arrive,<sup>421</sup> and reconnaissance missions were being conducted.<sup>422</sup> They further reflect Maxime MOKOM’s liaising and coordinating on the ground with KONATE, NGREMANGOU, SEMDIRO, Claude NGAIKOSSET, LAMAKA, and YAKETE.<sup>423</sup>

217. On 17 November 2013, MOKOM confirmed to YAKETE that the elements were waiting for the orders/instructions to act.<sup>424</sup>

*vii. Eusebe EMTENOU and Francis BOZIZE organised the provision of military equipment to BANGUI via DAMARA*

218. Several witnesses confirmed that the Anti-Balaka gathered in DAMARA before descending to BANGUI. There, they were on stand-by, resting and preparing themselves for the upcoming attack.<sup>425</sup>

219. FACEBOOK corroborates this testimony, showing that between 20 and 28 November 2013, Anti-Balaka elements led by Eusèbe EMTENOU, planned to, and indeed crossed over from ZONGO to DAMARA, with military equipment from South Africa, with the assistance of Francis BOZIZE, in view of the imminent attack on BANGUI.<sup>426</sup> As mentioned above, NGAISSONA was in permanent contact with Francis BOZIZE.<sup>427</sup> FACEBOOK messages also

<sup>420</sup> [CAR-OTP-2103-4149](#) at 4152, 01/11/2013, 19:27:32-19:34:00.

On [REDACTED] being stationed in BERTOUA, see: P-2027: [T-039](#), p. 44, line 8-p. 45, line 18; [CAR-OTP-2103-2149](#) at 2151, 25/09/2013, 19:12:34 – 19:21:53.

<sup>421</sup> [CAR-OTP-2066-3003](#) at 3072, 01/11/2013, 20:01:55 - 20:41:58; See also [CAR-OTP-2066-3003](#) at 3084-3092, 01/11/2023, 17:42:08-20:52:17.

<sup>422</sup> [CAR-OTP-2102-8228](#) at 8239, 05/11/2013, 11:20:43-11:22:16.

<sup>423</sup> [CAR-OTP-2103-2204](#) at 2206, 14/11/2013, 22:08:58. The message is in line with a 7 October 2013, message in which [REDACTED] states that the people in ZONGO have asked them, to regroup, and that he was asked by ZONGO to mobilize two platoons: [CAR-OTP-2103-4354](#) at 4355-4356, 07/10/2013, 17:38:31, 19:28:33–19:36:03; [CAR-OTP-2103-4757](#) at 4770, 07/10/2013, 23:41:19-23:43:42 and in line with a 26 November 2013 message [CAR-OTP-2100-6685](#) at 6736, 26/11/2013, 18:36:09-18:37:01; [CAR-OTP-2102-8837](#) at 8846, 01/11/2013, 23:05:21–23:06:48. In October 2014, NGAISSONA would appoint LAMAKA as the Deputy *Porte-Parole* of the Anti-Balaka: Anti-Balaka document: [CAR-OTP-2093-0154](#).

<sup>424</sup> [CAR-OTP-2101-5511](#) at 5512, 17/11/2013, 20:55:00-21:02:58; See also [CAR-OTP-2066-3003](#) at 3081, 17/11/2023, 20:15:05-20:40:11.

<sup>425</sup> P-2673: [T-041](#), p. 46, lines 4-11; P-1847: [CAR-OTP-2061-1534-R01](#) at 1560, paras 165-166; [T-023](#), at p. 34, line 17-p. 35, line 10; P-1172: [CAR-OTP-2082-1058-R03](#) at 1064, 2070, paras 36, 75; P-0884: [T-056](#), p. 8, line 15-p. 9, line 10; P-2328: [T-047](#), p. 55, line 1-p. 57, line 11.

<sup>426</sup> [CAR-OTP-2102-2520](#) at 2685-2686, 19/11/2013, 13:44:58-14:06:51; [CAR-OTP-2102-2520](#) at 2687, 23/11/2013, 19:09:41-19:11:43; [CAR-OTP-2101-8987](#) at 8999-9000, 20/11/2013, 21:26:25-21:33:47; [CAR-OTP-2101-8987](#) at 8999, 20/11/2013, 21:26:25-21:33:47; [CAR-OTP-2102-3014](#) at 3089, 24/11/2013, 22:10:31-22:13:03; [CAR-OTP-2102-6552](#) at 6578-6579, 25/10/2013, 19:25:45-19:53:05; [CAR-OTP-2101-9117](#) at 9184-9186, 27/11/2013, 20:02:00-20:17:27; [CAR-OTP-2101-9735](#) at 9875, 28/11/2013, 19:21:23; [CAR-OTP-2101-9117](#) at 9187, 30/11/2013, 10:26:33; [CAR-OTP-2101-9735](#) at 9875, 28/11/2013, 19:21:23; [CAR-OTP-2101-9117](#) at 9187, 30/11/2013, 10:26:33; Regarding the reference to ‘Euzeb’: see D30-P-4679: [T-301](#), p. 74, l. 8-p. 75, l. 4; For the identification of “Franco” as Francis BOZIZE see for example: [CAR-OTP-2101-9735](#), at. 9765, 26/07/2013, 20:50:31-20:50:55.

<sup>427</sup> See above, para.200.

show that on 29 November 2013 the Anti-Balaka control DAMARA, having managed to transfer the military equipment; that they were waiting for additional equipment; and that BOZIZE's inner circle, is appraised of the situation contemporaneously.<sup>428</sup> FACEBOOK messages further show that the Anti-Balaka continued their descent from DAMARA to BANGUI by attacking PK55, and PK20 until they finally arrived at PK12.<sup>429</sup>

**o. 3 DECEMBER 2013: The Anti-Balaka attack BOALI on their descent to BANGUI**

220. Testimonial and documentary evidence shows that the Anti-Balaka, led by Maxime MOKOM's Deputy DEDANE, attacked a Muslim camp near BOALI on 3 December 2013 on their way from BOSSANGO to BANGUI.<sup>430</sup> FACEBOOK messages show that attack on BOALI was contemplated as early as 18 November 2013;<sup>431</sup> that it was executed by Anti-Balaka under the coordination of MOKOM,<sup>432</sup> who were on their way to BANGUI,<sup>433</sup> that ex-FACA had arrived in BOALI, waiting for BOZIZE's green light to attack (which they expected impatiently),<sup>434</sup> and that the BANGUI attack was postponed because some elements had fallen behind at the level of BOALI.<sup>435</sup>

221. The attack resulted in at least 12 deaths, whilst 14 children, including very small children, were severely injured. The Anti-Balaka also pillaged and destroyed their property. As a result

<sup>428</sup> [CAR-OTP-2101-9735](#) at 9873-9875, 28/11/2013, 13:19:43-19:21:23; [CAR-OTP-2102-8009](#) at 8117-8118, 29/11/2013, 08:35:49-08:54:18; [CAR-OTP-2101-8855](#) at 8893 and 8894, 29/11/2013, 15:13:54 - 16:01:13; [CAR-OTP-2100-5030](#) at 5035-5036, 29/11/2013, 00:01:21-00:02:12; [CAR-OTP-2101-8921](#) at 8949, 29/11/2013, 07:26:47 - 07:28:58; [CAR-OTP-2101-6015](#) at 6020-6021, 29/11/2013, 12:10:02-12:43:50; [CAR-OTP-2101-6924](#) at 6962-6963, 29/11/2013, 21:22:52-21:24:00; [CAR-OTP-2100-5662](#) at 5663-64, 29/11/2013, 11:47:50-11:53:14; [CAR-OTP-2103-3553](#) at 3563, 30/11/2013, 16:41:39-17:01:37; [CAR-OTP-2102-2273](#) at 2360-2361, 30/11/2013 16:53:42-17:12:07; [CAR-OTP-2102-6699](#) at 6944, 29/11/2013, 23:18:18-23:18:43; [CAR-OTP-2101-6015](#) at 6020-21, 12:10:02-12:43:50; [CAR-OTP-2101-6015](#) at 6020-21, 29/11/2013, 12:10:02-12:43:50; [CAR-OTP-2101-8921](#) at 8949-8950, 29/11/2013, 07:28:58-07:30:43.

<sup>429</sup> [CAR-OTP-2102-2273](#) at 2360-2361, 30/11/2013, 16:53:42-17:12:07; [CAR-OTP-2100-6685](#) at 6743-6744, 04/12/2013, 08:50:06-08:52:43; [CAR-OTP-2102-3014](#) at 3111, 02/12/2013, 08:38:41-08:39:27. *See also* P-0884: [T-056](#), p. 10, l. 9-17. [CAR-OTP-2100-6685](#) at 6740, 01/12/2013-11:19:15-11:23:46. CDRs corroborate that preceding this FACEBOOK conversation, NGREMANGO had 6 short contacts on 1 December 2013 with YAKETE. For contacts between NGREMANGO ([REDACTED]) and YAKETE ([REDACTED]) on 1 December 2013: [CAR-OTP-2069-0479](#).

<sup>430</sup> P-1847: [T-023](#), at p. 89, line 23-p. 90, line 3; P-2658: [T-134](#), p. 25, lines 1-4, [T-135](#), p. 8, lines 21-24. CDRs corroborate that DEDANE ([REDACTED]), after his deployment in the area of BOSSANGO, BOUCA, and BOSSEMBELE, reached the zone of BOALI by the morning of 3 December 2013 at the latest. *See* [CAR-OTP-2112-1513](#).

<sup>431</sup> [CAR-OTP-2133-4968](#) at 5318-5319, 18/11/2013, 18:23:23-18:28:27.

<sup>432</sup> [CAR-OTP-2133-5725](#) at 5758-5760, 03/12/2013, 20:32:33-20:47:04.

<sup>433</sup> [CAR-OTP-2100-6685](#) at **6740, 01/12/2013, 11:19:15-11:23:46**. *See also* [CAR-OTP-2103-3169](#) at 3173-3174, 04/12/2013, 15:51:20-15:52:38.

<sup>434</sup> [CAR-OTP-2101-8921](#) at 8951, 29/11/2013, 07:35:40; [CAR-OTP-2133-4968](#) at 5367, 30/11/2013, 11:51:00

<sup>435</sup> [CAR-OTP-2133-7723](#) at 7784-7785, 01/12/2013, 23:18:38-23:20:36.

of the attack, numerous Muslims civilians of BOALI sought refuge from the Anti-Balaka at the town's Catholic Church.<sup>436</sup>

222. Muslim women and children who survived the attack were brought to BANGUI's *Hôpital Communautaire* for medical treatment.<sup>437</sup> Given the particularly vicious nature of the attack, and the age of the victims, their arrival in BANGUI and at the *Hôpital Communautaire* was heavily covered by international and national media. Video footage shows scenes of the children, injured, in the presence of DJOTODIA, who shouts out « *C'est ça le pré-génocide, c'est ça le pré-génocide. [...] regardez-moi ça, est-ce que c'est vraiment humain ? Nous prenons le monde entier à témoin.* ». The images also show DJOTODIA's wife who visits the hospital, TIANGAYE, NGUENDET, and several other dignitaries, including UN staff.<sup>438</sup>

223. P-1847 testified that [REDACTED] DEDANE had called him to confirm it was his group that attacked the Peuhl in BOALI, and that the group: “[ils] ont commis des dégâts”. P-1847 further testified that he subsequently followed the news, like everyone else, on France 24 and RFI and saw there had been “*les cas de braquages, les cas de... quelques dérapages de musulmans les 3 véhicules brûlés.*”<sup>439</sup> Several other witnesses also confirmed having seen the images, on France 24, Afrique 24, and other media outlets.<sup>440</sup> P-0884 acknowledged knowing of the attack, adding that it was common knowledge.<sup>441</sup> Likewise, D30-4848 confirmed that from CAMEROON, “everyone knew what was going on” - everyone was monitoring the situation in CAR very closely, including through television, radio, the media, and social media.<sup>442</sup>

224. FACEBOOK messages demonstrate how BOZIZE's inner circle, including YAKETE, [REDACTED] (who per [REDACTED] testimony was in contact with all the politicians in

<sup>436</sup> P-1577: [CAR-OTP-2081-0769-R01](#), at 0795-0796, see P-1577's photos: [CAR-OTP-2060-0590](#) [CAR-OTP-2086-0390](#); [CAR-OTP-2086-0400](#); [CAR-OTP-2086-0410](#); [CAR-OTP-2086-0420](#); [CAR-OTP-2088-0717-R01](#), at 0724, commenting upon satellite image [CAR-OTP-2088-0736](#).

<sup>437</sup> P-2546: [CAR-OTP-2114-0402-R01](#) at 0414-0416, paras 45, 51; P-0505: [CAR-OTP-2014-0129-R01](#) at 0134, para. 32; P-0974: [CAR-OTP-2058-0165-R01](#) at 0172, para. 46; [T-243](#), p. 17, lines 3-20. See also [CAR-OTP-2001-2769](#) at 2788; [CAR-OTP-2001-3444](#) at 3460, para. 66; [CAR-OTP-2055-1987](#) at 2125; [CAR-OTP-2001-0329](#) at 0337, para. 42.

<sup>438</sup> CAR-OTP-2023-1548 [00:00:00] to [00:01:41]; [CAR-OTP-2012-0523](#) [00:13:04] to [00:16:10], translation CAR-OTP-2118-5547 at 5560-5562, lines 370-431. At 5561, lines 392-393 DJOTODIA says: « *C'est ça le pré-génocide, c'est ça le pré-génocide. Mais nous sommes débordés, regardez-moi ça, est-ce que c'est vraiment humain ? Nous prenons le monde entier à témoin.* »; P-2377: [CAR-OTP-2108-0609-R02](#) at 0618, para. 43; and P-2377's videos: [CAR-OTP-2108-1312](#) [00:00:00] to [00:02:31], transcript [CAR-OTP-2127-6793](#); [CAR-OTP-2108-0681](#) [00:00:00] to [00:02:08], translation [CAR-OTP-2130-1400](#); P-1576: [CAR-OTP-2060-0280-R01](#) at 1283, paras 17, 48. See also P-1576's photos: [CAR-OTP-2075-0074](#) at 0103-0109.

<sup>439</sup> The French transcript provides more clarity: P-1847: [T-023](#) [FRA], p. 88, line 26-p. 89, line 4.

<sup>440</sup> P-2546: [CAR-OTP-2114-0402-R01](#) at 0415-0416, 51; P-0974: [CAR-OTP-2058-0165-R01](#) at 0172, para. 46; [T-243](#), p. 17, l. 3-20.

<sup>441</sup> P-0884: [T-055](#), p. 40, line 15-p. 41, line 19.

<sup>442</sup> D30-4848: [T-296](#), p. 42, lines 5-9, p. 44, lines 17-21

exile<sup>443</sup>), and others, minimized and ridiculed the event. The messages show their awareness of the attack; of the victims' transfer to the *Hôpital Communautaire* in BANGUI;<sup>444</sup> and of DJOTODIA's presence (« *dioto est part' voir le colis de boali* »).<sup>445</sup> They also show that they consider the victims to be 'Seleka' noting that 'Seleka corpses' had been brought to BANGUI (« *Is corps de seleka ramenés bg* »).<sup>446</sup> They further ridicule Laurent FABIUS on RFI (« *est ce que vous aviez suivi les conneries de fabius sur rfi?* »).<sup>447</sup> YAKETE concludes that : « *Nos hommes [les Anti-Balaka] leur ont infligé de bonnes corrections* ». <sup>448</sup> Only D30-4679 questions in the messages why the Anti-Balaka killed the Pheuls.<sup>449</sup>

225. The evidence further shows that **NGAISSONA** was informed of the attack, on 4 December 2013, through an email from [REDACTED] (whom NGAISSONA had contacted in June 2013<sup>450</sup>). Like other members of BOZIZE's inner circle, [REDACTED] referred to the killing of 'Seleka', who were taken to BANGUI to be presented to European Union representatives.<sup>451</sup> Based on the above however, it could not have reasonably escaped **NGAISSONA**'s attention that Muslim civilians were targeted during the attack, providing as such a good preview of what was to come.

**p. 5 DECEMBER 2013: The Anti-Balaka attack BANGUI and BOSSANGO**

**i. MOKOM moves troops from ZONGO to BANGUI**

226. In addition to the Anti-Balaka who had descended towards BANGUI - some via BAOLI,<sup>452</sup> and those, including Eusèbe EMTENOU and [REDACTED], who had been deployed from ZONGO to DAMARA,<sup>453</sup> at the end of November, and the beginning of December, Maxime MOKOM deployed Anti-Balaka elements from ZONGO to BANGUI in preparation for the attack. They joined the Anti-Balaka from GOBERE behind the BOY-RABE Hill (aka BAS-OUBANGUI hill or GBAZABANGUI hill).<sup>454</sup>

<sup>443</sup> P-2841, [T-029](#), p. 15, line 2–19.

<sup>444</sup> [CAR-OTP-2101-7114](#) at 7119, 03/12/2013, 12:13:37-12:15:59.

<sup>445</sup> [CAR-OTP-2102-6699](#) at 6972, 03/12/2013, 19:06:49-19:09:24.

<sup>446</sup> [CAR-OTP-2102-6699](#) at 6972, 03/12/2013, 19:06:49-19:09:24.

<sup>447</sup> [CAR-OTP-2100-6685](#) at 6742, 03/12/2013, 12:16:27-12:26:45.

<sup>448</sup> [CAR-OTP-2101-6315](#) at 6345, 03/12/2013, 13:04:10-13:10:13.

<sup>449</sup> [CAR-OTP-2099-7606](#) at 7697, 03/12/2013, 20:48:50.

<sup>450</sup> See above, para.102.

<sup>451</sup> [CAR-OTP-2124-0952](#) at 0952.

<sup>452</sup> See above, para. 220.

<sup>453</sup> P-2269: [CAR-OTP-2111-0336-R01](#) at 0347, paras 81-82; [CAR-OTP-2102-2520](#) at 2687, 23/11/2013, 19:09:41 – 19:11:33; [CAR-OTP-2102-3014](#) at 3089, 24/11/2013, 22:10:31-22:13:03; [CAR-OTP-2102-6552](#) at 6578-6579, 25/10/2013, 19:25:45-19:53:05. See also P-2232: [T-075](#), p. 45, lines 3-6. See also paras 218-219.

<sup>454</sup> These included DOKABONA, DENAMGANAI, Edia EMTENOU, GANAZOUI, Bruno SEMDIRO, Samy URBAIN (aka BAWA), and NAMSIO (P-0446): P-2232: [T-075](#), p. 46, lines 7-21; p. 51, lines 12-16; p. 70, lines 14-18; p. 70, lines 22-7, p. 73, lines 7-11; [T-076](#), p. 21, lines 12-14, p. 22, lines 1-19; P-0446: [CAR-OTP-2059-](#)

227. MOKOM liaised with **YEKATOM** regarding the deployment of his elements from GBANGBA to PROJET (near BANGUI's M'Poko Airport) in preparation for the attack.<sup>455</sup> CDRs corroborate that Maxime MOKOM and **YEKATOM** had at least 25 contacts between 25 November 2013 and 4 December 2013, including a 6-minute contact on 26 November 2013,<sup>456</sup> and that contacts continued thereafter (*see further*). At this time the Anti-Balaka were amassing behind the BAS-OUBANUI Hill. By 4 December 2013, BANGUI was firmly encircled by Anti-Balaka elements.<sup>457</sup> Christians were warned of the upcoming attack in advance.<sup>458</sup>

***ii. The Anti-Balaka attacks proceeded despite clear warnings the Muslim community would be targeted***

228. Despite being warned that the attack would cause large scale casualties amongst the civilian population, the group's leaders made clear that the group did not want dialogue — but war. [REDACTED], right before the attack, warning him not to conflate Muslim civilians and the Seleka. He noted that at the time, it was common knowledge that the Anti-Balaka were targeting the Muslim population.<sup>459</sup> [REDACTED] DJOTODIA's departure should be sought through dialogue, which would prevent large scale casualties. Having done so, [REDACTED], who was angry because he understood that [REDACTED]. After a call from [REDACTED] called him, aggressively confirming their purpose: « *On n'a pas [sic] venir ces enfants jusqu'à aller dialoguer. Nous, on va faire la guerre.* »<sup>460</sup>

[1626-R01](#) at 1646, lines 741-784; [CAR-OTP-2059-1672-R02](#) at 1682, lines 375-381; [T-096](#), p. 32, line 17-p. 33, line 13; P-0922: [CAR-OTP-2110-0048-R05](#) at 0056-0058, paras 41-44, and its corrections [CAR-OTP-2135-1765-T-092](#), p. 50, lines 15-18; P-0889: [CAR-OTP-2027-2290-R02](#) at 2304, para. 87; P-1521: [T-080](#), p. 51, line 6-p. 53, line 10; [T-081](#), p. 37, line 21-p. 39, line 17; P-0808: [CAR-OTP-2025-0324-R05](#) at 0331-0332, paras 50-53; P-2027: [CAR-OTP-2078-0059-R03](#) at 0076, para. 97. *See also* [CAR-OTP-2066-3003](#) at 3064, 26/10/2013, 08:40:34-08:47:47.

<sup>455</sup> *See below*, Section V, A, a and b, in particular paras.545.

<sup>456</sup> For contacts between Maxime MOKOM and YEKATOM between 25 and 4 December 2013: Call Sequence Table 9 available at ICC-01/14-01/18-1296-Conf-AnxA-Corr, and relevant attributions at ICC-01/14-01/18-1296-Conf-AnxC.

<sup>457</sup> P-0884: [T-056](#), p. 10, lines 9-17; P-2328: [T-047](#), p. 55, line 1-p. 57, line 11; [CAR-OTP-2132-5088](#) at 5093, 28/11/2013, 20:54:10-20:57:52; [CAR-OTP-2102-7512](#) at 7556, 30/11/2013, 18:24:53-18:29:32; [CAR-OTP-2101-8391](#) at 8432, 03/12/2013, 07:42:35; [CAR-OTP-2101-9735](#) at 9885, 03/12/2013 16:58:34; [CAR-OTP-2100-6685](#) at 6740, 01/12/2013, 11:19:15-11:23:46; [CAR-OTP-2101-7114](#) at 7118-7119, 03/12/2013, 07:22:27-12:11:11. On military equipment being delivered to BANGUI in view of the attack, *see*: [CAR-OTP-2100-6685](#) at 6743-6744, 04/12/2013, 08:50:06 - 08:52:43; [CAR-OTP-2099-7606](#) at 7697-7698, 04/12/2013, 08:53:31.

<sup>458</sup> P-1528: [CAR-OTP-2048-0757-R05](#), at 0763, para. 33; [T-178](#), p. 27, line 25-p. 28, line 12; [T-179](#), p. 48, line 2-p. 49, line 8; P-2472: [CAR-OTP-2110-0355-R01](#) at 0361, para. 33; P-0884: [T-056](#), p. 8, lines 15-18.

<sup>459</sup> P-0876: [T-085](#), p. 32, line 8-p. 33, line 6.

<sup>460</sup> P-0876: [CAR-OTP-2046-0249-R01](#), at 0259-0261, lines 382-491, note lines 456-458. *See also* P-0876: [CAR-OTP-2046-0407-R01](#) at 0409-0416, lines 73-340; [T-085](#) CT2, p. 24, line 1-p.28, l. 7; [CAR-OTP-2084-1319](#), from [00:05:03] to [00:05:13], transcript [CAR-OTP-2107-1577](#) at 1579, 1.47-48; [CAR-OTP-2084-1323](#), from [00:00:00] to [00:00:25], transcript [CAR-OTP-2107-1580](#), at 1581, lines 4-8. For [REDACTED] participation in the BANGUI attack, *see* P-2232: [T-076](#), p. 27-29, lines 13-21, p. 30, line 21-25, p. 33-41, lines 3-3.



*iii. In the early hours of 5 December 2013, the Anti-Balaka attacked BANGUI*

229. Numerous witnesses testified that in the early hours of 5 December 2013, several thousand Anti-Balaka attacked BANGUI.<sup>461</sup> The Anti-Balaka proceeded simultaneously from different directions.<sup>462</sup> Some were under the command of FACA officers or non-commissioned officers (**YEKATOM**, KONATE, NGREMANGO, BAWA); others were led by *de facto* commanders (such as FEISSONA, ANDJILO, LEBENE, and MAZIMBELE).<sup>463</sup>

230. The scale, coordination, and pattern of the attack demonstrate that the Anti-Balaka were numerous, organised, and structured.<sup>464</sup> The Anti-Balaka selected strategic locations, such as the National Assembly, the *Kassai* Camp, or the FOUH and BOY RABE neighbourhoods.<sup>465</sup>

231. Anti-Balaka elements from GOBERE participated in the attack, including ANDJILO, AZOUNOU, BEJOUANE, HOURONTI, KOSSI, LEBENE, OUAPOUTOU, elements from ZONGO, including BAWA (aka Samy URBAIN), DENAMGANAI, GANAZOUI, NAMSIO, and elements that joined the GOBERE groups on their way to BANGUI, such as MOKPEM, KONATE and MAZIMBELE.<sup>466</sup> **YEKATOM** and his men also participated in the attack.<sup>467</sup>

232. Several witnesses confirmed that Youth from BANGUI, including from BOY-RABE (NGAISSONA's stronghold), and including those mobilised into COCORA and COAC, joined the Anti-Balaka ranks for the 5 December 2013 attack.<sup>468</sup>

<sup>461</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0176, para. 32; P-0992: [CAR-OTP-2110-0048-R05](#) at 0058-0059, para. 52, 58; [T-093](#), p. 42, line 7-p. 43, line 18; P-1339: [T-154](#), p. 41, lines 8-12; P-0884: [T-057](#), p. 4, line 7-p. 5, line 11. P-0446: [CAR-OTP-2059-1696-R01](#), at 1697, lines 22-27; [CAR-OTP-2084-1287](#), [00:03:06] to [00:05:00], translation [CAR-OTP-2127-6368](#), at 6372, lines 74-87.

<sup>462</sup> *see* IV, A, b, i, para. 546.

<sup>463</sup> *see* IV, A, b, i, para. 546.

<sup>464</sup> P-0966: [T-116](#), p. 43, lines 11-20; P-0952: [T-251](#), p. 6, lines 1-7; P-0446: [CAR-OTP-2059-1696-R01](#), at 1700, lines 119-138; [T-096](#), p. 44, line 9-p. 45, line 7; P-0475: [T-091](#), p. 39, line 23-p. 40, line 3, p. 56, lines 17-24; P-2269: [CAR-OTP-2111-0336-R01](#) at 0344, para. 58; P-0306: [T-065](#), p. 12, lines 20-25; [CAR-OTP-2074-0789](#) at [00:15:30] to [00:18:02], translation [CAR-OTP-2130-0361](#) at 0368-0369, l. 214-246; [CAR-OTP-2001-6251](#) at 6293, para. 3.

<sup>465</sup> *see* IV, A, b, i, para. 546.

<sup>466</sup> P-0446: [CAR-OTP-2059-1672-R02](#) at 1688-1691, lines 614-708; [CAR-OTP-2059-1696-R01](#) at 1697- 1698, lines 31-57; [T-096](#), p. 45, lines 8 -24; [T-097](#), p. 71, lines 8-18; P-1847: [CAR-OTP-2061-1534-R01](#) at 1561, para. 174; P-2027: [CAR-OTP-2078-0059-R03](#) at 0076, para. 97; P-2232: [T-075](#), p. 70, line 7-p.71, line 7; [T-076](#), p. 27, lines 13-18, p. 28, lines 9-12, p. 29, lines 14-23, p. 30, lines 21-25, p. 32, lines 2-10; P-0889: [CAR-OTP-2122-8079-R02](#), at 8086, lines 218-223; P-1577, [T-027](#), p. 91, lines 13-16; P-2251: [CAR-OTP-2093-0045-R01](#), para. 82, 91; P-2251: [CAR-OTP-2093-0045-R01](#), para. 82, 91. On KONATE, MAZIMBELET and MOKPEM joining the Anti-Balaka from GOBERE on their way to BANGUI: P-0966: [T-116](#), p. 10, lines 17-18, p. 10, line 24, p. 12, line 1-4; P-1521: [T-081](#), p. 23, line 19-p. 24, line 4; P-2232: [T-076](#), p. 3, line 25-p. 4, line 11.

<sup>467</sup> *see* IV, A, b, i, para. 546.

<sup>468</sup> P-0808: [CAR-OTP-2025-0324-R05](#) at 0331-0332, para. 50-53; P-0889: [CAR-OTP-2122-7626-R02](#), at 7647-7648, lines 841-880; P-1823: [T-183](#), p. 78, line 4-p. 79, line 1; P-1847: [CAR-OTP-2122-8251-R01](#) at 8270, para. 178; [CAR-OTP-2001-6251](#) at 6293, para. 3; [CAR-OTP-2001-2769](#) at 2830. *See also* [CAR-OTP-2065-3172](#) [00:00:00] to [00:01:35], translation [CAR-OTP-2118-5654](#) at 5656-5657, *in particular* l. 4-16; [CAR-OTP-2065-0716](#) [00:01:27] to [00:02:00], translation [CAR-OTP-2122-2292](#) at 2294, lines 29-36; [CAR-OTP-2073-0107](#); [CAR-OTP-2073-0097](#) – *see commentary* by P-0475: [T-091](#), p. 49, line 25-p. 51, line 12, p. 53, line 10-p. 54, line 13.

233. FACEBOOK messages corroborate the testimonial evidence, showing also that BOZIZE's inner circle closely monitored the attack.<sup>469</sup>

**iv. FROCCA immediately claimed responsibility for the Anti-Balaka 5 December 2013 BANGUI Attack**

234. FROCCA publicly claimed responsibility for the Anti-Balaka 5 December 2013 BANGUI Attack.<sup>470</sup> As the attack was underway, FROCCA Coordinator BANOUKEPA confirmed its purpose and FROCCA's key role in it during an international radio interview, and called on all Central-Africans: « à se lever comme un seul homme pour bouter hors de notre territoire la composante islamique étrangère, envahissante, criminologène [phon.] qui sévit, qui humilie. Et [phon.] l'objet de notre appel au soutien de l'action de libération de ce 5 décembre de nos jeunes sœurs et frères du BALAKA ». <sup>471</sup>

**v. Maxime MOKOM coordinated the attack, liaising with NGREMANGOU, KONATE and YEKATOM**

235. Numerous witnesses confirmed that Maxime MOKOM coordinated the Anti-Balaka elements who attacked BANGUI,<sup>472</sup> and that he secured additional ammunition specifically for the attack. P-0889 for example, testified that Maxime MOKOM brought ammunition to [REDACTED] shortly before the 5 December attack.<sup>473</sup> CDRs confirm over 60 contacts between Maxime MOKOM and [REDACTED] between 2 December 2013 and 4 December

<sup>469</sup> [CAR-OTP-2102-6699](#) at 6986-87, 05/12/2013, 05:06:25; [CAR-OTP-2101-9277](#) at 9344, 05/12/2013, 04:45:41-04:48:58; [CAR-OTP-2102-4497](#) at 4596, 05/12/2013, 08:42:59-08:54:45; [CAR-OTP-2101-9277](#) at 9345, 05/12/2013, 07:53:43-08:08:06; [CAR-OTP-2133-3757](#) at 3768, 05/12/2013, 06:30:32 – 06:31:43; [CAR-OTP-2102-4497](#) at 4596, 05/12/2013, 8:42:59-08:54:45; [CAR-OTP-2102-8452](#) at 8452, 05/12/2014, 05:03:32; [CAR-OTP-2102-8338](#) at 8349-8350, 05/12/2013, 05:05:48-05:40:43; [CAR-OTP-2102-3203](#) at 3466, 05/12/2013, 05:57:10 - 05:58:50; [CAR-OTP-2133-3757](#) at 3769-71, 05/12/2013, 06:44:33-06:56:33; [CAR-OTP-2131-7325](#) at 7336 - 7337, 05/12/2013, 06:56:24. The messages also show that the attacks were carried out by the Anti-Balaka, a mix of civilian and FACA, and as Aimé Vincent BOZIZE put it 'purement des centro': [CAR-OTP-2133-3757](#) at 3768-3769, 05/12/2013, 06:41:56-06:42:41.

See also [CAR-OTP-2100-5420](#) at 5427, 05/12/2013, 12:35:03-12:36:15; [CAR-OTP-2102-2956](#) at 3003, 05/12/2013, 06:08:15-06:16:58.

<sup>470</sup> [CAR-OTP-2091-0433](#) See also: [CAR-OTP-2114-0550](#) at 0550-0551; [CAR-OTP-2001-4613](#); [CAR-OTP-2042-1266](#) [00:03:13] to [00:04:12]; [CAR-OTP-2054-1440](#) [00:00:47] to [00:03:10]; [CAR-OTP-2054-1463](#), [00:00:00] to [00:00:29].

<sup>471</sup> [CAR-OTP-2088-2034](#), [00:00:00] to [00:02:11], transcript [CAR-OTP-2107-1596](#) at 1597, lines 11-23. See also [CAR-OTP-2081-0235](#).

<sup>472</sup> On the role of Maxime MOKOM as the coordinator of the 5 December attack: P-2232: [T-075](#), p. 23, lines 9-11, p. 73, lines 19-20, p. 76, lines 1-3, p. 51, line 3-16; [T-076](#), p. 7, lines 5-16, p. 8, lines 2-5, p. 21, lines 8-11; [T-076](#), p. 33, lines 2-13; P-0808: [CAR-OTP-2025-0324-R05](#), at 0347, para. 144; P-0884: [T-056](#) [ENG], p. 11, lines 7-16 and [T-056](#) [FR], p. 10, line 22-p. 11, line 6; P-1847: [CAR-OTP-2061-1534-R01](#) at 1560-1563, para. 165, 174-175, 181, 183; P-1172: [CAR-OTP-2082-1058-R03](#) at 1064, 2070, para. 36, 75; [CAR-OTP-2102-6699](#) at 7122-7123, 03/01/2014, 17:55:56-18:07:31.

<sup>473</sup> P-0889, [CAR-OTP-2027-2290-R02](#) at 2296, para 35, P-0889: [CAR-OTP-2027-2290-R02](#) at 2296, para.35; On [REDACTED] being part of the Anti-Balaka: [CAR-OTP-2063-0077](#), at 0090, number 644.

2013. Notably, they had over 40 contacts 5 December 2013, including between 00:00 and 05:00.<sup>474</sup>

236. Numerous witnesses also confirmed that, for the execution of the attack, Maxime MOKOM liaised closely with NGREMANGO, KONATE,<sup>475</sup> and others, including YEKATOM, as shown below.

237. FACEBOOK messages, CDRs, and emails corroborate their testimony. For example, KONATE expressly stated that he was coordinating the elements with NGREMANGO, SEMNDIRO, MOKOM, and Claude NGAIKOSSET in a 14 November 2013 FACEBOOK message.<sup>476</sup> Other FACEBOOK messages confirm NGREMANGO and KONATE directed the operations, liaising with other members of BOZIZE's the inner circle.<sup>477</sup>

238. CDRs show more than 140 contacts between Maxime MOKOM and NGREMANGO between September 2013 and 5 December 2013,<sup>478</sup> and more than 200 contacts between Maxime MOKOM and KONATE between 6 November and 5 December 2013.<sup>479</sup> A 6 December 2013, « *declaration du porte-parole des FACA et des nationalistes*

<sup>474</sup> For contacts between Maxime MOKOM ([REDACTED]) and [REDACTED] from 2-5 December 2013, including on 5 December 2013 between 00:00 and 05:00 a.m: [CAR-OTP-2054-1480](#).

<sup>475</sup> See Section V, A, b(i), para.545. In particular on NGREMANGO, KONATE and YEKATOM's role: P-0446: [T-096](#), p. 45, lines 8-24, p. 46, line 7-21, p. 48, line 18-p. 49, line 18; P-0306: [T-065](#), p. 28, lines 14-20, p. 37, lines 2-12; [T-067](#), p. 31, line 9-p.32, line 7, p. 32, lines 19-24; P-2328: p. 63, line 19-p. 65, line 21; P-1719: [T-142](#), p. 21, lines 10-18; [T-142](#), p. 23, lines 11-14; P-0954: [CAR-OTP-2048-0171-R03](#) at 0176, para. 34; [T-166](#), p. 24, line 12-p. 28, line 25; [T-166](#), p. 31, lines 10-19; [T-166](#), p. 35, lines 20-p. 37, line 19; P-0992: [CAR-OTP-2110-0048-R05](#) at 0055, para. 35; [T-092](#), p. 46, lines 5-18, p. 47, line 6-p. 48, line 7; P-0487: [T-202](#), p. 59, line 18-p. 61, line 3; [T-202](#), p. 61, line 24-p. 62, line 14; P-0884: [T-057](#), p. 20, line 1-3, p. 63, line 21-p. 64, line 2; P-0876: [T-089](#), p. 23, line 16-21; P-2251: [CAR-OTP-2093-0045-R01](#) at 0077, para. 208; P-1847: [CAR-OTP-2061-1534-R01](#), at 1561, para. 174.

<sup>476</sup> [CAR-OTP-2103-2204](#) at 2206, 14/11/2013, 22:08:58, see also [CAR-OTP-2103-4354](#) at 4355-4356, 07/10/2013, 17:38:31, 19:28:33 – 19:36:03.

<sup>477</sup> [CAR-OTP-2100-6685](#) at 6736, 26/11/2013, 18:36:09-18:37:01; [CAR-OTP-2100-6685](#) at 6740, 01/12/2013, 11:19:15 11:23:46. CDRs corroborate that preceding this FACEBOOK conversation, NGREMANGO had 6 short telephone contacts on 1 December 2013 with YAKETE. For contacts between NGREMANGO ([REDACTED]) and YAKETE ([REDACTED]) on 1 December 2013, see [CAR-OTP-2069-0479](#). Facebook messages show that on 5 December 2013, YAKETE states that he talked to NGREMANGO earlier that day and that NGREMANGO would have told him of their difficulties with regards to weapons and ammunitions: [CAR-OTP-2100-6685](#) at 6748, 05/12/2013, 12:42:29-12:46:06.

On KONATE and NGREMANGO's role in the 5 December attack, see: [CAR-OTP-2102-4062](#) at 4135, 08/12/2013 09:59:50, 10:02:03; [CAR-OTP-2102-4062](#) at 4139-4140, 20/12/2013, 14:49:35-14:54:20.

<sup>478</sup> For contacts between MOKOM ([REDACTED]) and NGREMANGO ([REDACTED]) between 17 September and 4 December: [CAR-OTP-2054-1480](#), [CAR-OTP-2069-0479](#), [CAR-OTP-2019-2839](#).

<sup>479</sup> For contacts between Maxime MOKOM and KONATE from 6 November 2013 to 5 December 2013: Call Sequence Table 4 available at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-1296-Conf-AnxC; for contacts between Maxime MOKOM ([REDACTED]) and KONATE ([REDACTED]) from 16 November 2013 to 4 December 2013: [CAR-OTP-2054-1480](#).

*Anti-Balaka* » type-signed “Capitaine Charles NGREMANGOU, Porte-Parole”, further shows NGREMANGOU’s role in the attack.<sup>480</sup>

*vi. CDRs reflect Maxime MOKOM’s coordination, and his intensive liaising with NGREMANGOU, KONATE, and YEKATOM*

**Maxime MOKOM**

239. CDRs confirm Maxime MOKOM’s coordinating role. From 15 November 2013 to 4 December 2013 (included), Maxime MOKOM<sup>481</sup> was in contact with key-actors on the ground: he had more than 60 contacts with NGREMANGOU, including two longer ones on 1 and 3 December 2013; more than 200 contacts with KONATE, including two longer ones on 2 and 3 December; over 20 contacts with **YEKATOM**, including a longer one on 26 November 2013; over 180 contacts with LAKOUTENE; and over 200 contacts with BEJOUANE.<sup>482</sup>

240. On 4 December 2013, Maxime MOKOM’s phone was active without interruption throughout the night.<sup>483</sup> CDR show that, in addition to being in contact with NGREMANGOU, KONATE, **YEKATOM**, LAKOUETENE, and BEJOUANE, on 4 and 5 December 2013 Maxime MOKOM communicated with BEOROFEI, DEDANE, DENAMGANAI, KEMA, LAMAKA, Bernard MOKOM, NDANGBA, NGAIKOSSET, SEMNDIRO Bruno, TOUABOYE, TOUNGOUMA, TRIBUNAL, WENEZOU, YAGOUZOU, and YALIGAZA.<sup>484</sup> After 5 December, until his return in BANGUI on 6 February 2014, Maxime MOKOM remained in contact, inter alia, with **NGAISSONA**, NGREMANGOU, KONATE, **YEKATOM**, NGAIBONA, AZOUNOU, KONATE, LEBENE, YAGOUZOU, DEDANE, and KEMA.<sup>485</sup>

<sup>480</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), para. 29-31, incorporated herein by reference. See also [CAR-OTP-2065-0396](#) [00:01:15] to [00:01:40] transcript and translation [CAR-OTP-2107-6918](#) and [CAR-OTP-2122-2284](#) at 2286, lines 15-34.

<sup>481</sup> The numbers taken into consideration for MOKOM and his interlocutors are the following: MOKOM ([REDACTED]), NGREMANGOU ([REDACTED]), KONATE ([REDACTED]), YEKATOM ([REDACTED]), LAKOUTENE ([REDACTED]), BEJOUANE ([REDACTED]).

<sup>482</sup> For contacts between 15 November and 4 December: between MOKOM and NGREMANGOU [CAR-OTP-2054-1480](#); [CAR-OTP-2069-0479](#), [CAR-OTP-2019-2839](#), KONATE, YEKATOM, LAKOUTENE, BEJOUANE: [CAR-OTP-2054-1480](#).

<sup>483</sup> CDR containing the records of communication of MOKOM’s telephone [REDACTED] from 1 September to 31 December 2013: [CAR-OTP-2054-1480](#), See in particular the activity on 4 December 2013.

<sup>484</sup> For contacts on 4 December between Maxime MOKOM and BEOROFEI, DEDANE, DENAMGANAI, KEMA, LAMAKA, Bernard MOKOM, NDANGBA, NGAIKOSSET, SEMNDIRO Bruno, TOUABOYE, TOUNGOUMA, TRIBUNAL, WENEZOU, YAGOUZOU, and, YALIGAZA: Call Sequence Table 10 available at ICC-01/14-01/18-1296-Conf-AnxA-Corr, and relevant attributions at ICC-01/14-01/18-1296-Conf-AnxC. For contacts between Maxime MOKOM and BEJOUANE on 4 December 2013: [CAR-OTP-2054-1480](#).

<sup>485</sup> For contacts after 5 December 2013 until 6 February 2014 between MOKOM and: NGAISSONA: Call Sequence Table 1 and 12, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC, YEKATOM: Call Sequence Table 13, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC, NGAIBONA: Call Sequence Table 2, at ICC-01/14-01/18-

### **Charles NGREMANGOU**

241. CDRs also confirm the testimonies regarding NGREMANGOU's role.<sup>486</sup> They show that, between 15 November 2013 and 4 December 2013 (included), NGREMANGOU was in contact with **NGAISSONA** (over 40 contacts), **YEKATOM** (at least 45 contacts), **KONATE** (at least 99 contacts), and **WENEZOU** (at least 165 contacts). In the same period, he was also in contact with: Aimé Vincent **BOZIZE**, **KPEFIO**, **YAKETE**, **KOKATE**, **YAGOUZOU**, **SEREFIO**, and **LAKOUE**TENE.<sup>487</sup>

242. CDRs further confirm that on 4 December 2013, NGREMANGOU's telephone was constantly active throughout the night.<sup>488</sup> On 5 December, NGREMANGOU was in contact, with *a.o.*, **NGAISSONA**, **YEKATOM**, Maxime **MOKOM**, **KONATE**, **YAGOUZOU**, **TOUABOYE**, **KONATE**, **LAKOUE**TENE, **YAKETE**, **BEOROFEI**, and **WENEZOU**.<sup>489</sup> After 5 December 2013 until the end of January 2014, NGREMANGOU remained in contact with, *inter alia*, Maxime **MOKOM**, **KONATE**, **YEKATOM**, **WENEZOU**, **YAGOUZOU**.<sup>490</sup>

### **KONATE and YEKATOM**

243. From 15 November to 4 December 2013, **KONATE** was in contact **NGAISSONA** (at least 14 contacts), NGREMANGOU (at least 99 contacts), and Maxime **MOKOM** (more than 200 contacts). On 5 December 2013, he was in contact with, *inter alia*, Maxime **MOKOM**,

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1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC, AZOUNOU: Call Sequence Table 3, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC, **KONATE**: Call Sequence Table 4, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC, **LEBENE**: Call Sequence Table 5, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC, **YAGOUZOU**: Call Sequence Table 6, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC, **DEDANE**: Call Sequence Table 7, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC, and **KEMA**: Call Sequence Table 8, at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC. For contacts between Maxime **MOKOM** and NGREMANGOU, and **KONATE** between 5 December and 6 February 2014, [CAR-OTP-2054-1480](#).

<sup>486</sup> The numbers taken into consideration for NGREMANGOU and his interlocutors are the following: NGREMANGOU ([REDACTED]), **NGAISSONA** ([REDACTED]), **YEKATOM** ([REDACTED]), **KONATE** ([REDACTED]), **WENEZOU** ([REDACTED]), Aime Vincent **BOZIZE** ([REDACTED]), **KPEFIO** ([REDACTED]), **YAKETE** ([REDACTED]), **KOKATE** ([REDACTED]), **YAGOUZOU** ([REDACTED]), **SEREFIO** ([REDACTED]), **LAKOUE**TENE ([REDACTED]).

<sup>487</sup> For contacts between 15 November and 4 December between NGREMANGOU and **NGAISSONA**, and Aime Vincent **BOZIZE**, **KPEFIO**, **YAKETE**, **KOKATE**, **YAGOUZOU**, **SEREFIO**: [CAR-OTP-2069-0479](#), between **NGREMANGOU** and **YEKATOM**, **KONATE**, **WENEZOU**: [CAR-OTP-2054-1480](#), between **NGREMANGOU** and **LAKOUE**TENE: [CAR-OTP-2112-1538](#).

<sup>488</sup> See [CAR-OTP-2054-1480](#), [CAR-OTP-2112-1538](#), [CAR-OTP-2069-0479](#), [CAR-OTP-2112-1513](#), [CAR-OTP-2112-1538](#), [CAR-OTP-2103-0675](#), and [CAR-OTP-2112-1435](#).

<sup>489</sup> For contacts between NGREMANGOU and **YEKATOM**, **YAGOUZOU**, **KONATE**: [CAR-OTP-2054-1480](#); between NGREMANGOU and **TOUABOYE**, **LAKOUE**TENE, **MOKOM**, **YAKETE**, **NGAISSONA**, **WENEZOU**: [CAR-OTP-2069-0479](#), for contacts between NGREMANGOU and **BEOROFEI**: [CAR-OTP-2068-0179](#).

<sup>490</sup> For contacts between NGREMANGOU and **MOKOM**, **KONATE**, **YEKATOM**, **WENEZOU**, **YAGOUZOU**: [CAR-OTP-2054-1480](#).

NGREMANGOU, BEJOUANE, DENAMGANAI, MOKPEM, and TOUABOYE.<sup>491</sup> CDRs also show that on 4 and 5 December 2013 **YEKATOM** communicated with Maxime MOKOM, NGREMANGOU, BEINA, and KAMEZOLAI.<sup>492</sup> After the attack, until the end of 2013, **YEKATOM** remained in contact with NGREMANGOU, WENEZOU, YAGOUZOU, and Bernard MOKOM.<sup>493</sup>

*vii. The Anti-Balaka targeted the Muslim population during the attack*

244. The Anti-Balaka's stated objective was to take control of the capital and remove DJOTODIA to regain power.<sup>494</sup> As with their previous attacks, the means they chose to do so entailed attacking the Muslim civilian population, which they perceived as collectively responsible for, complicit with, and/or supportive of the Seleka.<sup>495</sup>

245. As shown below, both Anti-Balaka leaders and their elements publicly condoned violence against Muslim civilians and other perceived supporters of the Seleka, including before or immediately after the 5 December 2013 attacks.<sup>496</sup> That the members of BOZIZE's inner circle shared in the Anti-Balaka's policy of targeting the Muslim civilian population, whom they held responsible for Seleka crimes is also clear from numerous FACEBOOK messages by those members and/or persons close to them.<sup>497</sup>

*viii. NGAISSONA was involved in coordinating the 5 December 2013 attacks*

*d) General*

246. **NGAISSONA** was involved in the preparation of the 5 December 2013 attacks, and was aware of its execution.<sup>498</sup> **NGAISSONA** had been liaising with the ZONGO and GOBERE

<sup>491</sup> For contacts between 15 November and 5 December between and KONATE and NGREMANGOU, Maxime MOKOM, NGAISSONA: [CAR-OTP-2054-1480](#). For contacts on 5 December between KONATE and Maxime MOKOM, BEJOUANE, DENAMGANAI, MOKPEM, TOUABOYE: [CAR-OTP-2054-1480](#).

<sup>492</sup> For contacts between YEKATOM and MOKOM, NGREMANGOU, BEINA, and KAMEZOLAI on 4 and 5 December 2013: Call Sequence Table 5.5 at ICC-01/14-01/18-282-Conf-AnxJ1.

<sup>493</sup> For contacts between YEKATOM and NGREMANGOU, WENEZOU, YAGOUZOU, and Bernard MOKOM from 6 to 31 December 2013: [CAR-OTP-2054-1480](#).

<sup>494</sup> P-0291: [T-051](#), p. 63, lines 15-21; P-0966: [T-116](#), p. 48, line 25-p. 49, line 2 P-2269: [CAR-OTP-2111-0336-R01](#) at 0343, para. 51.

<sup>495</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0060, para. 61. P-1528: [T-179](#), p. 20, lines 12-23.

P-1143: [CAR-OTP-2058-0227-R03](#) at 0238-0239, para. 73, 80. P-0461: [CAR-OTP-2031-0190-R01](#) at 0195, para. 27. P-1530: [CAR-OTP-2054-0249-R02](#) at 0251, para. 13. P-0952: [T-250](#), p. 9, lines 4-20.

P-1339: [T-154](#), p. 53, line 23-p. 54, line 10, p. 58, line 8-p. 59, line 8, p. 59, lines 19-23, p. 73, lines 1-8; [T-155](#), p. 16, lines 15-16. [CAR-OTP-2001-0329](#) at 0329, 0338-0339, para. 2, 47-49. [CAR-OTP-2001-0310](#) at 0310-0312.

[CAR-OTP-2001-0409](#), at 0409, para. 3.

<sup>496</sup> See below section III.B.c.

<sup>497</sup> See below section III.B.e.

<sup>498</sup> See e.g., P-2673: [CAR-OTP-2127-6435-R01](#)-R01, at 6461, para. 173. P-0884: [T-056](#), p. 3, line 17- p. 6, line 18. P-0801: [T-035](#), p.8, l.6-9. P-0306: [T-064](#), p. 59, l. 7- p. 62, l. 6.

Groups, and helped provide them with money and ammunition.<sup>499</sup> He participated in planning meetings for the attack,<sup>500</sup> and helped mobilise and deploy elements necessary to carry it out.<sup>501</sup>

*e) NGAISSONA promised financial support for the attacks*

247. As the attacking elements were deployed behind the BAS-OUBANGUI hill, they approached **NGAISSONA**, who committed to support them. P-0992's testimony confirms the Anti-Balaka reached out to **NGAISSONA** before the 5 December 2013 attacks, and he committed to provide financial assistance.<sup>502</sup> P-0992 testified that **NGAISSONA** was the only person they approached for such support, and that only he was willing to help them, adding: "[e]veryone feared the offensive. Everyone was afraid of the savagery, the animosity of the Seleka. Who other person? Who else? There was only Ngaïssona. Ngaïssona was the only one, because someone had to clean up the mess."<sup>503</sup>

248. While P-0992 attempted to recant his prior statement to say that **NGAISSONA** only provided money after the 5 December attack, he nevertheless confirmed that **NGAISSONA** promised the financial assistance to the Anti-Balaka, to support the elements, before the 5 December attacks were carried out,<sup>504</sup> making good on his promise.

249. P-0992's evidence establishes, *inter alia*, that in addition to encouraging the Anti-Balaka's imminent attack on BANGUI and lending his moral support, **NGAISSONA** provided practical assistance in the form of financial help to the group. Alternatively, P-0992's evidence shows that, having committed to support the group before the 5 December attack, **NGAISSONA** fulfilled his prior financial commitment *ex post facto* on his return to BANGUI from CAMEROON.<sup>505</sup> It is notable that money provided by **NGAISSONA** was transmitted through P-0808 intended for, *inter alia*, participants in the 5 December 2013 Anti-Balaka attacks, including notoriously violent ComZones, such as [REDACTED].<sup>506</sup> Indeed, P-0306's testimony confirms **NGAISSONA**'s promise to provide substantial financial help on their arrival in BANGUI, at the end of their 'operation'.<sup>507</sup>

*f) NGAISSONA knew of the imminent attacks*

<sup>499</sup> See paras 73, 128-129. 206.

<sup>500</sup> See Section III, A, n, iii.

<sup>501</sup> See Section III, A, n, in particular ii, iv, and v.

<sup>502</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0056-0057, para. 39, 46; [T-092](#), p. 30, line 10-p. 32, line 15, p. 34, line 17-p. 38, line 1; [T-093](#), p. 30, lines 4-20.

<sup>503</sup> P-0992: [T-092](#), p. 37, line 2-p.38 line 1.

<sup>504</sup> P-0992: [T-092](#), p. 30, line 10-p. 32, line 15, p. 34, line 17-p. 38, line 1; [T-093](#), p. 30, lines 4-20.

<sup>505</sup> See e.g. ICC-01/05-01/13-1989-Red, paras. 96, 410.

<sup>506</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0018, para. 43-44; [T-069](#), p. 37, line 20-p. 39, line 19.

<sup>507</sup> P-0306: [T-064](#), p. 55, line 11-p. 56, line 19.

250. Several witnesses testified to **NGAISSONA**'s awareness of the upcoming attacks of 5 December 2013. As P-2625 explained, on or around **30 November 2013**, **NGAISSONA** warned him that the DJOTODIA regime would "topple soon".<sup>508</sup> P-2673's testimony establishes that, at BOZIZE's instruction, **NGAISSONA** liaised with YAMBETE and KONATE to delay the attack in order to allow the elements from BOUAR and BOSSANGO to join up with those in BANGUI.<sup>509</sup> FACEBOOK messages also corroborate BOZIZE having directed such postponement.<sup>510</sup>

251. That **NGAISSONA** was apprised of the progression of the imminent attack he helped coordinate is shown in P-1847's testimony, recounting information that he received from MOKOM's Deputy DEDANE ([REDACTED]) that **NGAISSONA** had told the fighters to rest before the attack.<sup>511</sup> FACEBOOK exchanges corroborate that 'the authority' had requested Anti-Balaka elements rest before the planned attack.<sup>512</sup>

252. P-0884 testified that **NGAISSONA** discussed the imminent attack in advance, as did MOKOM, who informed him of its postponement from the 1 December 2013 date.<sup>513</sup>

253. [REDACTED] establishes **NGAISSONA**'s awareness of the progression of the BANGUI attack. He testified that, at a meeting which took place at the BOY-RABE Hill (aka BAS-OUBANGUI hill) before the offensive, KONATE and NGREMANGOU indicated that they had received directions from **NGAISSONA** in relation to the 5 December BANGUI attack.<sup>514</sup> [REDACTED] of **NGAISSONA**'s involvement with KONATE and NGREMANGOU, in particular that **NGAISSONA** together with Bernard MOKOM, and Francis BOZIZE financed the Anti-Balaka to buy weapons and ammunition, and passed orders on through NGREMANGOU, KONATE, WENEZOU, and KOKATE.<sup>515</sup> P-0446 on the other hand corroborates that a meeting took place behind the BOY-RABE hill [REDACTED],

<sup>508</sup> P-2625: [T-190](#), p. 19, lines 13-23.

<sup>509</sup> P-2673: [CAR-OTP-2127-6435-R01](#)-R01, at 6461 paras 173-174; [T-041](#), p. 49, lines 10-15, p. 50, lines 3-9, p. 52, lines 6-14; [T-042](#), p. 50, lines 2-p. 51, line 9.

<sup>510</sup> [CAR-OTP-2102-6699](#) at 6947, 30/11/2013, 19:31:25 - 19:32:32; [CAR-OTP-2100-6685](#) at 6740, 01/12/2013, 11:19:15-11:23:46; [CAR-OTP-2102-3014](#) at 3110-3111, 02/12/2013, 08:33:06-08:39:39; [CAR-OTP-2133-3757](#) at 3764-3765, 04/12/2013, 22:03:16 - 22:12:19; [CAR-OTP-2102-6348](#) at 6508-6509, 05/12/2013, 00:04:18-00:31:12.

<sup>511</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1560, paras 165-166.

<sup>512</sup> [CAR-OTP-2101-8599](#) at 8729, 01/12/2013, 22:21:02.

<sup>513</sup> P-0884: [T-056](#), p. 3, line 17-p. 4, line 6, p. 5, line 11-p. 6, line 17.

<sup>514</sup> For contacts between **NGAISSONA** and KONATE: P-0306: [T-064](#), p. 52, lines 7-22, p. 53, lines 5-14, p. 53, line 22-p. 54, line 3, p. 59, line 7-p. 60, line 4, p. 61, lines 2-9, p. 62, lines 4-6. On P-0306 following the orders of KONATE and NGREMANGOU: P-0306: [T-065](#), p. 14, line 2-p. 15, line 19.

<sup>515</sup> On **NGAISSONA**, MOKOM, Francis giving orders through NGREMANGOU, KONATE, KOKATE: P-0954: [CAR-OTP-2048-0171-R03](#) at 0177-0179, para. 37, 47.



KONATE, and others, right before the 5 December 2013 attack where instructions were given to the Anti-Balaka elements.<sup>516</sup>

254. CDRs further show that P-0446 was in contact with **NGAISSONA** on numerous occasions between October and the 5 December 2013 attack.<sup>517</sup>

*g) NGAISSONA liaised with NGREMANGOU and KONATE*

255. As mentioned above, for the attack, Maxime MOKOM liaised with NGREMANGOU, KONATE, and others, including **YEKATOM**.<sup>518</sup>

256. Witnesses testified that **NGAISSONA** was in contact with NGREMANGOU and KONATE. P-1847 for example, explained that KONATE was in contact with **NGAISSONA**, Maxime MOKOM and Bernard MOKOM.<sup>519</sup> P-0808 on the other hand confirmed NGREMANGOU's role and influence in the Anti-Balaka operations (including the 5 December attack), and that NGREMANGOU reported directly to **NGAISSONA** and Maxime MOKOM.<sup>520</sup> Also [REDACTED] testified that NGREMANGOU and **NGAISSONA** were very close and that NGREMANGOU was under **NGAISSONA's** command.<sup>521</sup>

*h) CDRs corroborate NGAISSONA's involvement in the attacks*

257. CDRs show that between mid-October and the end of November 2013, **NGAISSONA** was in contact with DEDANE over 20 times.<sup>522</sup> CDRs further show that, between 15 November and 4 December 2013 (included), **NGAISSONA**<sup>523</sup> was in contact with Maxime MOKOM at least 10 times (including on 3 December); NGREMANGOU (over 40 contacts, including a longer one on 29 November), KONATE (over 15 contacts, including a longer one on 4 December); NGAYA (over 50 times), WENEZOUÏ (over 150 contacts, including three longer ones on 20 and 28 November, and 3 December), and LAKOUTENE (at least 15 contacts). Between 1 and 4 December, **NGAISSONA** was in contact with BEJOUANE (5 contacts).<sup>524</sup>

<sup>516</sup> P-0446: [CAR-OTP-2059-1696-R01](#) at 1697-1699, lines 31-92.

<sup>517</sup> For contacts between [REDACTED] and **NGAISSONA** ([REDACTED]) between October and December 2013, see [CAR-OTP-2054-1480](#); P-0446: [CAR-OTP-2059-1626-R01](#) at 1638, lines 445-454; [T-096](#), p. 18, line 22-p. 19, line 25, p. 42, lines 2-7.

<sup>518</sup> See above, Section II, A, v, and vi.

<sup>519</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1561-1563, paras 174-175, 181, 183.

<sup>520</sup> See above, Section III, A, g, ii.

<sup>521</sup> [REDACTED].

<sup>522</sup> For contacts between DEDANE ([REDACTED]) and **NGAISSONA** ([REDACTED]) from 11 October 2013 to end of November 2013: [CAR-OTP-2112-1513](#).

<sup>523</sup> The numbers taken into consideration for **NGAISSONA** and his interlocutors are the following: **NGAISSONA** ([REDACTED]), Maxime MOKOM ([REDACTED]), NGREMANGOU ([REDACTED]), KONATE ([REDACTED]), NGAYA ([REDACTED]), WENEZOUÏ ([REDACTED]), LAKOUTENE ([REDACTED]).

<sup>524</sup> For contacts between **NGAISSONA** and BEJOUANE between 1 and 4 December: [CAR-OTP-2112-1431](#); For contacts between 15 November and 4 December between **NGAISSONA** and Maxime MOKOM and WENEZOUÏ: [CAR-OTP-2019-2839](#) and [CAR-OTP-2054-1480](#); between **NGAISSONA** and KONATE and NGAYA: [CAR-OTP-2054-1480](#); between **NGAISSONA** and NGREMANGOU between 15 November and 4

258. On the 5 December 2013, around 8.30 CAR Time, **NGAISSONA** was in contact with **NGREMANGOU**, **WENEZOU**, and **LAKOUTENE**.<sup>525</sup> In the afternoon, **NGAISSONA** kept liaising with **NGREMANGOU** and **WENEZOU**.<sup>526</sup>

**q. DECEMBER 2013-JANUARY 2014: Aftermath of the 5 December 2013 BANGUI Attack**

**i. *The Anti-Balaka violently targeted the Muslim civilian population***

259. During the attack, the Anti-Balaka violently targeted the Muslim population pursuant to the Criminal Policy and Common Purpose. The crimes committed in executing the attack were extensively and contemporaneously reported in the media.<sup>527</sup> For P-2841 and many others, the consequences of the Anti-Balaka attack were obvious — he stated, “I could foresee that the conflict would be bloody and violent, the Anti-Balaka were already going too far prior to December 5<sup>th</sup>.”<sup>528</sup>

260. The crisis in CAR was so grave that it had called for international intervention, triggering a UN Security Council authorisation of military action under Chapter VII,<sup>529</sup> which resulted in the deployment of additional French troops on 5 December 2013, under Operation SANGARIS, led by General Francisco SORIANO.<sup>530</sup>

261. On 8 December 2013, French troops announced that on 10 December, they would commence their priority mission to disarm both Seleka and Anti-Balaka to end the massacres.<sup>531</sup> Shortly thereafter, P-0952 (**BANGUI**'s Mayor) issued a public plea on RFI, referring to the horrible acts committed by the belligerents, calling to end the hostilities.<sup>532</sup>

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December: [CAR-OTP-2069-0479](#); between **NGAISSONA** and **LAKOUTENE** between 15 November and 4 December: [CAR-OTP-2112-1538](#).

<sup>525</sup> For contacts between **NGAISSONA** and **LAKOUTENE** on 5 December: [CAR-OTP-2112-1538](#).

<sup>526</sup> For contacts between **NGAISSONA** and **NGREMANGOU**, and between **NGAISSONA** and **WENEZOU** on 5 December: [CAR-OTP-2112-1435](#).

<sup>527</sup> See e.g.: [CAR-OTP-2042-5124](#); [CAR-OTP-2042-5290](#); [CAR-OTP-2051-1036](#); [CAR-OTP-2012-0523](#), [00:01:28] to [00:02:19], transcript [CAR-OTP-2118-5507](#) at 5509-5510, lines 20-49; [CAR-OTP-2051-1036](#) at 1037; [CAR-D29-0002-0112](#). See also: P-2377: [CAR-OTP-2108-0609-R02](#) at 0612, 0618-0619, para. 17, 46-49, including commentary upon [CAR-OTP-2108-0682](#) [00:00:00] to [00:02:28], translation [CAR-OTP-2122-6035](#) at 6037-6038, lines 1-62.

<sup>528</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4270, para. 177.

<sup>529</sup> [CAR-OTP-2001-0256](#); [CAR-OTP-2001-0275](#) at 0283-0281, paras 28, 50; [CAR-OTP-2001-0263](#) at 0274, para. 43.

<sup>530</sup> P-2926: [CAR-OTP-2127-4289](#) at 4304-4305, para. 35.

<sup>531</sup> [CAR-OTP-2104-1259](#) at 1259-1262.

<sup>532</sup> P-0952: [T-250](#), p. 4, line 17-p. 5, line 11, p. 9, line 22-p. 10, line 5, commenting upon [CAR-OTP-2087-9201](#). For the time frame: see [T-252](#), p. 20, lines 11-25.

*ii. NGAISSONA continued his involvement in the Anti-Balaka, including in respect of the provision of military equipment*

262. Between 5 December 2013 and his return to BANGUI on 14 January 2014, NGAISSONA remained in contact with Maxime MOKOM, NGREMANGO, KONATE, NAMSIO, WENEZOU, NGAYA, and FEISSONA.<sup>533</sup>

263. In the weeks after the 5 December 2013 Attack, senior Anti-Balaka leaders continued to liaise and coordinate.<sup>534</sup> On or around 27 December 2013 about 26 Anti-Balaka leaders met at the YAMWARA School, including NGREMANGO, YEKATOM, WENEZOU, KAMEZOLA, to coordinate further Anti-Balaka activities.<sup>535</sup>

264. That NGAISSONA was involved and aware of the further coordination efforts among Anti-Balaka principals in BANGUI is moreover clear from a series of emails to which he was a party, as well as contemporaneous FACEBOOK exchanges.<sup>536</sup> On 28 December 2013, for example, NGAYA emailed NGAISSONA two declarations of the CLPC authored by NAMSIO, specifying that NGAISSONA's feedback is awaited on the latter.<sup>537</sup> On 8 January 2014, NGAYA exchanged emails with NGAISSONA regarding press releases, showing also the name change of the group into the « *Mouvement des Combattants Antibalaka* », and that NGAISSONA forwarded the documents to Franklin BOZIZE.<sup>538</sup> On 10 January 2014, NGAYA sent NGAISSONA the report of an Anti-Balaka meeting held on 9 January 2014, by

<sup>533</sup> For contacts between NGAISSONA and MOKOM, FEISSONA, KONATE, NAMSIO, NGAYA, NGREMANGO, and WENEZOU from 6 December 2013 to 13 January 2014: Call Sequence Table 12 at ICC-01/14-01/18-1296-Conf-AnxA-Corr and relevant attributions at ICC-01/14-01/18-2061-AnxC.

<sup>534</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 29; P-0954: [CAR-OTP-2048-0171-R03](#) at 0176-0178, paras 35, 38, 41-42, 45; P-0876: [CAR-OTP-2046-0267-R01](#) at 0275-0276, lines 311-325; [CAR-OTP-2065-3802](#) [00:00:00] to [00:04:47], translation [CAR-OTP-2127-3675](#) at 3677-3678, lines 4-49; [CAR-OTP-2065-4902](#) [00:01:12] to [00:01:24], translation [CAR-OTP-2130-1152](#) at 1154, lines 21-26; [CAR-OTP-2065-4906](#) [00:00:00] to [00:00:11], translation [CAR-OTP-2130-1155](#) at 1157, lines 3-7; [CAR-OTP-2065-4880](#) [00:01:50] to [00:03:04], transcript [CAR-OTP-2107-1551](#) at 1554, lines 68-93. [CAR-OTP-2065-4882](#) [00:00:00] to [00:01:35], transcript [CAR-OTP-00000143](#) at 000002, lines 2-35; [CAR-OTP-2065-4882](#) [00:02:20] to [00:02:59], transcript [CAR-OTP-00000143](#) at 000003-000004, lines 62-83; [CAR-OTP-2065-2328](#) [00:00:00] to [00:04:47], translation [CAR-OTP-2127-3639](#) at 3641-3642, lines 4-31, 38-88, referring to a phone number attributed to [REDACTED]. For the attribution, see [CAR-OTP-2102-0160-R02](#) at 0168, para. 41.

<sup>535</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0177-0179, paras 41-42. P-0974: [CAR-OTP-2058-0165-R01](#) at 0175-0176, para. 66-71, [T-243](#), p. 23, line 16-p. 24, line 20; p. 25, line 12-p. 26, line 2, p. 46, line 21-p. 50, line 3.

<sup>536</sup> For example, [CAR-OTP-2102-6699](#) at 7122-7123, 03/01/2014, 17:55:56-18:07:31.

<sup>537</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), para. 32, incorporated herein by reference. See also P-0446: [T-096](#), p. 62, line 3-p. 63, line 5.

<sup>538</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), para. 35, incorporated herein by reference. See also [CAR-OTP-2124-0500](#) at 0500. The attribution of the e-mail address [REDACTED] to Franklin BOZIZE, is not only clear from the name, and the context, but also based on NGAISSONA's address of his correspondent as 'Bonjour Capi' (see [CAR-OTP-2124-0499](#)) - Franklin BOZIZE was referred to as Capitaine Franklin by his close entourage.

NGREMANGOU (presiding), WENEZOU, and others. **NGAISSONA** also forwarded this document to Franklin BOZIZE.<sup>539</sup>

265. **NGAISSONA**'s emails also show his continued involvement in dealing with military equipment. On 1-2 January 2014, **NGAISSONA** exchanged emails with [REDACTED], to obtaining military support for Anti-Balaka operations. [REDACTED] known provider of military and paramilitary forces, including those with training [REDACTED].<sup>540</sup> Again, **NGAISSONA** forwarded his exchanges to Eric DANBOY.<sup>541</sup> **NGAISSONA**'s 8 January 2014 email exchanges with Franklin BOZIZE further demonstrate his intent to continue planning military operations. In it, **NGAISSONA** responded to Franklin BOZIZE's detailed request for weapons and ammunition, asking him to add more hunting rifles to the list and the financial needs of demands for the Anti-Balaka. **NGAISSONA** forwarded the list to [REDACTED] with whom he stayed in contact throughout the first half 2014.<sup>542</sup>

*iii. NGAISSONA continued to liaise directly with elements on the ground*

266. In line with his activities in respect of the BOUAR attack, **NGAISSONA** continued to liaise with Anti-Balaka leaders stationed in GAROUA-BOULAI, including SABE, Rocca MOKOM, Aaron OUILIBONA (aka Cosis), and YAMBETE, promised to provide them with weapons, and instructed them to attack BELOKO on 20 January 2014. Thus, BELOKO was attacked, despite DJOTODIA's resignation 10 days earlier, and despite knowing that the Anti-Balaka were targeting the Muslim population.<sup>543</sup>

*iv. Anti-Balaka crimes increased in frequency in the aftermath of the attacks and continued throughout the Charged Period*

267. After the 5 December 2013 BANGUI and BOSSANGO attacks, Anti-Balaka crimes increased in frequency, and particularly after DJOTODIA's 10 January 2014 resignation in N'DJAMENA. P-0801 described the NDJAMENA talks-that he personally attended on behalf of the Anti-Balaka, with **NGAISSONA**'s approval.<sup>544</sup>

<sup>539</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), para. 36, incorporated herein by reference. See also P-0884: [T-056](#), p. 31, line 12-p. 34, line 4, commenting on [CAR-OTP-2124-0512](#); [T-057](#) p. 15, lines 16-20.

<sup>540</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), para. 33, incorporated herein by reference.

<sup>541</sup> As **NGAISSONA** did with the October 2013 email containing the request for 'besoins' received from [REDACTED].

<sup>542</sup> As explained in [Prosecution Email Evidence Bar Table Motion](#), para. 37, incorporated herein by reference. The list is very similar to the one sent by [REDACTED], the one sent by NGREMANGOU in July 2013, and the ones found on Eric DANBOY's computer (see above).

<sup>543</sup> P-1719: [T-141](#), p. 53, line 17-p. 54, line 13; [T-142](#), p. 26, line 7-p. 27, line 2, p. 32, line 7-p. 33, line 22, p. 34, line 20-p. 35, line 10, p. 37, lines 6-25, p. 39, lines 22-25, p. 40, lines 9-11, p. 42, line 23-p. 44, line 5; [T-143](#), p. 18, line 1-p. 19, line 12, p. 39, lines 5-25, p. 40, line 21-p. 41, line 11, p. 45, line 21-p. 49, line 17. See also [CAR-OTP-2101-6897](#) at 6919, 21/01/2014, 08:40:51.

<sup>544</sup> P-0801: [T-035](#), p. 18, line 18-p. 20, line 5.

268. Most Seleka forces, who had regrouped in BANGUI cantonment sites since December 2013, withdrew to the north and the east of the country,<sup>545</sup> leaving Muslim civilians in BANGUI and throughout western CAR vulnerable to Anti-Balaka attacks.<sup>546</sup> As one NGO reported: “By mid-January 2014 [...] the Seleka began to retreat from their former strongholds *across the country*, members of the Muslim community believed themselves to be in mortal danger.”<sup>547</sup> They were, in fact.

269. The Anti-Balaka hunted down, killed, raped, and injured members of the Muslim population, including those fleeing. Anti-Balaka elements referred to their attacks as “cleansing operations”, as did the international media and NGOs.<sup>548</sup> Muslims all over CAR understood that they were the Anti-Balaka’s target. Between December 2013 and August 2014, of CAR’s 16 prefectures, civilian casualties attributable to the Anti-Balaka occurred in BANGUI and nine other prefectures in mainly western CAR. The UN Panel of Experts estimated that the Anti-Balaka killed more than 860 civilians in this period.<sup>549</sup>

270. The group persisted in its violent targeting of Muslim civilians in western CAR through December 2014, including through charged crimes committed in 2014, such as those perpetrated by YEKATOM’s Group through 28 February, and the ongoing crimes committed in BOSSANGO, since the Muslim enclave there lasted until April.

271. In respect of the pattern of continued violence perpetrated by the Anti-Balaka which comprise the full context of the article 7 attack against Muslim civilians in western CAR, the Prosecution incorporates the submissions set out in its Trial Brief concerning the uncharged

<sup>545</sup> P-2926: [CAR-OTP-2127-4289](#) at 4310, para. 53; P-0291: [T-051](#), p. 67, lines 8-19.

<sup>546</sup> P-1576: [T-239](#), p. 24, line 18-p. 26, line 4; P-0952: [T-249](#), p. 10, lines 2-11, p. 63, lines 15-20; P-2232: [T-077](#), p. 25, line 22-p. 26, line 4, p. 28, lines 9-12; P-0884: [T-055](#), p. 52, lines 9-13, p. 53, line 24-p. 54, line 3, p. 63, lines 19-24; P-1530: [CAR-OTP-2054-0249-R02](#) at 0251-0252, paras 14-16; P-0487: [T-207](#), p. 14, line 15-p. 15, line 6; P-1577: [CAR-OTP-2081-0769-R01](#) at 0814, 0821, paras 68, 71; [T-027](#) at p. 27, line 7-p. 29, line 4; [T-028](#) at p. 29, lines 17-23; P-0475: [CAR-OTP-2104-0116-R04](#) at 0139, 0141-0142, paras 180-183, 199, 202; [T-090](#), p. 36, line 23-p. 37, line 22, p. 47, line 10-p. 50, line 5, p. 54, lines 1-15, p. 72, lines 9-19; P-1528: [CAR-OTP-2048-0757-R05](#) at 0764-0765, paras 43-46, 49; [T-178](#) p. 32, lines 11-23, p. 33, lines 5-12, p. 34, lines 3-9, p. 39, lines 1-6; P-2673: [CAR-OTP-2127-6435-R01](#) at 6446, paras 69-70; P-0801: [T-035](#), p. 42, lines 3-18; [CAR-OTP-2092-2061](#) at 2061-2063; [CAR-OTP-2001-0329](#) at 0329, paras 2-3. [CAR-OTP-2055-1987](#) at 2003; [CAR-OTP-2081-1770](#) [00:13:23] to [00:16:40], translation [CAR-OTP-2122-2320](#) at 2333-2334, 2336, lines 2333-2334, 2336. [CAR-OTP-2016-0978](#) at [00:00:00] to [00:05:06], translation [CAR-OTP-00001331](#) at 000003-000005, lines 2-105; [CAR-OTP-2016-0998](#) [00:00:00] to [00:03:43], translation [CAR-OTP-00001335](#) at 000003-000004, lines 2-75; [CAR-OTP-2016-1000](#) [00:00:00] to [00:02:51], translation [CAR-OTP-00001336](#) at 000003-000004, lines 2-68; [CAR-OTP-2083-0345](#) [00:00:28] to [00:01:00], translation [CAR-OTP-2127-6355](#) at 6357, lines 10-29 – see commentary by P-0475: [T-090](#), p. 43, line 23-p. 45, line 6; [CAR-OTP-2049-1679](#) [00:01:45] to [00:06:05] transcript [CAR-OTP-2107-1530](#) at 1532-1536, lines 61-214 – see commentary by P-0884: [T-055](#), p. 60, line 17-p. 61, line 15, p. 63, line 7-p. 64, lines 3-15, p. 68, lines 2-3.

<sup>547</sup> [CAR-OTP-2001-2203](#) at 2215.

<sup>548</sup> [CAR-OTP-2001-0409](#) at 0410, paras 3-8; [CAR-OTP-2001-0363](#) at 0363; [CAR-OTP-2001-2203](#) at 2206; [CAR-OTP-2001-4393](#).

<sup>549</sup> [CAR-OTP-2001-5386](#) at 5574. See also [CAR-OTP-2088-1423](#); [CAR-OTP-2088-1437-R01](#); [CAR-OTP-2088-1473](#); [CAR-OTP-2088-1485](#); [CAR-OTP-2088-1493-R01](#); [CAR-OTP-2088-1572](#).

incidents involving Anti-Balaka attacks at GAGA, ZAWA, and YALOKÉ, BERBARATI, CARNOT, GUEN, BODA, and BOSSEMPTELE.<sup>550</sup>

**v. *Despite knowing about the violent targeting of the Muslim population***

***NGAISSONA promoted those who participated in the attacks***

272. Despite the violent targeting of the Muslim population during the attack and in the weeks thereafter, upon his return to BANGUI, NGAISSONA rewarded those who had played major roles in the attack. As such, many ComZones, chiefs, or other individuals involved in the planning or the execution of the 5 December 2013 attacks on BANGUI and BOSSANGO were appointed by NGAISSONA in key-positions in the Anti-Balaka,<sup>551</sup> and later in NGAISSONA's PCUD.<sup>552</sup>

273. Likewise, in January 2013, NGAISSONA recognised NGREMANGOU and NGBOYA's roles, by proposing them, in January 2013, as the Anti-Balaka candidates for the high-level military positions in the transitional government, which they obtained.<sup>553</sup>

**r. 14 JANUARY to MARCH 2014**

274. After his **14 January 2014** return from CAMEROON,<sup>554</sup> NGAISSONA was designated the Anti-Balaka National General Coordinator at a meeting he organised in BANGUI.<sup>555</sup> BOZIZE and his inner circle orchestrated NGAISSONA's return to BANGUI, given his key role in the Anti-Balaka while in CAMEROON and his influence over the Youth.<sup>556</sup> Even before

<sup>550</sup> The Prosecution incorporates its submissions on this matter as set out in the [Prosecution Trial Brief](#), paras. 153-166 (uncharged incidents).

<sup>551</sup> On the role of ANDJILO, AZOUNOU, BEJOUANE, DENAMGANAI, EMOTION, Eusèbe EMTENOU, GANAZOUI KONATE, LEBENE, MAZIMBELET, MOKPEM, OUAPOUTOU, OROFEI, HOURONTI, URBAIN, YAGOUZOU-at the National Coordination of Anti-Balaka: [CAR-OTP-2006-1210](#) at 1213; [CAR-OTP-2060-0590](#) at 0594 – see commentary by P-0884: [T-055](#) p. 26, line 8-p. 27, line 12, p. 28, lines 18-21; [CAR-OTP-2035-0061](#) at 0061-0063; [CAR-OTP-2101-4059](#) at 4060-4061; [CAR-OTP-2025-0380](#) at 0384; CAR-OTP-2080-2258 at 2263-2264; [CAR-OTP-2039-0019](#) at 0019 and [CAR-OTP-2030-0278](#) and [CAR-OTP-2069-3560](#), see commentary by P-0889: [CAR-OTP-2122-8194-R02](#), at 8196-8197, 8211-8212, lines 63-101, 607-631 and [T-122](#) p. 10, l. 5-p. 11, l. 7; [CAR-OTP-2031-0241-R03](#) at 0247, 0257, paras 33, 90; P-0808: [CAR-OTP-2025-0324-R05](#) at 0343-0344, para. 123; [CAR-OTP-2030-0239](#) at 0240; [CAR-OTP-2020-0228](#) at 0231; [CAR-OTP-2030-0521](#) at 0533, 0538, 0539; [CAR-OTP-2005-0129](#) [00:20:50] to [00:24:40], translation [CAR-OTP-2130-1307](#) at 318-321, lines 372-456.

<sup>552</sup> [CAR-OTP-2030-0445](#), at 0446-0454, see commentary by P-0889: [CAR-OTP-2027-2290-R02](#) at 2306, para. 100; P-0992: [T-092](#), p. 74, line 24-p. 75, line 19; see also [CAR-OTP-2101-2039](#) at 2039-2040.

<sup>553</sup> [CAR-OTP-2087-9024](#). See also P-0952: [T-249](#), p. 22, line 17-p. 23, line 12.

<sup>554</sup> [CAR-OTP-2098-0107](#) at 0110; P-2012: [CAR-OTP-2091-0127-R01](#) at 0134, para. 32; P-0808: [CAR-OTP-2025-0324-R05](#) at 0336, para. 82.

<sup>555</sup> P-0801: [T-035](#), p. 23, lines 15-19; [T-036](#), p. 13, lines 10-14; P-0992: [CAR-OTP-2128-0288-R02](#) at 0307, para. 118; P-1847: [CAR-OTP-2061-1534-R01](#) at 1565, para. 199; P-0808: [CAR-OTP-2093-0010-R02](#) at 0023, para. 70; P-0974: [CAR-OTP-2058-0165-R01](#) at 0177, para. 77; P-2232: [T-075](#), p. 46, line 22-p. 47, line 1; [T-078](#), p. 57, lines 5-13.

<sup>556</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0057, para. 46; P-2328: [T-048](#), p. 23, lines 12-14; P-1847: [CAR-OTP-2122-8251-R01](#) at 8263, para. 113. See also [CAR-OTP-2132-9197](#) at 9202-9203, 01/2014, 12:42:40-12:44:47; [CAR-OTP-2102-8899](#) at 8973-8975, 12/01/2014, 10:33:55-10:48:12; [CAR-OTP-2101-9117](#) at 9226, 13/01/2014, 13:23:42-13:25:37; [1866](#) at 1894, 1896, [CAR-OTP-2102-4497](#) at 4615-4618, 12/01/2014-**14/01/2014**, 19:26:04-

his formal designation as National General Coordinator, **NGAISSONA** already regarded himself, and was seen amongst the Anti-Balaka as a leader, a “Coordinator”.<sup>557</sup> Once **NGAISSONA** returned to BANGUI, his prior ties with the military were apparent.<sup>558</sup>

275. **NGAISSONA** held the position of National General Coordinator and was recognised as such by the Anti-Balaka throughout 2014.<sup>559</sup> As several Prosecution witnesses have confirmed, he had the power to give orders to Anti-Balaka members, he was responsible for all the ComZones in the country,<sup>560</sup> and he used that authority also to issue orders for the group to create disturbances to manipulate the Government.<sup>561</sup>

276. The contributions he made in his formal role, show not only that **NGAISSONA** was willing to continue working with the Anti-Balaka to achieve his own objectives despite being aware of their crimes, but confirm his deep involvement with and authority over the Anti-Balaka during the period of commission of the charged crimes. The only reasonable inference from his continued involvement is that **NGAISSONA** had the continuing intent to assist or otherwise contribute to the Anti-Balaka’s commission of the charged crimes.

277. The day after SAMBA-PANZA’s [REDACTED] 20 January 2014 election as President of the Transitional Government,<sup>562</sup> **NGAISSONA** sought to gain favour and influence. He credited her election to the Anti-Balaka’s success, and purported a willingness to cease all hostilities and work toward peace,<sup>563</sup> though these assurances never materialised.<sup>564</sup> He issued a statement containing a list of demands seeking *key* « *postes de souveraineté* » in the

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**14:39:23**; [CAR-OTP-2102-5227](#) at 5244, **14/01/2014, 16:56:25**; [CAR-OTP-2133-5725](#) at 5833-5834, 14/01/2014, 22:33:17-22:37:24; [CAR-OTP-2102-7947](#) at 7955, 15/01/2014, 08:06:31-08:09:28; [CAR-OTP-2100-6685](#) at 6782-6784, 15/04/2014, 11:19:01-11:30:56.

<sup>557</sup> [CAR-OTP-2087-9027](#); P-0952: [T-249](#), p. 20, line 8-p. 21, line 15; P-0974: [CAR-OTP-2058-0165-R01](#) at 0177, paras 80-81; [T-243](#), p. 9, line 6-p. 11, line 8, p. 13, line 14-p. 15, line 10.

<sup>558</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0021, para. 59.

<sup>559</sup> P-0966: [T-116](#), p. 56, lines 16-21; P-2012: [CAR-OTP-2091-0127-R01](#) at 0134, para. 33; [T-025](#) p. 12, lines 3-6, p. 17, lines 4-22; P-1847: [CAR-OTP-2061-1534-R01](#) at 1552-1553, paras 118, 125; P-2232: [T-075](#), p. 48, lines 4-10; [CAR-OTP-2076-1082](#) [00:26:38] to [00:27:18] transcript [CAR-OTP-2087-8944](#) at 8956, lines 419-427; [CAR-OTP-2076-1083](#) [00:17:34] to [00:17:49] transcript [CAR-OTP-2087-8960](#) at 8970, lines 331-340; P-0446: [CAR-OTP-2059-1468-R01](#) at 1474, lines 204-208; P-0808: [CAR-OTP-2025-0324-R05](#) at 0337, para. 87; P-0889: [CAR-OTP-2027-2290-R02](#) at 2299, paras 54-55; [CAR-OTP-2122-7653-R02](#) at 7667-7668, lines 512-539; P-1193: [T-125](#), p. 6, lines 16-22; [CAR-OTP-2025-0362](#) at 0363. *See also* [CAR-OTP-2124-1211](#); [CAR-OTP-2084-0172](#); [CAR-OTP-2066-2102](#); [CAR-OTP-2093-0156](#); [CAR-OTP-2101-1820](#).

<sup>560</sup> P-0884: [T-056](#), p. 59, lines 4-25, p. 60, lines 13-21; [T-058](#), p. 36, lines 12-13; P-0808: [CAR-OTP-2025-0324-R05](#) at 0338, para. 93; *See also* [CAR-OTP-2084-1331](#) [00:00:00] to [00:02:06], transcript [CAR-OTP-2107-1586](#) at 1587, lines 4-14.

<sup>561</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0183-0184, paras 70-74; P-0992: [CAR-OTP-2128-0288-R02](#) at 0309, para. 129; P-0966: [CAR-OTP-2031-0241-R03](#) at 0258-0259, para. 99; P-2232: [T-077](#), p. 40, line 24-p. 41, line 1, p. 42, lines 3-23, p. 43, lines 6-13; P-0952: [T-250](#), p. 21, line 16-p. 22, line 16, p. 23, lines 15-23.

<sup>562</sup> [CAR-OTP-2001-0835](#) at 0866, para. 17; P-2926: [CAR-OTP-2127-4289](#) at 4305, para. 37.

<sup>563</sup> [CAR-OTP-2084-0146](#) at 0146; P-0952: [T-251](#), p. 25, line 22-p. 26, line 9; [CAR-OTP-2042-1909](#) [00:10:10] to [00:10:58] transcript [CAR-OTP-2107-1479](#) at 1480, lines 14-23.

<sup>564</sup> P-0952: [T-250](#), p. 30, line 13-p. 31, line 11. *See also* the French version of [T-250](#), p. 28, line 11-p. 29, line 5.

Government for the Anti-Balaka and other political benefits for the group.<sup>565</sup> He subsequently sought government posts for himself and other Anti-Balaka members.<sup>566</sup>

278. On 23 January 2014, during her swearing in ceremony, SAMBA-PANZA insisted that the Seleka and Anti-Balaka lay down their weapons.<sup>567</sup> The same day, NGAISSONA issued a *communiqué conjoint* establishing the Anti-Balaka National General Coordination, naming him as National General Coordinator, BARA, as *Coordonateur Politique, Porte-Parole*, KAMEZOU-LAI as *Chef d'Etat Major Général*, KONATE as *Chef d'Etat Major des Opérations*; and KOKATE as *Coordonateur Militaire*.<sup>568</sup>

279. On 25 January 2014, SAMBA-PANZA met with an Anti-Balaka delegation led by KOKATE in NGAISSONA's absence. The minutes of the meeting reflect information conveyed by KOKATE describing disagreement in the group with regard to BOZIZE's return:

*« les chefs ne s'entendent pas sur les actions à mener pour contenir leurs troupes – il a illustré cette ambiance par une réunion qu'il a tenue à BOY-RABE au cours de laquelle une connotation ethnique a rejailli. Cette tendance est entretenue par ceux qui réclament le retour de François BOZIZE ».*<sup>569</sup>

280. Between mid-January and February 2014, the Anti-Balaka launched several attacks against the Muslim civilian population in western CAR — including at BERBERATI, BODA, BOSSEMPTELE, CARNOT, GAGA, GUEN, YALOKÉ, and ZAWA — resulting in the killings, rapes, assault of the Muslim population and the destruction of their properties; causing mass displacement of the Muslim civilian population.<sup>570</sup> P-1577 testified that during this period the Anti-Balaka targeted Muslims in BANGUI, forced to move and live in various areas of the city under dire conditions, before their evacuation mainly to neighbouring countries. He also testified that the Anti-Balaka attacked Muslims in BANGUI's enclaves and in their evacuation convoys.<sup>571</sup>

<sup>565</sup> [CAR-OTP-2030-0270](#) at 0272-0273; P-2328: [T-047](#), p. 47, line 10-p. 48, line 15. See also [CAR-OTP-2087-2813](#) [00:03:44] to [00:05:50] transcript [CAR-OTP-2107-1589](#) at 1591-1592, lines 60-89.

<sup>566</sup> [CAR-OTP-2087-9028](#) – see commentary by P-0952: [T-249](#), p. 24, line 13-p. 25, line 3. See also P-0801: [T-035](#), p. 52, line 13-p. 53, line 25.

<sup>567</sup> P-0952: [T-249](#), p. 19, line 25-p. 20, line 7.

<sup>568</sup> [CAR-OTP-2001-3372](#) – see commentary by P-0889: [CAR-OTP-2122-7825-R02](#) at 7834-7837, lines 314-340, 390-391, 401-409, 413-421, and commentary by P-0876: [T-085](#), p. 62, line. 8-p. 64, line 6.

<sup>569</sup> [CAR-OTP-2087-9271](#) at 9273-9274 – see commentary by P-0801: [T-038](#), p. 66, line 14-p. 67, line 5.

<sup>570</sup> See Section III, A, q, iv, para. 271 and Section III, B, f-g, paras. 341, 351.

<sup>571</sup> P-1577: [CAR-OTP-2081-0769-R01](#) at 0795-0801, 0814-0815; [T-027](#), p. 71, line 6-p. 72, line 21, p. 76, line 24-p. 79, line 3; [CAR-OTP-2086-0480](#); [CAR-OTP-2086-0570](#); [CAR-OTP-2086-0610](#); [CAR-OTP-2086-0650](#); [CAR-OTP-2086-1490](#); [CAR-OTP-2086-1500](#); [CAR-OTP-2085-9425](#); [CAR-OTP-2085-9435](#); [CAR-OTP-2085-9445](#); [CAR-OTP-2085-9455](#); [CAR-OTP-2085-9465](#); [CAR-OTP-2085-9485](#); [CAR-OTP-2085-9495](#); [CAR-OTP-2085-9505](#); [CAR-OTP-2085-9515](#); [CAR-OTP-2085-9525](#); [CAR-OTP-2085-9535](#); [CAR-OTP-2130-4425](#) at 4443-4447. See also P-0952: [T-250](#), p. 64, line 15-p. 66, line 1; [T-252](#), p. 27, line 20-p. 28, line 2, p. 28, lines 12-



281. The crimes committed by the Anti-Balaka in BANGUI in that period were widespread and continuing.<sup>572</sup> As P-1577 stated, the evacuation of Muslims from BANGUI was widely known “as the trucks were being loaded in PK12 for days and weeks before the evacuation.”<sup>573</sup>

The evacuation of the Muslim population of MBAIKI to BANGUI in convoys protected by the MISCA on 6 February 2014 was equally widely reported.<sup>574</sup>

282. On 1 February 2014, with the looming prospect of criminal charges against him, NGAISSONA publicly rejected the Anti-Balaka’s responsibility for crimes, blaming without any factual basis the so-called ‘fake’ Anti-Balaka.<sup>575</sup> Yet, the group subsequently stated investigations needed to be carried out to determine the perpetrators of the crimes.<sup>576</sup>

283. On 4 February 2014, NGREMANGOUE was appointed Cabinet Director of the Minister of Defence by presidential decree,<sup>577</sup> following successful lobbying by NGAISSONA despite NGREMANGOUE’s key role in the FACA’s and YEKATOM’s participation in the 5 December 2013 BANGUI attack.<sup>578</sup>

284. On 6 February 2014 MOKOM crossed over to BANGUI from ZONGO, to meet at NGAISSONA’s residence with other Anti-Balaka leaders and more than 30 ComZones from BANGUI and the provinces.<sup>579</sup> The meeting took place in the wake of a notorious lynching of a suspected Seleka member of the FACA.<sup>580</sup> During the meeting, MOKOM and his father urged the Anti-Balaka to continue with their objective, promising them compensation and rewards.<sup>581</sup> The Government’s several entreaties for the Group to desist in the commission of crimes and to disarm were not discussed. The same day, MOKOM visited Anti-Balaka bases in BOY RABE, promising the elements their participation in a Disarmament, Demobilization

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15; P-1576: [CAR-OTP-2060-0280-R01](#) at 0285, para. 33; [T-239](#), p. 16, line 7-p. 18, line 3, commenting on [CAR-OTP-2075-0074](#) at 0288; P-0884: [T-057](#), p. 27, line 21-p. 28, line 14, p. 29, lines 4-7; [CAR-OTP-2107-1189](#) [00:01:28] to [00:02:26], translation [CAR-OTP-2127-4391](#) at 4393, lines 21-33; [CAR-OTP-2005-0084](#) [00:12:39] to [00:14:29], translation [CAR-OTP-2130-1119](#) at 1127-1128, lines 254-292; [CAR-OTP-2107-1708](#) [00:00:00]: to [00:03:21], translation [CAR-OTP-2127-4403](#) at 4405-4406, lines 3-41.

<sup>572</sup> [CAR-OTP-2087-9680](#) [00:00:34] to [00:01:39], translation [CAR-OTP-2127-6392](#) at 6394, lines 24-35; [CAR-OTP-2055-1987](#) at 2003.

<sup>573</sup> P-1577: [T-027](#), p. 78, lines 15-21; [CAR-OTP-2081-0923-R01](#) at 0950 – *see commentary* by P-1577: [CAR-OTP-2081-0769-R01](#) at 0817, para. 62.

<sup>574</sup> *See* Section V, D, b, i, paras. 702, 713.

<sup>575</sup> [CAR-OTP-2084-0147](#) at 0147; [CAR-OTP-2042-1873](#) [00:17:15] to [00:19:18], transcript [CAR-OTP-2107-1477](#) at 1478, lines 3-25.

<sup>576</sup> [CAR-OTP-2025-0380](#) at 0381-0383.

<sup>577</sup> [CAR-OTP-2004-1180](#) at 1191.

<sup>578</sup> [CAR-OTP-2087-9024](#). *See also* Section Section III, A, g, ii, para. 75-76, Section III, A, p, vi, paras. 241-242, Section V, A, b, i, para. 545.

<sup>579</sup> P-2232: [T-075](#), p. 47, lines 2-20, p. 48, lines 16-22; [T-076](#), p. 51, line 21-p. 52, line 24, p. 53, line 12-p. 54, line 8; [T-078](#), p. 65, lines 9-14.

<sup>580</sup> [CAR-OTP-2117-0701](#) at 0701-0703 – *see commentary* by P-0952: [T-250](#), p. 24, line 8-p. 25, line 17.

<sup>581</sup> P-2232: [T-075](#), p. 48, lines 16-19; [T-076](#), p. 54, lines 2-13, 20-22, p. 58, lines 21-24, p. 66, lines 10-22, p. 67, lines 8-13.

and Reintegration process (“DDR”) — normally regarded as a material benefit<sup>582</sup> or reward – which was already foreclosed at the time,<sup>583</sup> given the group’s intention not to disarm or desist in criminal conduct.<sup>584</sup>

285. **NGAISSONA** regularly organised coordination meetings in various locations in BANGUI in which he received reports on the situation in the field, gave instructions to ComZones, and covered the expenses of ComZones coming from the provinces. In turn, the ComZones reported back to their elements on the ground.<sup>585</sup> **YEKATOM** sent persons close to him to these meetings to report on the situation in his area of responsibility (“AoR”).<sup>586</sup>

286. A **10 February 2014** intelligence report described the Anti-Balaka’s continued targeting of the Muslim civilian population in BANGUI and in the provinces, and their efforts to destabilise the Government over disagreements related to government appointments.<sup>587</sup>

287. That same morning, **NGAISSONA** publicly insisted that the Anti-Balaka be treated with gratitude, asserting that they had freed the country of the SELEKA. He also criticised the new President for refusing to include Anti-Balaka elements in her government, and blamed so-called ‘fake’ Anti-Balaka as solely responsible crimes committed against the Muslim civilian population imputed to the Anti-Balaka.<sup>588</sup> **YAKETE** noted his dissatisfaction with **NGAISSONA** in being « *incapable de les [referring to the Anti-Balaka] contenir et de dénoncer leurs mauvais comportements* ». <sup>589</sup>

288. On 11 February 2014, the BANGUI Prosecutor requested MISCA to urgently arrest Anti-Balaka leaders, including **NGAISSONA**, **YEKATOM**, **KONATE**, **LEBENE**, **NAMSIO**, **NGAYA**, **NGOBYA**, **NGREMANGOU**, **WENEZOU**, **YAGOUZOU**, and **BOZIZE**’s sons for

<sup>582</sup> P-2926: [CAR-OTP-2127-4289](#) at 4317, footnote 110, at 4319-4320, para. 68; P-2251: [CAR-OTP-2093-0045-R01](#) at 0067, para. 142; P-2012: [T-025](#), p. 13, lines 15-25.

<sup>583</sup> P-2232: [T-075](#), p. 48, line 23-p. 49, line 7; [T-077](#) p. 9, lines 16-21.

<sup>584</sup> P-2328: [T-048](#), p. 50, lines 11-21; p. 49, lines 16-25; and p. 75, line 24-p. 76, line 25.

<sup>585</sup> P-2556: [CAR-OTP-2112-1300-R01](#) at 1307-1308, paras 53, 57; [T-145](#), p. 15, lines 2-6, p. 17, lines 6-10; P-1962: [T-139](#), p. 27, lines 7-25; P-0975: [CAR-OTP-2033-7885-R02](#) at 7892, para. 54; P-2232: [T-077](#), p. 16, line 21-p. 17, line 6; [T-078](#), p. 65, lines 9-17, p. 65, line 24-p. 66, line 4, p. 76, lines 13-20; P-1847: [CAR-OTP-2061-1534-R01](#) at 1565, para. 198; [CAR-OTP-2110-0133](#) at 0133, para. 4; P-0992: [CAR-OTP-2128-0288-R02](#) at 0308, para. 124, at 0309, para. 131; [CAR-OTP-2110-0048-R05](#) at 0066, paras 100-101; P-0884: [T-056](#), p. 78, line 19-p. 79, line 21; [T-058](#), p. 18, lines 14-19, p. 67, lines 3-24; P-0889: [CAR-OTP-2027-2290-R02](#) at 2301, paras 64, 66, 69; P-0966: [CAR-OTP-2031-0241-R03](#) at 0257-0258, paras 91, 97; [T-116](#), p. 56, lines 16-24, p. 57, lines 6-22, p. 60, lines 11-19, p. 61, lines 10-25; [T-118](#), p. 20, lines 16-19.

<sup>586</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0070, paras 131-132; [CAR-OTP-2128-0288-R02](#) at 0312, para. 152; [T-092](#), p. 62, lines 19-25, p. 66, lines 8-22; P-0884: [T-056](#), p. 79, line 22-p. 80, line 5.

<sup>587</sup> [CAR-OTP-2087-9009](#) at 9009.

<sup>588</sup> [CAR-OTP-2109-0098](#) at 0098-0099; [CAR-OTP-2057-0963](#) at 0964.

<sup>589</sup> [CAR-OTP-2103-4850](#) at 4859, 10/02/2014, 20:13:14.

crimes committed by the Anti-Balaka elements.<sup>590</sup> In executing the arrests, the French soldiers seized multiple weapons from the Anti-Balaka.<sup>591</sup>

289. Instead of acknowledging the security threat posed by Anti-Balaka elements, **NGAISSONA** rejected the government's suggestion to return its fighters to the provinces and rather proposed that it account for some 50,000 Anti-Balaka elements through the DDR process.<sup>592</sup> **NGAISSONA**'s overture regarding the DDR was calculated only to encourage the Anti-Balaka's continued adherence to the National Coordination, as it was otherwise unrealistic that the government had the capacity to deal with that number of Anti-Balaka elements.<sup>593</sup>

290. On 15 February 2014 after several prominent Anti-Balaka leaders were arrested at **NGAISSONA**'s house,<sup>594</sup> **NGAISSONA** and the Anti-Balaka leadership decided to organise protests against their arrest.<sup>595</sup>

291. Around 16 February 2014, a group of FACA announced their dissociation from the Anti-Balaka and **NGAISSONA** because, with DJOTODIA gone, the Anti-Balaka had no reason to continue in their crimes, and therefore needed to disarm and work towards peace.<sup>596</sup>

292. On 17 February 2014, **NGAISSONA** and others signed a declaration acknowledging that some of their elements may be responsible for some exactions; but made demands, including the release of the 10 elements arrested few days later and the provision of support to the Anti-Balaka.<sup>597</sup> **NGAISSONA** ostensibly mandated NAMSIO, even though he was merely the group's spokesperson, to supervise and guarantee a sustainable peace for the population.<sup>598</sup>

293. Despite the numerous reports on crimes committed by the Anti-Balaka against the Muslim civilian population in BANGUI and in the provinces during this period,<sup>599</sup> **NGAISSONA** did not make any serious effort to stop these crimes. He instead denied their commission publicly, or delegated others, such as NGAYA to justify the group's conduct. On behalf of **NGAISSONA**, NGAYA also threatened to end P-0952's presidency, as she was

<sup>590</sup> [CAR-OTP-2101-3615](#) at 3615-3616 – see commentary by P-2328: [T-047](#): p. 49, line 18-p. 50, line 14.

<sup>591</sup> [CAR-OTP-2057-0963](#) at 0963.

<sup>592</sup> [CAR-OTP-2087-9176](#) at 9179-9181, 9183.

<sup>593</sup> [CAR-OTP-2001-5026](#) at 5026. See also [CAR-OTP-2023-1812](#) [00:15:50] to [00:22:29], translation [CAR-OTP-2118-5597](#) at 5602, lines 151-154. See also P-2050: [CAR-OTP-2076-1083](#) [00:16:59] to [00:17:27], transcript [CAR-OTP-2087-8960](#) at 8969, lines 319-324; P-1576: [CAR-OTP-2060-0280-R01](#) at 0287, para. 41.

<sup>594</sup> [CAR-OTP-0080-0690](#).

<sup>595</sup> [CAR-OTP-0080-0802](#) at 0806, point 20.

<sup>596</sup> [CAR-OTP-2117-0696](#) at 0696-0697.

<sup>597</sup> [CAR-OTP-2006-1210](#) at 1210-1213.

<sup>598</sup> [CAR-OTP-2029-0175](#) at 0175 – see commentary by P-0446: [T-098](#), p. 3, line 22- p. 4, line 15.

<sup>599</sup> See, *inter alia*, [CAR-D29-0002-0696](#) at 0696-0697; [CAR-OTP-2117-0698](#) at 0699; [CAR-OTP-2001-2248](#) at 2248-2249.

accused of being behind the recent raids against Anti-Balaka leaders.<sup>600</sup> In either case, and as attested by P-0876,<sup>601</sup> **NGAISSONA** encouraged the continued commission of Anti-Balaka crimes by denying them, justifying them, or impeding the government through threats, and the international forces through deception.

294. **NGAISSONA** announced on 21 February 2014 that he had instructed all the Anti-Balaka to withdraw and stop the combat to allow for the identification of the so-called ‘fake’ Anti-Balaka tarnishing the image of the group; and requested that the authorities release the arrested Anti-Balaka elements so that they could join the DDR.<sup>602</sup> The following day he stated on the radio that the Anti-Balaka came to liberate the country and, without acknowledging their crimes, suggested that they should be rewarded by the government.<sup>603</sup>

295. On 27 February 2014, **NGAISSONA** rejected the government’s engagement of other Anti-Balaka leaders as illegitimate, and claimed that the situation had calmed down because he called for a « *cessation des hostilités* ».<sup>604</sup>

296. Around February 2014, the National Coordination created a military police unit (“*Police Militaire*” or “PM”). A number of witnesses testified that the PM, led *inter alia* by Gustave YADJOUNGOU (“YADJOUNGOU”), GOLETE, NAMSIO, MAZIMBELE, and FEISSONA, was supposedly set up to find and arrest so-called ‘fake’ Anti-Balaka committing crimes in BANGUI and in the provinces.<sup>605</sup> Some members of the PM, including MAZIMBELE and ANDJILO were notoriously violent against Muslims.<sup>606</sup> To further the actions of the PM in areas under the Anti-Balaka’s control, **NGAISSONA** ordered NAMSIO, KOSSI, and ANDJILO to go to such areas on permanent missions.<sup>607</sup>

297. **NGAISSONA** sought to consolidate his leadership among the most important Anti-Balaka leaders. In a press release issued on 2 March 2014 and published the next day, the Anti-Balaka leadership, including MOKOM, ANDJILO, BEJOUANE, BEOROFEI, EMTENOU,

<sup>600</sup> [CAR-OTP-2072-1204](#) at 1204-1207.

<sup>601</sup> P-0876: [T-085](#), p. 59, lines 2-7.

<sup>602</sup> [CAR-OTP-2042-2641](#) [00:18:38] to [00:23:10], translation [CAR-OTP-2118-5622](#) at 5624-5625, lines 3-53.

<sup>603</sup> [CAR-OTP-2042-2467](#) [00:25:01] to [00:28:05], transcript [CAR-OTP-2107-1489](#) at 1490, lines 3-36.

<sup>604</sup> [CAR-OTP-2073-0870](#) [00:01:30] to [00:01:60], transcript [CAR-OTP-2107-1561](#) at 1563-1564, lines 56-94.

<sup>605</sup> P-0446: [CAR-OTP-2059-1586-R01](#) at 1597, lines 434-451, at 1599-1600, lines 509-566; [CAR-OTP-2059-1602-R01](#) at 1603-1604, lines 18-68; P-0808: [CAR-OTP-2025-0324-R05](#) at 0338, para. 95; P-0966: [CAR-OTP-2031-0241-R03](#) at 0256, para. 86-87; P-0992: [T-093](#), p. 41, lines 10-13; P-2232: [T-076](#), p. 57, lines 17-24; P-1521: [T-083](#), p. 42, lines 8-15.

<sup>606</sup> Regarding ANDJILO’s criminal character, see P-1962: [CAR-OTP-2068-0037-R04](#) at 0050, para. 60; P-0808: [CAR-OTP-2093-0010-R02](#) at 0019, para. 48; [T-070](#), p. 74, lines 7-18; P-1530: [CAR-OTP-2054-0249-R02](#) at 0260-0261, para. 53; P-2251: [T-043](#), p. 26, lines 9-17; [T-044](#), p. 45, lines 10-17, p. 47, lines 10-19; P-0446: [CAR-OTP-2059-1602-R01](#) at 1605, lines 79-111; [CAR-OTP-2088-1179](#) at 1179.

Regarding MAZIMBELE’s criminal character, see P-0966: [CAR-OTP-2031-0241-R03](#) at 0255, para. 78.

<sup>607</sup> [CAR-OTP-2025-0356](#) at 0356-0361 – see commentary by P-0446: [CAR-OTP-2059-1626-R01](#) at 1634-1636, lines 296-374.

HOURONTI, KONATE, LEBENE, MOKPEM, NAMSIO, and YANOUE, reiterated their support for NGAISSONA, recognising him as the National General Coordinator and denouncing WENEZOUÏ's effort to challenge his authority.<sup>608</sup> Although WENEZOUÏ had publicly acknowledged that the Anti-Balaka had been killing Muslims<sup>609</sup> and called into question NGAISSONA's instrumentalisation of the Anti-Balaka for political ends,<sup>610</sup> subsequently renewed his support for NGAISSONA.<sup>611</sup> **NGAISSONA's authority over the Anti-Balaka was also acknowledged by local leaders such as BODA Anti-Balaka spokesperson Flavien EDGAR on 24 March 2014.**<sup>612</sup>

298. In this period, NGAISSONA continued to set up a proper structure of the National Coordination to engage the Government to the group's benefit.<sup>613</sup> He continued to organise the Anti-Balaka by providing money,<sup>614</sup> weapons, ammunition,<sup>615</sup> and other logistical support, including food medicine and housing.<sup>616</sup> He also exercised his authority by organising the structure of the Anti-Balaka in the provinces.<sup>617</sup> NGAISSONA formalised the appointment of ComZones in BANGUI and the provinces. According to P-0884, ComZones which pre-existed the General Coordination took shape after its establishment.<sup>618</sup> P-0966 further explained that the zones and ComZones were set up by the National Coordination.<sup>619</sup> As a list of Anti-Balaka ComZones since 2013 [REDACTED], Anti-Balaka members who participated in the 5 December attack were among the ComZones.<sup>620</sup> P-0876, P-0884, P-0889, and P-1042 further

<sup>608</sup> [CAR-OTP-2101-4059](#) at 4059-4061.

<sup>609</sup> [CAR-OTP-2076-0825](#) [00:00:00] to [00:02:38], [00:04:53] to [00:05:10], transcript [CAR-OTP-2122-7403](#) at 7405, lines 67-72.

<sup>610</sup> [CAR-OTP-2023-1812](#) [00:07:15] to [00:09:03], translation [CAR-OTP-2118-5597](#) at 5599, lines 1-24.

<sup>611</sup> [CAR-OTP-2035-0061](#) at 0061-0063; [CAR-OTP-2023-1812](#) [00:07:15] to [00:09:03], translation [CAR-OTP-2118-5597](#) at 5599, lines 1-24.

<sup>612</sup> [CAR-OTP-2064-1015](#) at 1016; P-1962: [CAR-OTP-2068-0037-R04](#) at 0064, para. 134.

<sup>613</sup> [CAR-OTP-2046-0630](#) – see commentary by P-1521: [T-082](#), p. 18, line 25-p. 26, line 16; P-0889: [CAR-OTP-2027-2290-R02](#) at 2292, 2294, 2304, paras 13, 25, 87; P-0966: [T-116](#), p. 25, lines 9-12, p. 58, lines 6-7; P-2232: [T-077](#), p. 39, line 25-p. 40, line 3; [T-078](#), p. 62, line 21-p. 63, line 4; P-0884: [T-054](#), p. 15, lines 16-22; [T-056](#), p. 41, lines 6-11; [T-058](#), p. 31, line 12-p. 32, line 10; [CAR-OTP-2087-9014](#) at 9014-9015; [CAR-OTP-2136-0310](#); [CAR-OTP-2136-0239](#).

<sup>614</sup> P-0884: [T-056](#), p. 79, lines 2-25; P-0992: [CAR-OTP-2110-0048-R05](#) at 0065, para. 94, at 0066, para. 101; [T-093](#), p. 33, lines 1-11; [CAR-OTP-2128-0288-R02](#) at 0309, paras 131-132, at 0313, para. 164; P-0889: [CAR-OTP-2122-7825-R02](#) at 7848-7849, lines 814-848; [T-109](#), p. 85, lines 11-21; P-2232: [T-078](#), p. 49, line 18-p. 50, line 3.

<sup>615</sup> P-2232: [T-077](#), p. 19, lines 15-18, p. 20, lines 18-p. 21, line 1, p. 21, line 23-p. 23, line 6; [T-078](#), p. 49, lines 5-12, p. 51, lines 4-15.

<sup>616</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1566, para. 202; P-0952: [T-249](#), p. 39, line 11-p. 40, line 1.

<sup>617</sup> P-2556: [CAR-OTP-2112-1300-R01](#) at 1306-1307, 1319-1321, paras 41-48, 51, 53, 141-145, 148-149, 152, 154-155, 157-159; [T-145](#), p. 21, lines 1-5, p. 24, line 25-p. 25, line 11, p. 26, line 24-p. 27, lines 7, 11-17; [T-146](#), p. 29, lines 14-23.

<sup>618</sup> P-0884: [T-058](#), p. 73, lines 3-6.

<sup>619</sup> P-0966: [CAR-OTP-2031-0241-R03](#) at 0254, paras 72-74; [T-118](#), p. 14, lines 12-24, p. 31, lines 17-23.

<sup>620</sup> [CAR-OTP-2030-0232](#) at 0232-0238 – see commentary by P-0889: [CAR-OTP-2027-2290-R02](#) at 2306, paras 100; P-1521: [T-082](#), p. 32, lines 9-10, p. 33, line 17-p. 36, line 19; P-0954: [T-166](#), p. 55, line 10-p. 56, l. 8,

testified that the ComZones would issue orders to their elements and could discipline and promote them.<sup>621</sup>

299. **NGAISSONA** also set up a reporting system through which the local Anti-Balaka, including ComZones informed him of actions and crimes in the field. ComZones were in regular contact by phone with **NGAISSONA** and reported directly to him or through local coordinators or the Operations Coordinator.<sup>622</sup>

#### s. APRIL to June 2014

300. Between April and June 2014, **NGAISSONA** continued exercising authority, appointing and issuing mission orders to Anti-Balaka leaders. In a 1 April 2014 RFI interview, **NGAISSONA** noted his authority as National General Coordinator, stating « *[q]uand je donne l'ordre à ces enfants [the elements], je pense que c'est immédiatement suivi d'effet* ». <sup>623</sup>

301. **NGAISSONA** continued denying the Anti-Balaka's commission of crimes against Muslims, and the mortal threat posed by the *real* Anti-Balaka causing their ongoing confinement under in several enclaves, including BOSSANGO, where they were not fully evacuated until between 9 and 11 April 2014.<sup>624</sup> **NGAISSONA** regularly signed mission orders authorising ComZones' travel.<sup>625</sup> And, between April and June 2014, National Coordination members were sent on mission to the provinces<sup>626</sup> to advise and gather information on Anti-Balaka groups, and to report back.<sup>627</sup>

p. 62, line 23-p. 64, line 8; CAR-REG-0001-0010; [CAR-OTP-2039-0031-R01](#) – see commentary by P-2251: [CAR-OTP-2093-0045-R01](#) at 0072-0073, paras 178-184; P-0954: [T-166](#), p. 19, lines 1-p. 20, lines 11.

<sup>621</sup> P-0889: [CAR-OTP-2027-2290-R02](#) at 2301, para. 69; P-0884: [T-056](#), p. 71, lines 9-13; P-0876: [CAR-OTP-2046-0324-R01](#) at 0325-0326, lines 9-54; P-1042: [CAR-OTP-2107-0297-R01](#) at 0310-0312, lines 443-518.

<sup>622</sup> Reporting to **NGAISSONA** regarding the situation in BODA: P-0808: [CAR-OTP-2025-0324-R05](#) at 0338, para. 93; P-1962: [CAR-OTP-2071-0003-R02](#) at 0017, para. 91; [T-139](#), p. 29, lines 16-19, p. 30, lines 20-24, p. 65, line 25-p. 66, line 8; [CAR-OTP-2068-0037-R04](#) at 0054-0055, paras 80, 85-87; Reporting to **NGAISSONA** regarding the situation in CARNOT: P-2556: [CAR-OTP-2112-1300-R01](#) at 1318, paras 137-140; [T-145](#), p. 9, line 21-p. 10, line 3, p. 17, line 25-p. 18, line 17, p. 20, lines 2-10, p. 23, lines 3-10, 17, p. 27, lines 22-23, p. 34, lines 18-20, p. 46, lines 19-p. 47, lines 5; [T-146](#), p. 11, lines 1-4, p. 43, line 21-p. 44, line 11, p. 48, lines 2-4, p. 49, line 7-p. 50, line 16; Reporting to **NGAISSONA** regarding the situation in BERBERATI: P-1077: [T-149](#), p. 45, lines 6-20; [CAR-OTP-2066-2466](#) at 2695, **NGAISSONA**-[REDACTED], **11/07/2014, 00:07:56**. General Reporting to **NGAISSONA**: P-1847: [CAR-OTP-2061-1534-R01](#) at 1556-1557, 15568, paras. 144, 216; P-0884: [T-056](#), p. 70, lines 14-25; [T-058](#), p. 73, lines 22-24. Reporting to the National Coordination in general: P-0966: [T-116](#), p. 60, lines 24-p. 61, lines 5; P-2232: [T-077](#), p. 24, lines 6-20.

<sup>623</sup> [CAR-OTP-2001-4818](#) at 4818-4819. [CAR-OTP-2124-1231](#) at 1230-1232. [CAR-OTP-2087-9105](#) at 9105-9106. [CAR-OTP-2014-0749](#) [00:01:11] to [00:03:00], transcript, [CAR-OTP-2122-9374](#) at 9375-9376, lines 4-9, 18-42; See commentary by P-0952: [T-250](#) [ENG], p. 36, lines 9-13, p. 38, lines 2-10; [T-250](#) [FRA], p. 34, lines 1-5, p. 35, lines 9-24; by P-1962: [T-139](#), p. 20, line 18-p. 21, line 23, p. 22, lines 13-20; by P-2328's comments at [T-047](#) p. 38, line 16-p. 39, line 23.

<sup>624</sup> See Section V, B, e, paras. 641-643.

<sup>625</sup> P-1521: [T-083](#), p. 62, line 19-p. 64, line 4; P-1858: [CAR-OTP-2063-0050-R04](#) at 0068, para. 112.

<sup>626</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0026, paras 87-89.

<sup>627</sup> P-0992: [CAR-OTP-2128-0288-R02](#) at 0313-0314, paras 163-165; P-1077: [T-149](#), p. 29, line 23-p. 31, line 23; P-0889: [CAR-OTP-2122-7962-R02](#) at 7973-7974, lines 390-443; P-0287: [CAR-OTP-2115-0239-R01](#) at 0250, 0252, paras 49, 59 and his commentary thereon: [T-020](#), p. 17, lines 3-11; [T-021](#), p.4, line 22-p. 5, line 4. See also [CAR-OTP-2003-1076](#) at 1140-1141; [CAR-OTP-2001-5386](#) at 5405, para. 69.

302. **NGAISSONA** issued a statement purporting to (i) give a chance to peace and reconciliation; (ii) commit to respect the law, and (iii) support the government; and (iv) requesting the Anti-Balaka to abide by *his decision*. However, the evidence shows that he did so to avoid arrest by MISCA.<sup>628</sup> Indeed, the next day, **NGAISSONA** was arrested by MISCA and released 24 hours later.<sup>629</sup> On 28 April 2014, **NGAISSONA** noted his capacity to free individuals in the Anti-Balaka's custody and control.<sup>630</sup> On 15 May 2014, an assembly of the Anti-Balaka held a meeting at the PISMIS compound, attended by the international forces, HRW, **YEKATOM**, **BARA**, **HOURONTI**, **KAMEZOU-LAI**, **NGREMANGOU**, and **WENEZOU**, among others. At the meeting, **BARA** acknowledged the Anti-Balaka's responsibility in targeting the Muslims and the group's persistent commission of such crimes, noting the accountability of its leadership.<sup>631</sup>

303. During the meeting **WENEZOU** was selected as the new Anti-Balaka National General Coordinator.<sup>632</sup> However, **NGAISSONA** rejected the assembly vote and fought to remain, asserting his ongoing authority: « *je suis toujours le coordonnateur des anti-balaka* ». <sup>633</sup> On 29 May 2014, **NGAISSONA** issued a press release calling Muslims in PK5 to disarm, believing they were favoured by international forces,<sup>634</sup> despite the Anti-Balaka's notorious attacks on the Muslim community in the 5<sup>th</sup> *Arrondissement*.<sup>635</sup>

304. In an interview in relation to a June 2014 report of the International Federation for Human Rights ("FIDH"), **NGAISSONA** claimed that abuses attributed to the Anti-Balaka were committed by fakes,<sup>636</sup> despite widespread reports of Anti-Balaka crimes against Muslim civilians in western CAR and their continuing plight in enclaves under the siege by the group.<sup>637</sup> He received copy of the FIDH report on **26 June 2014**, shortly after its publication.<sup>638</sup>

<sup>628</sup> [CAR-OTP-2003-1076](#) at 1149-1150, [CAR-OTP-2101-1821](#); see commentary by P-0952: [T-249](#) p. 50, line 16-p. 53, line 21 and by P-2328: [T-047](#), p. 33, line 21-p. 34, line 9, p. 35, lines 14-19; [CAR-OTP-2025-0396](#) at [0399](#), para. 2.

<sup>629</sup> [CAR-OTP-2002-0719](#). See commentary by P-2328: [T-047](#), p. 32, line 3-p. 33, line 19; p. 34, line 18-p. 35, line 9.

<sup>630</sup> [CAR-OTP-2003-1076](#) at 1093.

<sup>631</sup> [CAR-OTP-2084-1319](#) [00:02:15] to [00:04:00], transcript [CAR-OTP-2107-1577](#) at 1578-1579, lines 20-37; [CAR-OTP-2084-1327](#) [00:01:58] to [00:04:28], transcript [CAR-OTP-2107-1583](#) at 1584-1585, lines 26-50. See commentary by P-0876: [T-085](#), p. 75, line 23-p. 76, line 11, p. 83, line 15-p. 84, line 12.

<sup>632</sup> [CAR-OTP-2084-1331](#) [00:00:00] to [00:02:06], transcript [CAR-OTP-2107-1586](#) at 1587, lines 4-14; [CAR-OTP-2001-4867](#) at 4867.

<sup>633</sup> [CAR-D30-0008-0030](#) at 0030-0031.

<sup>634</sup> [CAR-OTP-2084-0153](#) at 0153-0154 and [CAR-OTP-2124-1220](#) at 1220-1221 (version authenticated by P-0889), see commentary by P-0889: [CAR-OTP-2122-7825-R02](#) at 7871, lines 1608-1617.

<sup>635</sup> [CAR-OTP-2023-1863](#) [00:07:31] to [00:08:30], transcript [CAR-OTP-2122-9401](#) at 9403-9404, lines 89-99. See commentary by P-0952: [T-249](#), p. 57, line 3-p. 59, line 3 and by P-0475: [T-091](#), p. 76, line 19-p. 77, line 18.

<sup>636</sup> [CAR-OTP-2001-2769](#) at [2829-2830](#).

<sup>637</sup> [CAR-OTP-2001-2769](#) at [2778-2779](#).

<sup>638</sup> Email from [REDACTED] to **NGAISSONA** on 26 June 2014: [CAR-OTP-2124-0604](#) at 0604, attaching at [CAR-OTP-2124-0605](#) the French version of the "They Must All Leave or Die": [CAR-OTP-2001-2769](#).

305. With the mediation of the NGO MOUDA, **NGAISSONA** and WENEZOU I agreed to a unified coordination with **NGAISSONA** remaining in place as General Coordinator. The new structure was publicised on 24 June 2014.<sup>639</sup> And, the same day, **NGAISSONA** exercised his authority in expelling BARA from the Anti-Balaka.<sup>640</sup>

#### **t. JULY 2014 to early 2015**

306. From July 2014 until early 2015, **NGAISSONA** exerted his influence over the Anti-Balaka.<sup>641</sup> His actions in this period demonstrate that he was in a position to at least impede the Anti-Balaka's commission of crimes, yet took no meaningful steps to do so.<sup>642</sup> This was despite his knowledge that the Anti-Balaka had committed and were continuing to commit serious crimes.<sup>643</sup> Despite claiming a willingness to cooperate with the government, **NGAISSONA** continued to pursue his own political agenda, and undermine it.<sup>644</sup>

### **B. NGAISSONA had the required intent and knowledge**

#### **a. Overview**

307. **NGAISSONA** acted intentionally and in the knowledge that the Anti-Balaka would commit the charged crimes. **NGAISSONA** assisted in the commission of the charged crimes

<sup>639</sup> [CAR-OTP-2084-0164](#), *see commentary by P-0952: T-251 p. 35, lines 15-19. *See also* [CAR-OTP-2001-5386](#) at 5470; [CAR-OTP-2035-0064](#) at 0065.*

<sup>640</sup> [CAR-OTP-2084-0165](#).

<sup>641</sup> *See e.g.* July 2014: [CAR-OTP-2032-0074](#) at 0074. *see* P-2328's comments at [T-047](#), p. 73, line 1-p. 74, line 16; P-0487: [T-203](#), p. 4, line 17-p. 6, line 3; P-0884: [T-056](#), p. 70, lines 8-15; [CAR-OTP-2042-4615](#) [00:12:05] to [00:12:48], transcript [CAR-OTP-2107-1491](#) at 1492, lines 19-27; [CAR-OTP-2090-0501](#) at 0504-0505. August 2014: [CAR-OTP-2124-1237](#) at 1237-1239; [CAR-OTP-2108-0050](#) at 0050-0051. October 2014: [CAR-OTP-2093-0154](#) at 0154. January 2015: [CAR-OTP-2008-0805](#) at 0805. *See also* [CAR-OTP-2087-9021](#) at 9022; [CAR-OTP-2101-2039](#) at 2039-2040; [CAR-OTP-2039-0020](#) at 0020; P-0888: [CAR-OTP-2031-0217-R03](#) at 0226, para. 59.

<sup>642</sup> *See e.g.* [CAR-OTP-2046-0631](#) at 0631-0632, *see commentary by P-1521: T-082*, p. 36, line 20-p. 37, line 17; P-1077: [T-149](#), p. 45, lines 6-12; [CAR-OTP-2030-2280](#) [00:00:00] to [00:01:05], translation [CAR-OTP-2107-7027](#) at 7029, lines 1-14. *See commentary by P-1077: CAR-OTP-2107-3636-R01 at 3661-3663, lines 887-954; [CAR-OTP-2023-2447](#) [00:00:00] to [00:07:52], transcript [CAR-OTP-2107-1511](#) at 1512-1513, lines 4-50, 66-78, *note* lines 43-44, 70-73; P-1974: [CAR-OTP-2068-0222-R05](#) at 0229, para. 46; [CAR-OTP-2068-0586](#) [00:02:51] to [00:05:46], translation [CAR-OTP-2118-5710](#) at 5713-5714, lines 74-97; [CAR-OTP-2122-5902](#) [00:32:03] to [00:45:14], transcript [CAR-OTP-2122-9457](#) at 9472-9474, 9478-9480, lines 535-580, 606-627, 756-827.*

<sup>643</sup> *See e.g.* July 2014: [CAR-OTP-2042-0916](#) [00:18:16] to [00:20:57] and [00:12:08] to [00:14:08], translation [CAR-OTP-2088-0649](#) at 0654, 0656-0657, lines 164-175 and 235-270, *note* lines 168-173 and 258-261; *see commentary by P-0952: T-251*, p. 47, lines 2-15; P-1962: [CAR-OTP-2068-0037-R04](#) at 0058-0059, paras 102-108. September 2014: [CAR-OTP-2122-5902](#) from [00:00:00] to [00:30:51], transcript [CAR-OTP-2122-9457](#) at 9458-9461, 9463-9467, 9469-9471, lines 14-19, 75-83, 115-143, 226-355, 430-495, 501-515.

<sup>644</sup> *See e.g.* July 2014: [CAR-OTP-2084-0174](#) at 0174-0175. August 2014: [CAR-OTP-2087-9290](#) at 9290-9291, *see commentaries by* P-0884: [T-056](#), p. 52, lines 6-7, p. 53, lines 16-24; and *by* P-2625: [T-190](#) p. 32, line 21-p. 34, line 6; P-0952: [T-249](#) p. 38, lines 10-22; [T-250](#), p. 27, lines 16-24, p. 29, line 14-p. 30, line 12, p. 38, lines 1-14, p. 40, lines 20-18, p. 50, line 11. September 2014: [CAR-OTP-2029-0171](#) at 0171-0173; [CAR-OTP-2001-5285](#) at 2575. October 2014: [CAR-OTP-2001-5342](#) at 5343-5344, *see commentary by* P-0952: [T-250](#), p. 55, line 16-p. 56, line 16; [CAR-OTP-2001-6432](#) at 6432; P-0808: [CAR-OTP-2025-0324-R05](#) at 0339-0340, para. 101; [CAR-OTP-2093-0010-R02](#) at 0035, para. 141; P-0952: [T-249](#), p. 27, line 17-p. 29, line 1; [CAR-OTP-2084-1015-R02](#) at 1015-1016; [CAR-OTP-2005-0095](#) from [00:00:00] to [00:07:10], transcript [CAR-OTP-2122-9368](#) at 9369-9373, lines 12-166; P-0966: [T-116](#), p. 57, line 24-p. 58, line 19; [CAR-OTP-2032-0067](#) at 0067-0068; [CAR-OTP-2124-1223](#) at 1223-1224; [CAR-OTP-2030-0255](#) at 0258 (copy authenticated by P-0889) and [CAR-OTP-2087-9110](#) at 9113 (copy authenticated by P-0952); P-1847: [T-023](#), p. 84, lines 5-12.



for the purpose of facilitating their commission, aware that crimes of such type would be committed in the ordinary course of events.

308. **NGAISSONA** otherwise contributed to the commission of the charged crimes by the Anti-Balaka, a group acting pursuant to an organisational Criminal Policy and Common Purpose. His contributions were made with the aim of furthering the Anti-Balaka's criminal activity or purpose, or in the knowledge of the group's intention to commit these types of crimes.

309. **NGAISSONA** knew that the Anti-Balaka would commit the types of crimes charged, all of which directly flowed from the Anti-Balaka's violent targeting of, and attacks against, the Muslim population in western CAR. He played a significant role in the Anti-Balaka's formation, organisation, financing, arming, instructing, and was moreover aware of its crimes. He knew of the group's anti-Muslim animus which he himself participated in stirring up, and of its propensity for violence in exacting vengeance against the Muslim population. **NGAISSONA** also led the Anti-Balaka's National Coordination, working closely with members of the group who also incited hatred and violence against Muslim civilians.

310. As the Anti-Balaka National General Coordinator, **NGAISSONA** promoted the Anti-Balaka's ideological and practical objectives,<sup>645</sup> encouraged its conduct, and denied or justified its crimes in targeting the Muslim civilian population. He impeded the efforts of the transitional government and international forces to hold the Anti-Balaka accountable, fully aware of the Anti-Balaka's commission of serious crimes against the Muslim civilian population. He refused genuine cooperation with the national authorities in disarming the Anti-Balaka, and instead continued assisting in funding and arming the group. Rather than disrupt the Anti-Balaka's capacity to commit the charged crimes, **NGAISSONA** worked to preserve public support for the group, presenting a false sanitised public image of it, which allowed him to instrumentalise it further in the pursuit of power. **NGAISSONA's** actions in this regard further evidence his knowledge and intent for the charged crimes.

**b. NGAISSONA's role in the formation and operation of the Anti-Balaka placed him in a position to know of its crimes**

311. **NGAISSONA** played a role in the creation of the Anti-Balaka. He was in the position to know its objectives and intention to take revenge against Muslims collectively for the crimes

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<sup>645</sup> See K. Ambos, *Treatise on International Criminal Law: Volume 1: Foundations and General Part* (Oxford University Press, 2013), p. 169 (citing Conc. Eser, 'International Criminal Responsibility' in Cassese, Gaeta, and Jones, *Rome Statute* (2002), p. 103, with fn.155). See also O. Triffterer, *Commentary on the Rome Statute of the International Criminal Court*, 2nd Ed., (Munich/Oxford/Baden-Baden: C.H. Beck/Hart/Nomos, 2008), p.759.

of the Seleka. Together with other members of BOZIZE's inner circle, **NGAISSONA** assisted in mobilising the Youth and later galvanised forces that would become the Anti-Balaka, first to cling to power in CAR and, once lost to DJOTODIA and the Seleka, to reclaim it by force at whatever cost.<sup>646</sup>

312. After the 24 March 2013 *Coup*, while in CAMEROON marshalling elements later referred to as the Anti-Balaka, **NGAISSONA** knew of its members' motivation and propensity to exact violent revenge against the Muslim population collectively for Seleka crimes.<sup>647</sup>

313. During this period, **NGAISSONA** was kept abreast of the developments on the ground in CAR. He received direct information about Anti-Balaka operations from, *inter alia*, NGREMANGOU, MOKOM, and other members of BOZIZE's inner circle.<sup>648</sup> He likewise provided such information to those members, including to his fellow principals in FROCCA.<sup>649</sup>

314. Moreover, through the National Coordination that he set up in January 2014 on his designation as the Anti-Balaka's General Coordinator, **NGAISSONA** knew of the group's continued commission of the types of crimes charged throughout western CAR, including those committed by **YEKATOM** and his Group.<sup>650</sup> MOKOM, the group's Operations Coordinator to whom all ComZones in CAR reported, himself reported to **NGAISSONA**.<sup>651</sup> In addition, ComZones in the provinces were in regular telephone contact with **NGAISSONA**.<sup>652</sup>

315. **NGAISSONA** also sent on mission the PM, a unit set up in February 2014 by the National Coordination, to purportedly find and arrest so-called 'fake' Anti-Balaka committing crimes.<sup>653</sup>

316. **NGAISSONA** himself acknowledged that his role as National General Coordinator was, *inter alia*, to « *éviter les dérapages et les débordements* » observed within the ranks of the Anti-Balaka,<sup>654</sup> and that crimes attributed to the group should be investigated.<sup>655</sup> Thus, implicitly, he was aware of the crimes alleged and the group's criminal activity.

<sup>646</sup> See sections III, A, c&d.

<sup>647</sup> See section III, A, e.

<sup>648</sup> See section III, A, g.

<sup>649</sup> See section III, A, h.

<sup>650</sup> See section III, B, b, para. 356-359.

<sup>651</sup> P-0808: [CAR-OTP-2025-0324-R05](#) at 0338, para. 93; [CAR-OTP-2093-0010-R02](#) at 0029, para. 106.

<sup>652</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0029-0030, para. 109, 114.

<sup>653</sup> P-0808: [CAR-OTP-2025-0324-R05](#) at 0338, para. 95; [CAR-OTP-2093-0010-R02](#) at 0024-0025, 0033, paras 78, 129; P-0992: [CAR-OTP-2110-0048-R05](#) at 0064, paras 86-88; [T-093](#), p. 40, lines 17-22; P-0446: [CAR-OTP-2059-1586-R01](#) at 1597, 1599-1600, lines 434-451, 509-566; [CAR-OTP-2059-1626-R01](#) at 1634-1636, lines 296-376, including commentary upon [CAR-OTP-2025-0356](#) at 0356-0360; P-1521: [T-083](#), p. 42, lines 8-16; P-2232: [T-076](#), p. 57, lines 17-24, p. 58, lines 9-12; P-0966: [CAR-OTP-2031-0241-R03](#) at 0256, paras 86-87; P-0888: [CAR-OTP-2031-0217-R03](#) at 0226, paras 56-58; [T-123](#), p. 57, lines 14-20, p. 58, lines 3-8; [CAR-OTP-2076-0825](#) [00:02:40] to [00:03:47], transcript [CAR-OTP-2122-7403](#) at 7404-7405, lines 38-51.

<sup>654</sup> [CAR-OTP-2003-1076](#) at 1087.

<sup>655</sup> See [CAR-OTP-2087-9176](#) at 9178; [CAR-OTP-2006-1210](#) at 1212.

317. Moreover, consistent with his role as the principal leader of the Anti-Balaka, **NGAISSONA** was regularly, personally, and contemporaneously notified of Anti-Balaka crimes by CAR authorities,<sup>656</sup> CAR residents,<sup>657</sup> MINUSCA,<sup>658</sup> Sangaris forces,<sup>659</sup> and other Anti-Balaka members.<sup>660</sup>

318. Finally, the risk of harm to the civilian population arising from the conflict was widely known, given that crimes of the types charged were committed during previous transitions involving the use of force in CAR, including those that underpinned the *Bemba* case before the ICC. Indeed, those circumstances — which concerned the crimes committed in relation to the *coup d'état* through which **BOZIZE** seized power in March 2003 — involved widespread crimes against humanity and war crimes, including murder and rape.<sup>661</sup> As regards sexual violence and rape, it was common knowledge that it would be committed by parties to armed conflict in CAR, and particularly against victims perceived to be associated with the opposing armed groups.<sup>662</sup> Indeed, the Transitional Government recognised that years of armed conflict in the country had “created a certain atmosphere favourable to gender-based violence”,<sup>663</sup> much

<sup>656</sup> P-0952: [T-249](#), p. 27, line 8-p. 29, line 1, p. 38, lines 10-22, p. 52, line 1-p. 53, line 20, including commentary upon [CAR-OTP-2101-1821](#); [T-250](#), p. 27, lines 16-24, p. 38, lines 1-14, p. 40, lines 20-18; P-0801: [T-035](#), p. 36, lines 5-23; P-2625: [T-190](#), p. 32, line 16-p. 33, line 20. *See also* [CAR-OTP-2076-0678](#) at 0678, commented upon by P-0475: [T-090](#), p. 35, line 14-p. 36, line 22; [CAR-OTP-2110-0145](#) at 0147.

<sup>657</sup> *See e.g.* [CAR-OTP-2066-2466](#) at 2694; [CAR-OTP-2066-1510](#) at 1534.

<sup>658</sup> *See e.g.* P-0801: [T-035](#), p. 60, lines 8-25; [T-036](#), p. 53, line 16-p. 54, line 4.

<sup>659</sup> [CAR-OTP-2090-0408](#) [00:00:00] to [00:00:34], transcript [CAR-OTP-2107-1598](#) at 1599, lines 1-18; [CAR-OTP-2042-2641](#) [00:18:38] to [00:23:10], transcript/translation [CAR-OTP-2118-5622](#) at 5624-5625, lines 3-54. *See also* [CAR-OTP-2110-0145](#) at 0147.

<sup>660</sup> *See e.g.* P-0992: [CAR-OTP-2110-0048-R05](#) at 0061-0063, paras 70, 74, 78-79, 83-84. *See also* P-0884: [T-058](#), p. 18, lines 14-22.

<sup>661</sup> P-2328: [T-046](#), p. 18, line 13-p. 21, line 19, p. 32, lines 22-24. *See also* *Prosecutor v. Bemba*, Judgment, ICC-01/05-01/08-3343 (“*Bemba II*”), *see in particular* para. 671-689.

<sup>662</sup> *See* the findings of the United Nations Mapping Report at [CAR-OTP-2055-1987](#) at 2004 that “nearly all parties to the successive armed conflicts in the Central African Republic between 2003 and 2015 committed sexual and gender-based violence”, that “(i)n many instances, belligerents targeted victims who shared social, ethnic, or religious traits as members of opposing armed groups”, and that “(t)he armed conflicts provided an environment in which perpetrators of sexual and gender-based violence enjoyed unbridled impunity as a result of dysfunctional or collapsed institutions.” *See also* the peace agreements reached at Libreville in January 2013, Brazzaville in July 2014 and Nairobi in April 2015, which all included sexual violence among the acts of violence that must cease: [CAR-OTP-2101-3081](#) at 3082-3083 (Libreville Agreement, Articles 1 and 5(2)); [CAR-OTP-2001-3405](#) at 3407-3408 (Brazzaville Agreement, Articles 2 and 5(b) and (d)); [CAR-OTP-2008-0615](#) at 0618 (Nairobi Agreement, Article 11(d)). On the prevalence of conflict-related sexual violence in CAR, *see further* [CAR-OTP-2001-2769](#) at 2809-2810; [CAR-OTP-2101-3983](#) at 3983, and other evidence cited in the Prosecution’s Request for the Submission of Evidence from the Bar Table regarding the Prevalence of Sexual and Gender Based Violence: ICC-01/14-01/18-1233 (“*Prosecution SGBV Bar Table Motion*”), para. 9(ii), ICC-01/14-01/18-1233-Conf-Anx-Corr. *See also* P-1838: [T-216](#), p. 25, lines 8-11, p. 26, lines 5-13.

<sup>663</sup> [CAR-OTP-2092-1257](#) at 1257; [CAR-OTP-2092-1488](#) at 1488. For other instances of recognition by the CAR government, *see* [CAR-OTP-2092-2846](#) at 2846; [CAR-OTP-2101-4029](#) at 4030; [CAR-OTP-2092-2771](#) at 2774; [CAR-OTP-2101-1437](#) at 1437-1442.

as the United Nations reported that the renewal of conflict in CAR would bring with it a heightened risk of sexual violence.<sup>664</sup>

319. Members of BOZIZE's inner circle, including **NGAISSONA**, encouraged the Anti-Balaka to take revenge for exactly the types of crimes committed by the Seleka, as are charged.

320. Against this background, **NGAISSONA** was in a position to know, and did know, that by engaging the Anti-Balaka to reclaim power, aware that its members sought to exact vengeance against Muslims collectively for Seleka crimes, and without ensuring that they were trained or safeguards in place to control such conduct, serious violent crimes against Muslim civilians and other persons taking no active part in hostilities would inevitably ensue.

**c. NGAISSONA knew of the Anti-Balaka's anti-Muslim sentiment and desire for revenge and the risk of harm this posed to civilians**

321. BOZIZE and those in his inner circle, including **NGAISSONA**, fomented anti-Muslim animus to achieve their objectives. They did so by, amongst other things, repeatedly rehearsing the crimes committed by the Seleka, going back to at least December 2012.

322. As a key-member of FROCCA, set up in July-August 2013, **NGAISSONA** would have known about the Anti-Balaka's anti-Muslim animus which was explicit and public.<sup>665</sup> Long before FROCCA's creation in March 2013, BOZIZE made public statements in March 2013, including in **NGAISSONA**'s presence, referring to, *inter alia*, the Seleka's perpetration of rape and invoking the women, girls and children of CAR as the inevitable victims of the crisis.<sup>666</sup> Later, on FROCCA's creation, its first press release emphasised the Seleka's killings, torture, rapes and looting.<sup>667</sup>

323. On 13 August 2013, **NGAISSONA** acknowledged receiving a copy of an "*Appel Patriotique*" issued under FROCCA's auspices and distributed in BANGUI that day, referring to the Seleka's killings, looting, thefts, rapes, kidnappings, and torture, and stoking fear of the "Islamisation of the CAR".<sup>668</sup>

<sup>664</sup> [CAR-OTP-2127-6521](#) at 6521.

<sup>665</sup> See section III, A, f, ii.

<sup>666</sup> See BOZIZE's public statement of 8 March 2013: [CAR-OTP-2000-0627](#) [00:10:13] to [00:10:34], translation [CAR-OTP-2060-0668](#) at 0672-0672, lines 88-92, and of 15 March 2013 made in the presence of **NGAISSONA**: [CAR-OTP-2000-0658](#) [00:24:41] to [00:25:12], transcript [CAR-OTP-2006-0661](#) at 0666, lines 222-225.

<sup>667</sup> See [CAR-OTP-2001-4048](#) at 4048 and [CAR-OTP-2123-0473](#) at 0473. See also [CAR-OTP-2100-2609](#) at 2610; [CAR-OTP-2122-9857](#) at 9857; [CAR-OTP-2042-2125](#) [00:43:25] to [00:43:32], transcript [CAR-OTP-2127-6888](#) at 6899, lines 420-421; [CAR-OTP-2005-0084](#) from [00:08:44] to [00:08:51], translation [CAR-OTP-2130-1119](#) at 1125, lines 183-185; [CAR-OTP-2042-0552](#), translation [CAR-OTP-2122-9665](#) at 9667, lines 8-17; [CAR-OTP-2129-1340](#) at 1342; [CAR-OTP-2129-1552](#) at 1557; [CAR-OTP-2129-1649](#) at 1649; [CAR-OTP-2129-1589](#) at 1589-1590.

<sup>668</sup> [CAR-OTP-2130-3306](#) at 3306.

324. An 11 February 2014 Anti-Balaka document produced on **NGAISSONA**'s instructions and presented to the Transitional Government seeking the cantonment of Anti-Balaka 'combatants', noted:

« 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" a 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. »<sup>669</sup>

325. These messages were echoed by Anti-Balaka elements,<sup>670</sup> and invoked by **NGAISSONA** in September 2014, when he stated in relation to the Seleka:<sup>671</sup>

« Parce que tu ne peux pas comprendre que devant toi, on vient, on tue ta mère, on tue tes... ton père, on ... on viole ta femme devant toi et on tue tes enfants ».

326. This rhetoric manifested itself in an almost unbridled desire in the Anti-Balaka for revenge against Muslims. In a 10 March 2014 press article, then Anti-Balaka spokesperson WENEZOUÏ, responded to a question about the Seleka, stating "[t]hey started killing our children and wives and destroyed our homes. Revenge is good sometimes and bad sometimes. But we have to do it."<sup>672</sup> [REDACTED].<sup>673</sup> [REDACTED] need to sanitise the Anti-Balaka's image by "water[ing] the wine", and resisting giving in to the leadership's "violent fashion" of presenting matters to the outside world in favour of presenting things in a "proper" and "coherent" way.<sup>674</sup> Moreover, his statement is echoed in Anti-Balaka press releases regarding the comportment of the Seleka and Anti-Balaka elements being filled with an « *esprit de vengeance* ». <sup>675</sup>

327. **BOZIZE**'s inner circle's promotion of Anti-Muslim rhetoric found expression in CAR media and print outlets, which amplified this hate speech and disinformation. They promoted narratives of the victimisation of the Christian community, making almost no mention of the

<sup>669</sup> [CAR-OTP-2087-9176](#) at 9178; [CAR-OTP-2025-0372](#) at 0374 - see commentary by P-0808: [CAR-OTP-2025-0324-R05](#) at 0340, para 107; [T-070](#), p. 61, lines 18-25, p. 63, lines 5-7, p. 65, line 3-p. 67, line 2. See also [CAR-OTP-2084-0148](#) at 0148-0149.

<sup>670</sup> [CAR-OTP-2108-0748](#) [00:01:42]-[00:02:04], transcript/translation [CAR-OTP-2127-4642](#) at 4646, lines 68-74, commented upon by P-2377: [CAR-OTP-2108-0609-R02](#) at 0614, para. 24; [CAR-OTP-2014-0754](#) from [00:03:02] to [00:03:17].

<sup>671</sup> [CAR-OTP-2122-5902](#) [00:06:53] to [00:07:03], transcript [CAR-OTP-2122-9457](#) at 9459, lines 78-80.

<sup>672</sup> [CAR-OTP-2001-4446](#) at 4448.

<sup>673</sup> [REDACTED].

<sup>674</sup> [REDACTED].

<sup>675</sup> [CAR-OTP-2025-0380](#) at 0381.

crimes inflicted against Muslims; they conflated Seleka fighters (drawn from Central African Muslims of the Goula, Rounga, among others) and the Muslim community, collectively; and called for a serious or violent reaction by the Christian community (*'la population'*).<sup>676</sup> The (emergent) leaders of the Anti-Balaka and their elements endorsed and subscribed to this narrative, implementing the organisational Criminal Policy.<sup>677</sup>

328. Anti-Balaka leaders systematically emphasised the victimisation of the Christian community of Seleka crimes and atrocities and portrayed the Muslim population as traitors and collaborators. They equated the Muslims, including civilians, with the Seleka, even denying the legitimacy of CAR's native Muslims, whom they labelled foreigners — underpinning the spirit of revenge of the Anti-Balaka.<sup>678</sup>

329. Given their knowledge of the Anti-Balaka's desire for revenge, it would have been foreseeable to BOZIZE and those in his inner circle, including NGAISSONA, that their rhetoric in recalling the crimes of the Seleka — amplified by the media — would lead the Anti-Balaka to believe that non-Muslims were in jeopardy of oppression at the hands of Muslims. It would have been foreseeable to them that this would not only engender ethnic division and hatred, but agitate Anti-Balaka elements who would go on to commit serious violent crimes against Muslims of the types charged.

<sup>676</sup> [CAR-OTP-2001-3068](#) at 3073, para. 30.

<sup>677</sup> See, e.g., P-2673: [CAR-OTP-2127-6435-R01](#) at 6446, 6456, paras 70-72, 136-137; [T-041](#), p. 27, line 13-p. 28, line 17, p. 47, lines 1-17; P-1042: [T-163](#), p. 68, lines 2-6, p. 69, lines 13-22.

<sup>678</sup> P-0965: [CAR-OTP-2046-0195-R01](#) at 0186-0187, 0203, lines 117-153, 271-280; P-0952: [T-249](#), p. 55, line 12-p. 56, line 5; [T-250](#), p. 9, lines 18-20, p. 11, lines 14-18, p. 66, lines 2-19; [T-251](#), p. 10, lines 4-24; P-2269: [CAR-OTP-2111-0336-R01](#) at 0357-0358, para. 161; P-0992: [T-092](#), p. 78, line 24-p. 79, line 8; P-0808: [CAR-OTP-2093-0010-R02](#) at 0017-0018, paras 37, 39-40; P-0884: [T-055](#), p. 52, lines 9-13, p. 53, line 24-p. 54, line 3, p. 55, line 15-p. 56, line 3; P-0889: [CAR-OTP-2122-7684-R02](#) at 7686-7687, lines 74-76, 80-89; [T-111](#), p. 23, line 24-p. 24, line 5, p. 25, line 22-p. 26, line 12, p. 26, line 21-p. 27, line 7, p. 32, line 24-p. 33, line 6, including commentary upon [CAR-OTP-2132-7764](#) at 7770; P-0475: [T-090](#), p. 20, lines 2-9, p. 30, lines 11-15; P-1847: [CAR-OTP-2061-1534-R01](#) at 1559, 1569-1570, paras 161, 224-226; P-1962: [CAR-OTP-2068-0037-R04](#) at 0042, para. 18; P-2133: [CAR-OTP-2093-0267-R02](#) at 0292, para. 181; P-0876: [CAR-OTP-2046-0473-R02](#) at 0484-0485, lines 420-446; [T-086](#), p. 11, line 25-p. 12, line 5; P-0287: [T-020](#), p. 27, line 12-p. 28, line 13, commenting upon [CAR-OTP-2115-0239-R01](#) at 0265-0266, para. 132; P-0291: [T-051](#), p. 29, line 10-p. 30, line 12; P-1339: [T-152](#), p. 15, lines 13-15, p. 16, line 19-p. 17, line 4, p. 18, line 13-p. 19, line 4; [T-157](#), p. 45, lines 1-3; P-2082: [CAR-OTP-2109-0452-R02](#) at 0457, para. 27; [T-217](#), p. 62, lines 22-23; P-1576: [T-239](#), p. 36, lines 3-7; P-2012: [T-025](#), p. 19, lines 11-20; P-1077: [CAR-OTP-2107-3636-R01](#) at 3661-3663, lines 887-954, including commentary upon [CAR-OTP-2030-2280](#) [00:00:00] to [00:01:05], translation [CAR-OTP-2107-7027](#) at 7029, lines 5-33; see also [CAR-OTP-2107-3366-R01](#) at 3392, lines 946-967; [CAR-OTP-2107-3396-R01](#) at 3424-3425, lines 1043-1051; P-2467: [CAR-OTP-2109-0520-R01](#) at 0522-0523, para. 14, adopting [CAR-OTP-2081-0496](#) at 0536-0537; P-2328: [T-047](#), p. 7, line 21-p. 9, line 13, including commentary on [CAR-OTP-0080-0821](#) at 0821; [CAR-OTP-2118-4151](#) [00:02:38] to [00:03:10], transcript [CAR-OTP-2135-0915](#) at 0916, lines 27-33; [CAR-OTP-2035-0273](#) [00:00:20] to [00:00:44], translation [CAR-OTP-2122-2264](#) at 2266, lines 8-16; [CAR-OTP-2029-0629](#) at 0632; [CAR-OTP-2084-1327](#) [00:01:18] to [00:01:55], [00:03:01] to [00:04:26], transcript [CAR-OTP-2107-1583](#) at 1584-1585, lines 16-24, 35-50; [CAR-OTP-2065-0810](#) [00:00:00] to [00:00:45], transcript [CAR-OTP-2107-1541](#) at 15-42, lines 1-12; [CAR-OTP-2005-0084](#) [00:07:07] to [00:15:41], transcript [CAR-OTP-2127-6903](#) at 6907-6911, lines 126-292; [CAR-OTP-2084-1295](#) [00:00:50] to [00:08:16], translation [CAR-OTP-2127-6373](#) at 6375-6379, lines 16-21, 43-46, 54-76, 83-90, 139-144; [CAR-OTP-2108-0632](#) at 0646-0647; [CAR-OTP-2001-0357](#) at 0357; [CAR-OTP-2001-3068](#) at 3073, 3103-3106.

330. Moreover, **NGAISSONA** would have known that in doing so, the Anti-Balaka would not distinguish between Muslim civilians and the Seleka in their targeting. Alfred **NGAYA** — **NGAISSONA**'s political advisor and spiritual counsellor in the National Coordination — was in close contact with **NGAISSONA** since at least June 2013. He described the local population's attitude towards the Muslims in **BANGUI**, stating, "Muslims lived freely in different areas in Bangui before, but after the Seleka regime the locals wanted to take revenge on all Muslims".<sup>679</sup> He described how the group justified targeting and killing Muslim civilians and Seleka alike, because "the Anti-Balaka would consider that all Muslims helped the Seleka."<sup>680</sup> **NGAYA**'s description of the general attitude of the Anti-Balaka and the local (non-Muslim) population of **BANGUI** reveals the widespread extent of anti-Muslim animus directed against the civilian population, which could not have escaped **NGAISSONA**'s knowledge. As **P-0287** — a recognised expert on armed groups — testified, a "simplified message" circulated among the lower ranks of the Anti-Balaka that the enemy was Muslims in general: Muslims needed to be chased out. In his experience in **CAR**, the message was so widespread that the Anti-Balaka leadership must have been aware of it.<sup>681</sup>

331. **BOZIZE** himself recognised this factor. On 13 March 2013, when asked whether his contingency would be tempted to consider the Muslims as equally suspect as the Seleka, and whether — since the Muslim population already felt stigmatised — there would be a risk of the crisis degenerating into a religious confrontation, **BOZIZE** admitted that such risk existed.<sup>682</sup> By this point, **NGAISSONA** was the Minister for Youth, Sports, Arts and Culture.<sup>683</sup> Two days later, on 15 March 2013, **NGAISSONA** publicly reaffirmed the Youth's allegiance to **BOZIZE** and their commitment to the defence of the regime.<sup>684</sup>

332. In these circumstances, **NGAISSONA** was well aware that the Anti-Balaka would, in carrying out the objective to reclaim power in **CAR**, attack the Muslim civilian population and other persons taking no active part in hostilities on a widespread scale. Given the anti-Muslim rhetoric, which went as far as to stoke fear of the "Islamisation" of the country, **NGAISSONA** knew that this attack would not be limited to the serious physical harm of civilians, but would extend to destroying long-established Muslim communities to sever their connection with the **CAR**, including by depriving them of their ability to live in neighbourhoods in which they were

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<sup>679</sup> P-0808: [CAR-OTP-2025-0324-R05](#) at 0341, para. 109.

<sup>680</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0017, para. 39.

<sup>681</sup> P-0287: [CAR-OTP-2115-0239-R01](#) at 0265-0266, para. 132; [T-020](#), p. 27, line 12-p. 28, line 13.

<sup>682</sup> See section III, A, d, para. 42.

<sup>683</sup> See section III, A, d, para. 39.

<sup>684</sup> See section III, A, d, para. 42.

lawfully residing, and their property, livelihoods and places of worship. This is further established by the nature of the incidents described below, and the evidence of the repeated commission of crimes by the Anti-Balaka of which **NGAISSONA** was aware.<sup>685</sup>

**d. NGAISSONA participated in provoking anti-Muslim sentiment**

333. Before the 24 March 2013 *Coup*, **NGAISSONA** exercised his position of influence, including as Minister for Youth, Sports, Arts and Culture in BOZIZE's government, to mobilise the (non-Muslim) Youth. **NGAISSONA**'s public statements invoked and exploited anti-Muslim animus to encourage and motivate the mobilisation of the Youth.<sup>686</sup>

334. Later, as the Anti-Balaka's National General Coordinator, **NGAISSONA** referred publicly to CAR Muslims as "*Boko Haram*."<sup>687</sup> He moreover justified the revenge sought against the Seleka and Muslim civilians by reference to « *la population* » — said to be « *animée d'un esprit de vengeance* » — joining the Anti-Balaka's ranks since December 2012.<sup>688</sup>

**e. NGAISSONA remained closely associated with members of BOZIZE's inner circle who conveyed anti-Muslim sentiment**

335. Individuals directly involved in structuring, equipping, and organising the Anti-Balaka also conveyed the anti-Muslim animus that was pervasive within the group, as is evident from their FACEBOOK communications. In those communications, [REDACTED], YAKETE, and others openly discuss the Anti-Balaka's intended violence against, and revenge on, all Muslims. In addition to their involvement with the Anti-Balaka, most of these figures had close associations to **NGAISSONA** and/or BOZIZE, including during their refuge together in CAMEROON.<sup>689</sup> For instance: after BOZIZE's interview on 10 August 2013, in which BOZIZE announced that he contemplated an armed response if no political response was found,<sup>690</sup> YAKETE and [REDACTED] asked contacts on the ground in BANGUI how the population had reacted. One interlocutor, replying to YAKETE, said that the population was agitated, and that even if BOZIZE arrived with very few men, the population would take care of the rest. YAKETE responded: « *Oui nous le savons et c'est pourquoi il a décidé de parler* ».

<sup>685</sup> See sub-section g.

<sup>686</sup> See section III, A, c.

<sup>687</sup> [CAR-OTP-2014-0749](#) [00:02:09] to [00:02:41], transcript [CAR-OTP-2122-9374](#) at 9375, lines 33-38.

<sup>688</sup> [CAR-OTP-2025-0372](#) at 0374; [CAR-OTP-2025-0362](#) at 0364; [CAR-OTP-2025-0380](#) at 0381, 0383; [CAR-OTP-2084-0049](#) at 0050, 0052; [CAR-OTP-2006-1210](#) at 1211-1212.

<sup>689</sup> On YAKETE, see sections III, A, e, ii & III, A, f, ii.. On [REDACTED], see [REDACTED]: [T-073](#), p. 18, line 21-p. 20, line 3; see further section III, A, m, i. On [REDACTED], see P-2841: [CAR-OTP-2127-4238-R01](#) at 4245, para. 39; [T-029](#), p. 15, lines 2-19. On FAIMINDI see P-2841: [CAR-OTP-2127-4238-R01](#) at 4252, para. 79; see also [CAR-OTP-2066-2466](#) at 2509-2510.

<sup>690</sup> [CAR-OTP-2091-1804](#) at 1804-1805. For confirmation of the date of broadcast, see [CAR-OTP-2130-3303](#) at 3304.



*On viendra comme un voleur la nuit et les rats seront capturés* ». <sup>691</sup> Separately, in replying to [REDACTED] — who would only weeks later forward a request for funding, military equipment, and arms to NGAISSONA — said that people could not wait for the overthrow and to take revenge against the Muslims (« *et pour se vanger [sic] sur les musulmans* »); <sup>692</sup> Similarly, [REDACTED] — who would become NGAISSONA's [REDACTED] in the Anti-Balaka National Coordination <sup>693</sup> — told an interlocutor, referring to BOZIZE's 10 August 2013 interview, that “whoever wants peace should prepare for war and almost *everyone is going to hunt Muslims*; from now on we don't want any more Muslims here”. <sup>694</sup>

- on 5 December 2013, [REDACTED] updated [REDACTED] on the Anti-Balaka's progress in the course of the BANGUI attack, saying: “for the moment nothing good except the reprisal on the population” (« *sauf la repressail [sic] sur la population* »). <sup>695</sup> Regarding the attack on BOSSANGO the same day, [REDACTED] communicates that the Anti-Balaka there had cleansed BORO that morning: « *ont nettoyer [sic] boro ce matin* ». <sup>696</sup> BORO is a predominantly Muslim neighbourhood in BOSSANGO;
- on 13 December 2013, YAKETE was direct in relating his views about the Muslims, by then enclaved in PK5:

*« S'ils ne font pas attention, ça sera leur tombeau. Ils doivent comprendre qu'ils sont des étrangers et qu'ils ne peuvent pas nous dominer chez nous. [...] Nous ne sommes pas des violents de nature, mais quand on est débordé par la [sic] mal, après avoir supporté un moment, on finit par laisser éclater notre colère et c'est souvent irréversible. Nous les avons toujours considérés comme un peuple frère avec qui l'histoire coloniale nous a liés. Mais, eux par contre se comportent comme des conquérants et veulent désormais nous réduire à l'esclavage, c'est inadmissible ».* <sup>697</sup>

336. Such instances represent merely a snapshot of the Anti-Muslim sentiment expressed in Facebook messages by the members of BOZIZE's inner circle and those

<sup>691</sup> [CAR-OTP-2101-5650](#) at 5688-5689, 14/08/2013, 13:33:51-13:39:37.

<sup>692</sup> [CAR-OTP-2102-3799](#) at 3831-3833, 11/08/2013, 19:27:49-19:35:20.

<sup>693</sup> [CAR-OTP-2030-0278](#) at 0278; P-0889: [CAR-OTP-2027-2290-R02](#) at 2292, para 13.

<sup>694</sup> [CAR-OTP-2132-7226](#) at 7228, 10/08/2013, 19:06:02. See the adoption and explanation of P-0889 at [T-111](#), p. 24, line 7-p. 25, line 20.

<sup>695</sup> [CAR-OTP-2102-2520](#) at 2725, 05/12/2013, 15:09:35-15:32:35.

<sup>696</sup> [CAR-OTP-2101-9277](#) at 9347, 06/12/2013, 18:52:54.

<sup>697</sup> [CAR-OTP-2100-5765](#) at 5798-5799, 13/12/2013, 14:51:38-15:04:26.

close to it, including YAKETE,<sup>698</sup> [REDACTED],<sup>699</sup> and [REDACTED],<sup>700</sup> but also MOKOM,<sup>701</sup> BOZIZE's son Aimé Vincent BOZIZE,<sup>702</sup> [REDACTED] (who joined the Anti-Balaka in GAROUA BOULAI<sup>703</sup>),<sup>704</sup> [REDACTED],<sup>705</sup> and [REDACTED].<sup>706</sup> These messages demonstrate the Anti-Balaka's organisational Criminal Policy and Common Purpose, by which the entire Muslim population was held to blame for the crimes of the Seleka, and therefore ought to be targeted for revenge. In addition, such members of BOZIZE's inner circle also received messages from correspondents indicating that this anti-Muslim rhetoric had been adopted by elements on the ground.<sup>707</sup>

**f. NGAISSONA worked closely with members of the National Coordination who condoned violence against Muslims**

337. From January 2014, when NGAISSONA was formally designated the Anti-Balaka National General Coordinator, he worked closely with key National Coordination members and leaders including YEKATOM, MOKOM, Bernard MOKOM, KONATE, WENEZOU,

<sup>698</sup> See [CAR-OTP-2100-7713](#) at 7730, 23/05/2013, 09:25:54-09:30:53; [CAR-OTP-2100-7111](#) at 7113, 17/06/2013, 18:23:46; [CAR-OTP-2100-6927](#) at 6929, 08/05/2013, 11:33:12; [CAR-OTP-2101-8267](#) at 8280, 15/11/2013, 16:05:18 - 16:15:35; [CAR-OTP-2101-6171](#) at 6203, 04/12/2013, 09:49:41; [CAR-OTP-2100-7266](#) at 7270, 06/12/2013, 12:44:55-13:00:44; [CAR-OTP-2100-4229](#) at 4248, 09/12/2013, 13:58:54 - 14:05:02; [CAR-OTP-2101-7531](#) at 7532-7533, 26/12/2013, 08:15:46-08:18:41; [CAR-OTP-2101-5850](#) at 5862-5863, 29/12/2013 11:30:22-11:31:06; [CAR-OTP-2130-3303](#) at 3304; [CAR-OTP-2100-9394](#) at 9395 - 9396, 25/10/2013, 19:41:45 - 12:22:13; [CAR-OTP-2100-8322](#) at 8325, 08/12/2013, 14:13:08 - 14:15:19.

<sup>699</sup> [CAR-OTP-2101-9073](#) at 9078-9079, 01/07/2013, 10:43:51-10:48:29 (for the description of *bengué* as a derogatory term see [CAR-OTP-2027-1686](#) at 1713); [CAR-OTP-2101-8599](#) at 8686, 03/10/2013, 20:57:49; [CAR-OTP-2101-9277](#) at 9310, 15/10/2013, 20:39:54; [CAR-OTP-2102-3799](#) at 3914, 25/01/2014, 00:31:26; [CAR-OTP-2102-3799](#) at 3822, 28/07/2013, 21:00:10-21:01:04; [CAR-OTP-2102-3934](#) at 3945, 01/11/2013, 11:50:55; [CAR-OTP-2102-3724](#) at 3725, 21/12/2013, 11:26:22 - 11:28:33.

<sup>700</sup> [CAR-OTP-2066-1601](#) at 1743, 25/03/2014, 21:56:58 - 22:05:20.

<sup>701</sup> [CAR-OTP-2066-3003](#) at 3046, 24/10/2013, 15:36:17.

<sup>702</sup> See [CAR-OTP-2132-3145](#) at 3256, 02/07/2013, 18:05:39; [CAR-OTP-2133-3757](#) at 3768, 05/12/2013, 06:30:32 - 06:31:43; [CAR-OTP-2133-3390](#) at 3494, 27/12/2013, 08:42:00 - 08:42:25.

<sup>703</sup> [CAR-OTP-2100-2860](#) at 2878-79, 01/11/2013, 20:28:53-20:36:22.

<sup>704</sup> [CAR-OTP-2103-3247](#) at 3249 - 3250, 07/08/2013, 15:44:59 - 16:04:18; [CAR-OTP-2103-3263](#) at 3264, 07/08/2013, 15:16:02; [CAR-OTP-2102-6552](#) at 6553, 09/08/2013, 19:28:25-19:34:59; [CAR-OTP-2103-3572](#) at 3578, 09/08/2013, 23:16:16 - 23:23:10; [CAR-OTP-2103-3572](#) at 3579-3580, 09/08/2013, 23:45:22 - 23:58:53; [CAR-OTP-2103-3756](#) at 3758, 19/08/2013, 23:30:02 - 23:34:29; [CAR-OTP-2103-3964](#) at 3969, 12:31:52 - 12:36:15; [CAR-OTP-2103-3472](#) at 3473, 05/09/2013, 10:08:50 - 10:11:53; [CAR-OTP-2103-3900](#) at 3908-3909, 17/09/2013, 15:57:18 - 15:57:18; [CAR-OTP-2103-2149](#) at 2151, 25/09/2013, 19:12:34 - 19:21:53; [CAR-OTP-2103-3973](#) at 3973, 22-23/10/2014, 20:25:53 - 07:02:58.

<sup>705</sup> [CAR-OTP-2102-8518](#) at 8538, 29/09/2013, 23:16:11 - 23:17:31; [CAR-OTP-2081-1420](#).

<sup>706</sup> [CAR-OTP-2102-6174](#) at 6176-6177, 25/07/2013, 11:11:52 - 11:19:20; [CAR-OTP-2102-7759](#) at 7780, 17/10/2013, 13:41:58 - 13:45:41; [CAR-OTP-2102-4497](#) at 4569, 17/11/2013, 13:51:39-14:01:02.

<sup>707</sup> [CAR-OTP-2102-8009](#) at 8020-8021, 31/07/2013, 09:34:38-09:41:54; [CAR-OTP-2066-3003](#) at 3065, 26/10/2013, 08:18:35; [CAR-OTP-2066-1601](#) at 1743, 25/03/2014, 21:56:58 - 22:05:20; [CAR-OTP-2100-8896](#) at 8899, 08/12/2013, 15:40:52-15:43:23; [CAR-OTP-2100-9413](#) at 9414-9415, 14/12/2013, 12:29:58-12:36:24; [CAR-OTP-2100-5368](#) at 5388, 20/12/2013, 12:17:02 - 12:17:44; [CAR-OTP-2100-6517](#) at 6574-6576, 21/12/2013 21:08:38; [CAR-OTP-2100-7444](#) at 7449, 29/01/2014, 16:31:43 - 16:41:45; [CAR-OTP-2101-7605](#) at 7623, 30/01/2014, 14:28:26 - 15:37:33; [CAR-OTP-2133-0880](#) at 0930-0931, 08/02/2014, 12:17:11-12:26:40; [CAR-OTP-2102-9587](#) at 9646-9647, 06/02/2014, 21:09:37-21:12:16; [CAR-OTP-2101-5444](#) at 5446-5448, 10:34:05-11:21:19; [CAR-OTP-2100-8320](#) at 8320 and 8321, 10/02/2014, 14:57:04 - 17:08:59; [CAR-OTP-2100-9738](#) at 9743, 10/02/2014, 22:36:40-22:47:00; [CAR-OTP-2100-6943](#) at 6945, 13/02/2014, 11:34:50 - 11:37:03.

YAGOUZOU, HOURONTI, ANDJILO, as well as their elements, even as they publicly condoned violence against Muslim civilians and other perceived supporters of the Seleka.

338. Members of **YEKATOM**'s Group, for instance, openly voiced an intention to slaughter the Muslim population.<sup>708</sup> In footage captured in a widely disseminated CANAL+ documentary from March 2014, Anti-Balaka elements in BOEING, unequivocally expressed their intention to kill Muslims, including babies and pregnant women.<sup>709</sup> Some boasted about their crimes against Muslims, showing photos of their exploits, others even spoke about eating them.<sup>710</sup>

339. Likewise, KONATE and NGREMANGOU disagreed with the idea of reconciling with the Muslim population.<sup>711</sup> MOKOM similarly did not stop Anti-Balaka elements from committing crimes even after receiving reports of Muslim civilians being killed and their property looted in Anti-Balaka operations.<sup>712</sup>

340. As stated above, Anti-Balaka spokesperson WENEZOU reported in an article dated 10 March 2014 that “[t]hey started killing our children and wives and destroyed our homes. Revenge is good sometimes and bad sometimes. But we have to do it.”<sup>713</sup> Likewise, YAGOUZOU leveraged the threat of the Anti-Balaka “slaughtering” the “CAR Muslims” in demanding DJOTODIA’s resignation,<sup>714</sup> while HOURONTI stated flatly that Muslims did not belong in CAR regardless of their nationality, holding the whole Muslim population, even small children, responsible for Seleka crimes.<sup>715</sup> ANDJILO too expressed the widely-held intention to clear the country of “Arabs” and Peuhl.<sup>716</sup> Those under his command echoed the message, using similar anti-Muslim rhetoric and threats to make the “Arabs” leave.<sup>717</sup>

341. The Anti-Balaka’s intention to target Muslim civilians violently and expel them from CAR was also pervasive among its members in the provinces, including along the PK9-

<sup>708</sup> See section VI, B, b, i.

<sup>709</sup> [CAR-OTP-2049-1679](#) [00:00:00-00:08:00], see [00:01:35] to [00:06:59], transcript [CAR-OTP-2107-1530](#) at 1531-1538, lines 1-263. See commentary by P-0884: [T-055](#), p. 57, line 4-p. 60, line 17, p. 63, line 7-p. 64. line 15, p. 68, lines 2-3.

<sup>710</sup> [CAR-OTP-2049-1679](#) [00:06:15] to [00:06:48], transcript [CAR-OTP-2107-1530](#) at 1536-1537, lines 219-232.

<sup>711</sup> P-0801: [T-035](#), p. 24, line 19-p.25, line 13.

<sup>712</sup> P-2232: [T-075](#), p. 60, lines 3-22, p. 65, lines 13-23.

<sup>713</sup> [CAR-OTP-2001-4446](#) at 4448.

<sup>714</sup> [CAR-OTP-2065-5468](#) [00:00:00] to [00:04:00], translation [CAR-OTP-2122-2303](#) at 2305, lines 1-3, 10-38.

<sup>715</sup> [CAR-OTP-2083-0332](#) [00:03:11] to [00:03:47], translation [CAR-OTP-2122-9575](#) at 9578, lines 55-64; [CAR-OTP-2081-1770](#) [00:05:00] to [00:05:50], [00:13:23] to [00:16:40], translation [CAR-OTP-2122-2320](#) at 2326, 2333-2334, 2336, lines 144-155, 2333-2334, 2336; [CAR-OTP-2084-1279](#) [00:00:00] to [00:01:02], translation [CAR-OTP-2122-2356](#) at 2358, lines 4-19.

<sup>716</sup> [CAR-OTP-2049-0141](#) [00:00:37] to [00:01:22], translation [CAR-OTP-2074-1958](#) at 1960, lines 18-35, commented upon by P-2251: [T-044](#), p. 26, line 8-p. 27, line 14. On the meaning of the term “Arab”, see P-1528: [T-178](#), p. 29, lines 9-10; [T-179](#), p. 56, lines 7-19, p. 67, lines 5-20.

<sup>717</sup> [CAR-OTP-2049-0141](#) [00:01:22] to [00:03:15], translation [CAR-OTP-2074-1958](#) at 1960-1962, lines 36-99.

MBAIKI axis (*i.e.*, **YEKATOM's** Group), BOSSANGO, YALOKÉ, GAGA, ZAWA, BOSSEMPTELE, GUEN, CARNOT, BODA, and BERBERATI.<sup>718</sup>

342. The highest ranks of the Anti-Balaka leadership expressed and promoted the group's Criminal Policy. Speaking on behalf of **NGAISSONA** at his house, National Coordination Political Advisor **NGAYA**<sup>719</sup> referred to the so-called "confusion" prevalent among the Anti-Balaka, given the Muslims' perceived complicity with the Seleka:

*« Ce qu'il faut savoir, c'est que les Seleka avaient des... des complices dans... parmi les musulmans. Et donc, c'est pour cette raison que à chaque fois que le mouvement Anti-Balaka s'attaque aux Seleka, il y a ... ils ont des complices parmi les musulmans, donc c'est ça, là, qui a fait naître la confusion. Euh... les Anti-Balaka ne s'attaquent pas aux musulmans en tant que tels, mais s'attaquent aux complices des Seleka et naturellement, puisque le mou... les Seleka sont à quatre-vingt quinze pour cent musulmans, c'est pour cette raison qu'il y a eu cette confusion ».*<sup>720</sup>

<sup>718</sup> For the BANGUI-MBAIKI axis, see P-1528: [CAR-OTP-2048-0757-R05](#) at 0762-0763, para. 30-31; [CAR-OTP-2065-3188](#) [00:00:00] to [00:01:01], transcript [CAR-OTP-2107-1547](#), at 1548, lines 1-18, commented upon by P-1839: [T-172](#), p. 7, lines 11-18; [T-174](#), p. 77, line 1-p. 78, line 14. For BOSSANGO, see P-0966: [CAR-OTP-2031-0241-R03](#) at 0252, para. 64; [CAR-OTP-2085-2953](#) [00:06:39] to [00:11:43], translation [CAR-OTP-2122-2371](#) at 2378-2380, lines 169-243; [CAR-OTP-2066-5308](#) [00:01:50] to [00:03:31], translation [CAR-OTP-2122-2307](#) at 2310-2312, lines 60-110. For YALOKÉ, see P-2546: [CAR-OTP-2114-0402-R01](#) at 0420-0422, para. 65, 67, 69-70; P-2486: [CAR-OTP-2116-0281-R01](#) at 0286, 0289, para. 21, 36; [CAR-OTP-2106-0684](#) [00:02:15] to [00:04:45], translation [CAR-OTP-2125-0525](#) at 0528-0530, lines 45-110. For BOSSEMPTELE, see [CAR-OTP-2088-0977](#) [00:03:36] to [00:15:41], transcript [CAR-OTP-2089-0323](#) at 0327, 0328, 0330-0331, lines 54-56, 97-98, 201-210. For GUEN, see P-1964: [CAR-OTP-2094-1755-R02](#) at 1758-1759, 1761, para. 27, 34, 45; P-0595: [CAR-OTP-2018-0761-R02](#) at 0765, 0767-0769, paras 22, 24, 32, 43; P-2556: [CAR-OTP-2112-1300-R01](#) at 1322, paras 167-168. For CARNOT, see P-2556: [CAR-OTP-2112-1300-R01](#) at 1309, 1311-1313, 1315-1317, 1324, paras 67, 85, 91-94, 97, 111, 115-118, 120, 122-127, 190, including commentary upon [CAR-OTP-2019-1359](#) from [00:11:40] to [00:12:52], from [00:14:32] to [00:15:52], transcript/translation [CAR-OTP-2130-1332](#) at 1339-1341, lines 224-246, 283-297; [T-145](#), p. 28, line 4-p. 29, line 7, p. 39, lines 3-6; p. 42, line 1-p. 43, line 21, p. 44, lines 8-17, p. 45, lines 14-19, including commentary upon [CAR-OTP-2012-0477](#) from [00:01:33] to [00:02:36], translation at 2249-2250, lines 31-60 (*see also* [00:04:00] to [00:04:30], at 2251, lines 96-105); [T-146](#), p. 22, line 6-p. 23, line 2, p. 48, line 14-p. 49, line 13. For BODA, see P-0801: [T-036](#), p. 15, line 22-p. 16, line 23, p. 18, line 22-p. 20, line 12, p. 26, line 4-p. 27, line 4, including commentary upon [CAR-OTP-2001-4464](#); P-0487: [T-203](#), p. 14, line 16-p. 15, line 12; [CAR-OTP-2001-2769](#) at 2791; [CAR-OTP-2060-0795](#) from [00:01:27] to [00:02:11], transcript [CAR-OTP-2130-1236](#) at 1237, lines 24-37; [CAR-OTP-2074-0789](#) from [00:03:23] to [00:04:39], translation [CAR-OTP-2130-0361](#) at 0364, l. 49-72; [CAR-OTP-2066-5312](#) from [00:00:00] to [00:01:12], transcript [CAR-OTP-2127-4054](#) at 4055, lines 3-48; [CAR-OTP-2087-9680](#) from [00:04:00] to [00:06:52], translation [CAR-OTP-2127-6392](#) at 6396-6398, lines 93-162; [CAR-OTP-2058-0573](#) from [00:27:52] to [00:29:05], transcript [CAR-OTP-2118-0420](#) at 0435, lines 552-573. For BERBERATI *see* P-1077: [CAR-OTP-2107-3636-R01](#) at 3661-3663, lines 887-954, including commentary upon [CAR-OTP-2030-2280](#) [00:00:00] to [00:01:05], translation [CAR-OTP-2107-7027](#) at 7-29, lines 5-33; *see also* [CAR-OTP-2107-3366-R01](#) at 3392, lines 946-967; [CAR-OTP-2107-3396-R01](#) at 3424-3425, lines 1043-1051; [CAR-OTP-0080-0802](#) at 0803, item 7.

<sup>719</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0024, para. 74; [CAR-OTP-2039-0019](#) at 0019; [CAR-OTP-2069-3560](#) at 3560.

<sup>720</sup> [CAR-OTP-2118-4151](#) [00:02:38] to [00:03:10], transcript [CAR-OTP-2135-0915](#) at 0916, lines 27-33.

**g. NGAISSONA was aware of the Anti-Balaka's commission of crimes**

*i. The crimes were ubiquitous and notorious*

343. Even prior to the 24 March 2013 *Coup*, NGAISSONA knew that the mobilised Youth would target, and indeed targeted the Muslim civilian population which they associated with the Seleka. The targeting of Muslims was contemporaneously covered in the media; NGAISSONA himself mobilised the Youth through hate speech; he supported organisations like COCORA and COAC which organised the Youth; and the targeting of Muslims occurred, among other places, in his residential neighbourhood.<sup>721</sup>

344. By September 2013, the Anti-Balaka had become an organised armed group engaged in a sustained and intense armed conflict against the Seleka in western CAR.<sup>722</sup> From that moment, the Anti-Balaka carried out a massive campaign of violence against the Muslim population of western CAR. Its retributive targeting of Muslims was persecutory, and encompassed physical harm to Muslim civilians and their property, including the charged crimes of murder, torture, rape, other inhumane acts, cruel treatment, the displacement of the Muslim population, imprisonment, the directing of attacks against the civilian population and buildings dedicated to religion, destruction of the adversary's property, and pillaging.

*ii. The targeting of Muslims collectively was inevitable and reported*

345. The commission of crimes by the Anti-Balaka before the 5 December 2013 attack of BANGUI, as the group attacked towns and villages in progressing towards the capital, was reported.<sup>723</sup> Given his place in BOZIZE's inner circle and FROCCA, and his involvement in returning BOZIZE to power by utilising the Anti-Balaka, these reports could not have failed to reach NGAISSONA's attention.

346. YAKETE, among FROCCA's founding members, publicly claimed responsibility for the attacks on BOSSANGO and BOUCA in early September 2013, in the name of pro-BOZIZE forces, where it had been reported that elements had killed Muslim women and children and burnt down their houses.<sup>724</sup> In an email to NGAYA on 19 September 2013, who had evoked the "alarming" situation in BOSSANGO, BOUCA, and other places, NGAISSONA affirmed: « [v]ue la situation au Pays nous avons des hommes sur le terrain qi manoeuvrent ».<sup>725</sup>

<sup>721</sup> See section III, A, c, para. 36.

<sup>722</sup> See section III, A, k, i.

<sup>723</sup> See section III, A, n, i, para. 196. See also P-0884: [T-055](#), p. 40, line 9-p. 41, line 2.

<sup>724</sup> [CAR-OTP-2122-9926](#); [CAR-OTP-2088-2946](#) at 2949; [CAR-OTP-2001-4170](#); [CAR-OTP-2061-1428](#) at 1428; [CAR-OTP-2091-1785](#) at 1785-1786; [CAR-OTP-2091-1707](#) at 1707-1708; [CAR-OTP-2091-1743](#) at 1752, column 2-3.

<sup>725</sup> [CAR-OTP-2124-0823](#) at 0823.

**iii. *The scale of the crimes and violence was so great as to cause serious international alarm***

347. The Anti-Balaka's targeting of the Muslim civilian population in this period was so widespread and serious that from September 2013 onwards, international and national leaders started warning the international community expressly, particularly regarding killings and the scale of displacement.

348. As a senior figure in the Anti-Balaka and a member of BOZIZE's inner circle working to re-claim political power in CAR, these reports and information could not have escaped NGAISSONA's attention:

- CAR Prime Minister Nicholas TIANGAYE's 26 September 2013 UN General Assembly address described recent confrontations in BOSSANGO and BOUCA between ex-Seleka and self-defence groups supporting former President BOZIZE (*i.e.*, the Anti-Balaka), in which Muslim families had been killed.<sup>726</sup>
- In November 2013, UN High Commissioner for Human Rights Navi PILLAY denounced crimes committed by the Anti-Balaka in BOUAR after attacking and occupying the town on 26 October 2013, noting that clashes in BOSSANGO "have resulted in an unknown number of casualties since September 2013 and led to a large-scale displacement of population".<sup>727</sup> Significantly, the UN High Commissioner noted:

"For decades, diverse ethnic and religious communities have lived together in this country. This escalation of violence and hatred must be halted before it spins completely out of control";<sup>728</sup> and

"[u]nless immediate action is taken, both by the authorities and by the international community, there is a clear risk that the situation will degenerate rapidly and inexorably into a full-blown conflict. This would take a terrible toll on the people of the Central African Republic, and could also reverberate across the region."<sup>729</sup>

349. Also in November 2013, a United States House of Representatives Subcommittee convened a hearing "to spotlight the human rights situation in the Central African Republic", which it described as "a country on the verge of a humanitarian catastrophe".<sup>730</sup> In his opening

<sup>726</sup> [CAR-OTP-2092-1017](#) [00:13:04] to [00:13:45].

<sup>727</sup> [CAR-OTP-2001-0191](#) at 0191-0192.

<sup>728</sup> [CAR-OTP-2001-0191](#) at 0191.

<sup>729</sup> [CAR-OTP-2001-0191](#) at 0191-0192.

<sup>730</sup> See Transcript of hearing of the US House of Representatives Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations at [CAR-OTP-2081-0496](#) at 0500.

remarks, the Subcommittee Chairman referred to the “retaliatory outrages” being committed by the Anti-Balaka. “Rather than confront Seleka rebels who are responsible for starting the cycle of violence,” he continued, “they often target Muslim citizens who they deemed soft targets.”<sup>731</sup> This message was reiterated by P-2467, [REDACTED]<sup>732</sup>

350. In the aftermath of the 5 December 2013 BANGUI and BOSSANGO attacks, Anti-Balaka crimes increased in frequency, and particularly after DJOTODIA’s 10 January 2014 resignation and the Seleka’s retreat, as the group continued seeking revenge for Seleka atrocities against a Muslim population made even more vulnerable by the prior attacks.<sup>733</sup> The Anti-Balaka 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. Anti-Balaka elements themselves referred to their attacks as “cleansing operations”, as did the international media and NGOs on site.<sup>734</sup>

351. In this period, the Anti-Balaka continued to commit multiple violent acts and crimes targeting the Muslim civilian population and Muslim properties across western CAR, including *inter alia*, BANGUI, BOEING, GAGA, ZAWA, YALOKÉ, BERBERATI, CARNOT, GUEN, BODA, BOSSEMPTELE.<sup>735</sup>

**iv. NGAISSONA was aware of Anti-Balaka operations throughout the relevant period**

352. In his role as National General Coordinator, NGAISSONA received reports of Anti-Balaka operations from MOKOM, the group’s Operations Coordinator.<sup>736</sup> YEKATOM reported to and coordinated with the Anti-Balaka leadership, including NGAISSONA, as he and his Group operated under the *de facto* Coordination and later National Coordination in the Relevant Period.<sup>737</sup> Based on these reporting lines and NGAISSONA’s authority over the *de facto* Coordination and National Coordination, it can be inferred that NGAISSONA was aware of the Anti-Balaka’s operations and commission of crimes throughout the relevant period.

353. Specifically, in preparation for the 5 December 2013 attack on BANGUI, YEKATOM and other Anti-Balaka leaders were in contact with MOKOM to agree on how they would carry

<sup>731</sup> [CAR-OTP-2081-0496](#) at 0501.

<sup>732</sup> P-2467: [CAR-OTP-2109-0520-R01](#) at 0522-0523, para. 14, adopting [CAR-OTP-2081-0496](#) at 0536-0537.

<sup>733</sup> See section III, A, q, iv.

<sup>734</sup> See section III, A, q, iv, para. 269.

<sup>735</sup> The Prosecution incorporates its submissions on this matter as set out in its Trial Brief, ICC-01/14-01/18-723-Red (“[Prosecution Trial Brief](#)”), paras 153-166.

<sup>736</sup> P-0808: [CAR-OTP-2025-0324-R05](#) at 0338, para. 93; [CAR-OTP-2093-0010-R02](#) at 0029, para. 106.

<sup>737</sup> P-1558: [CAR-OTP-2105-0195-R01](#) at 0199-0200, para. 24; P-0992: [CAR-OTP-2128-0288-R02](#) at 0312, paras 152-153; [T-092](#), p. 65, lines 13-15, p. 66, line 8-p. 67, line 25; [CAR-OTP-2032-0074](#).

out the attack.<sup>738</sup> **YEKATOM** subsequently ordered his elements to attack the Muslim civilian population and destroy Muslim homes and their mosques,<sup>739</sup> and they went on to do so.<sup>740</sup>

354. After the 5 December 2013 Attack, **YEKATOM** continued to meet and coordinate with senior Anti-Balaka leaders, including MOKOM, WENEZOU, KAMEZOLAI, FEISSONA, NGREMANGOU, and other Anti-Balaka commanders,<sup>741</sup> including in relation to the Anti-Balaka's activities at the YAMWARA School Base. NGREMANGOU visited the YAMWARA School Base before the Anti-Balaka's abduction and detention of seven victims,<sup>742</sup> and on or around 27 December 2013 — the day of their release — a group of about 26 Anti-Balaka leaders met there, including WENEZOU, KAMEZOLAI, **YEKATOM**, and NGREMANGOU.<sup>743</sup> The direct perpetrators were in contact with members of the *de facto* Coordination during the victims' imprisonment, a period in which the victims were subjected to severe mental and physical injury.<sup>744</sup> The abductees were transferred to the custody of *de facto* Coordination member and Zone Coordinator YAGOZOU, who with WENEZOU, helped negotiate their release to Sangaris forces on or around 27 December 2013 with SAMBAPANZA's help.<sup>745</sup>

355. Following the mass forcible displacement of Muslim civilians from the places where they were lawfully present, P-0884 testified that he personally was aware of the Muslim enclaves in western CAR, that “normally” **NGAISSONA** and other coordination members would have been aware of this, and that “all the people of the Central African Republic” knew that there were Peuhl people “holed up” (*i.e.* enclaved) and suffering in YALOKÉ.<sup>746</sup> Similarly, P-0952 testified that the circumstances in the enclaves, especially in PK5, were public knowledge for people in BANGUI.<sup>747</sup> Moreover, the fact that following the 5 December 2014 attacks on BANGUI and BOSSANGOA, peacekeepers were involved in assisting Muslim civilians to

<sup>738</sup> See section V, A, b, i, para. 545.

<sup>739</sup> See section V, A, b, ii, para. 547.

<sup>740</sup> See section V, A.

<sup>741</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0176-0178, paras 34, 41-42, 45. See Call Sequence Tables 13 and 14 available at ICC-01/14-01/18-1296-Conf-AnxA-Corr, and relevant attributions at ICC-01/14-01/18-1296-Conf-AnxC.

<sup>742</sup> [CAR-OTP-2065-4902](#) [00:01:12] to [00:01:24], transcript/translation [CAR-OTP-2130-1152](#) at 1154, lines 21-26; [CAR-OTP-2065-4906](#) [00:00:00] to [00:00:11], transcript/translation [CAR-OTP-2130-1155](#) at 1157, lines 3-7; [CAR-OTP-2065-4880](#) [00:00:00] to [00:01:50], transcript [CAR-OTP-2107-1551](#) at 1554, lines 68-93; [CAR-OTP-2065-4882](#) [00:00:00] to [00:01:35], transcript [CAR-OTP-00000143](#) at 000002, lines 2-35.

<sup>743</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0177-0178, paras 41-42; P-0974: [CAR-OTP-2058-0165-R01](#) at 0175-0176, paras 66-71, [T-243](#), p. 46, line 21-p. 50, line 3.

<sup>744</sup> See section V, C, c, para. 656-667.

<sup>745</sup> P-1811: [CAR-OTP-2058-0003-R05](#) at 0012, paras 50, 52; P-1704: [CAR-OTP-2054-1136-R05](#) at 1144-1147, paras 42, 52-60; P-0884: [T-056](#), p. 14, lines 17-24, p. 15, lines 14-17, p. 20, lines 23-25, p. 21, lines 4-23; [T-057](#), p. 87, line 23-p. 88, line 5, p. 89, lines 14-22, p. 91, line 13-p. 92, line 4, lines 16-17.

<sup>746</sup> P-0884: [T-056](#), p. 84, lines 6-25.

<sup>747</sup> P-0952: [T-250](#), p. 67, line 24-p. 68, line 11.



reach shelter and ultimately evacuating many of them to CHAD and CAMEROON,<sup>748</sup> demonstrates a scale of victimisation of which the Anti-Balaka leadership, including **NGAISSONA**, would have been well aware.

356. **NGAISSONA** was aware that the Anti-Balaka persisted in violently targeting Muslims through December 2014, including through the killings and forcible displacement committed by **YEKATOM**'s Group through 28 February 2014 of villages along the PK9-MBAIKI Axis. On 10 February 2014, the Commander of the French SANGARIS forces General Francisco SORIANO, publicly declared the Anti-Balaka the enemies of peace.<sup>749</sup> During a visit to MBAIKI on 12 February 2014 – shortly after the evacuation of nearly its entire Muslim population – President SAMBA-PANZA publicly denounced the violence and the killings committed by the Anti-Balaka, calling on them to stop and vowing to wage war on the group. Her speech was broadcast and covered in the press over the following days, along with Anti-Balaka leaders' defiant reactions and denials.<sup>750</sup>

357. On 14 February 2014, members of the Anti-Balaka Coordination released a « *Declaration des Combattants Antibalaka* », in which they complained about the characterisation of the group and what it termed as “incendiary declarations” made by both MISCA and the CAR President.<sup>751</sup> The document was prepared in part by **NGAISSONA**, however his name and signature were removed from some versions because, as NGAYA stated, “NGAISSONA and I decided not to sign the document as we did not want to give the impression that we at the National level were making the policy decisions in the Anti-Balaka.”<sup>752</sup>

358. Over the following months, **NGAISSONA** referred to SAMBA-PANZA's “aggressive logic” in declaring war on the Anti-Balaka in her speech in MBAIKI.<sup>753</sup> Yet, while it was well known that **YEKATOM**'s Group controlled the axis from PK9 to MBAIKI, it was only *after* the Muslim population was essentially gone, and the July 2014 BRAZZAVILLE Agreement

<sup>748</sup> See section V, A, d, para. 577; section V, B, e, para. 638, 643.

<sup>749</sup> [CAR-OTP-2117-0681](#) at 0681-0682 and [CAR-OTP-2117-0704](#) at 0704; [CAR-OTP-2090-0408](#) [00:00:00] to [00:00:33] transcript [CAR-OTP-2107-1598](#) at 1599, lines 4-18.

<sup>750</sup> See [CAR-OTP-2023-1636](#) [00:19:06] to [00:27:16], transcript/translation [CAR-OTP-00002254](#) at 0007-0009, including commentary by P-0952: [T-249](#), p. 41, line 4-p. 43, line 3, and P-1813: [T-180](#), p. 29, lines 3-22. See also [CAR-OTP-2076-0678](#) at 0678-0679 – see commentary by P-0475: [T-090](#), p. 35, line 14-p. 36, line 22.

<sup>751</sup> [CAR-OTP-2025-0380](#) at 0381, 0383; [CAR-OTP-2084-0049](#) at 0050, 0052; [CAR-OTP-2006-1210](#) at 1211-1212.

<sup>752</sup> See P-0808: [CAR-OTP-2025-0324-R05](#) at 0343-0344, para. 121.

<sup>753</sup> [CAR-OTP-2110-0145](#) at 0147, 0148; [CAR-OTP-2067-1500](#) at 1501; [CAR-OTP-2087-9110](#) at 9113; [CAR-OTP-2023-2919](#) from [00:08:07] to [00:09:58], transcript [CAR-OTP-2107-1516](#) at 1518, lines 70-86.

signed, that **NGAISSONA** took part in missions to dismantle roadblocks along the PK9 – MBAIKI axis.<sup>754</sup>

359. The situation and crimes committed by **YEKATOM**'s Group in the LOBAYE Prefecture were also widely and contemporaneously reported in the media.<sup>755</sup> **NGAISSONA** sent the PM to the LOBAYE Prefecture because **YEKATOM**'s Group was committing crimes against the “population” there.<sup>756</sup> There is no evidence that the PM arrested anyone, let alone for Anti-Balaka crimes against the Muslim population. **NGAISSONA** also learned of crimes through individuals he sent to Anti-Balaka groups in western provinces to report back on “problems.”<sup>757</sup>

360. As the Anti-Balaka's crimes were ongoing, **NGAISSONA** made statements and/or issued documents showing his awareness of this, for example:

361. In a 1 February 2014 press release **NGAISSONA** acknowledged that people joining the Anti-Balaka's ranks committed crimes in the context of ongoing hostilities, but claimed that acts of violence were wrongly imputed to the Anti-Balaka.<sup>758</sup>

362. In an interview with the AFP on or around 10 February 2014 regarding the possible cantonment of Anti-Balaka elements, **NGAISSONA** conceded that the FACA needed to work with the elements before they could be put on the ground, otherwise « *les bavures n'arrêteront jamais* ». <sup>759</sup>

363. **NGAISSONA**'s 11 February 2014 proposal seeking the government's assistance regarding the « *regroupement des combattants antibalaka* », acknowledged that vengeance against Muslims motivated the ranks of the group:

*« 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” a cette frange de la population centrafricaine victime des Séléka, les dérapages sont constatés dans les rangs*

<sup>754</sup> [CAR-OTP-2030-0243](#) and [CAR-OTP-2124-1236](#) – see commentary by P-0808: [CAR-OTP-2093-0010-R02](#) at 0032, para. 125, and P-0889: [CAR-OTP-2122-7992-R02](#) at 7995-7996, lines 97-138; P-1193: [T-124](#), p. 31, line 23-p. 32, line 22.

<sup>755</sup> [CAR-OTP-2001-0409](#) at 0411, para. 11; [CAR-OTP-2001-2237](#) at 2245-2246; [CAR-OTP-2001-0835](#) at 0876; [CAR-OTP-2117-0687](#) at 0688; [CAR-OTP-2001-2308](#) at 2316; [CAR-OTP-2001-4422](#) at 4422.

<sup>756</sup> [CAR-OTP-2025-0356](#) at 0356, commented upon by P-0446: [CAR-OTP-2059-1626-R01](#) at 1634-1636, lines 306-367.

<sup>757</sup> See e.g. P-0992: [CAR-OTP-2110-0048-R05](#) at 0061-0063, para. 70, 74, 78-79, 83-84; see also at 0070, para. 132; P-1858: [CAR-OTP-2063-0050-R04](#) at 0068, para. 114.

<sup>758</sup> [CAR-OTP-2084-0147](#) at 0147.

<sup>759</sup> [CAR-OTP-2109-0098](#) at 0099.

*des Antibalaka en sachant que beaucoup de délinquants et de déviants ont grossi les rangs du Mouvement* ». <sup>760</sup>

364. The 14 February 2014 Anti-Balaka declaration acknowledged that investigations have to be carried out within its ranks to determine who is responsible for crimes. <sup>761</sup>

365. On 21 February 2014, **NGAISSONA** purported to request the elements to give up combat pending the outcome of ‘negotiations’ with the government:

*« Je suis venu ici aujourd’hui pour demander aux Anti-balaka de la République centrafricaine de se retirer, d’abandonner les combats [...] nous rassurant ainsi dans notre décision de nous retirer définitivement, et d’attendre le résultat de notre main tendue au gouvernement pour des négociations visant à faciliter le cantonnement de ces jeunes ».* <sup>762</sup>

366. An Anti-Balaka *déclaration liminaire* dated 3 April 2014, prepared at **NGAISSONA**’s request and under his supervision, <sup>763</sup> mentioned that if the Transitional Government and international forces had promoted reconciliation and negotiated with the Anti-Balaka, this would have stopped the exodus of the Muslims: *« Cette option nous aurait permis d’arrêter l’hémorragie de l’exode des musulmans de leur terroir, la Centrafrique »*. He further confirmed that *« il est temps de cesser les tueries »*, stating that the international community had the means to stop the exodus of the Muslims. <sup>764</sup>

367. On 30 April 2014 — shortly after his arrest and facing pending charges - **NGAISSONA** requested money from SAMBA-PANZA to *« desensibiliser ces jeunes compatriotes sur l’importance de la nouvelle dynamique de paix »*. <sup>765</sup>

368. 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 PARETO. <sup>766</sup>

369. In June 2014, **NGAISSONA** produced a National Coordination memorandum detailing an analysis of the conflict <sup>767</sup> conceding that in the provinces the Anti-Balaka’s conduct was

<sup>760</sup> [CAR-OTP-2087-9176](#) at 9178; [CAR-OTP-2025-0372](#) at 0374. See also [CAR-OTP-2084-0148](#) at 0148-0149.

<sup>761</sup> [CAR-OTP-2025-0380](#) at 0381, 0383; [CAR-OTP-2084-0049](#) at 0050, 0052; [CAR-OTP-2006-1210](#) at 1211-1212, commented upon by P-0808: [CAR-OTP-2025-0324-R05](#) at 0343-0344, paras 121, 124.

<sup>762</sup> [CAR-OTP-2042-2641](#) transcript/translation [CAR-OTP-2118-5622](#) at 5624, lines 19-20, 36-38, commented upon by P-2328: [T-048](#), p. 56, line 3-p. 57, line 15, p. 60, lines 20-23.

<sup>763</sup> See P-0808: [T-071](#), p. 20, lines 4-21.

<sup>764</sup> [CAR-OTP-2110-0145](#) at 0149-0150.

<sup>765</sup> [CAR-OTP-2092-1735](#) at 1735.

<sup>766</sup> [CAR-OTP-2001-5386](#) at 5392, 5445-5446, para. 20.

<sup>767</sup> See P-2328: [T-048](#), p. 26, lines 9-19, p. 27, lines 15-17, p. 28, lines 13-15.

counter-productive: « *dans certaines localités de provinces, des comportements contre-productifs sont encore relevés dans les rangs des Antibalaka* ». <sup>768</sup>

370. On 1 July 2014, referring to the Anti-Balaka in a *Radio Centrafrique* interview, **NGAISSONA** stated:

« *certaines continuent de penser que même après que nous sommes arrivés à BANGUI, nous devons continuer à piller, à tuer et à détruire les choses [...] Je ne peux pas aujourd'hui mentir au peuple centrafricain, en leur disant que les Anti-Balaka ne commettent pas de crimes, non!* ».

371. Although stating that everything possible was being done to resolve the situation, he added, « *[d]ans un tel mouvement il y a ce genre d'individus.* » <sup>769</sup>

372. On 23 July 2014, **NGAISSONA** signed the BRAZZAVILLE Agreement in which the Anti-Balaka, among other parties to the conflict, undertook to cease all acts of violence against the civilian population, including summary killings, sexual violence and the destruction of property. <sup>770</sup> Speaking in a television interview from BRAZZAVILLE, **NGAISSONA** said that the Central African people had suffered from “multiple exactions committed by us, the belligerents”, referring to the spilling of blood, and concluding « *nous n'avons plus besoin de tueries entres nous* ». <sup>771</sup>

373. On 7 August 2014, in a media article, **NGAISSONA** justified the Anti-Balaka's crimes claiming self-defence, or their “*misère*”. Implicitly acknowledging the group's violent history, he asserted « *Les tueries, on n'en fait plus* ». <sup>772</sup>

374. In an early September 2014 interview with Human Rights Watch, **NGAISSONA** claimed that he told the Anti-Balaka elements on his arrival (i.e., in January 2014), « *Vous avez déjà atteint l'objectif. C'est que DJOTODIA est parti ... les mercenaires sont partis et que nous devons tout arrêter. Vous... vous n'avez pas intérêt à continuer à faire des exactions* ». <sup>773</sup> He claimed that he would tell the “*enfants*” that killing will not achieve anything, and acknowledging the nature of their vengeance, he advised that « *le coup pour coup* » (eye for an eye) will not bring back those who have fallen. <sup>774</sup>

<sup>768</sup> [CAR-OTP-2025-0396](#) at 0399, para. 2.

<sup>769</sup> [CAR-OTP-2042-0916](#) [00:06:00] to [00:08:00], [00:12:00] to [00:14:08], transcript/translation [CAR-OTP-2088-0649](#) at 0652-0654, lines 78-79, 168-173.

<sup>770</sup> [CAR-OTP-2001-3405](#) at 3407, art. 2.

<sup>771</sup> [CAR-OTP-2099-1360](#) [00:00:35] to [00:00:48], [00:01:15] to [00:01:29], transcript [CAR-OTP-2107-1600](#) at 1601, lines 22-23, 36-39.

<sup>772</sup> [CAR-OTP-2129-1445](#) at 1458 (emphasis added). See also [CAR-OTP-2068-0619](#) at 0619.

<sup>773</sup> [CAR-OTP-2122-5902](#) [00:01:32] to [00:01:45], transcript [CAR-OTP-2122-9457](#) at 9458, lines 14-18 (emphasis added).

<sup>774</sup> [CAR-OTP-2122-5902](#) [00:29:56] to [00:30:52], transcript [CAR-OTP-2122-9457](#) at 9471, lines 501-515.

375. Upon the creation of the PCUD in November 2014, **NGAISSONA** acknowledged the Anti-Balaka's violent conduct and apologised on behalf of the group's combatants for their crimes.<sup>775</sup>

376. On 3 March 2014, the UN Secretary General reported to the Security Council that Anti-Balaka elements had "renewed" attacks on Muslim civilians in the wake of the Seleka retreat from Bangui, amounting to killings, sexual violence, public lynching, looting and the destruction of property, referred to as "cleansing operations".<sup>776</sup> Again, this information was critical to **NGAISSONA**'s key role in **BOZIZE**'s inner circle in seeking to re-claim power and would have been known to him. As shown by his concession during his September 2014 Human Rights Watch interview, **NGAISSONA** had been well-aware of the Anti-Balaka's continuing crimes after **DJOTODIA**'s resignation and the retreat of the Seleka already in January 2014.

377. **NGAISSONA** was also aware of the nature of the Anti-Balaka's crimes, as they provided a basis for his attempted arrest, and the arrests of some 10 other National Coordination members in a raid on his home in February 2014.<sup>777</sup> He was the subject of a further arrest warrant issued by the CAR authorities around 8 April 2014 for, *inter alia*, killings and summary executions stemming from his role in the Anti-Balaka. His subsequent arrest triggered his express acknowledgment of his leadership of the Anti-Balaka, the influence of his own behaviour on the actions of its elements, and his responsibility for the actions he caused.<sup>778</sup>

378. Finally, **NGAISSONA**'s occasional advice to members not to commit crimes<sup>779</sup> further proves his awareness of them. He also knew that these crimes were extremely serious and told elements to be "careful". As one ComZone put it:

*« il a ... est venu à BANGUI... et M. NGAISSONA les [sic] a prodigué des conseils... qu'il doit beaucoup faire attention... parce que un jour ils seront poursuivis par la Cour pénale internationale... Ou par la Cour spéciale ... Ou par la MINUSCA... C'est comme ça que M. NGAISSONA les [sic] a prodigué des conseils ».*<sup>780</sup>

<sup>775</sup> [CAR-OTP-2003-1654](#) at 1723; [CAR-OTP-2023-2936](#) [00:00:00] to [00:04:58], transcript [CAR-OTP-2107-1524](#) at 1525, lines 1-39.

<sup>776</sup> [CAR-OTP-2001-0409](#) at 0410, para. 8.

<sup>777</sup> See arrest warrant of 11 February 2014: [CAR-OTP-0080-0685](#) at 0685. See the Anti-Balaka's reaction of 14 February 2014: [CAR-OTP-2025-0380](#) at 0382; [CAR-OTP-2084-0049](#) at 0051; [CAR-OTP-2006-1210](#) at 1211-1212, and commentary by P-0808: [CAR-OTP-2025-0324-R05](#) at 0343-0344, paras 121, 124.

<sup>778</sup> On the warrants, see [CAR-OTP-0080-0718](#) at 0718-0720. See also [CAR-OTP-2001-5376](#) at 5376-5378; [CAR-OTP-2002-0481](#) at 0481. On **NGAISSONA**'s signed acknowledgment, see [CAR-OTP-2003-1076](#) at 1149 and its duplicate [CAR-OTP-2101-1821](#) at 1821, and commentary by P-0952: [T-249](#), p. 52, line 1-p. 53, line 20; [T-250](#) [FRA], p. 55, lines 11-23, and by P-2328: [T-047](#), p. 33, line 21-p. 34, line 9, p. 35, lines 14-19.

<sup>779</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0055-0056, para. 38; P-2232: [T-077](#), p. 17, lines 2-6, p. 43, lines 17-21.

<sup>780</sup> P-1042: [CAR-OTP-2107-0297-R01](#) at 0328, lines 1048-1064.

379. [REDACTED]<sup>781</sup> [REDACTED]:

*« Donc, aujourd'hui - qu'on le veuille ou non - sachez que l'action qu'on a posée depuis le début jusqu'à aujourd'hui, les exactions qui sont imputables aux ANTI-BALAKA, nous en sommes comptables. Il ne faut pas oublier. C'est pas parce que aujourd'hui, Monsieur BARA il est au gouvernement, qu'il doit penser qu'il va échapper un jour, ne serait-ce que à la vigilance de la Cour pénale internationale. Le coordonnateur général, il faudrait qu'un jour nous soyons comptables des exactions des ANTI-BALAKA [...] Je vous en appelle ... j'en appelle à votre conscience, nous sommes responsables de ce qui se passe. Sachez que la CPI, tous les crimes qui relèvent de la compétence de la Cour pénale internationale sont imprescriptibles. Même 100 ans après, nous serons poursuivis ».*<sup>782</sup>

[REDACTED].<sup>783</sup>

**h. NGAISSONA impeded efforts by the CAR authorities and international forces to stem Anti-Balaka crimes**

380. Despite knowing that the Anti-Balaka had violently targeted Muslim civilians, was targeting them and would continue to do so, NGAISSONA failed to take steps to disarm the Anti-Balaka, or investigate, or assist the authorities in the investigation of its crimes. Instead, NGAISSONA misled them — claiming without any basis that the crimes attributed to the Anti-Balaka were committed by so-called ‘fakes’.

381. NGAISSONA encouraged and promoted the Anti-Balaka’s agenda, portraying its members as heroes to be rewarded for their actions. NGAISSONA justified their conduct, which promoted and encouraged the group’s continued violent crimes against the Muslim population, who he further collectively labelled as terrorists. His actions demonstrate an abiding intention to achieve political ends in full knowledge of the manifestly criminal means employed by the Anti-Balaka to achieve them.

**i. Refusal to genuinely disarm the Anti-Balaka**

382. NGAISSONA refused to genuinely cooperate with the transitional government or international forces in several ways, including in relation to disarming the Anti-Balaka. P-2328 described in his testimony how at the BRAZZAVILLE forum in July 2014, all the leaders of the armed groups, including NGAISSONA, took the commitment to disarm, yet none of them respected this commitment.<sup>784</sup> The Anti-Balaka, he explained,

<sup>781</sup> [CAR-OTP-2001-3372](#) at 3372.

<sup>782</sup> [CAR-OTP-2084-1327](#) [00:02:04] to [00:03:33], transcript [CAR-OTP-2107-1583](#) at 1584, lines 36-46.

<sup>783</sup> [CAR-OTP-2084-0165](#) at 0165.

<sup>784</sup> P-2328: [T-048](#), p. 35, lines 17-24.

“did not want to be disarmed and to be controlled by the state, because they had an option, an objective, that is to conquer power. They were on a mission. So to accept to be billeted or controlled would mean the end of their mission, so they themselves, they refused.”<sup>785</sup>

383. **NGAISSONA** opposed the government’s call for FACA members who had joined the Anti-Balaka to return to the barracks.<sup>786</sup> He maintained this stance, even following KAMEZOLAI’s petition to the Prime Minister in July 2014 for the FACA in the Anti-Balaka to regain their ranks.<sup>787</sup> The return of FACA members in the Anti-Balaka would have weakened the group militarily and eroded its stranglehold on the transition government, thus impairing **NGAISSONA**’s ability to instrumentalise the group to obtain key government positions, and to return to power.<sup>788</sup> His actions show his willingness to utilise violent elements widely known to have committed crimes and atrocities against civilians in pursuing his own motivations.

384. **NGAISSONA** was fully aware of the dangerous nature of the Anti-Balaka as an armed force operating in CAR. This is implicit in his acknowledgement in October 2014 (and earlier) that armed persons should be billeted and not merely sent away, as they constitute a danger to the population.<sup>789</sup> Nevertheless, **NGAISSONA** did not disarm the Anti-Balaka — a basic first step toward a genuine demobilisation and billeting effort.

385. To the contrary, **NGAISSONA** continued to lead the Anti-Balaka as its National General Coordinator; provide money to ComZones in BANGUI and the provinces for, *inter alia*, purchasing weapons and ammunition; make efforts to secure the supply of ammunition; and coordinate with MOKOM in the flow of supplies between ComZones, including ammunition.<sup>790</sup> In BANGUI, **NGAISSONA** allowed Anti-Balaka leaders notorious for their crimes to use his BOY-RABE home as a base, such as LEBENE.<sup>791</sup>

<sup>785</sup> P-2328: [T-048](#), p. 46, line 21-p. 47, line 6.

<sup>786</sup> P-0801: [T-035](#), p. 46, line 9-p. 50, line 1, including commentary upon [CAR-OTP-2117-0696](#); [T-036](#), p. 37, lines 15-25.

<sup>787</sup> P-0801: [T-035](#), p.75, line 18-p. 76, line 1.

<sup>788</sup> See [CAR-OTP-2117-0696](#) and P-0801’s comments thereon at [T-035](#), p. 52, line 13-p. 53, line 25; [CAR-OTP-2001-6105](#) and P-0801’s comments thereon at [T-035](#), p. 65, lines 17-21; p. 66, line 13-p. 67, line 4; p. 68, line 22-p. 70, line 12; [T-036](#), p. 46, line 13-p. 47, line 2, p. 48, lines 4-23, p. 56, lines 2-4, p. 57, lines 18-24.

<sup>789</sup> [CAR-OTP-2005-0095](#) [00:03:33] to [00:03:42], transcript [CAR-OTP-2122-9368](#) at 9371, lines 94-95; [CAR-OTP-2068-0619](#) at 0619.

<sup>790</sup> See P-2232: [T-077](#), p. 21, line 23-p. 23, line 6; [T-078](#), p. 49, lines 5-12, p. 50, lines 20-22, p. 51, lines 4-15; P-0808: [CAR-OTP-2025-0324-R05](#) at 0336-0337, para. 86; [CAR-OTP-2093-0010-R02](#) at 0023, para. 71; P-0966: [CAR-OTP-2031-0241-R03](#) at 0255, 0257, para. 78, 91; P-0884: [T-056](#), p. 80, lines 9-16; [T-058](#), p. 66, lines 13-18, p. 69, line 23-p. 70, line 4, p. 99, lines 19-23; P-0954: [CAR-OTP-2048-0171-R03](#) at 0189, para. 106.

<sup>791</sup> P-0889: [CAR-OTP-2122-7626-R02](#) at 7639, 7643, 7645, lines 503-507, 657-660, 726-729; [CAR-OTP-2122-7781-R02](#) at 7783, lines 38-45; [CAR-OTP-2122-8079-R02](#) at 8086, lines 232-233, 238-242; P-0954: [CAR-OTP-2048-0171-R03](#) at 0179, para. 48. See also P-2012: [T-025](#), p. 12, line 14-p. 13, line 8; [CAR-OTP-2001-4441](#) at 4442.

**ii. Impeding efforts to stop the Anti-Balaka and to hold them to account**

386. Aware that the Anti-Balaka were committing crimes, **NGAISSONA** nevertheless dismissed or disregarded this. Not only did **NGAISSONA** fail to investigate allegations about the group's commission of serious crimes, he affirmatively denied the group's responsibility, and in doing so, misled the CAR authorities and international forces. He moreover, acted to prevent the arrest and detention of Anti-Balaka criminals, while appointing notorious Anti-Balaka perpetrators to its PM unit.

387. *First*, **NGAISSONA** actively denied the Anti-Balaka's responsibility for crimes attributed to the group when confronted with credible accounts and evidence by the international forces and the Transitional Government.<sup>792</sup> As the National General Coordinator, **NGAISSONA** persistently and publicly denied the group's responsibility for attacks on Muslims by blaming fake Anti-Balaka for the crimes<sup>793</sup> without any basis in fact.<sup>794</sup>

388. **NGAISSONA**'s stance regarding the crimes he claimed were committed by "fake Anti-Balaka" is particularly pernicious. The "brave young villagers" that **NGAISSONA** publicly lauded for having marched hundreds of kilometres to BANGUI to save the country from invaders,<sup>795</sup> included Anti-Balaka leaders from GOBERE, such as ANDJILO, LEBENE and MAZIMBELET,<sup>796</sup> all well-reputed to have been exceptionally violent against Muslims.<sup>797</sup>

<sup>792</sup> [CAR-OTP-2110-0143](#) at 0143, para. 1; [CAR-OTP-2025-0380](#) at 0381, 0383; [CAR-OTP-2110-0145](#) at 0147.

<sup>793</sup> *See, e.g.*, [CAR-OTP-2122-5902](#) [00:21:43] to [00:24:36], transcript [CAR-OTP-2122-9457](#) at 9466-9468, lines 338-398; [CAR-OTP-2124-1222](#), commented upon by P-0889: [CAR-OTP-2122-7872-R02](#) at 7873-7874, lines 17-20, 24-34, 40-59; [CAR-OTP-2117-0678](#) at 0679; [CAR-OTP-2025-0380](#) at 0381, 0383; [CAR-OTP-2066-2466](#) at 2488; [CAR-OTP-2023-2919](#) [00:04:55] to [00:08:18], transcript [CAR-OTP-2107-1516](#), at 1517-1518, lines 40-72; [CAR-OTP-2023-2931](#) [00:00:00] to [00:04:07], transcript/translation [CAR-OTP-2118-5606](#) at 5608-5609, lines 4-58; [CAR-OTP-2030-0255](#) at 0257; [CAR-OTP-2080-2816-R01](#) at 2817-2818; [CAR-OTP-2084-0147](#); [CAR-OTP-2042-4071](#) [00:00:00] to [00:01:45], transcript [CAR-OTP-2107-1528](#) at 1529, lines 3-21; [CAR-OTP-2087-9176](#); [CAR-OTP-2003-1076](#) at 1103; [CAR-OTP-2077-0362](#). *See further* P-2012: [CAR-OTP-2091-0127-R01](#) at 0134-0135, paras 32, 37; [T-025](#), p. 46, lines 2-9, [T-026](#), p. 38, line 14-p. 39, line 6; P-0287: [T-020](#), p. 18, line 22-p. 20, line 1, commenting upon [CAR-OTP-2115-0239-R01](#) at 0251-0252, para. 57; P-0952: [T-251](#), p. 19, line 8-p. 20, line 9. *See also*, for similar statements by other Anti-Balaka figures: [CAR-OTP-2023-1845](#) [00:03:18] to [00:03:36], transcript [CAR-OTP-2107-1504](#) at 1505-1506, lines 42-45; [CAR-OTP-2042-1873](#) [00:17:04] to [00:19:18], transcript [CAR-OTP-2107-1477](#) at 1478, lines 3-25; [CAR-OTP-2076-1083](#) [00:00:00] to [00:07:17], [00:11:40] to [00:30:30], transcript [CAR-OTP-2087-8960](#) at 8961-8963, 8965-8977, lines 1-92, 163-593, commented upon by P-2050: [CAR-OTP-2076-0911-R02](#) at 0931, para. 104-106.

<sup>794</sup> *See* P-0287: [T-020](#), p. 22, line 25-p. 24, line 1, p. 25, line 9-p. 27, line 11, commenting upon [CAR-OTP-2115-0239-R01](#) at 0263, para. 115, and [CAR-OTP-2001-5112](#) at 5112-5113; P-2328: [T-049](#), p. 21, line 7-p. 23, line 14, commenting upon [CAR-OTP-2126-2780](#) at 2781, point 5.

<sup>795</sup> [CAR-OTP-2087-9110](#) at 9111.

<sup>796</sup> *See* section III, A, f, iii, para. 65.

<sup>797</sup> Regarding ANDJILO's criminal character, *see* P-1962: [CAR-OTP-2068-0037-R04](#) at 0050, para. 60; P-0808: [CAR-OTP-2093-0010-R02](#) at 0019, para. 48; [T-070](#), p. 74, lines 7-22; P-1530: [CAR-OTP-2054-0249-R02](#) at 0260-0261, para. 53; P-2251: [T-043](#), p. 26, lines 9-17; [T-044](#), p. 45, lines 10-17, p. 47, lines 10-19; P-0446: [CAR-OTP-2059-1602-R01](#) at 1605, lines 79-111; [CAR-OTP-2088-1179](#) at 1179; [CAR-OTP-2003-1654](#) at 1671, 1678, 1739, 1758, 1813. Regarding LEBENE's criminal character, *see* P-1530: [CAR-OTP-2054-0249-R02](#) at 0256-0257, para. 33-36; [CAR-OTP-2088-1179](#) at 1189. Regarding MAZIMBELET's criminal character, *see* P-0966: [CAR-OTP-2031-0241-R03](#) at 0255, para. 78.



389. **NGAISSONA**'s insistence that the campaign of serious crimes committed against Muslims attributed to the Anti-Balaka was instead committed by fakes, when he was aware that the group had and were engaged in the commission of such crimes, was a deception. It was designed to misdirect and debilitate the ability of the international forces and the Transitional Government to dismantle the group. **NGAISSONA**'s deception contributed to their near total inability to identify the group's basic structure and membership.

390. As late as 10 February 2014, even General SORIANO (who commanded the French Sangaris forces) had not been able to obtain meaningful intelligence on the most basic elements of the Anti-Balaka – an armed group operating in CAR's capital – despite the Transitional Government's direct dealings with **NGAISSONA**. He said in an AFP interview, « *C'est qui les anti-balaka ? Qui est leur chef ? Quel est leur message politique ? Quelle est leur chaîne de commandement ? Personne ne sait rien. C'est une nébuleuse, on est incapable de mettre un vrai visage* ». <sup>798</sup> He was clear however, in that « *[o]n ne doit pas les cantonner mais les chasser comme ce qu'ils sont, c'est à dire des hors-la-loi, des bandits* ». <sup>799</sup>

391. *Second*, instead of publicly condemning the Anti-Balaka's criminal behaviour as its highest authority, and aiding to bring criminal Anti-Balaka leaders to justice, **NGAISSONA** condemned the CAR transitional authorities' and international forces' attempts to do so. **NGAISSONA** moreover actively sought to undermine, if not prevent, the lawful arrests and detention of Anti-Balaka members. <sup>800</sup> He even accepted within the group individuals who had notoriously escaped custody, charged with *inter alia*, “constituting a violent enterprise against persons or goods ... either to destroy or change the government, or to incite the citizens or the inhabitants to arm themselves against the authority of the State”.

392. *Third*, **NGAISSONA** acknowledged that « *en tant que coordonnateur mon rôle vise à éviter les dérapages et les débordements* ». <sup>801</sup> He also acknowledged the need to investigate these crimes (« *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* »). <sup>802</sup> Yet, **NGAISSONA** imposed no sanction to prevent the Anti-Balaka's crimes

<sup>798</sup> [CAR-OTP-2117-0681](#) at 0682.

<sup>799</sup> [CAR-OTP-2117-0681](#) at 0682.

<sup>800</sup> P-0975: [CAR-OTP-2033-7885-R02](#) at 7892; P-0287: [T-020](#), p. 14, line 10-p. 15, line 4, commenting upon [CAR-OTP-2115-0239-R01](#) at 0247, para. 39; [CAR-OTP-2042-2467](#) from [00:24:58] to [00:28:05], transcript [CAR-OTP-2107-1489](#) at 1490, lines 3-36; [CAR-OTP-2023-2935](#) from [00:00:00] to [00:07:55], transcript [CAR-OTP-2107-1521](#) at 1522-1523, lines 4-59. *See also* [CAR-OTP-2082-0646](#) from [00:06:30] to [00:07:05], transcript/translation [CAR-OTP-2127-4611](#) at 4615, lines 90-97.

<sup>801</sup> [CAR-OTP-2003-1076](#) at 1087.

<sup>802</sup> *See* [CAR-OTP-2087-9176](#) at 9178; [CAR-OTP-2006-1210](#) at 1212.

against Muslim civilians,<sup>803</sup> despite his warnings to sanction elements for other transgressions.<sup>804</sup> Moreover, **NGAISSONA** had the power to do so.<sup>805</sup> In choosing not to, he instead justified and encouraged the group's criminal activity and purpose regarding its continuing violent attacks on Muslim civilians.

393. *Fourth*, as noted above, the PM was subordinated to Operations Coordinator MOKOM. It was supposedly set up to find and arrest 'fake' Anti-Balaka in BANGUI and in the Provinces.<sup>806</sup> 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*'.<sup>807</sup> Further, the PM's commission of crimes itself contributed to a climate of insecurity, and also promoted impunity within the Anti-Balaka.<sup>808</sup> Similarly, while ComZones of certain provincial villages set up local police units,<sup>809</sup> these police units were equally perpetrating crimes.<sup>810</sup>

394. *Fifth*, **NGAISSONA** sanctioned the Anti-Balaka's commission of crimes by inviting **YEKATOM** to high level meetings, and allowing him to represent the Anti-Balaka.<sup>811</sup>

**iii. *NGAISSONA presented a sanitised image of the Anti-Balaka to continue using them to achieve his objectives***

395. **NGAISSONA**'s misrepresentations on the Anti-Balaka's commission of serious crimes were also designed to protect the group's public image from tarnish. Preventing the erosion of public support was essential to furthering the group's objectives, whatever the criminal means used to achieve them. As such, **NGAISSONA** presented a sanitised public image of the Anti-Balaka, which served to justify it, and thus encourage and perpetuate the group's continued violent targeting of Muslim civilians.

396. As mentioned, throughout 2014, **NGAISSONA** accepted, and even promoted "real" Anti-Balaka members, *i.e.*, those who had "liberated the country" into key-positions in the

<sup>803</sup> P-2232: [T-077](#), p. 31, lines 17-25; P-0889: [CAR-OTP-2122-7872-R02](#) at 7882, 7902-7904, lines 339-353, 361-365, 1064-1080, 1088-1090, 1125-1139; P-2251: [CAR-OTP-2093-0045-R01](#) at 0065-0066, para. 128-129; [T-043](#), p. 54, lines 9-12; [CAR-OTP-2071-1989](#) from [00:00:39] to [00:01:20], transcript [CAR-OTP-2122-9443](#) at 9444, lines 21-33.

<sup>804</sup> [CAR-OTP-2030-0245](#) at 0245.

<sup>805</sup> *See, e.g.*, [CAR-OTP-2084-0165](#) at 0165; [CAR-OTP-2101-4166](#) at 4169.

<sup>806</sup> *See* section III, B, b, para. 315.

<sup>807</sup> [CAR-OTP-2025-0356](#) at 0359-0360.

<sup>808</sup> [CAR-OTP-2025-0356](#) at 0359-0360 – *see commentary* by P-0446: [CAR-OTP-2059-1626-R01](#) at 1635-1637, lines 328-409; [CAR-OTP-2059-1602-R01](#) at 1605, lines 79-111.

<sup>809</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0206, para. 32; P-1193: [CAR-OTP-2045-0048-R03](#) at 0060, para. 78; [T-125](#), p. 18, lines 8-23; P-1962: [T-140](#), p. 21, lines 9-16, 23-25, p. 22, lines 1-14.

<sup>810</sup> P-1962: [CAR-OTP-2068-0037-R04](#) at 0060 para. 113.

<sup>811</sup> *See, e.g.*, P-0952: [T-249](#), p. 20, line 8-p. 21, line 15; [CAR-OTP-2087-9027](#); P-0876: [T-085](#), p. 75, line 15-p. 76, line 21; [CAR-OTP-2101-2039](#) at 2039-2040.

Anti-Balaka. He did so despite knowing that they had incited hatred and violence against Muslim civilians and other serious crimes.<sup>812</sup>

397. Further, **NGAISSONA**'s public statements consistently portrayed the Anti-Balaka as brave and self-sacrificing heroes. He reiterated the Christian community's victimisation by the Seleka at every opportunity, while praising the Anti-Balaka as liberators and justifying their acts in the name of 'self-defence'.<sup>813</sup>

398. Similarly, a document published by the Anti-Balaka National Coordination denounced media coverage of the Anti-Balaka as one-sided and unbalanced, versus « *les crimes massifs commis par les sujets musulmans sur les populations non-musulmanes* », <sup>814</sup> equating the Seleka and Muslims, as a whole.

399. Moreover, from January 2014, **NGAISSONA** and other senior group members, such as **BEJOUANE**,<sup>815</sup> signed ID cards were issued to some 10,000 Anti-Balaka elements in **BANGUI** and in the provinces.<sup>816</sup> The ID cards contained a number, picture, name, address,

<sup>812</sup> See section III, A, q, v.

<sup>813</sup> See, e.g., [CAR-OTP-2042-2641](#) [00:18:38] to [00:23:10], transcript/translation [CAR-OTP-2118-5622](#) at 5624-5625, lines 3-54; [CAR-OTP-2073-0870](#) [00:06:04] to [00:06:30], transcript [CAR-OTP-2107-1561](#) at 1563, lines 81-86; [CAR-OTP-2003-1076](#) at 1085-1087, 1092-1093; [CAR-OTP-2084-0148](#) at 0148-0149; [CAR-OTP-2025-0372](#) at 0374; [CAR-OTP-2025-0362](#) at 0364; [CAR-OTP-2001-4818](#) at 4818; [CAR-OTP-2057-0963](#) at 0964; [CAR-OTP-2129-1445](#) at 1458; [CAR-OTP-2068-0619](#) at 0619. See also [CAR-OTP-2110-0145](#) at 0147; [CAR-OTP-2025-0396](#) at 0398-0399. See further P-0952: [T-250](#), p. 5, lines 2-11, p. 9, line 22-p. 10, line 5, including commentary upon [CAR-OTP-2087-9201](#).

<sup>814</sup> [CAR-OTP-2025-0396](#) at 0402.

<sup>815</sup> On ID cards signed by **NGAISSONA**, see, e.g., [CAR-OTP-2030-0230](#), [CAR-OTP-2112-1332](#). See also P-0889: [CAR-OTP-2122-7781-R02](#) at 7810-7811, lines 1071-1092; P-0992: [CAR-OTP-2110-0048-R05](#) at 0065-0066, para. 98. On ID Cards signed by **BEJOUANE**: see, e.g., [CAR-OTP-2076-1275](#), [CAR-OTP-2001-6251](#) at 6301-6302 - see P-2251's comments at [T-043](#), p. 47, line 24-p. 48, line 15. For the signature of **BEJOUANE**, see, e.g., [CAR-OTP-2025-0380](#) at 0384.

<sup>816</sup> P-0889: [CAR-OTP-2027-2290-R02](#) at 2302, para. 72-74; [CAR-OTP-2122-7653-R02](#) at 7675-7676, lines 854-857, 865-875, 890-895; [CAR-OTP-2122-7781-R02](#) at 7794-7795, 7801-7802, lines 489-499, 725-735, 744-760, 770-794; P-2232: [T-077](#), p. 32, lines 2-8; P-1962: [CAR-OTP-2071-0003-R02](#) at 0010, para. 43-44; [T-140](#), p. 10, lines 12-18; P-0884: [T-058](#), p. 76, lines 7-9; P-2050: [CAR-OTP-2076-0911-R02](#) at 0931, para. 104-106, including commentary upon [CAR-OTP-2076-1083](#) from [00:16:00] to [00:16:44], from [00:16:58] to [00:17:49], transcript [CAR-OTP-2087-8960](#) at 8968-8970, lines 274-299, 308-340; P-2556: [CAR-OTP-2112-1300-R01](#) at 1308, para. 55, 56, 62; P-2012: [T-025](#), p. 13, lines 15-25, p. 16, lines 11-21, p. 53, line 16-p.54, line 15, including commentary upon [CAR-OTP-2091-0290](#) and [CAR-OTP-2091-0291](#); P-2251: [CAR-OTP-2093-0045-R01](#) at 0065, para. 125-127; [T-043](#), p. 47, lines 11-14; P-1077: [CAR-OTP-2107-3454-R01](#) at 3479-3480, lines 929-987, commenting upon [CAR-OTP-2083-0132](#) at 0132-0133. See images of Anti-Balaka ID cards at [CAR-OTP-2112-1330](#), [CAR-OTP-2112-1332](#), [CAR-OTP-2112-1334](#) (with commentary by P-2556: [CAR-OTP-2112-1300-R01](#) at 1308, para. 62), [CAR-OTP-2136-0217](#), [CAR-OTP-2136-0219](#), [CAR-OTP-2136-0221](#), [CAR-OTP-2136-0223](#), [CAR-OTP-2136-0225](#), [CAR-OTP-2136-0227](#), [CAR-OTP-2136-0229](#), [CAR-OTP-2136-0231](#), [CAR-OTP-2136-0233](#), [CAR-OTP-2136-0235](#), [CAR-OTP-2136-0239](#), [CAR-OTP-2136-0243](#), [CAR-OTP-2136-0245](#), [CAR-OTP-2136-0247](#), [CAR-OTP-2136-0249](#), [CAR-OTP-2136-0251](#), [CAR-OTP-2136-0253](#), [CAR-OTP-2136-0255](#), [CAR-OTP-2136-0257](#). See further images at [CAR-OTP-2012-0411](#) from [00:00:49] to [00:00:53]; [CAR-OTP-2083-0345](#) from [00:00:49] to [00:01:00], commented upon by P-1042: [T-163](#), p. 16, line 16-p. 18, line 9, and by P-2556: [CAR-OTP-2112-1300-R01](#) at 1324, para. 191.

function of the element, with “*patriote Anti-Balaka*” written on the back.<sup>817</sup> They were issued ostensibly to legitimise the group and allow the elements to participate in the DDR process,<sup>818</sup> as promised by its leadership as compensation.<sup>819</sup>

400. In addition, NGAISSONA invited Anti-Balaka members who had participated in the 5 December attack to coordination meetings as ComZones,<sup>820</sup> and even to BRAZZAVILLE,<sup>821</sup> reinforcing his acceptance of their conduct. His later effort to distance himself from the Anti-Balaka’s crimes by transforming the group into a political party at the end of 2014, whilst integrating the very same individuals who joined in the Anti-Balaka’s criminal purpose, make NGAISSONA’s intent equally clear.<sup>822</sup>

#### **i. Instrumentalising the Anti-Balaka served NGAISSONA’s interests**

401. BOZIZE and those in his inner circle, including NGAISSONA, considered the Anti-Balaka a necessary tool to be instrumentalised in their effort to (re)claim power in the CAR. Long before the 5 December 2013 attacks, it was clear to all involved, including NGAISSONA, given the Anti-Balaka’s collective intention to exact vengeance against Muslims — Seleka fighters and civilians alike — that their violence was all but certain to occur, and did.

As P-2841 explained: “I could foresee that the conflict would be bloody and violent, the Anti-Balaka were already going too far prior to December 5th. Despite this, I think that NGAISSONA wanted to support the Anti-Balaka to take advantage of the opportunity to resume his business activities. The Seleka were on the ground, committing atrocities, and it was not possible to stop them politically. The Anti-Balaka were a necessary evil”.<sup>823</sup> P-2027 put it this way: “God can be my witness that I foresaw everything that was happening. [...]

<sup>817</sup>P-0889: [CAR-OTP-2122-7781-R02](#) at 7803, 7805, 7814-7815, 7817, lines 810-814, 873-883, 1206-1217, 1222-1232, 1304-1309; [CAR-OTP-2071-0093](#) at 0113-0116, 0121-0125, 0141. *See, e.g.* [CAR-OTP-2030-0230](#); [CAR-OTP-2030-0231](#); [CAR-OTP-2001-0835](#) at 0883; [CAR-OTP-2001-6251](#) at 6301.

<sup>818</sup> P-0808: [CAR-OTP-2025-0324-R05](#) at 0341-0342, para. 113-117; [CAR-OTP-2093-0010-R02](#) at 0025-0026, para. 82-84, 86; P-1193: [CAR-OTP-2045-0048-R03](#) at 0060, para. 80-81; P-1962: [CAR-OTP-2068-0037-R04](#) at 0058, para 101; P-0889: [CAR-OTP-2122-7781-R02](#) at 7810, lines 1052-1062; P-2556: [T-145](#), p. 15, lines 2-6, p. 17, lines 6-10; [T-146](#), p. 33, lines 1-11; P-2012: [CAR-OTP-2091-0127-R01](#) at 0134, 0137, para. 32, 50; [T-025](#), p. 13, lines 15-25, p. 16, lines 11-12, p. 53, lines 4-13. *See also* P-0287: [T-020](#), p. 33, lines 14-21, commenting upon [CAR-OTP-2001-0835](#) at 0882-0883.

<sup>819</sup> P-2251: [CAR-OTP-2093-0045-R01](#) at 0067, para. 142. *See also* P-2232: [T-076](#), p. 54, lines 20-22, p. 66, lines 10-22, p. 67, lines 8-13.

<sup>820</sup> [CAR-OTP-2030-0232](#) at 0232-0238 – *see* commentary by P-0889: [CAR-OTP-2027-2290-R02](#) at 2306, para. 100; P-1521: [T-082](#), p. 32, lines 9-10, p. 33, line 17-p. 36, line 19; P-0954: [T-166](#), p. 55, line 10-p. 56, line 8, p. 62, line 23-p. 64, line 8; CAR-REG-0001-0010\_01; [CAR-OTP-2039-0031-R01](#) – *see* commentary by P-2251: [CAR-OTP-2093-0045-R01](#) at 0072-0073, para. 178-184; P-0954: [T-166](#), p. 19, line 1-p. 20, line 11.

<sup>821</sup> *See* [CAR-OTP-2001-6924](#) at 6926.

<sup>822</sup> P-2232: [T-076](#), p. 55, lines 5-12; P-0889: [CAR-OTP-2122-7653-R02](#) at 7673-7674, lines 747-786; [CAR-OTP-2122-7684-R02](#) at 7708, lines 880-887.

<sup>823</sup> P-2841: [CAR-OTP-2127-4238-R01](#) at 4270, para. 177.

When I came back from exile I saw the Anti-Balaka actions and told some of them to respect humanitarian law because they will end up dead or in prison. I knew all along that things would end badly.”<sup>824</sup> He testified further: “[e]ven the Anti-Balaka, their coordinator didn’t do anything. And that’s why I thought it’s going to end badly.”<sup>825</sup>

402. As P-2625 testified, **NGAISSONA** and **BOZIZE**’s clan instrumentalised the Anti-Balaka because they would benefit from these crimes: “President Bozizé and his entourage were — they were seen as those who were instrumentalising, organising and launching these groups to carry out attacks against Muslims.” P-2625 expanded on the term *instrumentalise* by explaining that “the crimes of the Anti-Balaka would benefit them, to put it crudely”, referring to **BOZIZE**’s clan, which included **NGAISSONA**.<sup>826</sup>

**C. NGAISSONA had the requisite *mens rea* under article 25(3)(c)**

**a. NGAISSONA’s contributions were intentional and made for the purpose of facilitating the commission of the charged crimes**

403. **NGAISSONA** intended his several contributions to the Charged Crimes committed pursuant to the organisational Criminal Policy and Common Purpose. As shown above, his conduct was deliberate, consistent with his personal objectives of seeking power, and sustained over a significant period of time.<sup>827</sup>

404. Moreover, **NGAISSONA** knew that his conduct would assist in the commission of the charged crimes, and he provided his assistance to the Anti-Balaka for the purpose of facilitating their commission.<sup>828</sup> This is the only reasonable inference to be drawn from the fact that **NGAISSONA**, who clearly knew that the Anti-Balaka would commit and were committing the charged crimes throughout the relevant period,<sup>829</sup> took no meaningful steps to impede their commission despite being in a position of authority *vis-à-vis* the perpetrators – the Anti-Balaka.

405. In particular, **NGAISSONA**’s role in the initial strategy to claim and/or reclaim power in CAR and his conduct towards its implementation, was so ubiquitous that he knew that it would contribute, and was contributing, to the commission of the Charged Crimes. **NGAISSONA**’s role within the Anti-Balaka was central, as his contributions also reflect. The

<sup>824</sup> P-2027: [CAR-OTP-2078-0059-R03](#) at 0082, para. 136.

<sup>825</sup> P-2027: [T-039](#), p. 32, line 19-p. 34, line 18.

<sup>826</sup> P-2625: [T-190](#), p. 16, lines 8-10, p. 35, lines 11-21.

<sup>827</sup> See section III, A.

<sup>828</sup> *Prosecutor v. Bemba et al.*, Judgment pursuant to Article 74 of the Statute, ICC-01/05-01/13-1989-Red (“*Bemba et al. TJ*”), para. 97.

<sup>829</sup> See section III, B.

centrality of his position likewise reflected the scope of his knowledge of Anti-Balaka operations, from the political, to the tactical, to the administrative.<sup>830</sup>

406. **NGAISSONA**'s intention as concerns his contributions to the Charged Crimes is also reflected in his subsequent acts, as noted.<sup>831</sup> His intent is shown by his several positive acts and his failures to act to impede the Anti-Balaka's commission of the Charged Crimes despite knowledge that Anti-Balaka elements had committed and were committing them. They demonstrate his commitment to the strategy and objective of claiming or reclaiming power in CAR, and to the criminal means of doing so, the Anti-Balaka's organisational Criminal Policy, which his contributions helped to establish and promote.

407. The charged crimes were committed in implementing the express objective of BOZIZE and his inner circle — including **NGAISSONA** — to claim/reclaim power. As explained below they were not merely foreseeable, but inevitable, given the depth of vengeance and the insufficiency of training or structure to control the conduct of the fighters in the Anti-Balaka's. Yet, **NGAISSONA** continued to contribute to the group's capacity to carry out the Charged Crimes through every available means.

408. Conversely, he never sought meaningfully to restrain, interrupt, or impede, the group's targeting of Muslim civilians. This is despite the fact that as a principal and powerful figure in the Anti-Balaka, **NGAISSONA** could and did issue orders. He admitted « *[q]uand je donne l'ordre à ces enfants, je pense... immédiatement ça suffit.* »<sup>832</sup> Despite this authority, **NGAISSONA** failed to take any meaningful action within his ability to prevent or obstruct the Anti-Balaka's commission of crimes against Muslim civilians in western CAR. Regardless of the Transitional Government engaging with the Anti-Balaka calling for peace and encouraging social cohesion, the attacks, acts of abuse, violence and killings in all localities of the CAR and in BANGUI continued – including the inhumane conditions at the enclave in PK5, which were public knowledge. **NGAISSONA** did not direct the halting of Anti-Balaka military operations

<sup>830</sup> See section III, B, b.

<sup>831</sup> See section III, B, h. See ICC-01/14-01/18-703-Conf (“[Decision on Motions on the Scope of the Charges and the Scope of the Evidence at Trial](#)”), para. 51; *Prosecutor v. Ongwen*, [Transcript of hearing 24 January 2018](#), ICC-02/04-01/15-T-147-Red2-ENG, p. 7, lines 3-12; *Prosecutor v. Ntaganda*, Judgment, ICC-01/04-02/06-2359 (“[Ntaganda TJ](#)”), para. 696; *Prosecutor v. Ruto & Sang*, [Dissenting Opinion of Judge Herrera Carbuccia](#), ICC-01/09-01/11-2027-AnxI, para. 64; ICTY, *Prosecutor v. Mrkšić & Šljivančanin*, IT-095-13/1-A, Judgment, 5 May 2009 (“[Mrkšić & Šljivančanin AJ](#)”), para. 41; *Prosecutor v. Kunarac et al.*, IT-096-23 & IT-096-23/1-A, Judgment, 12 June 2002 (“[Kunarac et al. AJ](#)”), para.100; *Prosecutor v. Milošević*, Case No. IT-098-29/1-T, Judgment, 12 December 2007 (“[Dragomir Milošević TJ](#)”), para. 918-919. See also e.g., *Prosecutor v. Furundžija*, IT-095-17/1-T, Judgment, 10 December 1998 (“[Furundžija TJ](#)”), para. 204, 229-230 (citing the International Law Commission's Commentary concerning ex post facto assistance); *Prosecutor v. Blagojević & Jokić*, IT-002-60-A, Judgment, 9 May 2007 (“[Blagojević & Jokić AJ](#)”), para.199; *Prosecutor v. Haradinaj et al.*, IT-004-84-T, Judgment, 3 April 2008 (“[Haradinaj et al. TJ](#)”), para. 145.

<sup>832</sup> [CAR-OTP-2014-0749](#) [00:01:11] to [00:01:35], transcript [CAR-OTP-2122-9374](#) at 9375, lines 19-21.

and actions; did not direct the group's withdrawal from deployments in western CAR, including the Muslim enclaves; and did not act to protect imperilled Muslim civilians within the custody or control of the Anti-Balaka, including pursuant to his duty to do so under CAR national law.<sup>833</sup> NGAISSONA's conduct in this regard shows that his acts and omissions were *intended* to facilitate or otherwise contribute to the commission of the types of crimes that the Anti-Balaka committed.<sup>834</sup>

409. Thus, NGAISSONA's involvement with the Anti-Balaka as a leader first within the group's *de facto* structure and subsequently in the formalised National Coordination, and his promotion of the Anti-Balaka's practical acts and ideological objectives during its campaign of violence against Muslim civilians in western CAR pursuant to the organisational Criminal Policy and Common Purpose, demonstrates his intent concerning the charged contributions.

**b. NGAISSONA knew that the charged crimes would occur in the ordinary course of events**

410. NGAISSONA made his contributions knowing that the charged crimes, in terms of their essential elements, would occur in the ordinary course of events.<sup>835</sup> His knowledge can be inferred from the factors outlined above, namely: his senior role in the formation and operation of the Anti-Balaka, which placed him in a position to receive information about its crimes; his knowledge of the Anti-Balaka's discriminatory attitude towards Muslims, the desire of its members to take revenge against Muslims for the actions of the Seleka, and their conflation of Muslim civilians as Seleka or as supporters of the Seleka who could be equally targeted with crimes; the fact that he himself provoked Anti-Muslim sentiment, and worked with others in BOZIZE's inner circle and the National Coordination who helped to foment this sentiment; the information he actually received throughout the relevant period regarding the

<sup>833</sup> See Article 84, CAR Code pénal (« *Sera puni d'un emprisonnement de trois mois à cinq ans et d'une amende de 100.002 à 500.000 francs, quiconque s'abstient volontairement de porter à une personne en péril l'assistance que, sans risque pour lui ni pour les tiers, il pouvait lui prêter soit par son action personnelle, soit en provoquant un secours* »). See e.g. ICTR, *Prosecutor v. Nyiramasuhuko et al.*, ICTR-98-42-T, Judgement and Sentence, 24 June 2011 ("[Nyiramasuhuko et al. TJ](#)"), para. 5893 (finding a duty based on article 256 of Rwanda's Penal Code, which like article 84 of CAR's *Code pénal*, imposed a duty on every person to intervene regardless of position of authority); *Prosecutor v. Nyiramasuhuko et al.*, ICTR-98-42-A, Judgement, 14 December 2015, ("[Nyiramasuhuko et al. AJ](#)"), para. 2194 (the Appeals Chamber upheld the Trial Chamber's reliance on article 256 of Rwanda's Penal Code).

<sup>834</sup> *Prosecutor v. Bemba et al.*, Judgment, ICC-01/05-01/13-2275-Red ("[Bemba et al. AJ](#)"), para. 1306; [Bemba et al. TJ](#), para. 410), para. 735 *et seq.*, and para. 800; see also ICTY, *Prosecutor v. Popović et al.*, Judgement, Case No. IT-005-88-T, 10 June 2010 ("[Popović et al. TJ](#)"), para. 1067.

<sup>835</sup> *Prosecutor v. Al Hassan*, Judgment, ICC-01/12-01/18-2594-Red ("[Al Hassan TJ](#)"), para. 1228; [Bemba et al. AJ](#), para. 1400; [Bemba et al. TJ](#), para. 98, citing ICTR, *Prosecutor v. Karera*, ICTR-01-74-A, [Judgement](#), 2 February 2009, para. 321; ICTY, *Prosecutor v. Blaškić*, IT-095-14-A, [Judgement](#), 29 July 2004, para. 50; ICTY, *Prosecutor v. Kvočka et al.*, IT-098-30/1-T, [Judgement](#), 2 November 2001, para. 255; ICTY, *Prosecutor v. Mrkšić et al.*, IT-095-13/1-T, [Judgement](#), 27 September 2007, para. 556; SCSL, *Prosecutor v. Sesay et al.* SCSL-04-15-T, [Judgement](#), 2 March 2009, para. 280.

commission of crimes by the Anti-Balaka; and his failure to take steps to disarm the Anti-Balaka or investigate or punish crimes committed by the group even after they were brought to his attention.<sup>836</sup>

411. **NGAISSONA** knew the essential elements of the charged crimes based on, *inter alia*, the reports he received of crimes being committed, the media reporting on the crimes, his knowledge of the risk of certain types of crimes to be committed in times of conflict in the CAR including sexual and gender based violence, and the rhetoric of BOZIZE and others in his inner circle (including **NGAISSONA**) explicitly referencing the nature of the Seleka crimes, and provoking the Anti-Balaka's motivation to exact collective retribution against Muslims.<sup>837</sup>

412. As such, **NGAISSONA** knew that the crimes of the type charged would occur in the ordinary course of events — namely, murder (articles 7(1)(a) and 8(2)(c)(i)), forcible transfer and deportation (article 7(1)(d)), other inhumane acts (article 7(1)(k)), torture (articles 7(1)(f) and 8(2)(c)(i)), imprisonment and other forms of severe deprivation of physical liberty (article 7(1)(e)), rape (articles 7(1)(g) and 8(2)(e)(vi)), directing attacks against the civilian population (article 8(2)(e)(i)), displacement (article 8(2)(e)(viii)), directing attacks against buildings dedicated to religion (article 8(2)(e)(iv)), cruel treatment (article 8(2)(c)(i)), destruction of the adversary's property (article 8(2)(e)(xii)), and pillaging (article 8(2)(e)(v)).

413. Moreover, **NGAISSONA** knew that through these crimes, the Anti-Balaka would commit the crime of persecution (article 7(1)(h)), since the Anti-Balaka targeted Muslim civilians due to their perceived responsibility for, complicity with, and/or support of, the Seleka based on their religious, political and/or ethnic affiliation.<sup>838</sup> On this basis, **NGAISSONA** knew that the Anti-Balaka impermissibly targeted Muslim civilians on political, ethnic and/or religious grounds.<sup>839</sup> In addition — although not required for liability under article 25(3)(c) — **NGAISSONA** shared this persecutory intent.

**D. NGAISSONA had the requisite *mens rea* under article 25(3)(d)**

414. **NGAISSONA** intended his several contributions to the commission of the charged crimes by the Anti-Balaka acting pursuant to the organisational Criminal Policy and Common

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<sup>836</sup> See section III, B.

<sup>837</sup> See section III, B.

<sup>838</sup> See, for e.g., P-2673: [CAR-OTP-2127-6435-R01](#) at 6446, 6456, paras. 70-72, 136-137; [T-041](#), p. 27, line 13-p. 28, line 17, p. 47, lines 1-17; P-1042: [T-163](#), p. 68, lines 2-6, p. 69, lines 13-22.

<sup>839</sup> See section III, B, c-f; see also section V, A, f; section V, B, b, ii; section V, C, b, para. 655; and section V, D, b iii.



Purpose. As shown above, his conduct was deliberate, consistent with his personal objectives of seeking power, and sustained over a significant period of time.<sup>840</sup>

415. Moreover, **NGAISSONA** was aware that his conduct contributed to the Anti-Balaka's criminal activities, as set out above.<sup>841</sup> He contributed to the commission of the charged crimes with the aim of furthering the Anti-Balaka's criminal activity or criminal purpose. He at least contributed knowing that the Anti-Balaka intended to commit the charged crimes or crimes of such type, or that they would occur in the ordinary course of events.<sup>842</sup>

#### **IV. INDIVIDUAL CRIMINAL RESPONSIBILITY OF YEKATOM**

416. **YEKATOM** is criminally responsible for the crimes charged because he structured, trained, equipped, instructed and ordered his Anti-Balaka Group to violently target Muslim civilians in the areas under his control during the charged period.

417. Prior to the attack on BANGUI on 5 December, **YEKATOM** [REDACTED],<sup>843</sup> [REDACTED].<sup>844</sup> [REDACTED]. Then, on the eve of the attack, **YEKATOM** gathered his elements and gave them his instructions for the attack, explicitly ordering them to attack the Muslim civilian population, [REDACTED] - and destroy their houses and mosques.<sup>845</sup> Subsequently, **YEKATOM** - with his Deputy **OUANDJIO** - ordered his Anti-Balaka Group to "kill all Muslims" while they were on the PK9-MBAIKI axis.

418. **YEKATOM's** orders resulted in the killing of Muslim civilians in BOEING Market, CATTIN, YAMWARA School Base and in MBAIKI, and the abduction and torture of others. The BOEING Mosque was also attacked by his elements. Only **YEKATOM** had the authority and power as leader of his Anti-Balaka Group to order such crimes. **YEKATOM** and his Group also recruited children under age 15 and used them for different tasks including manning roadblocks or barriers – where Muslims were often targeted. The violence and threat of violence from **YEKATOM's** Group was such that it resulted in the displacement, forcible transfer and deportation of thousands of Muslims from their homes to other locations — sometimes with only the clothes on their back. In all, Muslims were persecuted by **YEKATOM's** Group in BOEING Market, CATTIN, YAMWARA School Base and throughout the PK9-MBAIKI axis — including MBAIKI.

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<sup>840</sup> See section III, A.

<sup>841</sup> See section III, C, a.

<sup>842</sup> See section III, C, b.

<sup>843</sup> [REDACTED].

<sup>844</sup> [REDACTED].

<sup>845</sup> [REDACTED].

419. Given his criminal instructions and orders, YEKATOM intended the charged crimes to be committed by his Anti-Balaka Group. At the very least, YEKATOM knew that the charged crimes would occur in the ordinary course of events — especially given the violent anti-Muslim animus that was prevalent within his Anti-Balaka Group, from the commanders down to the elements, and their thirst for vengeance.

**A. YEKATOM’s criminal responsibility under article 25(3)(a) and (b) for the crimes charged**

420. The evidence proves beyond a reasonable doubt YEKATOM’s criminal liability under article 25(3)(a) as a direct and indirect co-perpetrator. He contributed to the charged crimes by: (i) structuring, training and equipping his Anti-Balaka elements; (ii) preparing his Anti-Balaka Group’s attacks and advances, and participating and leading his group in the execution of these; (iii) issuing orders to the members of his Anti-Balaka Group, including patently illegal instructions; and (iv) enlisting children under the age of 15 years into his Anti-Balaka Group. YEKATOM’s essential contributions were made in implementing a common plan together with the commanders and members of his Anti-Balaka Group, to violently target the Muslim civilian population in BANGUI, BOEING, BIMBO, and the LOBAYE Prefecture, resulting in the charged crimes. His contributions were made with the requisite intent and knowledge under article 30.

421. YEKATOM’s criminal liability as an indirect perpetrator under 25(3)(a) is established through the evidence demonstrating beyond a reasonable doubt that (i) his Anti-Balaka Group consisted of an organised and hierarchical apparatus of power; (ii) he committed the charged crimes through his Anti-Balaka Group (iii) he had control over his Anti-Balaka Group; (iv) the execution of the crimes was secured by his Anti-Balaka Group’s almost automatic compliance with his orders; and (v) that he acted with the requisite intent and knowledge under article 30.

422. The evidence equally proves beyond a reasonable doubt YEKATOM’s criminal liability under article 25(3)(b), by ordering his Anti-Balaka Group to commit the charged crimes, having acted with the requisite intent and knowledge under article 30.

## **B. YEKATOM’s criminal responsibility under article 25(3)(a) as a direct and indirect co-perpetrator**

### **a. YEKATOM’s Group committed the charged crimes**

423. As of June 2013, **YEKATOM** — a “career soldier”<sup>846</sup> — had begun gathering his elements in KALANGOI, CAR<sup>847</sup> [REDACTED]<sup>848</sup> [REDACTED].<sup>849</sup> From at least September 2013 through December 2014, **YEKATOM** commanded approximately 3,000 elements, including around 200 FACA.<sup>850</sup>

424. **YEKATOM** organised his Anti-Balaka Group in a military-like hierarchy — with him at the top – organised into sections and companies,<sup>851</sup> under a functioning command structure,<sup>852</sup> with clear reporting lines between subordinates and superiors.<sup>853</sup> His command was led by his deputies Freddy OUANDJIO (aka ‘*Coeur de Lion*’), BEINA, and subordinate commanders — who oversaw the companies and sections.<sup>854</sup> **YEKATOM** also subsequently appointed the ComZones in the areas under his control – who were also under his authority.<sup>855</sup> He exercised control over the members of his Anti-Balaka Group and issued orders and instructions directly to his elements or through his deputies and commanders.<sup>856</sup>

425. **YEKATOM**’s commanders and elements carried out his orders — including criminal instructions — and implemented the common plan throughout the charged period. This and **YEKATOM**’s other essential contributions to the **common** plan resulted in the commission of the charged crimes, including the persecution of Muslims in BANGUI, BOEING, CATTIN, at the YAMWARA School Base, and in the villages and towns along the PK9-MBAIKI axis.

### ***Crimes committed during the 5 December 2013 BANGUI Attack***

<sup>846</sup> P-0888: [T-120](#), p. 65, lines 8-21.

<sup>847</sup> [REDACTED].

<sup>848</sup> [REDACTED].

<sup>849</sup> [REDACTED].

<sup>850</sup> [REDACTED]; [CAR-OTP-2055-2610](#) from [00:07:07] to [00:08:40] transcript and translation [CAR-OTP-2107-6906](#) and [CAR-OTP-2122-2271](#) at 2279-2280, lines 188-236; [REDACTED]: [CAR-OTP-2048-0171-R03](#) at 0185, para. 80.

<sup>851</sup> [REDACTED]; P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 26; P-1647: [CAR-OTP-2050-0654-R02](#) at 0657-0658, paras. 31-34; [CAR-OTP-2065-3448](#) [00:00:00] to [00:00:43]. See also [CAR-OTP-2065-3448](#) transcript and translation [CAR-OTP-2127-7113](#).

<sup>852</sup> [REDACTED]; P-1786: [T-197](#), p. 41, lines 5-14; P-1339: [T-152](#), p. 18, line 13-p. 19, line 4, [T-155](#), p. 35, line 17-p. 37, line 25; P-1647: [CAR-OTP-2050-0654-R02](#) at 0657-0658, para. 35; [CAR-OTP-2065-3220](#) translation, [CAR-OTP-2127-3668](#) (see, in particular, at 3671, lines. 52-53).

<sup>853</sup> [REDACTED]: [T-170](#), p. 34, lines 13-23.

<sup>854</sup> [REDACTED]: [T-170](#), p. 18, lines 12-14; P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, paras 26-27.

<sup>855</sup> P-1647: [CAR-OTP-2050-0654-R02](#), paras. 52, 65.

<sup>856</sup> [REDACTED].

426. The evidence shows that **YEKATOM**'s Group participated in the 5 December Attack on BANGUI.<sup>857</sup> **YEKATOM** was in contact with MOKOM, KONATE and NGREMANGO in the days leading up to the attack, and was, personally or through members of his Anti-Balaka Group, in communication with NGREMANGO during its execution.<sup>858</sup>

427. Prior to the attack, **YEKATOM** [REDACTED],<sup>859</sup> [REDACTED].<sup>860</sup> [REDACTED]<sup>861</sup> Then, on the eve of the attack, **YEKATOM** ordered his Anti-Balaka Group to attack the Muslim civilian population, [REDACTED] - and destroy their houses and Mosques.<sup>862</sup> **YEKATOM** then led his Anti-Balaka Group in the attack, violently targeting the Muslim civilian population at the BOEING Market and CATTIN, killing at least eight Muslim civilians, damaging and destroying the BOEING Mosque, and forcing many Muslim residents of BOEING and CATTIN to flee their homes to other locations.<sup>863</sup> Consequently **YEKATOM** bears criminal responsibility for the war crimes of (i) directing an attack against the civilian population,<sup>864</sup> (ii) murder,<sup>865</sup> (iii) displacement,<sup>866</sup> and (iv) directing an attack against a building dedicated to religion<sup>867</sup> and the crimes against humanity of (i) murder<sup>868</sup> (ii) forcible transfer<sup>869</sup> and (iii) persecution<sup>870</sup> charged in Counts 1-6 and 8.

#### *Crimes committed at the Yamwara School Base*

428. Shortly thereafter, **YEKATOM** established a base for his Anti-Balaka Group at YAMWARA school, billeting approximately one thousand<sup>871</sup> to "thousands"<sup>872</sup> of elements there. While there, **YEKATOM**'s Anti-Balaka elements followed his standing instructions when they detained, abducted and tortured seven persons including three Muslim women and murdered Lapo N'GOMAT because they were Muslim or perceived to be complicit with, and/or supportive of the Seleka.<sup>873</sup> Consequently **YEKATOM** bears criminal responsibility for

<sup>857</sup> See Section V, A, b, paras. 539-546. [REDACTED]: [T-155](#), p. 11, line 24-p. 25, line 6; P-0954: [CAR-OTP-2048-0171-R03](#) at 0176, para. 34; [T-166](#), p. 24, lines 8-21.

<sup>858</sup> See Section V, A, b, para 545.

<sup>859</sup> [REDACTED].

<sup>860</sup> [REDACTED].

<sup>861</sup> [REDACTED].

<sup>862</sup> [REDACTED].

<sup>863</sup> See Section V, A, d, paras 572-577.

<sup>864</sup> Article 8(2)(e)(i) of the [Statute](#).

<sup>865</sup> Article 8(2)(c)(i) of the [Statute](#).

<sup>866</sup> Article 8(2)(e)(viii) of the [Statute](#).

<sup>867</sup> Article 8(2)(e)(iv) of the [Statute](#).

<sup>868</sup> Article 7(1)(a) of the [Statute](#).

<sup>869</sup> Article 7(1)(d) of the [Statute](#).

<sup>870</sup> Article 7(1)(h) of the [Statute](#).

<sup>871</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 26.

<sup>872</sup> P-1647: [CAR-OTP-2050-0654-R02](#), at 0658, para. 31. See [P-1839, testified that they were 'a thousand and something' elements on the MBAIKI road] P-1839: [T-170](#), p. 6, line 12.

<sup>873</sup> See Section V, C, d, paras. 675-684.

the war crimes of (i) cruel treatment,<sup>874</sup> (ii) torture<sup>875</sup> and (iii) murder<sup>876</sup>; and the crimes against humanity of (i) other inhumane acts,<sup>877</sup> (ii) torture<sup>878</sup> (iii) imprisonment or other forms of severe deprivation of liberty<sup>879</sup> and (iv) persecution,<sup>880</sup> charged in Counts 11-16 and 17.

***Crimes committed on the PK9–MBAIKI axis***

429. From the YAMWARA School Base, on or about 10 January 2014, **YEKATOM** ordered his Anti-Balaka Group to take over the area along the route from BANGUI to MBAIKI, in the LOBAYE Prefecture in southwestern CAR — specifically, the PK9-MBAIKI axis.<sup>881</sup> As the takeover of the PK9-MBAIKI axis progressed, **YEKATOM** and OUANDJIO told the elements to “kill all Muslims” that were in the location that they were occupying.<sup>882</sup>

430. By late January 2014, **YEKATOM** and his Group controlled the PK9–MBAIKI axis<sup>883</sup> and had established bases and checkpoints<sup>884</sup> – which were sometimes also manned by children.<sup>885</sup> **YEKATOM**’s Group also used children under age 15 to guard bases and for spying as well as for other tasks.<sup>886</sup>

431. The violent targeting of Muslims by **YEKATOM**’s Group and the accompanying threat of force resulted in the displacement, forcible transfer and deportation of the Muslim civilian population living in the area. Towns and villages along the PK9-MBAIKI axis were emptied of their Muslim populations, as thousands of civilians fled in fear of being targeted and killed by the Anti-Balaka. The evidence confirms that Muslim civilians fled because of the fear of being targeted by **YEKATOM**’s Group.<sup>887</sup> The threat of force and violence from **YEKATOM**’s Group was such that from about the 6 February 2014 onwards the Muslim population in MBAIKI – many of whom had sought refuge there from surrounding areas — had to flee *en masse*, many with only the clothes on their back.<sup>888</sup>

<sup>874</sup> Article 8(2)(c)(i) of the [Statute](#).

<sup>875</sup> Article 8(2)(c)(i) of the [Statute](#).

<sup>876</sup> Article 8(2)(c)(i) of the [Statute](#).

<sup>877</sup> Article 7(1)(k) of the [Statute](#).

<sup>878</sup> Article 7(1)(f) of the [Statute](#).

<sup>879</sup> Article 7(1)(e) of the [Statute](#).

<sup>880</sup> Article 7(1)(h) of the [Statute](#).

<sup>881</sup> See Section V, D, a, para. 697.

<sup>882</sup> P-1839: [T-171](#), p. 35, lines 5-19.

<sup>883</sup> P-0889: [CAR-OTP-2122-7626-R02](#) at 7630, lines 145-146, 156-160; P-2082: [CAR-OTP-2109-0452-R02](#), at 0458, para. 30-31; P-2082: [T-219](#), p. 19, lines 6-21; P-0888: [T-120](#), p. 56, line 17-p. 58, line 17; P-1647: [CAR-OTP-2050-0654-R02](#) at 0660, para. 38-39; D29-6035: [CAR-D29-0009-0444-R01](#) at 0448, para. 35; D29-5015: [T-255](#), p. 44, lines 16-18.

<sup>884</sup> See Section V, D, b, paras 697-700.

<sup>885</sup> See Section V, E, c, paras. 745-749.

<sup>886</sup> See Section V, E, c, para. 749.

<sup>887</sup> See Section V, D, b, i, paras. 701-704.

<sup>888</sup> See Section V, E, b, i, para. 713.

432. Shortly after the mass evacuation of MBAIKI's Muslim population, on or about the 28 February, elements of **YEKATOM's** Group participated in the murder of MBAIKI's Deputy Mayor SALEH<sup>889</sup> – a Muslim civilian and one of the only ones who had dared to remain while the others had fled. Consequently **YEKATOM** bears criminal responsibility for the war crimes of (i) murder<sup>890</sup> and (ii) displacing civilians,<sup>891</sup> and for the crimes against humanity of (i) murder,<sup>892</sup> (ii) forcible transfer<sup>893</sup> and (iii) persecution,<sup>894</sup> charged in Counts 24-27 and 28.

***Enlistment of children into an armed group***

433. Throughout the charged period, **YEKATOM's** Group recruited children under the age of 15.<sup>895</sup> Consequently, **YEKATOM** bears criminal responsibility for the war crime of enlisting children under the age of 15, charged in Count 29.

434. In all, **YEKATOM's** actions helped solidify his Group's place within the structure of the *de facto* Coordination and later National Coordination.<sup>896</sup> As a part of the Anti-Balaka, **YEKATOM** and his Group subscribed to, promoted, and implemented the Anti-Balaka's *Common Purpose* and *Criminal Policy* — which entailed violently targeting the Muslim civilian population in areas of his responsibility, based on their political, ethnic and/or religious affiliation, and their perceived collective responsibility for, complicity with, and/or support of, the Seleka, as their crimes described below show.

**b. YEKATOM's Group committed the charged crimes in the execution of a common plan**

435. **YEKATOM's** Group committed the above crimes in the execution of a common plan to violently target the Muslim civilian population of western CAR, and specifically in BANGUI, (including CATTIN), BOEING and the 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.

436. At all relevant times herein, **YEKATOM** and the members of his Anti-Balaka Group, including the members of his command, such as deputies OUANDJIO and BEINA, and other FACA members participated in this common plan.

<sup>889</sup> See Section V, D, b, i, paras. 720-738.

<sup>890</sup> Article 8(2)(c)(i) of the [Statute](#).

<sup>891</sup> Article 8(2)(e)(viii) of the [Statute](#).

<sup>892</sup> Article 7(1)(a) of the [Statute](#).

<sup>893</sup> Article 7(1)(d) of the [Statute](#).

<sup>894</sup> Article 7(1)(h) of the [Statute](#).

<sup>895</sup> See Section VI, E, c.

<sup>896</sup> [CAR-OTP-2032-0074](#); [CAR-OTP-2110-0048-R05](#) at 0070, para. 132.

**c. The existence of the common plan**

437. The existence and criminal nature of the common plan is established beyond reasonable doubt.

438. The common plan is proven, *inter alia*, through: (i) **YEKATOM's** and his commanders' criminal instructions and orders to target and kill Muslim civilians — [REDACTED], (ii) the resulting criminal conduct of **YEKATOM's** Group targeting and killing Muslim civilians in BOEING Market and CATTIN during the 5 December attack on BANGUI; (iii) the crimes committed by **YEKATOM's** Group against Muslim civilians and perceived Seleka supporters at YAMWARA School Base. (iv) **YEKATOM** and OUANDJIO's order to kill Muslims while on the PK9-MBAIKI axis; (v) the targeting of Muslims by **YEKATOM's** Group while on the PK9-MBAIKI axis; (vi) the murder of Deputy Mayor SALEH in MBAIKI and (vii) the contemporaneous videos of commanders and elements voicing their anti-Muslim animus and intent to harm Muslim civilians — including one in which BEINA threatens a 'Genocide' if DJOTODIA does not step down.

439. The common plan existed prior to the 5 December 2013 BANGUI Attack. [REDACTED],<sup>897</sup> [REDACTED],<sup>898</sup> [REDACTED].<sup>899</sup> [REDACTED].<sup>900</sup> [REDACTED].<sup>901</sup> And on the eve of attack, **YEKATOM** ordered his elements<sup>902</sup> to attack the Muslim civilian population, [REDACTED] and destroy their houses and mosques.<sup>903</sup>

440. These instructions and orders were not only in keeping with the subsequent orders "to kill all Muslims" that **YEKATOM** gave to his elements while advancing through the PK9-MBAIKI axis, but also more broadly with the orders followed by the Anti-Balaka who attacked BOSSANGO on 5 December 2013.<sup>904</sup>

441. That **YEKATOM's** elements killed Muslim civilians in BOEING and CATTIN during the 5 December attack on BANGUI<sup>905</sup> and afterwards, pursuant to **YEKATOM's** orders, [REDACTED] testimony in this regard. It confirms the implementation of the common plan and demonstrates the extent of **YEKATOM's** authority over his subordinates. In the same

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<sup>897</sup> [REDACTED].

<sup>898</sup> [REDACTED].

<sup>899</sup> [REDACTED].

<sup>900</sup> [REDACTED].

<sup>901</sup> [REDACTED].

<sup>902</sup> [REDACTED]: [T-151](#), p. 50, lines 5-13.

<sup>903</sup> [REDACTED]: [T-152](#), p. 34, line 25-p. 35, line 3; [T-154](#), p. 36, line 25-p. 37, line 7; [T-160](#), p. 8, lines 5-25.

<sup>904</sup> See Section V, B. P-0287: [CAR-OTP-2115-0239-R01](#) at 0265, para. 131; [REDACTED]: [CAR-OTP-2111-0415-R04](#) at 0422, para. 36; [T-137](#), p. 46, lines 3-7; P-2269: [CAR-OTP-2111-0336-R01](#) at 0357-0358, para. 161.

<sup>905</sup> See Section V, A, c, paras. 552-554.

vein, the destruction of the BOEING Mosque by **YEKATOM's** elements<sup>906</sup> is also reflective of the common plan as it was targeted because it was used by the Muslim population.<sup>907</sup>

442. Approximately three weeks after the 5 December 2013 BANGUI attack, **YEKATOM's** elements along with ALKANTO (the Chief of the First Division) detained and abducted seven persons — including three Muslim women — at a roadblock in or around CATTIN and brought them to the YAMWARA School Base. The evidence shows that **YEKATOM's** elements targeted and subsequently tortured them — murdering one of them (Lapo N'GOMAT) — because they were Muslims, or for that reason, perceived at the very least to be SELEKA supporters. The brutal murder of LAPO N'GOMAT could not have been committed without the express authorisation from Only **YEKATOM** — as the leader — could order his elements to kill someone. No one else.<sup>908</sup> In fact, when [REDACTED]<sup>909</sup>

443. These criminal acts were consistent with the implementation of the common plan, and with the standing instructions given by **YEKATOM** to his elements — [REDACTED],<sup>910</sup> [REDACTED].”<sup>911</sup>

444. P-1839 testified that as the takeover of the PK9-MBAIKI axis progressed, along the road **YEKATOM** and OUANDJIO told the elements to “kill all Muslims” that were in the location that they were occupying.<sup>912</sup> In response to a follow-up question whether, based on the instructions, there was any difference between armed Muslims and Muslims who were not armed, P-1839 added that “there was no difference because the unarmed Muslims also had weapons that they hid in their homes”.<sup>913</sup> [REDACTED].<sup>914</sup> [REDACTED].<sup>915</sup> [REDACTED].<sup>916</sup>

445. [REDACTED] there is contemporaneous video evidence from December 2013 in which Max MAÏDANA, one of **YEKATOM's** section chiefs, stated publicly that they would kill Muslims and their children.<sup>917</sup>

<sup>906</sup> See Section VI, A, e, para. 578.

<sup>907</sup> [REDACTED].

<sup>908</sup> See Section IV, B, c, I, k, paras. 462-465.

<sup>909</sup> P-1839: [T-170](#), p. 35, line 19-p. 36, line 4.

<sup>910</sup> [REDACTED].

<sup>911</sup> [REDACTED].

<sup>912</sup> P-1839: [T-171](#), p. 35, lines 5-19.

<sup>913</sup> P-1839: [T-171](#), p. 35, lines 20-23.

<sup>914</sup> P-1839: [T-174](#), p. 78, lines 3-14.

<sup>915</sup> P-1839: [T-174](#) [FR], p. 82, lines 14-p. 83, line 27. [T-174](#) [ENG], p. 78, line 3-p. 79, line 6.

<sup>916</sup> P-1839: [T-174](#), p. 78, line 24-p. 79, line 6.

<sup>917</sup> [CAR-OTP-2065-3188](#) [00:00:00] to [00:01:02] transcript [CAR-OTP-2107-1547](#), at 1548, lines 1-18; P-1786: [T-197](#), p. 77, line 11-p.78, line 5.



446. [REDACTED].<sup>918</sup> In any event, just because the witness did not hear such an order does not mean that the order was not given.

447. P-0954's evidence shows the effect of YEKATOM's orders on Muslims living in the towns and villages on the PK9-MBAIKI axis. He states that when it came to a population under YEKATOM's control, there were almost no Muslims left as they all fled.<sup>919</sup>

448. YEKATOM's Group was firmly and exclusively in control of the PK9-MBAIKI axis when, on 28 February 2014, YEKATOM's elements took part in the killing of MBAIKI's Deputy Mayor Djido SALEH. The evidence shows that SALEH — a well-known public figure in MBAIKI and a civilian — was one of the only remaining Muslims in town, when he was savagely attacked, murdered, and mutilated in plain view and in broad daylight.<sup>920</sup>

449. Contemporaneous video interviews of YEKATOM's Group members — from commanders down to the elements — show the violent anti-Muslim animus that fuelled and consumed them during the charged period, and confirms the existence of the common plan. That YEKATOM's elements, including leaders and commander, parroted almost identical anti-Muslim rhetoric publicly, including in the presence of other group members, shows that their violence against Muslims was nurtured, and not merely tolerated by YEKATOM.

450. For instance, in a video interview, BEINA<sup>921</sup> declared that if DJOTODIA did not step down in three days' time they were going to commit a genocide in the CAR.<sup>922</sup> The use of the term "genocide" is not accidental — it was to the contrary a clear warning to the Muslim civilians and demonstrates his shared intent with respect to the implementation of the common plan. In another video, Max MAÏDANA — a section chief responsible for the training of civilians/new recruits<sup>923</sup> at the YAMWARA School Base<sup>924</sup> — explained matter-of-factly while holding a tear gas canister and a launcher in the presence of another element, that they first fire tear gas (« *anti-agresseur lacrymogène* ») into Muslims' homes causing them to choke and forcing them out. He continued: « *dès qu'ils sortent, on les tue* » adding the detail that even the small children are killed because « *on a trop souffert. Et nous, on est des militaires* ». <sup>925</sup> In yet another video, following the statement of a fellow member of YEKATOM's Group

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<sup>918</sup> [REDACTED].

<sup>919</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0187, para. 95.

<sup>920</sup> See Section V, D, b, paras. 720-728.

<sup>921</sup> P-1339: [T-156](#), p. 22, line 17-p. 23, line 5, in relation to video [CAR-OTP-2065-4849](#) at [00:00:00] and [00:05:00]; [T-155](#), p. 25, line 13-p. 26, line 17, in relation to video [CAR-OTP-2065-1055](#) at [00:00:45].

<sup>922</sup> [CAR-OTP-2065-0436](#) [00:00:00] to [00:00:57] transcript [CAR-OTP-2107-1539](#) at 1540, lines 1-18.

<sup>923</sup> P-1647: [T-194](#), p. 46, line 4-p. 51, line 2, p. 61, lines 14-21; P-1786: [T-197](#), p. 78, lines 7-11.

<sup>924</sup> P-1786: [T-197](#), p. 63, lines 14-22.

<sup>925</sup> [CAR-OTP-2065-3188](#) [00:00:00] to [00:01:02] transcript [CAR-OTP-2107-1547](#) at 1548, lines 1-18; P-1786: [T-197](#), p. 77, line 11-p. 78, line 5.

admitting that they have « *égorgé des Musulmans, Nous nous sommes bien occupés d'eux* », Max MAÏDANA introduced himself as “*caporal*” and stated that they want DJOTODIA to leave the country, adding that « *on veut pas voir les musulmans.* »<sup>926</sup>

451. YEKATOM’s elements also expressed the same anti-Muslim animus,<sup>927</sup> including by stating that they wanted to chase the Muslims away,<sup>928</sup> that « *[c]’est pas le pays des musulmans* » while brandishing a machete<sup>929</sup> and that they were there to kill the “arabs”.<sup>930</sup>

452. These statements are consistent with YEKATOM’s instructions and orders to attack the Muslim civilian population, [REDACTED], given prior to the 5 December attack and again on the PK9-MBAIKI axis.<sup>931</sup> They are also consistent with YEKATOM’s video interview at YAMWARA School Base in which he threatened that if DJOTODIA — who by then was invested as the President of the Transition — did not want to leave, then he would be made to leave by force.<sup>932</sup> It is also consistent with the anti-Muslim animus expressed by YEKATOM in a contemporaneous video when he stated that in their “army” they did not “even have Chadians, there is not even one Moussa, not even one Adam.”<sup>933</sup> It was a sentiment also strongly expressed by one of his elements.<sup>934</sup>

453. The content of these videos confirm the truthfulness of P-1839’s response to the Presiding Judge’s question how YEKATOM’s elements, especially the chiefs, spoke about Muslims, explaining their motive to exact retribution: “the Muslims were enemy number one”; “because when the Seleka entered CAR, some Christians had to pay the price, and so it was the same thing the other way around.”<sup>935</sup> [REDACTED].<sup>936</sup>

<sup>926</sup> [CAR-OTP-2065-3172](#) [00:00:00] to [00:01:35] transcript/translation [CAR-OTP-2118-5654](#) at 5657-5658, lines 1-34.

<sup>927</sup> [CAR-OTP-2065-4930](#) [00:00:00] to [00:01:27] transcript [CAR-OTP-2107-1557](#) at 1558, lines 1-35; [CAR-OTP-2065-5404](#) [00:00:00] to [00:00:45] transcript and translation [CAR-OTP-2107-3145](#), at 3147, lines 1-18; [CAR-OTP-2065-3776](#) [00:00:18] to [00:00:56] transcript and translation [CAR-OTP-2107-6930](#) at 6931, lines 7-14; [CAR-OTP-2065-4918](#) [00:00:00] to [00:00:36] transcript and translation [CAR-OTP-2107-3116](#) at 3117, lines 1-23; [CAR-OTP-2107-3118](#) at 3120, lines 1-23; [CAR-OTP-2065-5392](#) [00:00:00] to [00:03:16] transcript and translation [CAR-OTP-2107-3138](#) at 3140-3142, lines 1-91.

<sup>928</sup> [CAR-OTP-2065-3560](#) [00:00:00] to [00:01:13] transcript and translation [CAR-OTP-2107-3060](#) at 3061-3062, lines 1-23, and [CAR-OTP-2107-3063](#) at 3065, lines 1-26.

<sup>929</sup> [CAR-OTP-2065-0802](#) [00:00:30] to [00:01:41] transcript and translation [CAR-OTP-2107-3039](#) at 0340-0341, lines 16-66 and [CAR-OTP-2107-3042](#) at 3044-3045, lines 17-68.

<sup>930</sup> [CAR-OTP-2065-4930](#) [00:00:11] to [00:00:15] transcript [CAR-OTP-2107-1557](#) at 1558, lines 5-7.

<sup>931</sup> P-1839: [T-171](#), p. 35, lines 5-19.

<sup>932</sup> [CAR-OTP-2005-0129](#) [00:21:34] to [00:22:45] transcript and translation [CAR-OTP-2130-1184](#) at 1194, lines 335-338 and [CAR-OTP-2130-1307](#), at 1320, lines 412-415.

<sup>933</sup> [CAR-OTP-2012-0523](#) [00:08:54] to [00:10:20] transcript/translation [CAR-OTP-2118-5507](#) at 5515, lines 246-251 and [CAR-OTP-2118-5547](#) at 5557, lines 254-256.

<sup>934</sup> See [one of his elements also saying that there were no Muslims amongst them] [CAR-OTP-2065-3776](#) [00:00:18] to [00:00:56] transcript and translation [CAR-OTP-2107-6930](#) at 6931, lines 7-14.

<sup>935</sup> P-1839: [T-171](#), p. 34, lines 12-19.

<sup>936</sup> [REDACTED].

**d. YEKATOM's contributions to the common plan were essential**

454. YEKATOM's contributions to the common plan were essential. Without them, the charged crimes would not have been committed, or would have been committed in a significantly different way. YEKATOM's essential contributions comprised: (i) structuring, training, and equipping his elements; (ii) preparing the Anti-Balaka attacks and advances, and participating and leading his Anti-Balaka Group in their execution; (iii) issuing orders to members of his Anti-Balaka Group, including patently illegal instructions; and (iv) recruiting children under the age of 15 into his Anti-Balaka Group. Taking into account the totality of the evidence, YEKATOM's contributions promoted and encouraged his Anti-Balaka Group's Common Purpose, and improved its operational capacity to commit the charged crimes.

*i. YEKATOM structured, trained and equipped his Anti-Balaka Group*

455. By structuring, training and equipping his Anti-Balaka Group, YEKATOM ensured that they had the discipline and the means to follow his orders in an efficient manner — and implement the common plan. YEKATOM fled to ZONGO after the 24 March 2013 *Coup*. According to YEKATOM, the Anti-Balaka movement began there, indeed he later claimed credit for originating it.<sup>937</sup> From ZONGO, YEKATOM's Group moved to KALANGOI, and then onto GBANGBA and PROGET. [REDACTED].<sup>938</sup> However, the size of YEKATOM's Group grew with time as new recruits joined. [REDACTED],<sup>939</sup> [REDACTED].<sup>940</sup> In fact, the evidence shows that by 5 December 2013, YEKATOM's Group numbered more than 1,000 elements.<sup>941</sup> The size of YEKATOM's Group grew to approximately 3,000 elements by the time they entered the PK9-MBAIKI axis.<sup>942</sup>

456. While still in the bush and prior to the 5 December 2013 BANGUI attack, YEKATOM structured his Anti-Balaka Group based on a military model. As such, it was formed as an organised and hierarchical apparatus — with elements organised into military units such as

<sup>937</sup> [CAR-OTP-2065-0716](#) [00:01:02] to [00:01:28] transcript and translation [CAR-OTP-2107-6924](#) at 6925, lines 13-29.

<sup>938</sup> [REDACTED].

<sup>939</sup> [REDACTED].

<sup>940</sup> [REDACTED] [CAR-OTP-2012-0523](#) [00:10:17] to [00:10:20] transcript and translation [CAR-OTP-2118-5507](#) at 5516, lines 267-271; [T-155](#), p. 25, line 15-p. 27, line 8 in relation to [CAR-OTP-2065-1055](#) at [00:00:54]; [REDACTED] [CAR-OTP-2065-3897](#) [00:00:00] to [00:01:55] with transcript and translation [CAR-OTP-00000811](#) at 000002, lines 1-31 and [CAR-OTP-00000822](#) at 000003-000004, lines 1-48; [REDACTED] [REDACTED] [CAR-OTP-2094-7618](#) [00:10:32] to [00:10:35] transcription and translation [CAR-OTP-2118-4284](#), [CAR-OTP-2118-4260](#) and [CAR-OTP-2118-4272](#).

<sup>941</sup> [REDACTED]; [CAR-OTP-2065-0396](#) [00:01:05] to [00:01:40] transcript and translation [CAR-OTP-2107-6918](#) at 6919, lines 24-26 and [CAR-OTP-2122-2284](#), at 2286, lines 24-26.

<sup>942</sup> [CAR-OTP-2055-2610](#) [00:07:15] to [00:08:12] transcript and translation, [CAR-OTP-2107-6906](#) at 6913-6914, lines 193-233 and [CAR-OTP-2122-2271](#) at 2279-2280, lines 193-236; [REDACTED]: [T-159](#), p. 35, lines 1-4; [T-151](#), p. 38, lines 1-19; [REDACTED]: [CAR-OTP-2048-0171-R03](#), at 0185, para. 80; P-2084: [CAR-OTP-2094-0968-R02](#) at 0983, para. 77.

companies and sections in a functioning chain of command<sup>943</sup> — which was effectively under his direction and control.<sup>944</sup> This structure remained in place throughout the charged period.

*i) YEKATOM positioned himself as the leader of his Anti-Balaka group*

457. There is overwhelming and uncontested evidence proving **YEKATOM**'s leadership of his Anti-Balaka group during the charged period. In this regard, the Prosecution also incorporates by reference its previous Regulation 55(2) submissions concerning **YEKATOM**'s leadership and effective authority over his Anti-Balaka Group.<sup>945</sup>

458. Despite being only a FACA *caporal chef*,<sup>946</sup> **YEKATOM** effectively wielded authority over his commanders and elements – regardless of whether they held a higher rank in the FACA or not. [REDACTED]<sup>947</sup> — testified that **YEKATOM** was a ‘warlord’, [REDACTED].<sup>948</sup> Contemporaneous video evidence corroborates this: **YEKATOM** can be heard telling his men that his orders had to be obeyed by all, regardless of their rank.<sup>949</sup> In another contemporaneous video, **YEKATOM** interrupts YAGOUZOU while he is instructing the elements — to say that as militaries they are not to follow orders from civilians: « *il ne faut pas laisser les civils vous dominer* » and that « *[c]’est pas a vous de donner ... des ordres.* »<sup>950</sup>

459. **YEKATOM** led his Anti-Balaka Group prior to and during the 5 December 2013 BANGUI attack,<sup>951</sup> when based at the YAMWARA School Base,<sup>952</sup> and when his Anti-Balaka Group controlled the PK9-MBAIKI axis.<sup>953</sup> He also led the group when affirming his allegiance to the **NGAISSONA**-led Anti-Balaka National Coordination,<sup>954</sup> as well as in the period leading to his agreement to demobilise 153 associated children.<sup>955</sup>

<sup>943</sup> [REDACTED].

<sup>944</sup> [REDACTED]: [CAR-OTP-2048-0171-R03](#) at 0176, para. 34.

<sup>945</sup> ICC-01/14-01/18-1973-Conf; ICC-01/14-01/18-1345-Conf and ICC-01/14-01/18-503.

<sup>946</sup> P-1339: [T-151](#), p. 19, lines 14-17.

<sup>947</sup> P-487: [T-201](#), p. 9, lines 4-8.

<sup>948</sup> P-0487: [T-201](#), p. 36, lines 2-19.

<sup>949</sup> [CAR-OTP-2065-3780](#) [00:00:00] to [00:05:15] transcript and translation [CAR-OTP-2118-5662](#) at 5664, lines 23-25.

<sup>950</sup> [CAR-OTP-2065-3220](#) [00:00:00] to [00:04:30] transcript and translation [CAR-OTP-2127-3668](#) at 3670-3671, lines 27-50.

<sup>951</sup> [REDACTED]: [CAR-OTP-2048-0171-R03](#) at 0176, para. 34.

<sup>952</sup> P-0487: [T-201](#), p. 36, lines 2-19; [CAR-OTP-2065-0396](#) [00:01:11] to [00:01:40] translation [CAR-OTP-2122-2284](#) at 2286, lines 6-26.

<sup>953</sup> P-1839: [T-170](#), p. 45, line 24-p. 46, line 17; P-2419: [CAR-OTP-2112-0036-R03](#) at 0051, para. 87; [CAR-OTP-2128-1373](#); [CAR-OTP-2032-0074](#); D29-5015: [T-255](#), p. 44, line 23-p. 45, line 4.

<sup>954</sup> [CAR-OTP-2032-0074](#).

<sup>955</sup> [CAR-OTP-2128-1373](#).

460. At all times relevant to the charges, **YEKATOM** was recognised as the highest authority and leader of his group by his subordinates,<sup>956</sup> the Anti-Balaka Coordination,<sup>957</sup> the CAR authorities, and the national and international community.<sup>958</sup>

*j) YEKATOM structured his Anti-Balaka Group and cemented his authority*

461. **YEKATOM**'s Group carried out his orders in accordance with a military-like hierarchy.<sup>959</sup> The evidence establishes that **YEKATOM**'s Group was "very well structured"<sup>960</sup> and that the elements "didn't do anything without his [**YEKATOM**'s] authorisation".<sup>961</sup> Contemporaneous video evidence shows **YEKATOM** and commanders/subcommanders instructing elements regarding respect for military hierarchy.<sup>962</sup>

*k) Only YEKATOM could order someone to be killed or spared*

462. **YEKATOM** was the top authority within the line of command of his Anti-Balaka Group and ordered his subordinates — his command was plenary. Disobedience or perceived disloyalty or betrayal could result in death. **YEKATOM**'s subordinates feared him. [REDACTED].<sup>963</sup> [REDACTED].<sup>964</sup> [REDACTED].<sup>965</sup> **YEKATOM**'s authority over his elements was such that P-1786 did not remember anyone ever disobeying him; he stated that he would not have survived if ever he had done so.<sup>966</sup> P-1858 testified that when **YEKATOM** gave orders his elements had to obey, if not "he would hit you or you would be killed";<sup>967</sup> **YEKATOM**'s orders were obeyed without question — even his FACA elements were afraid of him.<sup>968</sup>

463. Contemporaneous video evidence shows the fear of **YEKATOM**, when he forcefully interrupted YAGOZOU – who was instructing the elements – to say that as militaries they

<sup>956</sup> P-1339: [T-151](#), p. 41, line 21-p. 42, line 8; P-1839: [T-170](#), p. 17, lines 15-24; P-1647: [CAR-OTP-2050-0654-R02](#) at 0659, paras. 34-35; P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, paras. 26-28; P-0487: [T-201](#), p. 24, line 18-p. 26, line 6.

<sup>957</sup> P-0808: [CAR-OTP-2025-0324-R05](#) at 0332-0333, para. 56; P-1193: [CAR-OTP-2045-0048-R03](#) at 0053, para. 33; [CAR-OTP-2039-0020](#) at 0020.

<sup>958</sup> [CAR-OTP-2005-0129](#) [00:22:01] to [00:22:45] transcript and translation [CAR-OTP-2130-1184](#) at 1194, lines 323-342 and [CAR-OTP-2130-1307](#) at 1319-1320, lines 390-418; [CAR-OTP-0080-0840](#) at 0842; [CAR-OTP-0080-0821](#) at 0823; [CAR-OTP-2051-0743](#) at 0745.

<sup>959</sup> [REDACTED]: [CAR-OTP-2058-0200-R03](#) at 0205, paras. 26-29; P-1786: [T-197](#), p. 46, line 18-p. 47, line 8.

<sup>960</sup> P-0888: [T-120](#), p. 34, line 17-p. 35, line 7.

<sup>961</sup> P-2328: [T-047](#), p. 69, lines 8-18.

<sup>962</sup> [CAR-OTP-2065-3212](#) [00:00:00] to [00:01:32], transcript and translation, [CAR-OTP-2127-3662](#), at 3664, lines 3-30.

<sup>963</sup> [REDACTED].

<sup>964</sup> [REDACTED].

<sup>965</sup> [REDACTED].

<sup>966</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 28. See [CAR-OTP-2065-2169](#) [00:00:00] to [00:02:56] transcript and translation [CAR-OTP-2127-3615](#) at 3618, lines 1-62.

<sup>967</sup> [REDACTED]: [T-185](#), p. 26, lines 4-15.

<sup>968</sup> [REDACTED]: [T-185](#), p. 29, lines 12-23.

are not to follow orders from civilians: « *il ne faut pas laisser les civils vous dominer* » and aggressively stated, « *[c]'est pas a vous de donner ... des ordres.* » Through it all, YAGOUZOU was practically speechless save to meekly say that he agreed.<sup>969</sup> As such, when **YEKATOM** trained his Anti-Balaka Group prior to the 5 December attack on BANGUI [REDACTED],<sup>970</sup> [REDACTED].<sup>971</sup> [REDACTED].<sup>972</sup> The murder of Muslim civilians in BOEING and CATTIN by **YEKATOM's** Group demonstrates the weight and extent of his authority. [REDACTED] when orders were given by **YEKATOM** and his deputies “those orders had to be carried out.”<sup>973</sup>

464. [REDACTED].<sup>974</sup>

465. **YEKATOM** did not hesitate in taking matters into his own hands when he deemed it necessary. [REDACTED]<sup>975</sup> [REDACTED]<sup>976</sup> [REDACTED].<sup>977</sup> [REDACTED].<sup>978</sup>

466. **YEKATOM's** command included his FACA deputies OUANDJIO and BEINA, *caporal-chef* Rodrigue MOMOKAMA (“MOMOKAMA”) — **YEKATOM's** *aide-de-camp*,<sup>979</sup> caporal Aristide BEINA, caporal Devy LAKO-TOEMA (“LAKO-TOEMA”),<sup>980</sup> and others such as Junior KEAPEX.<sup>981</sup> The members of the command communicated by mobile phone or in person.<sup>982</sup> Both OUANDJIO and BEINA were subordinate to **YEKATOM**.<sup>983</sup> FACA members, such as MAÏDANA,<sup>984</sup> oversaw the companies and the sections,<sup>985</sup> and reported directly to **YEKATOM** and to OUANDJIO; and following OUANDJIO's death, to BEINA.<sup>986</sup> **YEKATOM** would often give his orders through OUANDJIO or BEINA<sup>987</sup> or

<sup>969</sup> [CAR-OTP-2065-3220](#) [00:00:00] to [00:04:30] transcript and translation [CAR-OTP-2127-3668](#) at 3670-3671, lines 27-50.

<sup>970</sup> [REDACTED].

<sup>971</sup> [REDACTED].

<sup>972</sup> [REDACTED].

<sup>973</sup> [REDACTED].

<sup>974</sup> [REDACTED].

<sup>975</sup> [REDACTED].

<sup>976</sup> [REDACTED].

<sup>977</sup> [REDACTED].

<sup>978</sup> [REDACTED].

<sup>979</sup> P-1339: [T-155](#), p. 23, line 23-p. 24, line 3.

<sup>980</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, paras. 26-28.

<sup>981</sup> P-1339: [T-151](#), p. 27, lines 14-25; p. 44, line 8-p. 45, line 19; P-0954: [CAR-OTP-2048-0171-R03](#) at 0185, para. 80; P-1786: [CAR-OTP-2058-0200-R03](#), at 0210, paras. 56-58; [CAR-OTP-2039-0063](#).

<sup>982</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0206, para. 33.

<sup>983</sup> [REDACTED]; P-1839, [T-170](#), p. 18, lines 3-7; P-1647: [CAR-OTP-2050-0654-R02](#) at 0658, paras. 30, 35.

<sup>984</sup> P-1647: [T-194](#), p. 50, lines 12-14; P-1786: [T-197](#), p. 77, line 7-p. 78, line 11.

<sup>985</sup> [REDACTED]; P-1839: [T-170](#), p. 18, lines 12-14; P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, paras. 26-27; P-1647: [CAR-OTP-2050-0654-R02](#) at 0657-0658, paras. 34-35.

<sup>986</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0662, para. 51; P-1786: [T-197](#), p. 41, lines 6-14; p. 47, lines 1-8; P-1339: [T-151](#), p. 44, lines 4-21.

<sup>987</sup> P-1839: [T-197](#), p. 47, lines 1-5.

would give them directly to the commanders.<sup>988</sup> The elements at the base of the hierarchy reported to their section chiefs and executed their orders.<sup>989</sup>

*l) Organisation prior to the 5 December attack on Bangui*

467. **YEKATOM**'s elements were already organised into military-type units prior to the 5 December attack on BANGUI, including sections commanded by their respective chiefs,<sup>990</sup> who reported back to the command and ultimately **YEKATOM**.<sup>991</sup> [REDACTED] **YEKATOM** — the “boss”<sup>992</sup> — with his deputies OUANDJIO and BEINA, [REDACTED].<sup>993</sup> [REDACTED]<sup>994</sup> [REDACTED].<sup>995</sup> [REDACTED].<sup>996</sup> [REDACTED];<sup>997</sup> [REDACTED].<sup>998</sup>

468. **YEKATOM** was kept informed of matters regarding his Anti-Balaka Group, even in his absence. [REDACTED].<sup>999</sup> Further, when [REDACTED].<sup>1000</sup> [REDACTED].<sup>1001</sup>

*m) The size and composition of YEKATOM's Group*

469. By 5 December 2013, **YEKATOM**'s Group numbered over 1,000 elements.<sup>1002</sup> When **YEKATOM**'s Group arrived at PROGET just before the attack, they were joined by elements from BOSSANGO, “GOBÉRÉ 1” led by MODIBO (aka MARABOUT / Honore NGANAFIO)<sup>1003</sup> and BOSSEMBELE, “GOBÉRÉ 2”, led by Sylvestre YAGOUZOU.<sup>1004</sup>

470. FACA members were an important part of **YEKATOM**'s Group given their military experience, they were instrumental in leading, training and readying the elements and new recruits for combat.<sup>1005</sup> Women were also part of **YEKATOM**'s Group; in fact [REDACTED] they were “key elements”<sup>1006</sup> [REDACTED].<sup>1007</sup>

<sup>988</sup> P-1339: [T-151](#), p. 44, line 4-p. 45, line 5; P-1786: [CAR-OTP-2058-0200-R03](#) at 0204, para. 23.

<sup>989</sup> P-1786: [T-197](#), p. 73, lines 16-24.

<sup>990</sup> [REDACTED].

<sup>991</sup> [REDACTED].

<sup>992</sup> [REDACTED].

<sup>993</sup> [REDACTED].

<sup>994</sup> [REDACTED].

<sup>995</sup> [REDACTED].

<sup>996</sup> [REDACTED].

<sup>997</sup> [REDACTED].

<sup>998</sup> [REDACTED].

<sup>999</sup> [REDACTED].

<sup>1000</sup> [REDACTED].

<sup>1001</sup> [REDACTED].

<sup>1002</sup> [REDACTED].

<sup>1003</sup> P-1339: [T-155](#), p. 84, line 1-p. 87, line 23 in relation to [CAR-OTP-2041-0783](#); [T-155](#), p. 88, lines 17-23.

<sup>1004</sup> P-1339: [T-152](#), p. 70, lines 4-20, p. 77, lines 3-14; p. 79, line 20-p. 80, line 14.

<sup>1005</sup> See Section IV, B, c, i, p, paras 483.

<sup>1006</sup> [REDACTED].

<sup>1007</sup> [REDACTED].

471. Witnesses estimate that **YEKATOM**'s Group based at YAMWARA school numbered from approximately a thousand<sup>1008</sup> to “thousands”,<sup>1009</sup> including FACA members,<sup>1010</sup> with **YEKATOM** at its apex.<sup>1011</sup> **YEKATOM** stated in a video interview taken just a couple of days after the 5 December attack, that he had 1,500 men.<sup>1012</sup> Contemporaneous video evidence confirms the large number of **YEKATOM**'s elements.<sup>1013</sup>

472. Witnesses P-1786<sup>1014</sup> and P-1647<sup>1015</sup> provided evidence that **YEKATOM**'s Group at YAMWARA School Base was divided into military units commanded by FACA members who would sometimes wear military uniforms.<sup>1016</sup> [REDACTED],<sup>1017</sup> [REDACTED] “there were many sections” and that each consisted of 30 to 40 persons.<sup>1018</sup> [REDACTED].<sup>1019</sup> **YEKATOM**'s Group continued to be organised in military units throughout the charged period.

473. Members of the Anti-Balaka “GOBERE Group” from BOSSANGOA arrived at YAMWARA School Base during the time that [REDACTED].<sup>1020</sup> This is supported by contemporaneous video evidence showing YAGOUZOU<sup>1021</sup> and MODIBO<sup>1022</sup> in the presence of **YEKATOM** — who is called “Chef”.<sup>1023</sup> In this regard, P-1786 provided evidence that the section(s) from BOSSANGOA under MODIBO would ultimately wait for **YEKATOM**'s orders, as he was the chief of everyone at YAMWARA, BIMBO and MBAIKI.<sup>1024</sup>

<sup>1008</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 26.

<sup>1009</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0658, para. 31; P-1839: [T-170](#), p. 6, line 12.

<sup>1010</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, paras. 26-27; P-1786; [T-197](#), p. 60, line 16-p. 61, line 6; P-1839: [T-170](#), p. 8-14; p. 34, lines 5-18; P-1647: [CAR-OTP-2050-0654-R02](#) at 0658, para. 33.

<sup>1011</sup> P-1786: [T-197](#), p. 46, line 18-p. 47, line 8; P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 27; P-1839: [T-170](#), p. 17, line 25-p. 18, line 7.

<sup>1012</sup> [CAR-OTP-2065-0396](#) [00:01:15] to [00:01:40] transcript and translation [CAR-OTP-2107-6918](#) at 6919, lines 25-26 and [CAR-OTP-2122-2284](#) at 2286, lines 24-26.

<sup>1013</sup> See [CAR-OTP-2012-0523](#) [00:43:52] to [44:26:00] translation, [CAR-OTP-2118-5547](#) at 5581-5582, lines 1112-1130.

<sup>1014</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, paras. 26-27.

<sup>1015</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0658-0659, paras. 33-34.

<sup>1016</sup> P-1839: [T-170](#), p. 34, lines 5-9; [CAR-OTP-2065-0999](#) [00:00:52] to [00:01:23] transcript [CAR-OTP-2107-1543](#) at 1544, lines 1-16.

<sup>1017</sup> [REDACTED].

<sup>1018</sup> [REDACTED].

<sup>1019</sup> [REDACTED].

<sup>1020</sup> [REDACTED].

<sup>1021</sup> [CAR-OTP-2065-5470](#) [00:00:32] to [00:01:46] transcript and translation at [CAR-OTP-2107-1559](#), at 1560, lines 16-25.

<sup>1022</sup> P-1339: [T-155](#), p. 83, line 3-p. 84, line 7, in relation to [CAR-OTP-2012-0523](#), at [00:38:25] to [00:39:06] transcript at [CAR-OTP-2118-5507](#) at 5535-5536, lines 963-981.

<sup>1023</sup> [CAR-OTP-2012-0523](#) at [00:38:25] to [00:39:20] transcript at [CAR-OTP-2118-5507](#) at 5535-5536, lines 963-981.

<sup>1024</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 27.



474. Children were also enlisted in **YEKATOM**'s Group and were subsequently used for different tasks, including guarding and manning roadblocks or checkpoints.<sup>1025</sup> P-0888 testified that while DJOTODIA was still in power “wherever there were armed groups” — and not only in the case of **YEKATOM**'s Group — “uncontrolled children joined those armed groups and stayed with them.”<sup>1026</sup>

475. Documentary evidence attests to the significant number of elements under **YEKATOM**'s authority and corroborates the information provided by insider witnesses.<sup>1027</sup>

*n) Discipline*

476. As the leader of his Anti-Balaka Group, **YEKATOM** enforced discipline through violence and the fear that it caused among the elements. He had no qualms about beating, shooting at,<sup>1028</sup> killing<sup>1029</sup> or threatening to kill<sup>1030</sup> his own elements if he thought them to be disloyal or not following his orders, or simply to assert his authority. This ensured their compliance with his orders and maintained the chain of command and his authority.<sup>1031</sup> Discipline was an important matter within **YEKATOM**'s Group.<sup>1032</sup> In fact, P-0888 testified that **YEKATOM**'s Group was “well organized” and implemented a military discipline.<sup>1033</sup>

477. **YEKATOM** gave orders, followed up on them and punished elements if they did not follow them.<sup>1034</sup> Although section chiefs could discipline their elements if they made a mistake, it was ultimately the “superiors” who would handle the more serious matters.<sup>1035</sup>

478. P-0888 confirmed in his testimony that **YEKATOM** could punish his elements if they did not follow orders, adding that **YEKATOM** was a “responsible person” who knew “the point of having discipline”.<sup>1036</sup> P-1647 stated that **YEKATOM** was “in charge of discipline” and that, for instance, when his Anti-Balaka Group would take over new areas and elements would erect checkpoints without his authorisation (“illegal ones”), he would find out who was

<sup>1025</sup> See Section V, E, c, paras. 747-763..

<sup>1026</sup> P-0888: [T-120](#), p. 75, line 20-p. 78, line 23.

<sup>1027</sup> [REDACTED] [CAR-OTP-2039-0063](#); [CAR-OTP-2094-3642](#); [REDACTED]: [T-124](#), p.36, lines 12-23 in relation to [CAR-OTP-2039-0050](#) at 0050-0062; [CAR-OTP-2094-3500](#); [CAR-OTP-2094-3627](#).

<sup>1028</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0661, para. 53.

<sup>1029</sup> P-1839: [T-171](#), p. 22, line 8-p. 24, line 16; [CAR-OTP-2012-0523](#) [00:49:33] to [00:51:29] translation, [CAR-OTP-2118-5547](#) at 5585-5587, lines 1252-1321.

<sup>1030</sup> [CAR-OTP-2065-2169](#) [00:00:00] to [00:02:56] transcript and translation [CAR-OTP-2127-3615](#), at 3618, lines 55-62.

<sup>1031</sup> P-0888: [T-120](#), p. 34, line 19-p. 36, line 18; p. 39, lines 9-15.

<sup>1032</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 29; [CAR-OTP-2120-0305](#) [00:00:48] to [00:01:35] transcript [CAR-OTP-2118-4772](#) at 4773-4774, lines 19-59; P-1339: [T-151](#), p. 39, line 5-p. 41, line 1, p. 44, lines 4- 21; P-1839: [T-170](#), p. 25, line 23-p. 26, line 7.

<sup>1033</sup> P-0888: [T-120](#), p. 35, lines 1-15.

<sup>1034</sup> P-0888: [T-120](#), p. 35, line 16-p. 36, lines 18.

<sup>1035</sup> P-1647: [T-195](#), p. 30, lines 11-18.

<sup>1036</sup> P-0888: [T-120](#), p. 36, lines 8-12.

responsible and personally punish the commanders, striking them with a stick. P-1647 witnessed this “many times”.<sup>1037</sup> Similarly, [REDACTED]<sup>1038</sup> [REDACTED],<sup>1039</sup> [REDACTED].

479. P-1839 testified that elements who disobeyed orders at YAMWARA school were subjected to physical disciplinary measures which consisted of *inter alia* putting the transgressor’s head on the ground with their hands behind their back.<sup>1040</sup> Similarly, P-1786 provided evidence that elements who committed theft would be disciplined by being tied and whipped in front of the others early in the morning to “send a message to the others”.<sup>1041</sup> Contemporaneous video evidence shows that elements who did not properly man their checkpoints / barriers were subjected to violent disciplinary measures executed in public.<sup>1042</sup>

480. Once disciplinary measures were ordered by **YEKATOM** or his commanders these were irrevocable and unavoidable. [REDACTED].<sup>1043</sup>

481. **YEKATOM** was well informed of any “problems” concerning his elements, [REDACTED].<sup>1044</sup>

*o) The implementation of an administrative structure*

482. **YEKATOM** also implemented an administrative structure from the outset while still in the bush. [REDACTED].<sup>1045</sup> [REDACTED].<sup>1046</sup> Subsequently, **YEKATOM** [REDACTED]<sup>1047</sup> [REDACTED] ”<sup>1048</sup> He also directed elements to collect mobile phones and sim cards from new recruits,<sup>1049</sup> maintain notes and records on the names and positions of the elements,<sup>1050</sup> and keep a presence record.<sup>1051</sup>

*p) YEKATOM organised and trained his elements*

<sup>1037</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0660, paras. 40-41. See also P-1339: [T-155](#), p. 75, lines 19-21, p. 77, line 23-p. 80, line 20, p. 81, lines 10-17, in relation to [CAR-OTP-2065-3220](#) [00:00:00] to [00:04:30] transcript and translation [CAR-OTP-2127-3668](#), at 3670-3671, lines 1-71.

<sup>1038</sup> P-1839: [T-171, p. 22, lines 5-16](#).

<sup>1039</sup> P-1647: [CAR-OTP-2050-0654-R02 at 0661, para. 53](#).

<sup>1040</sup> P-1839: [T-170](#), p. 25, line 23-p. 24, line 7.

<sup>1041</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0206, para. 30.

<sup>1042</sup> [CAR-OTP-2005-0129](#) at [00:25:30] to [00:26:30] transcript and translation [CAR-OTP-2130-1184](#) at 1195, lines 378-388.

<sup>1043</sup> [REDACTED].

<sup>1044</sup> [REDACTED].

<sup>1045</sup> [REDACTED].

<sup>1046</sup> [REDACTED].

<sup>1047</sup> [REDACTED].

<sup>1048</sup> [REDACTED].

<sup>1049</sup> [CAR-OTP-2065-3977](#) [00:00:00] to [00:01:14], transcript and translation [CAR-OTP-2127-3686](#) at 3688, lines 3-19.

<sup>1050</sup> [CAR-OTP-2065-3827](#) [00:00:00] to [00:00:53], transcript [CAR-OTP-2107-3362](#) at 3363, lines 4-22.

<sup>1051</sup> [CAR-OTP-2065-4332](#) [00:00:00] to [00:00:57], transcript [CAR-OTP-2122-7399](#), at 7400, lines 3-27.

483. [REDACTED], **YEKATOM** organised and provided military training to his elements [REDACTED] on the use of weapons such as machetes, knives, guns, and AK47-type rifles.<sup>1052</sup> Section heads — and the FACA members among them<sup>1053</sup> — trained the elements who were under their respective command.<sup>1054</sup> [REDACTED],<sup>1055</sup> [REDACTED].<sup>1056</sup> In one contemporaneous video, **YEKATOM** is seen stating — referring to his Anti-Balaka Group’s GBANGBA base<sup>1057</sup> — that this is the location where the military training is conducted including that of the newly recruited “*jeunes*”.<sup>1058</sup>

484. [REDACTED],<sup>1059</sup> [REDACTED].<sup>1060</sup> Given that many elements lacked combat experience or discipline, their training enabled them to carry out the crimes more effectively.

485. At the YAMWARA School Base gatherings of the elements were convened in the mornings and evenings to verify their presence or for other matters,<sup>1061</sup> and all companies would come together once a week in the presence of Company Adjutants, the Deputy and **YEKATOM**.<sup>1062</sup>

486. Through his commanders, **YEKATOM** organised military training for the new recruits at the YAMWARA School Base.<sup>1063</sup> The training would sometimes take place in the classrooms.<sup>1064</sup> P-1786 testified that civilians who joined **YEKATOM**’s Group received military training so that they could “acquire the military spirit”<sup>1065</sup> and section chiefs would train the new recruits pursuant to **YEKATOM**’s instructions.<sup>1066</sup> [REDACTED] the elements were put through “intense” training covering how to use their weapons, including firearms and

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<sup>1052</sup> [REDACTED].

<sup>1053</sup> [REDACTED].

<sup>1054</sup> [REDACTED].

<sup>1055</sup> [REDACTED].

<sup>1056</sup> [REDACTED].

<sup>1057</sup> [REDACTED] [CAR-OTP-2065-0951](#) [00:01:08] to [00:02:00] transcript/translation [CAR-OTP-2107-6928](#) at 6929, lines 13-24 and [CAR-OTP-2122-2297](#) at 6929, lines 13-24.

<sup>1058</sup> [CAR-OTP-2065-0951](#) [00:01:08] to [00:02:00] transcript/translation [CAR-OTP-2107-6928](#) at 6929, lines 13-24 and [CAR-OTP-2122-2297](#) at 6929, lines 13-24.

<sup>1059</sup> [REDACTED].

<sup>1060</sup> [REDACTED].

<sup>1061</sup> [CAR-OTP-2012-0523](#) [00:43:46] to [00:44:48] transcript and translation [CAR-OTP-2118-5507](#) at 5539-5540, lines 1098-1122.

<sup>1062</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0659, para. 34.

<sup>1063</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0658, para. 33; P-1839: [T-170](#), p. 24, lines 1-20; P-1786: [T-197](#), p. 69, lines 10-20, p. 71, line 11-p. 72, line 16 in relation to video [CAR-OTP-2065-0951](#) [00:00:00] to [00:02:00] with its transcript and translation [CAR-OTP-2122-2297](#) at 2299, lines 13-24; [CAR-OTP-2120-0305](#) [00:00:48] to [00:01:35] transcript [CAR-OTP-2118-4772](#) at 4773, line 19-4774, line 59; [CAR-OTP-2065-0999](#) [00:00:52] to [00:01:23] transcript [CAR-OTP-2107-1543](#) at 1544, lines 1-16; P-1647: [T-194](#), p. 18, lines 8-17 in relation to [CAR-OTP-2095-5474](#). See [related video] [CAR-OTP-2096-2477](#) at 00:0:00 to 00:00:45, transcript and translation at [CAR-OTP-2130-1383](#) at 1385, lines 3-15.

<sup>1064</sup> P-1786: [T-197](#), p. 29, line 2-p. 30, line 6 in relation to [CAR-OTP-2095-5474](#).

<sup>1065</sup> P-1786: [T-197](#), p. 71, line 22-p. 72, line 8.

<sup>1066</sup> P-1786: [T-197](#), p. 72, line 9-16.

‘cannons’.<sup>1067</sup> Video evidence demonstrates some of the basic training the elements received at the YAMWARA School Base.<sup>1068</sup>

487. According to P-1647’s evidence, **YEKATOM** — who was trained in international humanitarian law (“IHL”) like other FACA members<sup>1069</sup> — permitted outsiders to provide limited training to some of his elements on IHL.<sup>1070</sup> P-1647 testified that he and other senior officers provided advice on and trained the elements regarding IHL – which included how to treat civilians in the course of combat.<sup>1071</sup> However, this training seemed to be focussed simply on “raising awareness for human rights on the frontline” and not on the principle of distinction. In any event, the evidence demonstrates that **YEKATOM** and his elements did not consider IHL when they targeted Muslim civilians.

488. On this matter, P-1647’s evidence that before the attack on PK9, **YEKATOM** would have instructed the company commanders to tell the troops “to fight the enemy and not the civilians”<sup>1072</sup> is self-serving and should be treated with great caution. The same applies to P-1786’s testimony that he instructed the elements to fight the Seleka but not to target the Muslim civilians.<sup>1073</sup> [REDACTED]<sup>1074</sup> and therefore exposed to criminal responsibility for the elements under their command committing crimes against Muslim civilians, or for having relayed any criminal orders from **YEKATOM** in this regard. More significantly, their testimony on this point is manifestly contradicted by the events and crimes in which **YEKATOM**’s Group participated, as demonstrated by independent, reliable and credible evidence — both testimonial and documentary.

489. P-1786’s and P-1647’s evidence is in striking contrast with the threatening and violent anti-Muslim rhetoric consistently expressed by members of **YEKATOM**’s Command including BEINA and subordinate commanders, such as MAÏDANA, in contemporaneous video interviews.<sup>1075</sup> It is also fundamentally at odds with the evidence of **YEKATOM**’s [REDACTED] orders prior to the 5 December 2013 attack on BANGUI<sup>1076</sup> and **YEKATOM**’s

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<sup>1067</sup> [REDACTED].

<sup>1068</sup> [CAR-OTP-2012-0523](#) [00:43:46] to [00:44:48] transcript and translation [CAR-OTP-2118-5507](#) at 5539-5540, lines 1098-1122; [CAR-OTP-2065-3917](#), [00:00:00] to [00:00:21] transcript [CAR-OTP-2122-7506](#), at 7507, lines 1-4; [CAR-OTP-2065-3969](#) [00:00:00] to [00:00:50] transcript and translation at [CAR-OTP-2107-3086](#), at 3088, lines 1-17; [CAR-OTP-2065-3973](#) [00:00:00] to [00:00:26] transcript and translation [CAR-OTP-2127-7117](#).

<sup>1069</sup> P-1647: [T-194](#), p. 44, line 23-p. 45, line 8.

<sup>1070</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0658-0659, para. 33.

<sup>1071</sup> P-1647: [T-194](#), p. 42, line 18-p. 44, line 22.

<sup>1072</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0659, para. 35.

<sup>1073</sup> P-1786: [T-198](#), p. 38, line 22-p.39, line 7.

<sup>1074</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0658, paras. 33-34, at 0659, para. 35.

<sup>1075</sup> See Section IV, B, b, i, paras. 449-452.

<sup>1076</sup> See Section IV, B, a, para.427.

elements' subsequent implication in the (i) killing of Muslim civilians in BOEING and CATTIN; (ii) abduction, torture of the seven persons – including three Muslim women – and the murder of LAPO N'GOMAT at YAMWARA school Base - where witnesses P-1647 and P-1786 were billeted and the (iii) savage murder and dismemberment of Djido SALEH in MBAIKI.

490. Lastly, P-1786's and P-1647's evidence is contradicted by P-1839's evidence on the clear orders issued by **YEKATOM** and OUANDJIO to kill all Muslims on the PK9-MBAIKI road.<sup>1077</sup> P-1786 and P-1647 must have been aware of these orders. [REDACTED]<sup>1078</sup> [REDACTED].

491. **YEKATOM** later set up several other bases, including at PK9,<sup>1079</sup> SEKIA,<sup>1080</sup> PISSA,<sup>1081</sup> and MBAIKI.<sup>1082</sup> He provided his elements with money, including from illegal checkpoints along the PK9-MBAIKI axis, to pay for fuel, food, or medical treatment.<sup>1083</sup> In around October 2014, he set up the "*Etats-Unis*" training camp around 25 km from BIMON.<sup>1084</sup>

*q) YEKATOM ensured that his elements were well armed*

492. **YEKATOM** ensured that his Anti-Balaka group was well-armed, which enhanced their ability to commit the charged crimes. He maintained a variety of weapons at their disposal, including machine guns, rocket-propelled grenades, hand grenades, Kalashnikovs, hunting rifles, and machetes.<sup>1085</sup> Many of these weapons can be seen in contemporaneous videos.<sup>1086</sup>

<sup>1077</sup> P-1839: [T-171](#), p. 35, lines 5-19.

<sup>1078</sup> [REDACTED].

<sup>1079</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0182, para. 61; [CAR-OTP-2065-3889](#) [00:00:00] to [00:01:11] transcript and translation [CAR-OTP-2127-3680](#) at 3682, lines 4-14.

<sup>1080</sup> P-1558: [CAR-OTP-2105-0195-R01](#) at 0207, para. 76, 78; [REDACTED].

<sup>1081</sup> P-1813: [CAR-OTP-2069-0035-R02](#) at 0046, para. 74; P-2084: [T-234](#), p. 71, line 24-p. 72, line 4.

<sup>1082</sup> P-2476: [CAR-OTP-2114-0149-R05](#) at 0153, para. 30; P-2018: [T-222](#), p. 16, line 22-p. 17, line 7.

<sup>1083</sup> P-1839: [T-170](#), p. 48, lines 19-28; p. 56, line 18-p. 58, line 10; P-1647 [CAR-OTP-2050-0654-R02](#) at 0665, para. 79.

<sup>1084</sup> [CAR-OTP-2003-1654](#) at 1819.

<sup>1085</sup> P-1193: [T-124](#), p. 37, line-p. 38, line 1 in relation to [CAR-OTP-2039-0072](#); P-0888: [T-120](#), p. 55, line 7-p. 56, line 16. In relation to [CAR-OTP-2039-0072](#). [CAR-OTP-2065-2544](#) [00:00:00] to [00:02:03] transcript and translation, [CAR-OTP-2127-3649](#), at 3651-3652, lines 4-46; [CAR-OTP-2065-2548](#) [00:00:00] to [00:02:10] transcript and translation, [CAR-OTP-2127-3653](#), at 3655-3656, lines 5-52.

<sup>1086</sup> [CAR-OTP-2055-2610](#) [00:01:17] to [00:03:04] transcript and translation, [CAR-OTP-2107-6906](#) at 6909-6910, lines 39-99, and [CAR-OTP-2122-2271](#) at 2275-2276, lines 39-99; [CAR-OTP-2065-1957](#) [00:00:11] to [00:00:55] transcript and translation [CAR-OTP-2127-6319](#), at 6321, lines 5-33.

493. **YEKATOM** made sure his elements were provided for in terms of weapons and ammunition. [REDACTED],<sup>1087</sup> [REDACTED].<sup>1088</sup> [REDACTED],<sup>1089</sup> [REDACTED],<sup>1090</sup> [REDACTED].<sup>1091</sup>

494. Moreover, **YEKATOM** continued obtaining weapons for his Group afterwards.<sup>1092</sup> In addition, many of his elements who were FACA members who joined the group brought with them their service weapons.<sup>1093</sup> Others acquired weapons taken from the Seleka or pillaged from the *gendarmerie*.<sup>1094</sup>

495. Contemporaneous videos of some of the weapons — including both bladed weapons and firearms seized from the Anti-Balaka by the French forces in MBAIKI and BODA — show that **YEKATOM**'s Group was well equipped to carry out the charged crimes.<sup>1095</sup>

*ii. YEKATOM prepared his Group's attacks and led them in their execution*

496. **YEKATOM** ordered and led operations to attack Muslim civilians, including the 5 December 2013 BANGUI attack<sup>1096</sup> and the subsequent takeover of the PK9-MBAIKI axis.

497. **YEKATOM** coordinated, commanded, and controlled his Anti-Balaka Group, deploying them in the southwest of BANGUI (including CATTIN), and BOEING. He also later deployed elements to the LOBAYE Prefecture along the PK9–MBAIKI axis.<sup>1097</sup> He did so, fully aware of their anti-Muslim animus,<sup>1098</sup> which he not only tolerated in the group even among his commanders, but also personally stoked through his orders. In deploying his elements to these areas, **YEKATOM** provided them with the opportunity to commit violent crimes there, including the brutal murder of Deputy Djido SALEH.<sup>1099</sup>

498. As his elements advanced through the PK9-MBAIKI axis, **YEKATOM**'s Group set up roadblocks and checkpoints at strategic locations near BANGUI and throughout the LOBAYE

<sup>1087</sup> [REDACTED].

<sup>1088</sup> [REDACTED], line 8; [T-152](#), p. 66, line 6-p. 68, line 12 in relation to [CAR-OTP-2039-0072](#), at 0073-0074.

<sup>1089</sup> [REDACTED].

<sup>1090</sup> [REDACTED].

<sup>1091</sup> [REDACTED].

<sup>1092</sup> P-1839: [T-171](#), p.40, line 21-p. 42, line 3; P-1647: [CAR-OTP-2050-0654-R02](#) at 0665, para. 81, 83; P-2419: [CAR-OTP-2112-0036-R03](#), at 0052, para. 93; P-1193: [T-124](#), p. 37, line 1-p. 38, line 1 in relation to [CAR-OTP-2039-0072](#) at 0073.

<sup>1093</sup> P-0888: [T-120](#), p. 55, lines 1-6.

<sup>1094</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0181, paras. 56-57 and at 0184, para. 78; P-1786: [CAR-OTP-2058-0200-R03](#) at 0204, para.24; [CAR-OTP-2001-5642](#) at 5643, 5645; [CAR-OTP-2065-0396](#) [00:01:15] to [00:01:40] transcript and translation [CAR-OTP-2122-2284](#).

<sup>1095</sup> [CAR-OTP-2023-1636](#) [00:01:01] to [00:01:52] transcript and translation [CAR-OTP-00002252](#) and [CAR-OTP-00002254](#), p. 3.

<sup>1096</sup> See Section IV, B, a, para. 427.

<sup>1097</sup> See Section V, D, a, paras 697-700.

<sup>1098</sup> See Section IV, B, b, i, paras. 449-451; P-1839: [T-171](#), p.34, line 12-p.36, line 3.

<sup>1099</sup> See Section V, D, b, ii, paras. 720-721.

Prefecture,<sup>1100</sup> thereby cementing his control over the area. **YEKATOM's** Group regulated movement and targeted Muslims at these roadblocks and checkpoints, preventing their circulation.<sup>1101</sup> In one contemporaneous video YEKATOM can be seen organising and assigning his elements to take over checkpoints.<sup>1102</sup>

499. **YEKATOM** was aware of the progression of his elements throughout the PK9-MBAIKI axis. P-1839 testified that **YEKATOM** received updates from his chiefs regarding his elements' advance on the PK9-MBAIKI axis through mobile phone communications.<sup>1103</sup> Once a locality was taken by his elements, YEKATOM would visit them to see whether "the zones were free".<sup>1104</sup> [REDACTED] provided evidence that the members of the command communicated by mobile phone.<sup>1105</sup>

*iii. YEKATOM issued orders to his Anti-Balaka Group including patently illegal instructions*

500. **YEKATOM** issued orders to commit the charged crimes. [REDACTED].<sup>1106</sup>

501. **YEKATOM** also ordered the killing of all Muslims in the areas occupied by his Anti-Balaka Group on the PK9-MBAIKI axis.<sup>1107</sup>

502. **YEKATOM's** Group had to comply with his orders. As shown above, **YEKATOM** was in charge of his Anti-Balaka Group's discipline<sup>1108</sup> and his authority over his elements was such that P-1786 does not remember anyone ever disobeying him; he added that he would not have survived if ever he had done so.<sup>1109</sup>

503. Instead of issuing clear orders to his Anti-Balaka Group to refrain from harming, attacking, or targeting civilians, particularly Muslim civilians, [REDACTED].<sup>1110</sup>

504. The crimes committed by his Anti-Balaka Group as a result of these orders and the threat of force they caused resulted in the killing of Muslims and their displacement, forcible transfer and deportation from their homes to other locations.

<sup>1100</sup> See Section V, D, b, ii, paras. 705.

<sup>1101</sup> P-1823: [CAR-OTP-2063-0369-R02](#) at 0374, para. 29.

<sup>1102</sup> [CAR-OTP-2065-2057](#) [00:00:00] to [00:02:38] with its transcript and translation at [CAR-OTP-2127-6322](#) at 6324-6326, lines 1-82.

<sup>1103</sup> P-1839: [T-171](#), p. 62, lines 8-19.

<sup>1104</sup> P-1839: [T-171](#), p. 62, lines 8-19.

<sup>1105</sup> [REDACTED].

<sup>1106</sup> See Section IV, B, a, para. 427.

<sup>1107</sup> P-1839: [T-171](#), p. 35, lines 5-25.

<sup>1108</sup> See Section IV, B, c, i, n, paras. 476-481.

<sup>1109</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 28.

<sup>1110</sup> P-1339: [T-152](#), p. 10, line 4-p. 11, line 10, p. 14, line 5-p. 17, line 4, p. 18, lines 13-17.

**iv. YEKATOM enlisted children under age 15 in his Anti-Balaka Group**

505. YEKATOM had absolute authority over his subordinates and his commanders as set out above. No one did anything without his authorisation and/or approval, including when it came to recruiting and instructing elements. He exercised his authority ruthlessly with respect to the conduct of his elements with which he did not agree.<sup>1111</sup> From this alone, it is clear that children under age 15 could not have been recruited into his group without his tacit approval. His approval was not only sought, but he directly negotiated the demobilisation of 153 children associated with his Group in August 2014.<sup>1112</sup> The children could not otherwise have been released by any other member of his command.

506. YEKATOM's involvement in enlisting children is further corroborated by the use of child soldiers for military functions such as manning barriers or checkpoints.<sup>1113</sup> In all, the enlistment of child soldiers and their use contributed to the implementation of the common plan by providing YEKATOM's Group with additional elements to identify and violently target Muslims, or help in this regard,<sup>1114</sup> and in particular those who were using the roads to travel.

507. From at least December 2013 through August 2014, children under age 15 enlisted in YEKATOM's Group were stationed at the YAMWARA School Base<sup>1115</sup> and other bases and checkpoints under YEKATOM's control.<sup>1116</sup> As regards YAMWARA base, [REDACTED].<sup>1117</sup> Children under age 15 were also in YEKATOM's Group deployed along the PK9–MBAIKI axis in SEKIA<sup>1118</sup> PISSA,<sup>1119</sup> and MBAIKI,<sup>1120</sup> and along the PISSA–MONGOUMBA axis.<sup>1121</sup>

**C. YEKATOM's criminal responsibility under article 25(3)(a) as an indirect perpetrator**

508. YEKATOM is also criminally responsible under article 25(3)(a) as an indirect perpetrator for the charged crimes committed by his Anti-Balaka Group. As the leader,

<sup>1111</sup> See Section IV, B, c, i, n, paras. 476-481.

<sup>1112</sup> [CAR-OTP-2128-1373](#).

<sup>1113</sup> P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 21-23; D29-5015 [T-256](#), p. 17, lines 11-23.

<sup>1114</sup> P-1716: [CAR-OTP-2053-0062-R05](#) at 0069, para. 38; [T-147](#), p. 10, line 24-p. 12, line 22.

<sup>1115</sup> P-1839: [T-170](#), p. 65, line 24- p.68, line 10; [T-171](#), p. 5, line 23-p. 6, line 16; P-0889: [CAR-OTP-2122-8146-R02](#) at 8184-8185, lines 1338-1371; P-1839: [T-171](#), p. 7, line 2-p.8, line 8 in relation to [CAR-OTP-2065-3843](#) [00:00:00] to [00:01:17].

<sup>1116</sup> See Section V, E, c, paras. 747-749.

<sup>1117</sup> [REDACTED].

<sup>1118</sup> P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 21-23; D29-5015: [T-256](#), p.17, lines 11-23.

<sup>1119</sup> P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 21-23; [CAR-OTP-2068-0558](#) at 0559, 0562, 0564.

<sup>1120</sup> P-2476: [CAR-OTP-2114-0149-R05](#) at 0155, para. 36; [T-213](#), p. 19, lines 4-8; P-2084: [CAR-OTP-2094-0968-R02](#) at 0985, para. 87.

<sup>1121</sup> P-1974: [CAR-OTP-2068-0222-R05](#), at 0226, para. 26; [CAR-OTP-2068-0558](#) at 0559, 0562, 0564.



**YEKATOM** organised and structured his Anti-Balaka Group on the basis of a military model, using hierarchy and discipline to subjugate the will of his elements, and steered them into implementing the common plan and committing the charged crimes. The evidence shows that **YEKATOM**'s authority and control over his elements was such that his Anti-Balaka Group did not act without his orders<sup>1122</sup> and none of his subordinates would dare to disobey him – at the risk of being punished or killed.<sup>1123</sup>

509. The evidence establishes that: (a) **YEKATOM** committed the charged crimes through his Anti-Balaka Group; (b) **YEKATOM**'s Group was an organised and hierarchical organisation; (c) **YEKATOM** controlled his Anti-Balaka Group; (d) the execution of the charged crimes was secured by an almost-automatic compliance with his orders; and (e) **YEKATOM** acted with the requisite intent and knowledge.

**a. YEKATOM committed the charged crimes through his Anti-Balaka Group**

510. **YEKATOM** created, structured, organised and trained his Anti-Balaka Group into a military-like unit that would be combat ready and follow his orders<sup>1124</sup> (ii) he provided them with the necessary weapons<sup>1125</sup> to carry out his instructions and then (iii) ordered and used them to commit the charged crimes. The evidence establishes that:

i. Prior to the attack on BANGUI on 5 December, **YEKATOM** [REDACTED],<sup>1126</sup> [REDACTED].<sup>1127</sup> [REDACTED].

ii. On the eve of the attack, **YEKATOM** ordered his Anti-Balaka Group to attack the Muslim civilian population, [REDACTED] - and destroy their houses and Mosques.<sup>1128</sup> As a result of this order, **YEKATOM**'s Group murdered at least eight Muslim civilians in BOEING Market and CATTIN, attacked the BOEING Mosque and caused the displacement, forcible transfer and deportation of Muslim civilians *en masse*.<sup>1129</sup>

iii. **YEKATOM**'s standing instructions led to the abduction and torture of seven persons and to the murder of LAPO N'GOMAT at YAMWARA School Base;<sup>1130</sup>

iv. **YEKATOM** ordered his Anti-Balaka Group to “kill all Muslims” in the location that they were occupying while the takeover of the PK9-MBAIKI axis progressed;<sup>1131</sup>

<sup>1122</sup> [REDACTED].

<sup>1123</sup> P-1786: [CAR-OTP-2058-0200-R03](#), at 0205, para. 28.

<sup>1124</sup> See Section IV, C, i, para. 461-466.

<sup>1125</sup> See Section IV, C, i, e, paras. 492-495.

<sup>1126</sup> [REDACTED].

<sup>1127</sup> [REDACTED].

<sup>1128</sup> [REDACTED].

<sup>1129</sup> See Section V, A, d, paras. 572-574.

<sup>1130</sup> See Section V, C, d, para. 675.

<sup>1131</sup> P-1839: [T-171](#), p. 35, lines 5-19.

- v. **YEKATOM's** orders led to the killing of Deputy Mayor Djido SALEH in MBAIKI;<sup>1132</sup>
- vi. **YEKATOM's** orders led to the targeting and persecution of Muslims from BANGUI 511. through the PK9-MBAIKI axis which led to their displacement, forcible transfer and deportation;<sup>1133</sup> and
- vii. **YEKATOM** and his Group enlisted children under the age of 15 in his Anti-Balaka Group.

**b. YEKATOM's Group was an organised and hierarchical entity**

512. **YEKATOM's** Group was organised in a military-like hierarchy with **YEKATOM** at the apex of a disciplined and effective command structure with clear reporting lines. In this regard, the Prosecution incorporates its submissions on this matter contained in its Regulation 55(2) requests.<sup>1134</sup> The evidence establishes that **YEKATOM's** Group:

- i. Featured a military-like organisational structure divided into military units with **YEKATOM** at its apex;<sup>1135</sup>
- ii. Maintained clear reporting lines from the elements to their immediate superiors and ultimately to **YEKATOM** and his deputies;<sup>1136</sup>
- iii. Trained the members of his Anti-Balaka Group in the use of weapons and the respect of military hierarchy;<sup>1137</sup> and
- iv. Comprised an administrative organisation.<sup>1138</sup>

**c. YEKATOM controlled his Anti-Balaka Group**

513. **YEKATOM** was the leader of his Anti-Balaka Group and as such his decisions were final — nothing could be done without his say and no one would dare disobey his orders.<sup>1139</sup> The evidence establishes that **YEKATOM**:

- i. exercised authority over the commanders and elements in his Anti-Balaka Group through the military-like hierarchy that he implemented;<sup>1140</sup>
- ii. had the power to appoint subordinates and to replace them when needed;<sup>1141</sup>

<sup>1132</sup> See Section V, D, b, ii, paras. 720.

<sup>1133</sup> See Section V, D, b, i, paras. 701-708.

<sup>1134</sup> ICC-01/14-01/18-1973-Conf; ICC-01/14-01/18-1345-Conf and ICC-01/14-01/18-503.

<sup>1135</sup> See Section IV, B, c, i, paras. 457-458.

<sup>1136</sup> See Section IV, B, c, i, para. 461-466.

<sup>1137</sup> See Section IV, B, c, i, paras. 483-491. P-2419: [CAR-OTP-2112-0036-R03](#) at 0052-0053, para. 93-95, 97. See [CAR-OTP-2065-3212](#) [00:00:00] to [00:01:32], transcript and translation, [CAR-OTP-2127-3748](#) and [CAR-OTP-2127-3662](#), at 3664, lines 3-30.

<sup>1138</sup> See Section IV, B, c, i, para. 482.

<sup>1139</sup> See Section IV, B, c, i, paras. 462-466.

<sup>1140</sup> See Section IV, B, c, i, paras. 457-461.

<sup>1141</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0662, para. 52; P-2419: [CAR-OTP-2112-0036-R03](#) at 0052-0053, paras. 93-95, 97.

- iii. had the power to issue orders to his subordinates;<sup>1142</sup>
- iv. had the power to punish and discipline his subordinates if they did not follow orders or were disloyal;<sup>1143</sup>
- v. was kept informed of the conduct of his elements and their activities on the ground;<sup>1144</sup>

**d. The execution of the crimes was guaranteed by almost-automatic compliance with the orders**

514. **YEKATOM** ensured the almost-automatic compliance with his orders through a military-like hierarchy within his Anti-Balaka Group where violence or the threat of violence — for non-compliance with orders or just perceived disloyalty — was prevalent.<sup>1145</sup> As a result of this **YEKATOM**'s subordinates feared him and did not dare to disobey him. [REDACTED].<sup>1146</sup> The words of P-1786 demonstrate the extent to which **YEKATOM**'s orders were followed by his Anti-Balaka Group and the possible consequences of failing to comply with these: "I don't remember anyone ever disobeying him ...I would not have survived if I had disobeyed him".<sup>1147</sup> Similarly, P-1858 provided evidence that **YEKATOM**'s elements were afraid of him and that his orders were obeyed without question<sup>1148</sup> and testified that if the elements did not obey his orders **YEKATOM** would hit them or they would be killed.<sup>1149</sup> The presence of a large number of interchangeable elements allowed him to steer his Anti-Balaka Group to commit crimes.

515. The almost-automatic compliance with **YEKATOM**'s orders was ensured through the fact that:

- i. **YEKATOM**'s Group had over one thousand easily replaceable elements,<sup>1150</sup> thereby ensuring that if one element was unable or unwilling to follow orders they could be easily replaced;

516. **YEKATOM**'s elements underwent training — during which the respect for military hierarchy and reporting lines were ingrained in the elements;<sup>1151</sup>

<sup>1142</sup> See Section IV, B, c, i, paras. 457-461.

<sup>1143</sup> See Section IV, B, c, paras. 462-466, 476-481.

<sup>1144</sup> [REDACTED].

<sup>1145</sup> See Section IV, B, c, i, paras. 462-466, 476-481.

<sup>1146</sup> [REDACTED].

<sup>1147</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0205, para. 28.

<sup>1148</sup> P-1858: [CAR-OTP-2063-0050-R04](#) at 0063, para. 82.

<sup>1149</sup> P-1858: [T-185](#), p. 26, lines 4-15.

<sup>1150</sup> P-1647: [CAR-OTP-2050-0654-R02](#), at 0658, para. 31; P-1839: [T-170](#), p. 6, line 12; P-1339: [T-152](#), p. 24, lines 18-19; [CAR-OTP-2055-2610](#) [00:07:15] to [00:08:12] transcript and translation, [CAR-OTP-2107-6906](#) at 6913-6914, lines 193-233, and [CAR-OTP-2122-2271](#) at 2279-2280, lines 193-236; P-1339: [T-159](#), p. 35, lines 1-4; [T-151](#), p. 38, lines 1-19; P-0954: [CAR-OTP-2048-0171-R03](#), at 0185, para. 80; P-2084: [CAR-OTP-2094-0968-R02](#) at 0983, para. 77.

<sup>1151</sup> See Section IV, B, c, p, paras. 483-491.

ii. **YEKATOM** - or his commanders punished elements that failed to comply with orders with violence or threat of violence.<sup>1152</sup> Disciplinary measures were irrevocable: if a subordinate was unwilling to punish an element, then he would in turn be punished.<sup>1153</sup>

517. **YEKATOM** or his commanders punished elements that were deemed disloyal.<sup>1154</sup>

**D. YEKATOM's criminal responsibility under article 25(3)(b) for the crimes charged**

518. **YEKATOM** is criminally responsible under article 25(3)(b) for ordering his Anti-Balaka Group to commit the charged crimes – which had a direct effect on their commission. **YEKATOM** acted with the requisite intent and knowledge.

**a. YEKATOM's position of authority**

519. **YEKATOM** was the leader of his Anti-Balaka Group during the temporal scope of the charges and was in a position of authority regarding the elements in his Group. The evidence above shows that **YEKATOM** was in charge of the discipline within his Anti-Balaka Group and that elements were punished for breaches of orders or rules.<sup>1155</sup> **YEKATOM's** authority over his Anti-Balaka Group was such that his subordinates were fearful of disobeying him.

**b. YEKATOM ordered the commission of the charged crimes**

520. The evidence demonstrates that **YEKATOM** used his position of authority as leader to order his Anti-Balaka Group to commit the charged crimes or to engage in conduct which resulted in the commission of the crimes.<sup>1156</sup>

**c. YEKATOM's orders had a direct effect on the commission of the charged crimes**

521. **YEKATOM's** orders had a direct effect on the commission of the charged crimes, since they were committed by the members of his Anti-Balaka Group pursuant to his instructions. The violent targeting of Muslims by **YEKATOM's** Group and the accompanying threat of force resulted in the displacement, forcible transfer and deportation of the Muslim civilian population residing in CATTIN, BOEING and subsequently in the towns and villages along the PK9-MBAIKI axis.

<sup>1152</sup> See Section IV, B, c, n, paras. 476-481.

<sup>1153</sup> [REDACTED].

<sup>1154</sup> See Section IV, B, c, paras. 462-466. P-1839: [T-171](#), p. 22, line 8-p. 24, line 16; [CAR-OTP-2012-0523](#) [00:49:33] to [00:51:29] translation, [CAR-OTP-2118-5547](#) at 5585-5587, lines 1252-1321.

<sup>1155</sup> See Section IV, B, c, i, n.

<sup>1156</sup> See Section IV, B, c, i.

**E. YEKATOM had the required intent and knowledge**

**a. YEKATOM had the requisite *mens rea* under article 25(3)(a) as a direct and indirect co-perpetrator and indirect perpetrator**

522. YEKATOM meant to engage in his relevant conduct and contributions and that he intended the commission of the charged crimes or was aware that these would be committed in the ordinary course of events. YEKATOM's intent to commit the charged crimes is shown by his participation, including planning, ordering and personally leading the attacks against Muslim population in BANGUI, BOEING,<sup>1157</sup> and along the PK9-MBAIKI axis.<sup>1158</sup>

523. [REDACTED],<sup>1159</sup> [REDACTED].<sup>1160</sup> He then gave his elements an order to attack the Muslim civilian population, [REDACTED]<sup>1161</sup> and subsequently ordered them to kill Muslims while on the PK9-MBAIKI axis.<sup>1162</sup> [REDACTED],<sup>1163</sup> [REDACTED]<sup>1164</sup> — [REDACTED].<sup>1165</sup> [REDACTED].<sup>1166</sup>

524. Also significant is that none of YEKATOM's elements were apparently punished for the murders committed in the BOEING Market and CATTIN or the abduction and torture of seven persons and the murder of one them at YAMWARA School Base. [REDACTED].<sup>1167</sup> [REDACTED].<sup>1168</sup> YEKATOM was aware of his elements' involvement in SALEH's murder.<sup>1169</sup>

525. At the very least YEKATOM was aware that the charged crimes would be committed in the ordinary course of events. The evidence demonstrates that there was a violent anti-Muslim animus that was prevalent within his Anti-Balaka Group. Contemporaneous videos show elements and commanders threatening Muslims and their children with violence and genocide<sup>1170</sup> — all filmed in public in the presence of others. [REDACTED].<sup>1171</sup> [REDACTED].<sup>1172</sup>

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<sup>1157</sup> See Section IV, B, a.

<sup>1158</sup> See Section V, A, a and V, D, b.

<sup>1159</sup> [REDACTED].

<sup>1160</sup> [REDACTED].

<sup>1161</sup> [REDACTED].

<sup>1162</sup> P-1839: [T-174](#) [FR], p. 82, line 14-p. 83, line 27. [T-174](#) [ENG], p. 78, line 3-p. 79, line 6.

<sup>1163</sup> [REDACTED].

<sup>1164</sup> [REDACTED].

<sup>1165</sup> P-0967: [T-199](#), p.39, lines 11-17.

<sup>1166</sup> [REDACTED].

<sup>1167</sup> P-1839, [T-170](#), p. 35, line 19-p. 36, line 4.

<sup>1168</sup> [REDACTED].

<sup>1169</sup> See Section V, D, b, ii, paras. 720-738.

<sup>1170</sup> See Section IV, B,b, i, paras. 449-451.

<sup>1171</sup> [REDACTED].

<sup>1172</sup> [REDACTED].

526. **YEKATOM** also knew of his elements' propensity to target Muslim civilians pursuant to the common plan, as demonstrated by the crimes they committed during the 5 December 2013 attack on BANGUI,<sup>1173</sup> while based at the YAMWARA School<sup>1174</sup> and in LOBAYE.<sup>1175</sup>

527. **YEKATOM** satisfied all the specific subjective elements of the crimes charged.<sup>1176</sup>

528. The evidence establishes that **YEKATOM** and the members of his Anti-Balaka Group knew that implementing the common plan would result in the realisation of the crimes charged, or were aware that their acts would result in the commission of the charged crimes in the ordinary course of events,<sup>1177</sup> especially given the criminal nature of the plan to target Muslim civilians and the anti-Muslim animus that was prevalent amongst the commanders and elements. **YEKATOM**'s own anti-Muslim animus is evident from contemporaneous videos.<sup>1178</sup>

529. As leader of his Anti-Balaka Group, **YEKATOM** was aware of the factual circumstances allowing him, together with the members of his Anti-Balaka Group, to have joint control over the crime. Given that he organised his Anti-Balaka Group into a military-type unit, **YEKATOM** was aware of the fundamental structural, organisational, and ideological features of his authority which enabled him, jointly with the other co-perpetrators, to control and use his Anti-Balaka Group to commit the charged crimes, thereby controlling the commission of these crimes. He was also aware of the essential nature of his contributions to the charged crimes and of his ability, jointly with the other co-perpetrators, to control their commission.

530. Despite his awareness, **YEKATOM** chose to take no action regarding his subordinates' crimes against Muslim civilians.<sup>1179</sup> As a FACA officer, **YEKATOM** was under a 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.<sup>1180</sup> He had a further and separate duty under CAR criminal law<sup>1181</sup> to render assistance to and/or protect Muslim civilians imperilled by the Anti-Balaka, including his own Group.

<sup>1173</sup> See Section V, A, a, paras. 539-542.

<sup>1174</sup> See Section V, C, d, paras. 651-653.

<sup>1175</sup> See Section V, D, b, paras. 697-700.

<sup>1176</sup> *Prosecutor v. Katanga*, Confirmation Decision, ICC-01/04-01/07-717 ("[Katanga CD](#)"), para. 532.

<sup>1177</sup> [Katanga CD](#), para. 533; *Prosecutor v. Bemba*, Confirmation Decision, ICC-01/05-01/08-424 ("[Bemba CD](#)"), para. 370; *Prosecutor v. Ruto et al.*, Confirmation Decision, ICC-01/09-01/11-373 ("[Ruto et al. CD](#)"), para. 333.

<sup>1178</sup> See Section IV, B, b, i, para. 452.

<sup>1179</sup> P-1839: T-171, p. 70, lines 9-16.

<sup>1180</sup> See e.g., [Mrkšić & Šljivančanin AJ](#), paras. 72-73 (recognising that international law imposes a duty on an agent of a detaining power (i.e., an official of the State, such as military personnel) to protect prisoners).

<sup>1181</sup> See Article 84, CAR Code pénal (« *Sera puni d'un emprisonnement de trois mois à cinq ans et d'une amende de 100.002 à 500.000 francs, quiconque s'abstient volontairement de porter à une personne en péril l'assistance que, sans risque pour lui ni pour les tiers, il pouvait lui prêter soit par son action personnelle, soit en provoquant un secours* »).

531. Instead of fulfilling these duties, by not punishing his elements for the crimes they had committed against Muslim civilians, whether in BANGUI, at YAMWARA School Base or along the PK9-MBAIKI axis,<sup>1182</sup> **YEKATOM** encouraged his Anti-Balaka Group's commission of crimes, and created a climate of impunity, underscoring his criminal intent.

532. **YEKATOM**'s intent regarding the enlistment of children under age 15 in his Anti-Balaka Group is demonstrated *inter alia* by his stationing of child soldiers at the YAMWARA School Base,<sup>1183</sup> and his demobilisation of some 153 children from his Anti-Balaka Group — which included several under age 15 in August 2014 — and his further negotiated undertaking to refrain from *re-recruiting* them.<sup>1184</sup> **YEKATOM** knew or should have known that the enlisted children in his Anti-Balaka Group were under age 15.<sup>1185</sup>

533. **YEKATOM**'s persecutory intent and that of his subordinates who were the direct perpetrators is shown by his orders to attack and kill Muslims and the violent Anti-Muslim language used by his subordinates. Like other Anti-Balaka leaders, **YEKATOM** and his elements harboured an anti-Muslim animus. They openly expressed hostility toward Muslims and their intention to harm and exact vengeance against them.<sup>1186</sup> They targeted Muslim civilians due to their perceived responsibility for, complicity with, and/or support of, the Seleka based on their religious, political or ethnic affiliation. On this basis, **YEKATOM** impermissibly targeted Muslim civilians on political/ethnic and/or religious grounds, and knew that his elements did so as well.

534. Regarding the charged article 7(1) crimes, the evidence demonstrates that **YEKATOM** knew and/or intended that the conduct was part of a widespread attack directed against a civilian population pursuant to or in furtherance of the Anti-Balak's Criminal Policy. Further, the evidence below demonstrates that *inter alia* **YEKATOM** was aware of the lawful presence of Muslim civilians in the relevant locations from which they were forcibly transferred and/or deported.<sup>1187</sup>

535. As the incidents described below demonstrate, regarding the charged article 8(2)(1) crimes **YEKATOM** was aware of the factual circumstances that established the existence of an armed conflict.

<sup>1182</sup> P-1839: [T-171](#), p. 70, lines 9-13.

<sup>1183</sup> See Section V, E, c, i, paras. 747-769.

<sup>1184</sup> [CAR-OTP-2128-1373](#), [CAR-OTP-2122-8673-R02](#) at 8676, para. 18, 20. P-1974: [CAR-OTP-2068-0222-R05](#) at 0229, para. 46.

<sup>1185</sup> See Section V, E, c, iii, para. 770.

<sup>1186</sup> See Section IV, B, b, i, paras. 450-452.

<sup>1187</sup> See Section V, A, d, paras. 572-574 and V, D, b, i, paras. 701-719.

536. The evidence below demonstrates *inter alia* that **YEKATOM** was aware of the protected status of the persons that were murdered, subjected to cruel treatment and tortured by his Anti-Balaka Group.

**b. YEKATOM had the requisite mens rea under article 25(3)(b) for ordering**

537. The evidence shows that **YEKATOM** intentionally ordered his Anti-Balaka Group to commit the charged crimes, or to perform other acts or omissions through which the crimes were committed.<sup>1188</sup> The evidence below shows that **YEKATOM**'s Group acted with the relevant intent and knowledge in carrying out these crimes.

538. As the leader of his Anti-Balaka Group, **YEKATOM** was aware of his position of authority *vis-à-vis* his elements who committed the crimes charged.

539. **YEKATOM** was also aware that elements of his Anti-Balaka Group would, in the ordinary course of events, commit the types of crimes charged, as a result of the implementation or execution of his orders and that his orders contributed to their commission.

## **V. CHARGED CRIMES**

### **A. BANGUI ATTACK OF 5 DECEMBER**

#### **a. Overview**

540. The evidence demonstrates beyond reasonable doubt that **YEKATOM** and his Group took part in the 5 December 2013 attack of BANGUI, carried out in a coordinated manner by the Anti-Balaka, and specifically attacked BOEING and CATTIN.

541. **YEKATOM** directed an attack against the Muslim civilian population in the execution of which his elements killed at least eight Muslim civilians in BOEING and CATTIN, and attacked the only mosque in BOEING. **YEKATOM** and his Group also forcibly displaced, deported or forcibly transferred the Muslim civilian population of BOEING and CATTIN, which had no alternative but to flee as a result of the violence committed by **YEKATOM**'s elements on 5 December 2013 and thereafter, while **YEKATOM** and his Group were based in BOEING, at the YAMWARA School.

542. The crimes charged under counts 1 to 5 are also underlying acts of persecution, since the Muslim civilian victims were targeted on political, ethnic and/or religious grounds. **YEKATOM** and his elements perceived the members of the Muslim civilian population as collectively responsible for, complicit with and/or supportive of the Seleka, within the framework of their Common Plan and of the Criminal Policy and/or Criminal Purpose of the Anti-Balaka.

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<sup>1188</sup> See Section IV, B, b, i, paras. 437-453.



543. Given their magnitude, these crimes committed by the **YEKATOM** Anti-Balaka Group in BOEING and CATTIN in the context of the 5 December attack constitute by themselves a widespread attack launched against the Muslim civilian population of these neighbourhoods. They were committed as part of a widespread attack launched on a large scale by the Anti-Balaka movement in the relevant period, in BANGUI, and in the Provinces.<sup>1189</sup>

**b. Directing an attack against the Muslim civilian population of BOEING and CATTIN (article 8(2)(e)(i) (count 1)**

**i. *YEKATOM and his Group participated in the coordinated attack on BANGUI on 5 December 2013, and specifically attacked BOEING and CATTIN***

544. The Anti-Balaka's objective was to take control of the capital, to remove DJOTODIA in order to regain power,<sup>1190</sup> and to attack the Muslim civilian population, which they perceived as collectively responsible for, complicit with, and/or supportive of the Seleka, pursuant to the Criminal Policy and/or the Criminal Purpose of the Anti-Balaka.<sup>1191</sup> YAGOUZOU, spokesperson for the Anti-Balaka, was particularly clear on this point in an interview given just a few days after the attack stating that if DJOTODIA did not resign, « *on va faire le massacre* », « *[q]u'il démissionne pour sauver la vie des peuples centrafricaines musulmanes [phon.]* ». <sup>1192</sup>

545. The Anti-Balaka, wanted to take revenge on the Muslim civilian population for the crimes perpetrated by the Seleka, and to force this population, which they assimilated to foreigners, to leave the CAR. The Muslim civilian population of BANGUI was indeed massively targeted by the Anti-Balaka in the districts attacked by them on 5 December, and forced to flee and find refuge in the predominantly Muslim neighbourhoods, mainly at PK5.<sup>1193</sup>

546. For the purpose of the attack on BANGUI, **YEKATOM** and his Group had previously moved from KALANGOI to GBANGBA,<sup>1194</sup> then on 4 December to PROGET<sup>1195</sup> (located

<sup>1189</sup> See Section VI, A.

<sup>1190</sup> P-0291: [T-051](#), p. 63, lines 15-22; P-0966: [T-116](#), p. 48, line 25-p. 49, line 2; P-2269: [CAR-OTP-2111-0336-R01](#) at 0343, para. 51; P-0992: [CAR-OTP-2110-0048-R05](#) at 0059, para. 58.

<sup>1191</sup> See, *inter alia*, [CAR-OTP-2049-0141](#) [00:00:00] to [00:01:50] transcript and translation [CAR-OTP-2074-1954](#) and [CAR-OTP-2074-1958](#) at 1960-1961, lines 1-50; see commentary by P-0306: [T-065](#), p. 22, line 16-p. 23, line 3; [CAR-OTP-2065-5468](#) [00:00:46] to [00:04:00] transcript and translation [CAR-OTP-2107-6932](#) and [CAR-OTP-2122-2303](#) at 2305, lines 10-32; [CAR-OTP-2001-4446](#) at 4448; [CAR-OTP-2049-1679](#) [00:01:35] to [00:04:10] transcript [CAR-OTP-2107-1530](#) at 1532-1534, lines 66-137.

<sup>1192</sup> [CAR-OTP-2065-5468](#) [00:00:46] to [00:04:00] transcript and translation [CAR-OTP-2107-6932](#) and [CAR-OTP-2122-2303](#) at 2305, lines 10-32.

<sup>1193</sup> [CAR-OTP-2001-2139](#) at 2139-2140, 2142, 2143; [CAR-OTP-2001-0329](#) at 0329; P-1676: [CAR-OTP-2066-0105-R01](#) at 0109-0110, para. 21, 26-28, at 0113-0114, para. 47-51; P-1990: [CAR-OTP-2124-0247-R02](#) at 0252, para. 24; [REDACTED]; P-1647: [T-194](#), p. 16, lines 1-9; P-1143: [CAR-OTP-2058-0227-R03](#) at 0238, para. 72-73, at 0239, para. 76.

<sup>1194</sup> [REDACTED].

<sup>1195</sup> [REDACTED]; P-0884: [T-055](#), p. 76, lines 5-8; P-0888: [CAR-OTP-2031-0217-R03](#) at 0222, para 31.

near BANGUI airport),<sup>1196</sup> a place where many Anti-Balaka had gathered for the attack, including some from BOSSANGO, BOSSEMBELE, YALOKÉ, and BOY-RABE.<sup>1197</sup> In preparation for their attack on BANGUI, the leaders of the Anti-Balaka groups involved, including KONATE, ANDJILO, and **YEKATOM**, agreed on how they would carry out the attack, in conjunction with MOKOM, the *de facto* General Coordinator of Anti-Balaka Operations present in ZONGO. The various Anti-Balaka groups were to attack in specific areas in BANGUI, and aim for predefined objectives.<sup>1198</sup> The evidence shows that **YEKATOM** was in contact with MOKOM, KONATE and NGREMANGOU in the days leading up to the attack,<sup>1199</sup> and that he was, personally or through members of his Anti-Balaka Group, in communication with NGREMANGOU during its execution.<sup>1200</sup>

547. From the early morning hours of 5 December 2013, Anti-Balaka groups attacked simultaneously from different directions.<sup>1201</sup> Some were under the orders of FACA officers or non-commissioned officers (**YEKATOM**, KONATE, NGREMANGOU, BAWA), others under those of *de facto commanders* (such as Olivier FEISSONA, ANDJILO, LEBENE, and MAZIMBELE).<sup>1202</sup> As agreed, they attacked multiple targets including Camp Kassai (a Seleka base), Camp de Roux, the Fire Brigade Camp, the National Assembly, the Protestant Youth

<sup>1196</sup> P-1339: [T-154](#), p. 36, lines 5-12.

<sup>1197</sup> P-1339: [T-152](#), p. 69, lines 17-24, p. 70, lines 18-20, p. 77, lines 10-14, p. 79, lines 9-13, p. 80, lines 6-13; [T-154](#), p. 19, lines 2-10; [T-155](#), p. 90, lines 7-15, p. 95, line 21-p. 96, line 1; [T-159](#), p. 49, lines 7-17. See also P-0888: [CAR-OTP-2031-0217-R03](#) at 0222, para. 31, 36.

<sup>1198</sup> [CAR-OTP-2046-0629](#); see commentary by P-1521: [T-081](#), p. 48, line 19-p. 55, line 23; P-1847: [CAR-OTP-2061-1534-R01](#) at 1560, para. 165, at 1561, para. 174-175, at 1562, para. 181, at 1563, para. 183; P-0446: [CAR-OTP-2059-1672-R02](#) at 1689-1693, lines 634-779; [T-096](#), p. 45, lines 8-24, p. 46, lines 7-19, p. 48, line 18-p. 49, line 18; P-0306: [T-065](#), p. 28, lines 14-20, p. 37, lines 2-12; P-2232: [T-075](#), p. 51, lines 14-16; [T-076](#), p. 7, lines 5-16, p. 8, lines 2-5, p. 21, lines 8-11; [T-078](#), p. 23, line 22-p. 24, line 12.

<sup>1199</sup> P-1847: [CAR-OTP-2061-1534-R01](#) at 1561, para. 174, at 1562, para. 181, at 1563, para. 183; P-0446: [T-096](#), p. 46, lines 14-19. CDR show that between 26 November 2013 and 4 December 2013, **YEKATOM** ([REDACTED]) was in contact with MOKOM ([REDACTED]) at least 22 times, that he was in contact with DEDANE ([REDACTED]) at least three times, and that he was in contact with NGREMANGOU ([REDACTED]) at least 93 times: [CAR-OTP-2054-1480](#). For the sources of the attribution of phone number [REDACTED] to MOKOM, see [CAR-OTP-2136-0310](#) and ICC-01/14-01/18-1296-Conf-AnxC, p. 10-11; for the sources of the attribution of phone number [REDACTED] to **YEKATOM**, see ICC-01/14-01/18-1296-Conf-AnxC, p. 23-24; for the sources of the attribution of phone number [REDACTED] to DEDANE, see ICC-01/14-01/18-1296-Conf-AnxC, p. 2; for the sources of the attribution of phone numbers [REDACTED] to NGREMANGOU, see ICC-01/14-01/18-1296-Conf-AnxC, p. 18-19.

<sup>1200</sup> P-0954: [T-169](#), p. 21, lines 7-22. CDR show that **YEKATOM** ([REDACTED]) was in contact with NGREMANGOU ([REDACTED]) at least 6 times on 5 December 2013 between 00:04:15 a.m. and 05:46:14 a.m.: [CAR-OTP-2054-1480](#). For the sources of the attribution of phone number [REDACTED] to **YEKATOM**, see ICC-01/14-01/18-1296-Conf-AnxC, p. 23-24; for the sources of the attribution of phone number [REDACTED] to NGREMANGOU, see ICC-01/14-01/18-1296-Conf-AnxC, p. 19.

<sup>1201</sup> P-0889: [CAR-OTP-2027-2290-R02](#) at 2297, para. 41-42; P-0876: [T-085](#), p. 39, lines 5-16; P-1339: [T-152](#), p. 70, lines 17-25; P-0888: [CAR-OTP-2031-0217-R03](#) at 0222, para 31; [T-120](#), p. 59, line 4-p. 60, line 2; P-1521: [T-081](#), p. 51, lines 18-19, p. 51, line 23-p. 52, line 3.

<sup>1202</sup> P-2232: [T-076](#), p. 27, line 13-p. 29, line 22, p. 30, lines 21-25, p. 33, lines 3-25, p. 34, line 22-p. 35, line 20, p. 38, line 11-p. 39, line 3, p. 40, lines 2-3, 17-20, p. 41, lines 7-10, p. 43, lines 14-17; [T-079](#), p. 16, lines 4-9; P-1847: [CAR-OTP-2061-1534-R01](#) at 1562, para. 181-183, at 1564, para. 189.

Center, and containers located behind the Air France offices, where the Seleka tortured and killed prisoners.<sup>1203</sup> **YEKATOM** and his Group attacked BOEING and CATTIN. Their goal was to advance towards PK5, the predominantly Muslim neighbourhood in the third district.<sup>1204</sup> At around 10 a.m., the Anti-Balaka withdrew in face of the Seleka, notably behind the Bas-Oubangui hill, located behind the BOY-RABE neighbourhood.<sup>1205</sup> **YEKATOM** and his Group had to retreat due to a lack of ammunition.<sup>1206</sup> They based themselves in BOEING, at the YAMWARA School, from 5 December.<sup>1207</sup>

*ii. YEKATOM launched an attack against the Muslim civilian population of BOEING and CATTIN*

548. In connection with the attack on BANGUI on 5 December 2013, **YEKATOM** intentionally directed an attack against the Muslim civilian population of BOEING and CATTIN. P-1339 testified that on the eve of the 5 December attack **YEKATOM** gathered his elements and gave them his instructions for the attack, explicitly ordering them to attack the Muslim civilian population, [REDACTED].<sup>1208</sup> He also ordered his elements to destroy the homes of the Muslims and their mosques.<sup>1209</sup>

549. **YEKATOM** and his deputies gave similar orders to the members of his Anti-Balaka Group during [REDACTED].<sup>1210</sup> [REDACTED].<sup>1211</sup> [REDACTED].<sup>1212</sup>

550. **YEKATOM**'s intention to target the Muslim civilian population *as such* was shared by his deputies, the members of his command, and by his elements generally. As contemporaneous videos show, their hatred for Muslims ran deep, and was unequivocal: they

<sup>1203</sup> P-0992: [CAR-OTP-2110-0048-R05](#) at 0059, para. 53, 55-57; P-0889: [CAR-OTP-2027-2290-R02](#) at 2297, para. 41-42; [CAR-OTP-2122-7653-R02](#) at 7664, lines 404-413; P-1847: [CAR-OTP-2061-1534-R01](#) at 1564, para. 189-191; P-0446: [CAR-OTP-2059-1672-R02](#) at 1689-1693, lines 634-779; P-0884: [T-056](#), p. 10, line 19-p. 13, line 17; [T-057](#), p. 19, line 24-p. 21, line 3; P-0567: [CAR-OTP-2059-0084-R04](#) at 0090, para. 32-33; P-0306: [T-065](#), p. 28, lines 14-20, p. 37, lines 2-12, p. 39, lines 9-18, p. 40, lines 17-24.

<sup>1204</sup> P-0446: [CAR-OTP-2059-1672-R02](#) at 1690, lines 676-689; [REDACTED]; P-2328: [T-047](#), p. 64, lines 10-15; [CAR-OTP-2065-0726](#) from [00:00:17] to [00:01:53] transcript and translation [CAR-OTP-2135-4349](#) and [CAR-OTP-2135-4419](#) at 4421-4424, lines 19-107; [CAR-OTP-2088-1198](#) at 1218.

<sup>1205</sup> P-1521: [T-083](#), p. 13, line 25-p. 14, line 3; P-0306: [T-065](#), p. 40, line 22-p. 41, line 5; P-0889: [CAR-OTP-2027-2290-R02](#) at 2297, para. 43; [REDACTED].

<sup>1206</sup> [CAR-OTP-2065-0726](#) from [00:01:50] to [00:01:53] transcript and translation [CAR-OTP-2135-4349](#) and [CAR-OTP-2135-4419](#) at 4424, lines 103-107; P-1339: [T-154](#), p. 41, line 22-p. 42, line 2; [T-155](#), p. 7, lines 5-11; [T-159](#), p. 76, line 8-p. 78, line 21; P-0889: [T-109](#), p. 24, lines 16-19; P-1528: [CAR-OTP-2048-0757-R05](#) at 0762, para. 30.

<sup>1207</sup> [REDACTED]; P-0884: [T-055](#), p. 73, line 21-p. 74, line 2.

<sup>1208</sup> [REDACTED].

<sup>1209</sup> [REDACTED].

<sup>1210</sup> [REDACTED].

<sup>1211</sup> [REDACTED].

<sup>1212</sup> [REDACTED].

wanted to kill them, whether men, women, or children, and see the Muslim civilian population leave the CAR.<sup>1213</sup>

551. **YEKATOM** and his elements' intention to attack the Muslim civilian population as such is also demonstrated by their commission of crimes against the latter *following* their attack on BOEING and CATTIN on 5 December 2013. Indeed, they continued to attack this population in a widespread manner during the months that followed while they were based in BOEING at the YAMWARA School,<sup>1214</sup> then in the LOBAYE, and particularly on the PK9-MBAIKI axis (especially by committing the crimes in charges 11 to 17 and 24 to 28, discussed below).

552. The crimes of murder committed at the BOEING Market and in CATTIN charged under counts 2 and 3, of forcible displacement, deportation or forcible transfer of population charged under counts 4 and 5, and of intentionally directing attacks against buildings dedicated to religion charged under count 6, were committed in execution of the attack directed by **YEKATOM** against the Muslim civilian population of BOEING and CATTIN on 5 December 2013, in connection with his Group's participation in the Anti-Balaka attack on BANGUI.

<sup>1213</sup> [CAR-OTP-2012-0523](#) from [00:08:54] to [00:10:51] transcript and translation [CAR-OTP-2118-5507](#) and [CAR-OTP-2118-5547](#) at 5556-5558, lines 232-300 (*see*, in relation to this video, P-1339: [T-154](#), p. 19, line 22, p. 24, line 22-p. 31, line 25; P-1786: [T-197](#), p. 42, line 11-p. 43, line 19); [CAR-OTP-2065-0436](#) from [00:00:00] to [00:00:57] transcript [CAR-OTP-2107-1539](#) at 1540, lines 1-18; [CAR-OTP-2065-3188](#) from [00:00:00] to [00:01:01] transcript [CAR-OTP-2107-1547](#) at 1548, lines 1-20 (*see*, in relation to this video, P-1339: [T-155](#), p. 56, line 24-p. 60, line 1); [CAR-OTP-2065-3172](#) from [00:00:00] to [00:01:35] transcript and translation [CAR-OTP-2107-3053](#) and [CAR-OTP-2118-5654](#) at 5656-5657, lines 1-37 (*see*, in relation to this video, P-1339: [T-155](#), p. 58, line 11-p. 60, line 11; P-1647: [T-194](#), p. 46, line 4-p. 50, line 14); [CAR-OTP-2065-4930](#) [00:00:00] to [00:01:27] transcript [CAR-OTP-2107-1557](#) at 1558, lines 1-35; [CAR-OTP-2065-3776](#) [00:00:17] to [00:00:56] transcript [CAR-OTP-2107-6930](#) at 6931, lines 1-14; [CAR-OTP-2065-4918](#) [00:00:00] to [00:00:36] transcript and translation [CAR-OTP-2107-3116](#) and [CAR-OTP-2118-5691](#) at 5694, lines 1-18; [CAR-OTP-2065-5392](#) from [00:00:00] to [00:03:16] transcript and translation [CAR-OTP-2107-3135](#) and [CAR-OTP-2118-5702](#) at 5704-5706, lines 1-91; [CAR-OTP-2065-0802](#) from [00:00:30] to [00:01:42] transcript and translation [CAR-OTP-2107-3039](#) and [CAR-OTP-2118-5646](#) at 5648-5649, lines 18-66; [CAR-OTP-2065-3452](#) from [00:00:00] to [00:01:29] transcript and translation [CAR-OTP-2118-0008](#) and [CAR-OTP-2125-0474](#) at 0476, lines 1-24; [CAR-OTP-2065-5140](#) from [00:00:00] to [00:00:25] transcript [CAR-OTP-2107-3364](#) at 3365, lines 4-7.

<sup>1214</sup> P-1990: [CAR-OTP-2124-0247-R02](#) at 0254-0255, para. 30-35, at 0256, para. 38-42; P-0487: [T-201](#), p. 42, line 19-p. 43, line 15, p. 45, lines 4-21, p. 46, line 24-p. 47, line 14; P-1528: [CAR-OTP-2048-0757-R05](#) at 0764, para. 43-44, at 0765, para. 45; [CAR-OTP-2065-2404](#) from [00:00:00] to [00:02:00] translation [CAR-OTP-2127-3644](#) at 3646, lines 4-28 (for the actual meaning of the expression « *on fait sa papaye* » used by the element who is reporting to YEKATOM, *see* [REDACTED]); P-0967: [T-199](#), p. 39, lines 7-17; P-0954: [CAR-OTP-2048-0171-R03](#), at 0185-0186, para. 86.

**c. Murder (article 7(1)(a)) (count 2) and article 8(2)(c)(i) (count 3)**

**i. Murder of at least seven Muslim traders at the BOEING market**

553. On 5 December 2013, YEKATOM and his Group attacked the BOEING market,<sup>1215</sup> killing at least seven Muslim traders, who were not fighters and who were not actively taking part in hostilities.<sup>1216</sup>

554. YEKATOM planned the attack on the Muslim traders in the market in advance. [REDACTED],<sup>1217</sup> [REDACTED].<sup>1218</sup>

555. In the early hours of 5 December, [REDACTED],<sup>1219</sup> [REDACTED].<sup>1220</sup> [REDACTED],<sup>1221</sup> [REDACTED].<sup>1222</sup> At least seven Muslim traders were killed, including HASSAN, the delegate of the Muslim traders, his brother Abras BABAKAR, OUSMAN, MOUSSA, and SALEH.<sup>1223</sup> [REDACTED];<sup>1224</sup> [REDACTED].<sup>1225</sup> The bodies of the victims were transported the same day to the Ali BABOLO Mosque, in PK5,<sup>1226</sup> where they were grouped with those of other Muslim civilian victims killed by the Anti-Balaka in the context of the attack in BANGUI.<sup>1227</sup>

<sup>1215</sup> In addition to the evidence discussed below, contemporary evidence (video recordings of YEKATOM and his elements made shortly after the 5 December 2013 attack) confirm that the YEKATOM Group took control of the BOEING market. See [CAR-OTP-2065-4500](#) [00:00:00] to [00:00:26] translation [CAR-D29-0006-1335](#) at 1335, l. 4-6; [CAR-OTP-2065-4085](#) [00:00:00] to [00:01:28] translation [CAR-D29-0006-1326](#) at 1326, l. 4-23 (in relation to this video, see P-1786: [T-198](#), p. 23, line 7-p. 24, line 3 (P-1786 identified MOMOKAMA and himself on the video); P-1647: [T-195](#), p. 26, line 1-6 (P-1647 confirmed that one of the persons speaking is MOMOKAMA)).

<sup>1216</sup> See also, on the killing, generally, of Muslim civilians by the Anti-Balaka in BOEING in the course of the 5 December 2013 attack: P-1705: [T-211](#), p. 10, line 14-p. 11, line 2.

<sup>1217</sup> [REDACTED].

<sup>1218</sup> [REDACTED].

<sup>1219</sup> [REDACTED].

<sup>1220</sup> [REDACTED]. See also P-2682: [T-017](#), p. 26, line 2-p. 27, line 4; P-1528: [CAR-OTP-2048-0757](#) at 0762, para. 27; [REDACTED].

<sup>1221</sup> [REDACTED].

<sup>1222</sup> [REDACTED].

<sup>1223</sup> [REDACTED]; P-2682: [T-017](#), p. 34, lines 6-14, p. 35, lines 4-23, p. 36, lines 18-25; P-1528: [CAR-OTP-2048-0757](#) at 0762, para. 27-29; D29-5014: [T-258](#), p. 20, line 23-p. 22, line 14; D30-4496: [T-290](#), p. 15, line 14-p. 17, line 10; [CAR-OTP-2088-1198](#) at 1210, at 1220; [CAR-OTP-2108-1454](#) from [00:00:31] to [00:01:13] transcript and translation [CAR-OTP-2122-9643](#) and [CAR-OTP-2122-9712](#) at 9714-9715, lines 10-26 (regarding this video, see P-2377: [CAR-OTP-2108-0609](#) at 0627 (commenting on rush 994\_0816)).

<sup>1224</sup> [REDACTED]

<sup>1225</sup> [REDACTED].

<sup>1226</sup> P-2682: [T-017](#), p. 27, line 10-p. 28, line 3; D30-4496: [T-290](#), p. 17, lines 14-21; [CAR-OTP-2088-1198](#) at 1210.

<sup>1227</sup> P-1676: [CAR-OTP-2066-0105](#) at 0109-0110, para. 26-28, at 0113-0114, paras. 47-51; P-2472: [CAR-OTP-2110-0355](#) at 0358-0359, para. 19-21; P-1666: [T-231](#) p. 4, line 8-p. 7, line 23, including commentary on [CAR-OTP-2117-1194](#); P-2354: [CAR-OTP-2105-0991](#) at 0996, para. 29; [T-210](#) ET, p. 7, line 13-p. 9, line 12, p. 10, lines 7-25, including commentary on videos [CAR-OTP-2096-2493](#) from [00:00:00] to [00:00:40] translation [CAR-OTP-2130-0378](#) at 0380, lines 1-5, [CAR-OTP-2100-0118](#) from [00:00:00] to [00:00:59]; [CAR-OTP-2108-0682](#) from [00:00:31] to [00:01:42] transcript and translation [CAR-OTP-2122-6026](#) and [CAR-OTP-2122-6035](#) at 6037-6038, l. 11-40; P-0505: [CAR-OTP-2014-0129](#) at 0136, para. 39; P-2377: [CAR-OTP-2108-0609](#) at 0619, para. 47-49, at 0627-0628, including commentary on [CAR-OTP-2108-0682](#) from [00:00:00] to [00:01:42]

556. None of the Muslim traders killed at the BOEING Market were fighters<sup>1228</sup> or actively taking part in hostilities when they were attacked on 5 December 2013. The victims had been working as traders at the market prior to the 24 March 2013 *Coup*.<sup>1229</sup> HASSAN sold, among other goods, sugar, coffee, soap, vegetables, flour, and water.<sup>1230</sup>

557. That some of the victims, including HASSAN, may have had interactions with Seleka elements at an undetermined frequency, who would have parked their vehicles in front of their shops, and drank tea and chatted with them,<sup>1231</sup> does not deprive them of their status of protected civilians since it does not show involvement in any combat activity. D29-4011's evidence lacks credibility and probative value.<sup>1232</sup> In addition, YEKATOM Defence witness D29-4013, [REDACTED],<sup>1233</sup> testified that while Chadians did visit the Muslim traders, the latter did not wear uniforms, had no distinguishing marks on their vehicles, and that there was no indication that they were members of the Seleka. He was categorical on this point.<sup>1234</sup>

558. To the extent that any of the victims may have used weapons to defend themselves during the attack,<sup>1235</sup> the evidence shows that it was YEKATOM's Group that attacked the market – which was clearly not a military target – armed with different weapons including guns, with the intent of killing the Muslim traders that were present. The Muslim traders were not the aggressors. In the face of such an attack, the Muslim traders acted in self-defence to protect their lives, and their response was both necessary and proportionate in the

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transcript and translation [CAR-OTP-2122-6026](#) and [CAR-OTP-2122-6035](#) at 6037-6038, lines 1-40; [CAR-OTP-2108-1455](#) from [00:00:00] to [00:00:46] transcript [CAR-OTP-2122-7419](#) at 7420, lines 4-7; [CAR-OTP-2108-1456](#) from [00:00:00] to [00:00:32] transcript and translation [CAR-OTP-2127-4154](#) and [CAR-OTP-2127-4201](#) at 4203, lines 6-19; [CAR-OTP-2108-1457](#) from [00:00:00] to [00:00:22] transcript [CAR-OTP-2122-7421](#) at 7422, lines 5-12; [CAR-OTP-2108-1458](#) from [00:00:00] to [00:01:04] transcript [CAR-OTP-2122-7423](#) at 7424, lines 3-26; [CAR-OTP-2108-1459](#) from [00:00:00] to [00:01:35] transcript [CAR-OTP-2127-6795](#) at 6796, lines 3-29; [CAR-OTP-2108-1460](#) from [00:00:00] to [00:01:10] transcript [CAR-OTP-2127-6797](#) at 6798, lines 3-20; [CAR-OTP-2108-1462](#) from [00:00:00] to [00:00:41] transcript [CAR-OTP-2122-7427](#) at 7428, lines 5-7; [CAR-OTP-2108-1463](#) from [00:00:00] to [00:00:13] transcript [CAR-OTP-2122-7429](#) at 7430, line 4; [CAR-OTP-2108-1465](#) from [00:00:00] to [00:01:05] transcript and translation [CAR-OTP-2122-9646](#) and [CAR-OTP-2122-9716](#) at 9718, lines 5-15; [CAR-OTP-2108-1466](#) from [00:00:00] to [00:00:04] transcript and translation [CAR-OTP-2127-4156](#) and [CAR-OTP-2127-4204](#) at 4206, lines 4-8. *See also* [CAR-OTP-2108-0632](#) at 0653-0654; P-0460: [CAR-OTP-2013-0536](#) at 0544, para. 40-41; [CAR-OTP-2117-1190](#), [CAR-OTP-2117-1198](#).

<sup>1228</sup> P-2682: [T-017](#), p. 41, line 24-p. 42, line 2. *See also* [REDACTED].

<sup>1229</sup> P-2682: [T-017](#), p. 18, lines 13-15 (*see also* p. 11, lines 15-16, p. 13, lines 12-16); P-1716: [CAR-OTP-2053-0062-R05](#) at 0064, para. 13-14.

<sup>1230</sup> P-2682: [T-017](#), p. 18, lines 6-12.

<sup>1231</sup> [REDACTED]; D29-4011: [CAR-D29-0009-0680-R01](#) at 0686, para. 42.

<sup>1232</sup> *See* ICC-01/14-01/18-2579-Conf (“[Prosecution Response to Yekatom Defence Rule 68\(2\)\(c\) Request](#)”), para. 5, 17, and footnotes 27, 28, and 29. (The Chamber specified, in its decision on the “YEKATOM Defence Request for Formal Submission of Prior Recorded Testimony of CAR-D29-P-4011 Pursuant to Rule 68(2)(c)” (ICC-01/14-01/18-2650-Conf, para. 36), that it will consider the arguments exposed in in that regard in the Prosecution's response “when assessing the probative value of her prior recorded testimony in the context of its deliberation of the judgement”).

<sup>1233</sup> D29-4013: [T-277](#), p. 5, line 16, p. 7, lines 4-6.

<sup>1234</sup> D29-4013: [T-277](#), p. 18, line 22-p. 19, line 24.

<sup>1235</sup> [REDACTED].

circumstances. Their conduct was clearly not aimed at supporting one party to the conflict against another but rather to protect their lives.

559. The case of HASSAN illustrates this. [REDACTED],<sup>1236</sup> “[REDACTED],<sup>1237</sup> [REDACTED],<sup>1238</sup> [REDACTED].<sup>1239</sup>

560. The evidence demonstrates beyond a reasonable doubt that **YEKATOM** was aware of the factual circumstances establishing the protected status of the Muslim traders, namely that they were civilians not actively taking part in hostilities, when he ordered his elements to attack them.

561. *First*, [REDACTED]<sup>1240</sup> – [REDACTED],<sup>1241</sup> he was aware that the people he ordered his elements to kill were traders who were at that time in their shops where they had spent the night to protect their goods.<sup>1242</sup>

562. *Second*, the victims were dressed in civilian clothes when they were killed,<sup>1243</sup> and therefore visibly distinguishable from the Seleka.

563. *Third*, the evidence shows that no Seleka fighters were present at the market when the attack took place.<sup>1244</sup>

564. *Finally*, **YEKATOM**, a “career soldier”,<sup>1245</sup> had been a FACA for nearly 10 years,<sup>1246</sup> a member of the Republican Guard,<sup>1247</sup> and was therefore a professional,<sup>1248</sup> instructed like any FACA in the principles of the law of armed conflict as part of the basic military training he received.<sup>1249</sup> He knew – and could only conclude in these circumstances – that the traders he ordered his elements to kill were not legitimate military targets according to the law of armed conflict, even if they might have possessed weapons for their protection.

*ii. Murder of at least one Muslim civilian in CATTIN*

565. While attacking the CATTIN neighbourhood in the morning of 5 December 2013, elements of **YEKATOM**’s Group killed at least one Muslim civilian, who was not actively

<sup>1236</sup> [REDACTED].

<sup>1237</sup> [REDACTED].

<sup>1238</sup> [REDACTED].

<sup>1239</sup> [REDACTED].

<sup>1240</sup> [REDACTED].

<sup>1241</sup> [REDACTED].

<sup>1242</sup> [REDACTED]; D30-4496: [T-290](#), p. 17, lines 7-10; P-2682: [T-017](#), p. 26, line 21-p. 27, line 4.

<sup>1243</sup> D30-4496: [T-290](#), p. 16, lines 14-24; [REDACTED].

<sup>1244</sup> [REDACTED]; P-0884: [T-057](#), p. 21, line 3.

<sup>1245</sup> P-0888: [T-120](#), p. 65, lines 11-12.

<sup>1246</sup> [CAR-D29-0001-0081](#) at 0085.

<sup>1247</sup> [CAR-OTP-2065-0396](#) [00:00:19] to [00:00:26] transcript [CAR-OTP-2107-6918](#) at 6919, lines 9-14.

<sup>1248</sup> [CAR-OTP-2065-0396](#) [00:01:45] to [00:01:59] transcript [CAR-OTP-2107-6918](#) at 6919-6920, lines 36-39.

<sup>1249</sup> P-0487: [T-201](#), p. 11, line 21-p. 12, line 13.

taking part in the hostilities, in a deliberate manner, in the execution of **YEKATOM**'s orders to attack the Muslim civilian population on the eve of the attack, as discussed above.

566. P-1528 recounted the circumstances of this murder. While he was at home in CATTIN,<sup>1250</sup> he heard shouting around 8 or 9 a.m. "it's an Arab" and an individual calling for help as the Anti-Balaka were beating him and killing him.<sup>1251</sup> Looking through a hole in the wall of his compound after "the noise" had stopped, P-1528 saw four Anti-Balaka whom he identified as such by their *gris-gris*, and by the fact that they carried weapons (one a Kalashnikov, the others machetes) and bands around their heads and around their upper arms.<sup>1252</sup> He then saw a bloodied corpse there as he left his home by car with his family.<sup>1253</sup>

567. [REDACTED] also reported the killing of his [REDACTED], a Muslim civilian, by Anti-Balaka in CATTIN during the 5 December attack.<sup>1254</sup>

568. That **YEKATOM**'s Group killed the victim(s) is proven beyond reasonable doubt, *inter alia*, given the following evidence.

569. *First*, the evidence shows that it was **YEKATOM**'s Group that attacked CATTIN on the morning of 5 December.<sup>1255</sup> **YEKATOM** himself admitted to fighting in CATTIN with his elements during the attack in a video recorded only a few days after 5 December.<sup>1256</sup> In addition, the individual interviewed by the [REDACTED], mentioned above, reported that [REDACTED]<sup>1257</sup>. His testimony is credible, especially since **YEKATOM**'s Group included FACA members, some of whom wore military uniforms in the period of the attack.<sup>1258</sup>

570. *Second*, the evidence shows that **YEKATOM**'s elements were present in CATTIN at the time P-1528 testified the murder occurred.<sup>1259</sup> P-1528 saw the Anti-Balaka pass by his residence at around 7 a.m.,<sup>1260</sup> heard them fighting towards the CATTIN company building *for*

<sup>1250</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0760, para. 16, at 0762, para. 31.

<sup>1251</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0762-0763, para. 31; [T-178](#), p. 28, line 17-p. 29, line 18 and [T-178](#) [FR], p. 29, line 20-p. 30, line 3.

<sup>1252</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0762-0763, para. 31-32; [T-178](#), p. 29, line 19-p. 30, line 3.

<sup>1253</sup> P-1528: [T-178](#), p. 29, line 19-p. 30, line 3, p. 31, lines 15-20.

<sup>1254</sup> [CAR-OTP-2088-1198](#) at 1218.

<sup>1255</sup> P-0446: [CAR-OTP-2059-1672-R02](#) at 1690, lines 676-686; P-1339: [T-152](#), p. 79, lines 16-17; [T-155](#), p. 8, line 24-p. 9, line 3; P-2328: [T-047](#), p. 64, lines 10-20; [CAR-OTP-2065-0726](#) [00:00:17] to [00:01:53] transcript and translation [CAR-OTP-2135-4349](#) and [CAR-OTP-2135-4419](#) at 4421-4424, lines 19-107; [CAR-OTP-2088-1198](#) at 1218.

<sup>1256</sup> [CAR-OTP-2065-0726](#) [00:00:17] to [00:01:53] transcript and translation [CAR-OTP-2135-4349](#) and [CAR-OTP-2135-4419](#) at 4421-4424, lines 19-107.

<sup>1257</sup> [CAR-OTP-2088-1198](#) at 1218.

<sup>1258</sup> [CAR-OTP-2065-3452](#) [00:00:00] to [00:00:39] (on the left of the image); [CAR-OTP-2012-0523](#) [00:44:30] to [00:44:50], [00:45:36] to [00:45:39]. *See also* P-1716: [T-147](#), p. 8, line 8-p. 9, line 12.

<sup>1259</sup> As indicated clearly in a conversation between **YEKATOM** and other individuals recorded in [CAR-OTP-2065-0726](#) [00:00:17] to [00:01:53] transcript and translation [CAR-OTP-2135-4349](#) and [CAR-OTP-2135-4419](#) at 4421-4424, lines 19-107.

<sup>1260</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0762, para. 30.



more than an hour,<sup>1261</sup> and then heard the elements retreat.<sup>1262</sup> His testimony is that the murder took place at around 8 or 9 a.m.<sup>1263</sup> — the approximate period when the Anti-Balaka elements were retreating, and passing by his residence.

571. *Third*, the evidence shows that **YEKATOM**'s elements had the motive to commit the murder. They had been ordered by **YEKATOM** to attack the Muslim civilian population, [REDACTED]. In addition, the elements generally shared **YEKATOM**'s anti-Muslim animus.<sup>1264</sup> P-1528 stated that when the Anti-Balaka passed by his residence in the process of retreating, he heard them say that they were going to kill DJOTODIA first, and that they would then come back to kill all the Muslims.<sup>1265</sup> Which is exactly what they did.

572. *Finally*, that the four Anti-Balaka seen by P-1528 were members of **YEKATOM**'s Group is confirmed by the fact that they wore armbands.<sup>1266</sup> [REDACTED].<sup>1267</sup>

**d. Forcible transfer, deportation (article 7(1)(d)) (count 4), displacement (article 8(2)(e)(viii)) (count 5)**

573. **YEKATOM**'s attack against the Muslim civilian population of BOEING and CATTIN on 5 December 2013, and the crimes that his elements continued to commit, under his leadership, against this population while based at the YAMWARA School in BOEING, forced the Muslim residents of these neighbourhoods to flee *en masse*. Fearing death, they fled to the predominantly Muslim neighbourhood of PK5, the only safe place for them in BANGUI, as well as to other parts of CAR and neighbouring countries.

<sup>1261</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0762, para. 30.

<sup>1262</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0762, para. 30.

<sup>1263</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0762-0763, para. 31. *See also* [T-178](#), p. 28, line 25-p. 29, line 13.

<sup>1264</sup> *See* Section IV, B, b, para. 449-451. *See also* [CAR-OTP-2012-0523](#) [00:08:54] to [00:10:51] transcript and translation [CAR-OTP-2118-5507](#) and [CAR-OTP-2118-5547](#) at 5556-5558, lines 232-300 (*see*, in relation to this video, P-1339: [T-154](#), p. 19, line 22, p. 24, line 22-p. 31, line 25; P-1786: [T-197](#), p. 42, line 11-p. 43, line 19); [CAR-OTP-2065-0436](#) [00:00:00] to [00:00:57] transcript [CAR-OTP-2107-1539](#) at 1540, lines 1-18; [CAR-OTP-2065-3188](#) [00:00:00] to [00:01:01] transcript [CAR-OTP-2107-1547](#) at 1548, lines 1-20 (*see*, in relation to this video, P-1339: [T-155](#), p. 56, line 24-p. 60, line 1; [CAR-OTP-2065-3172](#) [00:00:00] to [00:01:35] transcript and translation [CAR-OTP-2107-3053](#) and [CAR-OTP-2118-5654](#) at 5656-5657, lines 1-37 (*see*, in relation to this video, P-1339: [T-155](#), p. 58, line 11-p. 60, line 11; P-1647: [T-194](#), p. 46, line 4-p. 50, line 14); [CAR-OTP-2065-4930](#) [00:00:00] to [00:01:27] transcript [CAR-OTP-2107-1557](#) at 1558, lines 1-35; [CAR-OTP-2065-3776](#) [00:00:18] to [00:00:56] transcript and translation [CAR-OTP-2107-6930](#) and [CAR-OTP-2122-2300](#) at 2302, lines 1-14; [CAR-OTP-2065-4918](#) [00:00:00] to [00:00:36] transcript and translation [CAR-OTP-2107-3116](#) and [CAR-OTP-2118-5691](#) at 5693, lines 1-23; [CAR-OTP-2065-5392](#) from [00:00:00] to [00:03:16] transcript and translation [CAR-OTP-2107-3135](#) and [CAR-OTP-2118-5702](#) at 5704-5706, lines 1-91; [CAR-OTP-2065-0802](#) [00:00:30] to [00:01:41] transcript and translation [CAR-OTP-2107-3039](#) and [CAR-OTP-2118-5646](#) at 5648-5649, lines 18-66; [CAR-OTP-2065-3452](#) [00:00:00] to [00:01:29] transcript and translation [CAR-OTP-2118-0008](#) and [CAR-OTP-2125-0474](#) at 0476, lines 1-22; [CAR-OTP-2065-5140](#) [00:00:00] to [00:00:25] transcript [CAR-OTP-2107-3364](#) at 3365, lines 4-7.

<sup>1265</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0762, para. 30.

<sup>1266</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0763, para. 32.

<sup>1267</sup> [REDACTED].

574. The forced departure of the Muslim civilian population from BANGUI was one of the objectives of the Anti-Balaka who took part in the attack, including of **YEKATOM** and his Group. They perceived the Muslim civilian population as being collectively responsible for, complicit with, and/or supportive of the Seleka, in accordance with the Criminal Policy and/or Common Purpose of the Anti-Balaka, and assimilated them to foreigners. Only a few days after the attack **YEKATOM**'s elements can be heard saying that they did not want to « *voir les musulmans* »;<sup>1268</sup> a section leader of **YEKATOM**'s Group explained that the objective was to « *chasser les musulmans qui étaient venus chez nous* »;<sup>1269</sup> BEINA – who would later become **YEKATOM**'s Deputy – threatened genocide.<sup>1270</sup>

575. As a direct consequence of the attack launched by **YEKATOM** against its members on 5 December 2013, the Muslim civilian population of BOEING and CATTIN – or at the very least the overwhelming majority of it – was forced to leave their area despite being lawfully present there.<sup>1271</sup> [REDACTED].<sup>1272</sup> P-1647, who became a member of the **YEKATOM** Group later in December 2013, while the Group was based at the YAMWARA School,<sup>1273</sup> testified that, after the attack, Muslims notably residing in BOEING fled, to the point that “[...] then there were no Muslims living in these districts”.<sup>1274</sup> Witnesses P-1528 (a resident of CATTIN), P-1990 (a resident of BOEING), and **YEKATOM** Defence witness D29-5014, among others, linked the massive displacement of the Muslim civilian population of BOEING and CATTIN to the violence committed by the Anti-Balaka on 5 December 2013.<sup>1275</sup>

576. After 5 December, once based at the YAMWARA School Base, **YEKATOM** and his Group continued their attack on the Muslim civilian population, making it impossible for them to be present in the neighbourhood, at the risk of being killed.<sup>1276</sup> Following the orders of

<sup>1268</sup> [CAR-OTP-2065-3172](#) [00:00:00] to [00:01:35] transcript and translation [CAR-OTP-2107-3053](#) and [CAR-OTP-2118-5654](#) at 5656-5657, lines 1-37.

<sup>1269</sup> [CAR-OTP-2065-3452](#) [00:00:00] to [00:01:08] transcript and translation [CAR-OTP-2118-0008](#) and [CAR-OTP-2125-0474](#) at 0476, lines 1-21.

<sup>1270</sup> [CAR-OTP-2065-0436](#) [00:00:42] to [00:00:52] transcript [CAR-OTP-2107-1539](#) at 1540, lines 13-14.

<sup>1271</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0763-0764, para. 37-41, at 0765, para. 48-49; [CAR-OTP-2121-2831-R01](#) at 2833, para. 14, at 2834, para. 22, at 2835, paras. 24-26; [T-178](#), p. 35, lines 15-16, p. 36, line 10-p. 37, line 3; D30-4496: [T-290](#), p. 18, lines 16-25, p. 20, line 7-p. 21, line 6; P-1990: [CAR-OTP-2124-0247-R02](#) at 0252, para. 24; P-1647: [T-194](#), p. 16, lines 1-9; P-2472: [CAR-OTP-2110-0355-R01](#) at 0360, para. 25; P-1705: [T-211](#), p. 10, lines 3-17; [REDACTED]; [CAR-OTP-2053-0538](#) at 0538; [CAR-OTP-2110-0460](#).

<sup>1272</sup> [REDACTED].

<sup>1273</sup> P-1647: [T-194](#), p. 8, lines 16-21.

<sup>1274</sup> P-1647: [T-194](#), p. 16, lines 1-9.

<sup>1275</sup> P-1528: [CAR-OTP-2121-2831-R01](#) at 2834, para. 22, at 2835, para. 24-26; [T-178](#), p. 35, lines 13-19, p. 36, lines 10-19; P-1990: [CAR-OTP-2124-0247-R02](#) at 0252-0253, para. 24; D29-5014: [T-258](#), p. 22, line 12-p. 23, line 19; D30-4496: [T-290](#), p. 18, lines 16-25, p. 20, lines 7-15.

<sup>1276</sup> P-1990: [CAR-OTP-2124-0247-R02](#) at 0254-0255, para. 30-35, at 0256, para. 38-42; P-0487: [T-201](#), p. 42, line 19-p. 43, line 15, p. 45, lines 4-21, p. 46, line 24-p. 47, line 14; P-1528: [CAR-OTP-2048-0757-R05](#) at 0764, para. 43-44, at 0765, para. 45; [CAR-OTP-2065-2404](#) [00:00:00] to [00:02:00] transcript and translation [CAR-](#)

**YEKATOM** and **OUANDJIO**, barriers were set up in **BOEING** on the roads leading to the school.<sup>1277</sup> The barricades served to identify Muslims, who were then detained, tortured and/or killed.<sup>1278</sup> [REDACTED] testified that he saw a naked beheaded body at the **YAMWARA** School (his testimony on this point is corroborated by P-1528),<sup>1279</sup> [REDACTED].<sup>1280</sup> Bodies were indeed exhumed from the grounds of the school later on, as reported by P-1990.<sup>1281</sup>

577. Members of the Muslim civilian population of **BOEING** and **CATTIN** displaced in **PK5** found themselves encircled with thousands of Muslim civilians displaced from other areas of **BANGUI**, who had also been forced to flee their homes due to the widespread attack launched by the Anti-Balaka against the Muslim civilian population of the city on 5 December 2013.<sup>1282</sup> Thousands of displaced Muslims also came from the Provinces, similarly victims of attacks from the Anti-Balaka committed in accordance with the Criminal Policy and/or Criminal Purpose of the Anti-Balaka.<sup>1283</sup> At the end of December 2013, nearly 100,000 internally displaced persons were refugees in the third district of **BANGUI** where **PK5** is located.<sup>1284</sup>

578. Leaving **PK5** was impossible without risking being killed, while the Anti-Balaka were besieging and attacking the neighbourhood.<sup>1285</sup> The **YEKATOM** Group attacked **PK5** on several occasions.<sup>1286</sup> The displaced men, women, children, and the elderly, lacked food, shelter, health care, and sanitation.<sup>1287</sup> Most of the displaced Muslims at **PK5** were eventually evacuated to neighbouring countries, including **CHAD** and **CAMEROON**, in convoys secured

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[OTP-2127-3738](#) and [CAR-OTP-2127-3644](#) at 3646, lines 4-28 (for the actual meaning of the expression « *on fait sa papaye* » used by the element who is reporting to **YEKATOM**, see [REDACTED]; P-0967: [T-199](#), p. 39, lines 7-17; P-0954: [CAR-OTP-2048-0171-R03](#), at 0185-0186, para. 86.

<sup>1277</sup> P-1990: [CAR-OTP-2124-0247-R02](#) at 0254, para. 31; P-0967: [T-199](#), p. 35, lines 1-15.

<sup>1278</sup> P-1990: [CAR-OTP-2124-0247-R02](#) at 0254-0255, para. 32-35. See also Section V, C, b.

<sup>1279</sup> [REDACTED]; P-1528: [CAR-OTP-2048-0757-R05](#) at 0764, para. 43-44, at 0765, para. 45.

<sup>1280</sup> [REDACTED]; P-1990: [CAR-OTP-2124-0247-R02](#) at 0256, para. 38.

<sup>1281</sup> P-1990: [CAR-OTP-2124-0247-R02](#) at 0256, para. 39-42.

<sup>1282</sup> P-1528: [T-178](#), p. 36, lines 10-19; P-1647: [T-194](#), p. 16, lines 1-9; P-0889: [CAR-OTP-2122-7684-R02](#) at 7685-7686, lines 37-78, 7690-7691, lines 232-255; P-1666: [T-231](#), p. 33, lines 5-8; [REDACTED]; P-0475: [T-090](#), p. 42, lines 10-23; [CAR-OTP-2053-0538](#) at 0538.

<sup>1283</sup> See, *inter alia*, P-1865: [CAR-OTP-2066-0134-R01](#) at 0143, para. 46.

<sup>1284</sup> [CAR-OTP-2110-0460](#).

<sup>1285</sup> [CAR-OTP-2053-0538](#) at 0538-0539; P-1528: [T-178](#), p. 36, line 24-p. 39, line 6; [CAR-OTP-2023-1863](#) [00:07:32] to [00:09:22] transcript [CAR-OTP-2122-9401](#) at 9403-9404, lines 89-109; P-2472: [CAR-OTP-2110-0355-R01](#) at 0362, para. 39, at 0363, para. 43; [CAR-OTP-2108-1635](#) [00:00:00] to [00:01:30] transcript [CAR-OTP-2127-6802](#) at 6803, lines 3-25; P-1871: [CAR-OTP-2064-0884-R02](#) at 0892, para. 43-44, at 0893, para. 47; P-0475: [CAR-OTP-2104-0116-R04](#) at 0123, para. 52, at 0136, para. 162; [T-091](#), p. 57, line 25-p. 58, line 8; P-1666: [T-231](#), p. 34, lines 3-15; P-1576: [CAR-OTP-2060-0280-R01](#) at 0285, para. 32; P-0475: [CAR-OTP-2118-1122-R03](#) at 1152, para. 209; [CAR-OTP-2079-0598](#) at 0598-0601.

<sup>1286</sup> P-2926: [CAR-OTP-2127-4289](#) at 4323, para. 74; [T-032](#), p. 35, lines 13-24; [CAR-OTP-2001-5386](#) at 5406, para. 75; P-1990: [CAR-OTP-2124-0247-R02](#) at 0254, para. 28; P-1786: [CAR-OTP-2058-0200-R03](#) at 0207, para. 39; [CAR-OTP-2012-0523](#) [00:37:08] to [00:38:02] translation [CAR-OTP-2118-5547](#) at 5577, lines 949-972.

<sup>1287</sup> P-1865: [CAR-OTP-2066-0134-R01](#) at 0143 para. 45, 47; P-2472: [CAR-OTP-2110-0355-R01](#) at 0363, para. 43; P-0952: [T-250](#), p. 64, line 15-p. 65, line 13; P-1823: [T-183](#), p. 35, line 6-p. 36, line 3, commenting on [CAR-OTP-2073-0258](#) and [CAR-OTP-2073-0265](#); [CAR-OTP-2079-0598](#) at 0601-0602.

by heavy military escorts.<sup>1288</sup> After only a few months, 85 to 90% of the Muslim civilian population of BANGUI had left the city.<sup>1289</sup> The homes and belongings of some of them were looted by the Anti-Balaka and the local population.<sup>1290</sup>

**e. Attacks against buildings dedicated to religion (article 8(2)(e)(iv)) (count 6)**

579. The evidence shows that on 5 December 2013 [REDACTED],<sup>1291</sup> elements of the **YEKATOM** Anti-Balaka Group directed an attack on the only mosque in BOEING<sup>1292</sup> (also known as the Nour Alyaguin Mosque),<sup>1293</sup> in execution of the orders given by **YEKATOM** the day before the attack,<sup>1294</sup> and partially damaged it.<sup>1295</sup>

580. [REDACTED],<sup>1296</sup> [REDACTED]<sup>1297</sup> [REDACTED].<sup>1298</sup> [REDACTED],<sup>1299</sup> [REDACTED].<sup>1300</sup>

581. In addition, [REDACTED],<sup>1301</sup> [REDACTED].<sup>1302</sup> Subsequently, members of the population continued to destroy it over the next days, looting the materials.<sup>1303</sup> In the end, the mosque was razed to ground, leaving only the concrete slab that served as its foundation.<sup>1304</sup>

<sup>1288</sup> P-0475: [CAR-OTP-2118-1122-R03](#) at 1151, para. 203-204; P-2353: [CAR-OTP-2122-4377-R03](#) at 4392, para. 68; P-1576: [CAR-OTP-2060-0280-R01](#) at 0285, para. 33; P-1676: [CAR-OTP-2066-0105-R01](#) at 0119-0120, para. 82-86; P-2419: [CAR-OTP-2112-0036-R03](#) at 0059, para. 131; P-0876: [CAR-OTP-2046-0562-R01](#) at 0563-0564, lines 37-50.

<sup>1289</sup> [CAR-OTP-2079-0598](#) at 0600.

<sup>1290</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0765, para. 46-47, at 0766, paras 53-54; [CAR-OTP-2048-0982](#), [CAR-OTP-2048-0983](#), [CAR-OTP-2048-0984](#), [CAR-OTP-2048-0985](#), [CAR-OTP-2048-0986](#), [CAR-OTP-2048-0987](#), [CAR-OTP-2048-0988](#), [CAR-OTP-2048-0989](#), [CAR-OTP-2048-0990](#), [CAR-OTP-2048-0991](#), [CAR-OTP-2048-0992](#), [CAR-OTP-2048-0993](#), [CAR-OTP-2048-0994](#), [CAR-OTP-2048-0995](#), [CAR-OTP-2048-0996](#), [CAR-OTP-2048-0997](#), [CAR-OTP-2048-0998](#); P-1786: [CAR-OTP-2058-0200-R03](#) at 0207, para. 38; P-0475: [CAR-OTP-2118-1122-R03](#) at 1132-1133, para. 65; P-2472: [CAR-OTP-2110-0355-R01](#) at 0363, para. 46.

<sup>1291</sup> [REDACTED].

<sup>1292</sup> [REDACTED]; P-0884: [T-057](#), p. 56, line 13-p. 57, line 12. See also P-0475: [CAR-OTP-2104-0116-R04](#) at 0128, para. 92, confirming that the BOEING Mosque was destroyed by the Anti-Balaka.

<sup>1293</sup> P-1528: [T-178](#), p. 13, lines 16-18.

<sup>1294</sup> [REDACTED].

<sup>1295</sup> [REDACTED]; P-0884: [T-057](#), p. 56, line 13-p. 57, line 12.

<sup>1296</sup> [REDACTED].

<sup>1297</sup> [REDACTED].

<sup>1298</sup> [REDACTED].

<sup>1299</sup> [REDACTED].

<sup>1300</sup> [REDACTED].

<sup>1301</sup> [REDACTED].

<sup>1302</sup> [REDACTED].

<sup>1303</sup> [REDACTED]; P-0884: [T-057](#), p. 56, line 13-p. 57, line 12; P-2682: [T-017](#), p. 41, lines 12-23; D29-4011: [CAR-D29-0009-0680-R01](#) at 0686, paras. 45-46; D29-4013: [T-277](#), p. 26, line 24-p. 29, line 13.

<sup>1304</sup> P-2682: [T-017](#), p. 41, lines 15-16, 23; P-1528: [CAR-OTP-2048-0757-R05](#) at 0765, para. 47; [CAR-OTP-2121-2831-R01](#) at 2833, para. 13-14, 2835, para. 27-28; [T-178](#), p. 16, line 5-p. 17, line 2, p. 21, lines 19-20, p. 22, lines 18-25, p. 23, lines 13-15; [T-179](#), p. 9, line 5-p. 11, line 6; [CAR-D29-0008-0001](#) [00:00:00] to [00:00:03]; [CAR-OTP-2121-2858](#); [CAR-OTP-2121-2859](#) transcript and translation [CAR-OTP-2130-1265](#) and [CAR-OTP-2130-1412](#) at 1414, lines 3-9.

582. [REDACTED] is clear that elements of **YEKATOM**'s Group attacked the mosque deliberately, knowingly, *because it was a mosque*.<sup>1305</sup> Other mosques were also destroyed by the Anti-Balaka as part of the 5 December 2013 attack on BANGUI, and subsequently in BANGUI, as well as in the Provinces.<sup>1306</sup> Their objective was to erase the presence of the Muslim civilian population, including its identity and what represented it.<sup>1307</sup>

583. The attack on the mosque by **YEKATOM**'s Group is proven beyond a reasonable doubt, especially on the basis of the following evidence.

584. *First*, several witnesses, in addition to [REDACTED], testified about the Anti-Balaka attack on the BOEING mosque, including P-0884 (familiar with the neighbourhood), and P-0475.<sup>1308</sup>

585. *Second*, the mosque was located in the BOEING area, which was attacked by the **YEKATOM** Group on 5 December 2013 (the mosque was close to the BOEING market).<sup>1309</sup>

586. *Third*, elements of the **YEKATOM** Anti-Balaka Group did indeed have rocket launchers during the attack, as demonstrated in a conversation between **YEKATOM** and others, video-recorded a few days after 5 December.<sup>1310</sup> What seems to be a rocket launcher is visible on a contemporaneous video recording of elements of the **YEKATOM** Group.<sup>1311</sup>

587. *Fourth*, the comparison of satellite images dated 27 November and 8 December 2013, made by expert witness P-2193, confirms the partial destruction of the mosque, and shows that the building was set on fire during the relevant time period,<sup>1312</sup> [REDACTED]. Photographic and video evidence, as well as testimonial evidence, attest to the destruction of the BOEING mosque during the period of the attack.<sup>1313</sup>

<sup>1305</sup> [REDACTED].

<sup>1306</sup> P-1577: [T-027](#), p. 27, line 22-p. 28, line 7; P-0475: [T-090](#), p. 20, lines 4-9; P-0884: [T-057](#), p. 55, lines 12-25; P-1779: [CAR-OTP-2087-9894-R02](#) at 9907-9908, para. 78; P-2200: [CAR-OTP-2088-2146-R04](#) at 2158, para. 67; P-0966: [CAR-OTP-2031-0241-R03](#) at 0249, para. 47; P-2325: [CAR-OTP-2100-2386-R02](#) at 2399, para. 57.

<sup>1307</sup> *See, inter alia*, [CAR-OTP-2017-0115](#), notably at 0118-0119; P-2926: [CAR-OTP-2127-4289](#) at 4310, para. 52, at 4311, para. 54.

<sup>1308</sup> P-0884: [T-057](#), p. 56, line 13-p. 57, line 12; P-0475: [CAR-OTP-2104-0116-R04](#) at 0128, para. 92; P-1786: [CAR-OTP-2058-0200-R03](#) at 0207, para. 38.

<sup>1309</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0760, para. 17, commenting on [CAR-OTP-2048-0771](#); [T-178](#), p. 14, lines 19-20.

<sup>1310</sup> [CAR-OTP-2065-0726](#) [00:01:29] to [00:01:45] translation [CAR-OTP-2135-4419](#) at 4423, lines 82-98.

<sup>1311</sup> [CAR-OTP-2065-4085](#) [00:01:24] to [00:01:28] translation [CAR-D29-0006-1326](#) at 1326, l. 4-23. *See also* P-1786: [T-198](#), p. 23, line 7-p. 24, line 3 (P-1786 identified MOMOKAMA and himself on the video); P-1647: [T-195](#), p. 26, line 1-6 (P-1647 confirmed that one of the persons speaking is MOMOKAMA).

<sup>1312</sup> [CAR-OTP-2127-6617](#) at 6621 (third paragraph); [CAR-OTP-2127-6626](#) at 6627; P-2193: [T-019](#), p. 28, line 1-p. 32, line 6, p. 43, line 10-p. 44, line 19.

<sup>1313</sup> P-0884: [T-057](#), p. 56, line 13-p. 57, line 12; P-0475: [CAR-OTP-2104-0116-R04](#) at 0128, para. 92; P-2682: [T-017](#), p. 41, lines 15-16, 23; P-1528: [CAR-OTP-2048-0757-R05](#) at 0765, para. 47 [CAR-OTP-2121-2831-R01](#) at 2833, paras. 13-14, 2835, paras. 27-28; [T-178](#), p. 16, line 5-p. 17, line 2, p. 21, lines 19-20, p. 22, lines 18-25, p. 23, lines 13-15; [T-179](#), p. 9, line 5-p. 11, line 6; [CAR-D29-0008-0001](#) [00:00:00] to [00:00:03]; [CAR-OTP-2121-](#)

588. *Fifth*, [REDACTED] is confirmed by P-2193's satellite imagery analysis. P-2193 did not rule out that the mosque could have been hit by a rocket and torched,<sup>1314</sup> [REDACTED]. While he indicated that in this case he "would [have] expected more debris to be visible if there was explosives being used like that, and [...] you wouldn't see the roof a hundred per cent gone", this "unless the site was cleaned up or something like that",<sup>1315</sup> the evidence establishes not only that the population continued to destroy the mosque, *but that they looted the roof sheets and bricks to reuse them for construction purposes*.<sup>1316</sup> Furthermore, the evidence is that one rocket only was shot at the mosque.<sup>1317</sup> The type and quality of that ammunition is unknown, as well as the manner in which it impacted the building.

589. *Sixth*, [REDACTED].<sup>1318</sup> [REDACTED].<sup>1319</sup>

590. *Seventh*, P-1839's evidence attests to the reliability of [REDACTED]. P-1839 [REDACTED] testified that "Alkanto was the person among us who was [...] in charge of rocketry. He was in charge of the rocket – the rockets, the strike of the rockets".<sup>1320</sup> The reliability of [REDACTED] is further confirmed by a video recording of a conversation between members of the YEKATOM Group a few days after the 5 December 2013 attack: one of them, who is asking « *où sont les munitions de roquettes* », says: « *Les munitions là ce n'est pas entre les mains de l'autre là ? N'est-ce pas que c'est Alkanto ?* »<sup>1321</sup>

591. *Eighth*, the evidence from [REDACTED] is not contradicted by the testimonies of YEKATOM's witnesses D29-4011 and D29-4013, which are actually in line with it. While these witnesses testified that they saw members of the population tearing off metal sheets from the roof of the mosque, none of them said that it was on 5 December, nor (without specifying that date) on the day of the attack. No indication of date appears in their testimony. It is reasonably after 5 December that D29-4011 may have witnessed it, as members of the population were continuing the destruction of the mosque and looting its materials: D29-4011

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[2858](#); [CAR-OTP-2121-2859](#) transcript and translation [CAR-OTP-2130-1265](#) and [CAR-OTP-2130-1412](#) at 1414, lines 3-9; P-1786: [CAR-OTP-2058-0200-R03](#) at 0207, para. 38.

<sup>1314</sup> P-2193: [T-019](#), p. 50, lines 4-12, p. 79, lines 3-12.

<sup>1315</sup> P-2193: [T-019](#), p. 79, lines 3-12.

<sup>1316</sup> P-0884: [T-057](#), p. 56, line 13-p. 57, line 12; P-2682: [T-017](#), p. 41, lines 12-23; D29-4011: [CAR-D29-0009-0680-R01](#) at 0686, paras. 45-46; D29-4013: [T-277](#), p. 26, line 24-p. 29, line 13.

<sup>1317</sup> The question put to P-2193 by the Defence in that regard was misleading. The witness was asked whether the state of the building was "consistent with damage caused by grenades or rockets" (see [T-019](#), p. 79, line 3), [REDACTED].

<sup>1318</sup> [REDACTED].

<sup>1319</sup> [REDACTED].

<sup>1320</sup> P-1839: [T-170](#), p. 35, lines 1-2.

<sup>1321</sup> [CAR-OTP-2065-4085](#) [00:01:06] to [00:01:28] translation [CAR-D29-0006-1326](#) at 1326, l. 4-23. See also [REDACTED]; P-1647: [T-195](#), p. 26, line 1-6 (P-1647 confirmed that one of the persons speaking is MOMOKAMA).

mentioned that she did so after she was able to go to her home from a refugee site, taking advantage of a “lull”.<sup>1322</sup> This could not be on 5 December, since the Seleka committed extensive reprisals in BANGUI on that day, including in BOEING and CATTIN, following the withdrawal of the Anti-Balaka.<sup>1323</sup>

592. *Last*, that the destruction of the mosque was continued by members of the civilian population, as reported generally by Prosecution witnesses [REDACTED], P-0884, and P-2682, and by Defence witnesses D29-4011 and D29-4013, does not affect the commission of the crime by **YEKATOM**'s elements, in execution of his orders. As ruled by Trial Chamber VI in its Judgment in the *Ntaganda* case, “[a]rticle 8(2)(e)(iv) only requires the perpetrator to have launched an attack against a protected object and it need not be established that the attack caused any damage or destruction to the object in question”.<sup>1324</sup>

**f. Persecution (article 7(1)(h)) (count 8)**

593. The evidence demonstrates beyond reasonable doubt that **YEKATOM**'s Group, carrying out his orders and under his direction, targeted the Muslim civilian population of BOEING and CATTIN on political, ethnic and/or religious grounds. In their attack on 5 December 2013, they killed Muslim civilians not actively taking part in the hostilities, attacking their place of worship in BOEING, and forcing this population to flee.

594. **YEKATOM** and his Group, like the Anti-Balaka involved in the coordinated attack on BANGUI generally, sought to eliminate the presence of the Muslim civilian population through murder, displacement, and other acts of violence, as they perceived them to be collectively responsible for, complicit with, and/or supportive of the Seleka, in pursuance of the Anti-Balaka's Criminal Policy and/or Common Purpose.

595. This anti-Muslim animus was widely shared, including by the **YEKATOM** Group and **YEKATOM** himself, who was aware of his elements' sentiments towards the Muslims. Their hatred of the Muslims is demonstrated by their criminal acts and shown by numerous contemporaneous videos of statements by all levels of the hierarchy, from **YEKATOM** to grassroots elements and section chiefs, just a few days after the 5 December 2013 attack.<sup>1325</sup>

<sup>1322</sup> D29-4011: [CAR-D29-0009-0680-R01](#) at 0686, para. 43, 45.

<sup>1323</sup> [REDACTED]; P-1990: [T-237](#), p. 33, line 6-p. 35, line 23; D30-4496: [T-290](#), p. 15, line 16-p. 16, line 7, p. 16, lines 15-19, p. 17, lines 3-5; P-0952: [T-252](#), p. 9, line 22-p. 10, line 10; [CAR-OTP-2001-0391](#) at 0394, para. 12.

<sup>1324</sup> See *Ntaganda TJ*, para. 1136. See also *Prosecutor v. Al Mahdi*, Decision on the Confirmation of Charges against Ahmad Al Faqi Al Mahdi, ICC-01/12-01/15-84-Red (“*Al Mahdi CD*”), para. 43.

<sup>1325</sup> See, *inter alia*, [CAR-OTP-2065-0436](#) [00:00:42] to [00:00:52] transcript [CAR-OTP-2107-1539](#) at 1540, lines 13-14; [CAR-OTP-2065-3172](#) [00:00:00] to [00:01:35] transcript and translation [CAR-OTP-2107-3053](#) and [CAR-OTP-2118-5654](#) at 5656-5657, lines 1-37; [CAR-OTP-2065-3452](#) [00:00:00] to [00:01:08] transcript and translation [CAR-OTP-2118-0008](#) and [CAR-OTP-2125-0474](#) at 0476, lines 1-21; [CAR-OTP-2120-0305](#)

596. The anti-Muslim animus of **YEKATOM** and the members of his Group is further evidenced by the crimes they continued to commit after 5 December 2013, in a widespread manner against the Muslim civilian population in the areas under their control, in BOEING, and on the PK9-MBAIKI axis, as discussed in paragraph 575 above and in sections V, C, and D.

597. The crimes charged in counts 1 to 5 severely deprived the victims of fundamental rights. They were deprived, among other things, of their right to life (they were killed); their right to freedom to come and go (they were forced to leave their homes, and for many of them, their country); their right to dignity (in particular, they were forced to live in great poverty and in unsanitary conditions in their exile); and their right to religious freedom (they were targeted in their religious practice through the attack on the BOEING mosque).

## **B. BOSSANGO A ATTACK OF 5 DECEMBER**

### **a. Overview**

598. The evidence establishes beyond reasonable doubt **NGAISSONA**'s responsibility for the charged crimes committed in the Anti-Balaka's attack on BOSSANGO A of 5 December 2013. The Prosecution case is based on the direct testimony of two Anti-Balaka fighters (P-0966, P-2602), six victims of the attack (P-2049, P-2200, P-2462, P-2657, P-2658, P-2453) and a handful of other witnesses (e.g., P-1577, P-2133, P-2652). In addition, there is documentary evidence including contemporaneous video or photographic images, CDR and satellite imagery.

599. The 5 December 2013 Anti-Balaka attack on BOSSANGO A followed a series of increasingly serious offensives on the town and surrounding areas.<sup>1326</sup> The evidence establishes that on 5 December 2013 at approximately 14h00, a group of Anti-Balaka fighters trained in GOBERE<sup>1327</sup> attacked BOSSANGO A's Muslim civilian population (Count 30),<sup>1328</sup> murdering 18 Muslim civilians (Counts 31 and 32),<sup>1329</sup> and raping at least two women (Counts 40 and 41).<sup>1330</sup> They destroyed and pillaged Muslims' homes, shops and mosques (Counts 33 to

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[00:01:07] to [00:01:25] (in particular at [00:01:21]) transcript [CAR-OTP-2118-4772](#) at 4774, lines 47-52; [CAR-OTP-2065-5392](#) [00:00:00] to [00:03:16] transcript and translation [CAR-OTP-2107-3135](#) and [CAR-OTP-2118-5702](#) at 5704-5706, lines 1-89 (see in particular at 5704, lines 11-12); [CAR-OTP-2065-0400](#) [00:00:36] to [00:00:41] transcript and translation [CAR-OTP-2122-2288](#) at 2290, lines 14-16. See also Section IV, B, b, para. 449-451.

<sup>1326</sup> See section III, A, k, i, para. 133

<sup>1327</sup> On the formation and training of the Anti-Balaka in GOBERE, see section III, A, f, iii.

<sup>1328</sup> Count 30 – Directing attacks against the civilian population (article 8(2)(e)(i)).

<sup>1329</sup> Counts 31 and 32 – Murder (articles 7(1)(a) and 8(2)(c)(i)). See sub-section b.

<sup>1330</sup> Counts 40 and 41 – Rape (articles 7(1)(g) and 8(2)(e)(vi)). See sub-section c.



35),<sup>1331</sup> and forced the town’s Muslim population into a makeshift displaced persons camp at the *Ecole de la Liberté* (“*Ecole*”).<sup>1332</sup> This enclave lasted until April 2014, when the last of these displaced Muslim civilians were evacuated to CHAD to escape the Anti-Balaka’s continuing attack (Counts 37-39).<sup>1333</sup> All of these crimes and acts were committed by the GOBERE-based Anti-Balaka and other Anti-Balaka elements in a coordinated effort to impermissibly target BOSSANGOA’s Muslim population on political, ethnic and/or religious grounds, inevitably leading to their elimination (Count 42).<sup>1334</sup>

600. This section focuses on five key issues (*see* sub-sections b. to f. herein) which appear to be disputed by the Parties in relation to the BOSSANGOA incident. To the extent that any issue is not addressed herein, the Prosecution relies on the arguments made and evidence cited in its Trial Brief.<sup>1335</sup> The Prosecution notes the Defence’s persistent line of questioning about the Seleka’s commission of crimes in BOSSANGOA and the surrounding area in the lead up to the 5 December 2013 attack.<sup>1336</sup> Far from excusing or justifying the Anti-Balaka’s crimes, this evidence only serves to explain their retributory motive in attacking the Muslim civilian population.

**b. At least 18 Muslim civilians were killed during the 5 December 2013 attack, and their attackers knew them to be such (counts 30-32)**

601. The evidence proves beyond any doubt that on 5 December 2013, the Anti-Balaka intentionally attacked Muslim civilians not taking direct part in hostilities in BOSSANGOA,

<sup>1331</sup> Counts 33 to 35 – Destruction of the adversary’s property (article 8(2)(e)(xii)), Pillaging (article 8(2)(e)(v)), and Attacks against buildings dedicated to religion (article 8(2)(e)(iv)). *See* P-2453: [CAR-OTP-2111-0415-R04](#) at 0432-0434, para. 81-89, and P-2049: [T-101](#), p. 26, line 19-p. 28, line 10, p. 42, line 11-p. 43, line 25, both including commentary upon video [CAR-OTP-2088-2204](#) [00:02:30] to [00:03:45]; P-2193: [T-019](#), p. 20, lines 8-10, p. 25, line 23-p. 27, line 25, p. 43, line 10-p. 44, line 19, p. 57, line 7-p. 60, line 24, p. 61, lines 15-21, commenting upon his expert report, its annexes and other materials at [CAR-OTP-2127-6617](#) at 6618-6620, 6622, [CAR-OTP-2127-6626](#) at 6629, Inset 1, [CAR-OTP-2127-6634](#) at 6641, [CAR-OTP-2085-3122](#), [CAR-OTP-2088-2204](#) [00:01:00] to [00:04:19] transcript/translation [CAR-OTP-2127-6408](#) at 6410-6412, lines 3-75; P-2200: [CAR-OTP-2088-2146-R04](#) at 2158, para. 64-65, 67; P-0287: [CAR-OTP-2115-0239-R01](#) at 0263-0264, para. 118-119; [T-020](#), p. 30, lines 19-24, including commentary on [CAR-OTP-2001-0835](#) at 0886, 0887, 0889; P-1577: [CAR-OTP-2081-0769-R01](#) at 0789; [T-027](#), p. 63, line 7-p. 64, line 4, including commentary on [CAR-OTP-2085-3122](#), [CAR-OTP-2085-3582](#), [CAR-OTP-2085-4062](#) and [CAR-OTP-2085-4082](#); P-2462: [T-059](#), p. 40, line 20-p. 41, line 8, p. 53, lines 10-12; P-2133: [CAR-OTP-2093-0267-R02](#) at 0280-0281, para. 97, 99; [CAR-OTP-2001-2308](#) at 2332.

<sup>1332</sup> *See* sub-section e.

<sup>1333</sup> Counts 37 to 39 – Forcible transfer, deportation (article 7(1)(d)), Displacement (article 8(2)(e)(viii)), and Severe deprivation of physical liberty (article 7(1)(e)). *See* sub-section e.

<sup>1334</sup> Count 42 – Persecution (article 7(1)(h)).

<sup>1335</sup> *See* [Prosecution Trial Brief](#), Part VII(B) “Bossangoa (Ouham Prefecture)”.

<sup>1336</sup> *See, e.g.*, P-2462: [T-060](#), p. 9, line 10-p. 12, line 19, p. 19, line 19-p. 27, line 1; P-2657: [T-105](#), p. 12, line 17-p. 13, line 8; P-2049: [T-102](#), p. 23, line 6-p. 27, line 1, [T-103](#), p. 34, line 3-21 (in which the Prosecution indicated preparedness to stipulate to the existence of Seleka crimes in the lead up to the charged incidents); P-2453: [T-137](#), p. 19, line 22-p. 24, line 16.

killing at least 18 civilians. The perpetrators knew that the victims were civilians and were not participating in hostilities, yet disregarded their status.

***i. The victims were Muslim civilians who were in no way participating in hostilities***

***a) Local family fleeing to imam's house***

602. The Anti-Balaka attacked a Muslim family as they approached the imam's house, where they were trying to seek shelter. Unbeknownst to the attackers, the imam and those present with him in his compound had already left for the *Ecole*.<sup>1337</sup> The Anti-Balaka killed four family members.<sup>1338</sup> They shot Khadidja Adjaro, Abdel Abakar and his younger brother Atahir, and slit the throat of Koursi Mahamat (aka Abdelrahim).

603. P-2462 and P-2657 witnessed the attack and describe the circumstances.<sup>1339</sup> P-2462 testified that the Anti-Balaka surrounded the imam's house and shot at the family as they arrived.<sup>1340</sup> Similarly, P-2657 recounted hearing sustained gunfire in the vicinity of the imam's house.<sup>1341</sup> P-2462 heard Khadidja Adjaro and Abdel Abakar both scream out that they had been shot.<sup>1342</sup> She later learnt that the bodies of all four family members had been collected, and that Khadidja Adjaro had bullet wounds to the foot and stomach, Abdel Abakar had been shot in the head, Atahir had a bullet wound to the stomach, and Koursi Mahamat aka Abdelrahim had his throat cut.<sup>1343</sup> P-2657 saw Khadidja Adjaro being shot in the leg and seeking refuge in a house.<sup>1344</sup> Once the Anti-Balaka perpetrators left, she saw Koursi Mahamat's body in front of the imam's compound and learnt that his throat had been slit.<sup>1345</sup> She also saw the bodies of Abdel Abakar and his younger brother Atahir, who had been shot too.<sup>1346</sup>

604. P-2200 later received the bodies of the four family members, among others, at the *Ecole*. He participated in their burial.<sup>1347</sup> P-2049 and P-2453 further corroborate the identities of the victims and the circumstances of their death.<sup>1348</sup>

<sup>1337</sup> P-2462: [T-059](#), p. 22, l. 19-21; P-2200: [CAR-OTP-2088-2146-R04](#) at 2155, para. 44.

<sup>1338</sup> While there may be minor variations in the names used by different witnesses for these four victims, the witness accounts are sufficiently consistent in their description of the family relationships and the manner of death (*see* below, para. 602) to identify these four distinct individuals.

<sup>1339</sup> P-2462: [T-059](#), p. 22, lines 9-21, p. 23, lines 19-20, p. 29, line 11-p. 30, line 2; [T-060](#), p. 30, lines 1-4; P-2657: [T-104](#), p. 18, line 20-p. 19, line 11.

<sup>1340</sup> P-2462: [T-059](#), p. 22, lines 19-21, p. 23, lines 19-20.

<sup>1341</sup> P-2657: [T-104](#), p. 19, lines 3-6; [T-105](#), p. 26, lines 15-22.

<sup>1342</sup> P-2462: [T-059](#), p. 23, lines 20-22, p. 29, lines 13-14.

<sup>1343</sup> P-2462: [T-059](#), p. 32, line 22-p. 35, line 2.

<sup>1344</sup> P-2657: [T-104](#), p. 19, lines 4-6, p. 24, line 25-p. 25, line 2, p. 26, lines 21-22.

<sup>1345</sup> P-2657: [T-104](#), p. 19, line 21-p. 20, line 6, p. 25, line 14-p. 26, line 5; [T-105](#), p. 30, lines 6-9.

<sup>1346</sup> P-2657: [T-104](#), p. 40, line 12-p. 41, line 6; [T-105](#), p. 25, lines 11-13.

<sup>1347</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2155-2157, para. 46-47, 59.

<sup>1348</sup> P-2049: [T-100](#), p. 72, lines 12-25, [T-101](#), p. 5, line 25-p. 10, line 24; P-2453: [CAR-OTP-2111-0415-R04](#) at 0429-0430, para. 67; [T-136](#), p. 95, line 20-p. 96, line 13.

605. Defence witness D30-4608's alternative narrative and timeframe regarding Koursi Abdelrahim's death is not reliable.<sup>1349</sup> The witness's hearsay assertions carry no weight against the testimony of multiple Prosecution witnesses that Abdelrahim died in the attack of 5 December 2013. No less than five witnesses from Abdelrahim's community (P-2462, P-2657, P-2200, P-2049, P-2453),<sup>1350</sup> plus P-1577, [REDACTED],<sup>1351</sup> identified him as among the victims of the 5 December 2013 Anti-Balaka attack. P-2657's testimony that she saw his body on the ground with her own eyes<sup>1352</sup> is unchallenged. Similarly, no credible evidence undercuts P-2200's testimony that he took part in Abdelrahim's burial, among other victims of the attack.<sup>1353</sup>

606. The four members of the local family were not engaged in combat at the time they were killed. As P-2462 and P-2657 described, the Anti-Balaka pursued and killed them as they sought refuge from the group's attack at the imam's house.<sup>1354</sup> P-2462 testified that the four family members were not Seleka members, specifically that Khadidja Adjaro was a woman, Abdelrahim was a trader and deputy mayor of BOSSANGO, and Abdel Abakar and his younger brother Atahir were both cattle breeders.<sup>1355</sup> Neither P-2462 nor any member of her family owned arms.<sup>1356</sup> P-2453 testified that Koursi Abdelrahim Mahamat did not collaborate with the Seleka,<sup>1357</sup> nor is there any evidence of Khadidja Adjaro having been armed.<sup>1358</sup>

607. Finally, there is no credible evidence to suggest that any victims died in a shoot-out between the Seleka and the Anti-Balaka in the vicinity of the imam's house, *i.e.* in the ARABE neighbourhood.<sup>1359</sup> Neither P-1577's testimony on seeing a heavily armoured Seleka vehicle driving towards the imam's house [REDACTED],<sup>1360</sup> nor P-0966's description of a confrontation with the Seleka gathered under a mango tree who shot at his group to repel their advance on the BORO neighbourhood,<sup>1361</sup> leads to that conclusion. It does not show that the armoured Seleka vehicle arrived at the imam's house<sup>1362</sup> or that the P-0966's confrontation

<sup>1349</sup> See D30-4608: [T-291](#), p. 55, lines 17-22.

<sup>1350</sup> P-2462: [T-059](#), p. 32, line 22-p. 34, line 3; P-2049: [T-101](#), p. 6, line 17-p. 9, line 23; P-2453: [CAR-OTP-2111-0415-R04](#) at 0429-0430, para. 67.

<sup>1351</sup> P-1577: [T-027](#), p. 15, lines 3-9, commenting upon [CAR-OTP-2001-2043](#) at 2056.

<sup>1352</sup> P-2657: [T-104](#), p. 25, line 14-p. 26, line 5.

<sup>1353</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2155-2156, para. 45, 47, 59.

<sup>1354</sup> P-2462: [T-059](#), p. 22, lines 15-18; P-2657: [T-104](#), p. 18, line 20-p. 19, line 4.

<sup>1355</sup> P-2462: [T-059](#), p. 35, lines 3-8.

<sup>1356</sup> P-2462: [T-060](#), p. 11, lines 1-6.

<sup>1357</sup> P-2453: [T-137](#), p. 27, lines 13-20.

<sup>1358</sup> P-2453: [T-138](#), p. 38, line 22-p. 39, line 1.

<sup>1359</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2152, para. 29.

<sup>1360</sup> P-1577: [CAR-OTP-2081-0769-R01](#) at 0785; [T-027](#), p. 37, lines 2-12.

<sup>1361</sup> P-0966: [T-118](#), p. 7, line 11-p. 9, line 14.

<sup>1362</sup> P-1577: [T-028](#), p. 30, lines 14-23.

with the Seleka occurred there, as he was unable to situate the encounter.<sup>1363</sup> Indeed, in respect of the descriptions he gave regarding the place of the confrontation, none placed the confrontation in the vicinity of the ARABE neighbourhood. In addition, P-2657, a direct witness, did not at any point see Seleka troops present around the imam's residence.<sup>1364</sup>

b) *Peuhl family at the imam's house*

608. The evidence shows that members of a Peuhl family were also killed at the imam's house. While the number of victims is unknown, they included Ousman ABACAR and his mother. P-1577 saw the Peuhl family at the imam's house moments before they were killed. He describes [REDACTED], having been shot by Anti-Balaka in the bush outside BOSSANGO. <sup>1365</sup> [REDACTED], where his mother and younger brother had been waiting for him, [REDACTED] and heard the pop of gunfire a matter of minutes later.<sup>1366</sup> P-1577 returned to the imam's house in the following days and found a number of spent cartridges on the floor, bullet holes in the walls, and blood spatter inside the house.<sup>1367</sup> He was told by a survivor of the attack that the Anti-Balaka killed ABACAR, who was unable to flee due to his wounds, and his mother, who had stayed behind to take care of him, along with several others. Both of their throats had been slit.<sup>1368</sup>

609. The Peuhl family members were not engaged in combat at the time they were murdered. They had come to the imam's house to seek medical treatment, having already been attacked by the Anti-Balaka in the bush,<sup>1369</sup> and were part of a larger group of Muslims gathering peacefully at the imam's house on the morning of 5 December 2013. P-2462, who stopped briefly at the imam's house before the attack began, described the imam leading the many people gathered, including women and children, in prayer.<sup>1370</sup> P-2200 also refers to 40-50 people coming to seek refuge at his house, before they moved to the *Ecole* on the advice of peacekeepers.<sup>1371</sup> Ousman ABACAR, his mother and his younger brother stayed behind, as

<sup>1363</sup> P-0966: [T-118](#), p. 3, line 21-p. 9, line 14, including commentary upon [CAR-REG-0001-0004-0018](#).

<sup>1364</sup> P-2657: [T-105](#), p. 27, lines 4-6.

<sup>1365</sup> P-1577: [CAR-OTP-2081-0769-R01](#) at 0784; [T-027](#), p. 36, lines 1-11, p. 51, lines 9-25, p. 52, lines 5-16, including commentary on [CAR-OTP-2085-2972](#) and [CAR-OTP-2085-4852](#). See also P-2049: [T-100](#), p. 71, lines 18-23.

<sup>1366</sup> P-1577: [CAR-OTP-2081-0769-R01](#) at 0784-0785; [T-027](#), p. 36, line 12-p. 37, line 12, p. 55, line 17-p. 56, line 6.

<sup>1367</sup> P-1577: [CAR-OTP-2081-0769-R01](#) at 0788-0789; [T-027](#), p. 56, line 8-p. 57, line 4, p. 59, line 19-p. 61, line 20, including commentary on [CAR-OTP-2085-3112](#), [CAR-OTP-2085-3212](#), [CAR-OTP-2085-3382](#), [CAR-OTP-2085-3572](#), [CAR-OTP-2085-3632](#), [CAR-OTP-2085-3892](#), and [CAR-OTP-2085-4262](#).

<sup>1368</sup> P-1577: [CAR-OTP-2081-0769-R01](#) at 0789; [T-027](#), p. 15, line 3-9, p. 57, lines 4-8, p. 58, lines 5-16, including adopting [CAR-OTP-2001-2043](#) at 2055.

<sup>1369</sup> P-1577: [CAR-OTP-2081-0769-R01](#) at 0784; [T-027](#), p. 36, lines 1-5, p. 52, lines 5-16. See also P-2049: [T-100](#), p. 71, lines 18-23.

<sup>1370</sup> P-2462: [T-059](#), p. 22, lines 12-14.

<sup>1371</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2155, para. 44.

ABACAR was seeking medical treatment for his bullet wound.<sup>1372</sup> When [REDACTED] at the house, he noted that the market was empty and that the imam's house was "completely deserted", [REDACTED].<sup>1373</sup> Asked whether the family could have been related to an armed group, P-1577 said that he had no knowledge of this, that they were Peuhl herders, and that he saw no weapons that indicate they were part of an armed group, only handmade bows and arrows.<sup>1374</sup>

c) *Taxi driver "C-17"*

610. The evidence demonstrates that the Anti-Balaka shot a Muslim taxi driver by the name of "C-17" who was sheltering at the *Ecole*. P-2453 witnessed the attack and describes how the Anti-Balaka came very close to the school, shooting in his direction, and killing C-17 and a peacekeeper.<sup>1375</sup> P-2049's and P-1577's evidence is also corroborative.<sup>1376</sup>

611. C-17 was not engaged in combat when he was killed, but instead, when sheltering at the *Ecole*. That C-17 was not involved with the Seleka and never carried a weapon, is unchallenged.<sup>1377</sup> The suggestion put to P-2049 on cross-examination that he was armed and fighting alongside the Seleka when he was killed<sup>1378</sup> is unsupported by the evidence.

d) *Remaining victims*

612. The Anti-Balaka killed at least 18 Muslim civilians during their attack on BOSSANGO, although the evidence suggests the number of victims may be as high as 28.<sup>1379</sup>

613. P-2200, in his capacity as the imam, received 18 bodies including three women at the *Ecole* and participated in their burial.<sup>1380</sup> In addition to identifying specific victims as outlined above, he further identified Koursi MAHAMAT, Abdallah MAHAMAT, Abdelkhadir, Mariam YAWHA, Amadou OUMAROU, Djime ATAHIR and Abdaye as being among the victims.<sup>1381</sup> [REDACTED] – P-2049 – estimates that there were 19 victims of the attack, including Peuhls from villages in the vicinity of BOSSANGO.<sup>1382</sup> He provided a photo of numerous corpses covered with sheets depicting the bodies from the attack.<sup>1383</sup> He provides the

<sup>1372</sup> P-1577: [T-027](#), p. 36, lines 22-25. *See also* P-2453: [CAR-OTP-2111-0415-R04](#) at 0429-0430, para. 67, 69.

<sup>1373</sup> P-1577: [T-027](#), p. 55, line 17-p. 56, line 4.

<sup>1374</sup> P-1577: [T-027](#), p. 58, lines 17-24.

<sup>1375</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0429, para. 66.

<sup>1376</sup> P-2049: [T-101](#), p. 6, line 20-p. 7, line 1, p. 8, line 10, p. 30, lines 23-24; P-1577: [T-027](#), p. 15, lines 5-9, p. 57, lines 4-8, including adopting [CAR-OTP-2001-2043](#) (*see* at 2056).

<sup>1377</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0429, para. 66.

<sup>1378</sup> *See* P-2049: [T-103](#), p. 69, lines 20-21.

<sup>1379</sup> *See* [Confirmation Decision](#), p. 108.

<sup>1380</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2155-2157, para. 45-59.

<sup>1381</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2155-2156, para. 48-54.

<sup>1382</sup> P-2049: [T-101](#), p. 5, lines 11-16.

<sup>1383</sup> [CAR-OTP-2088-2207](#), commented upon at P-2049: [T-101](#), p. 13, lines 13-21.

additional following victim names: Atahir Djime, Halima Hisseini, Ila Adji, Sali Adji, Yaya Mokomzi, Abakar Moussa, Amadou Bouba, Salamatou Madji, Ismael Amat, Hamid Ali, Ahamat Zakaria, Mahamat Adam, Abdasamat Mounine and Ibrahim Hassan.<sup>1384</sup> P-2453 gives the following additional names of victims who had not managed to flee with the imam's group. Of the 12 bodies found in the vicinity of the imam's house,<sup>1385</sup> P-2453 personally knew: Abakar, Ismael, Salamatou, Sale Adim, Atahir Djimet, Hamadou Bouba, Atahir Abou, Halima Hisseini.<sup>1386</sup> P-2657 states that she saw a woman by the name of Halime, noting that she had died.<sup>1387</sup> P-2462 observed that 16 bodies had been collected and brought back to the *Ecole*.<sup>1388</sup>

614. The evidence shows that these victims were not killed while engaged in combat. Many of them were, according to P-2453, people who had not managed to flee to the *Ecole* with the imam's group and who were found dead in the vicinity of his house.<sup>1389</sup> While acknowledging that a number of local inhabitants had joined the Seleka,<sup>1390</sup> P-2200 and P-2049 similarly maintained that the 18-19 victims of the attack were all "innocents", that is, civilians, and not fighters.<sup>1391</sup> P-2049 specifically acknowledged that there were also Seleka and Anti-Balaka who died during the attack but indicated that these were not included in his victim count.<sup>1392</sup> This is supported by the evidence of P-2453 that the Seleka picked up the bodies of their own fighters and buried them near a military base.<sup>1393</sup>

e) *Generalised claims about the conduct or associations of the Muslim population writ large has no bearing on the status of the approximately 18 victims*

615. Evidence elicited by the Defence that BOSSANGO's Muslim population had supported or otherwise associated with the Seleka prior to 5 December 2013 has no bearing on the civilian status of the approximately 18 victims as described above. *First*, such support or association is unclear in the evidence as a matter of fact. Generalised claims by Defence witnesses that individuals from the Muslim population had "joined" ("*intégré*")<sup>1394</sup> or were "with"<sup>1395</sup> the Seleka are too vague to be accorded any weight. As P-2049 acknowledged, while some Muslims had a 'relationship' with the Seleka, this cannot be generalised to say that

<sup>1384</sup> P-2049: [T-101](#), p. 6, line 17-p. 7, line 1.

<sup>1385</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0430, para. 69.

<sup>1386</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0429-0430, para. 67.

<sup>1387</sup> P-2657: [T-104](#), p. 41, lines 7-12.

<sup>1388</sup> P-2462: [T-059](#), p. 32, line 18-p. 35, line 17.

<sup>1389</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0429-0430, para. 67.

<sup>1390</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2151, para. 25; P-2049: [T-102](#), p. 13, lines 1-13.

<sup>1391</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2156, para. 56; P-2049: [T-101](#), p. 6, lines 1-9.

<sup>1392</sup> P-2049: [T-101](#), p. 6, lines 1-9.

<sup>1393</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0430, para. 72.

<sup>1394</sup> See D30-4514: [CAR-D30-0025-0001-R01](#) at 0012, 0014, lines 367-369, 428-430.

<sup>1395</sup> See D30-4496: [CAR-D30-0022-0001-R01](#) at 0005, para. 28.

*all* Muslims did.<sup>1396</sup> Significantly, P-2462 noted that the Muslim population feared the Seleka, and fled BOSSANGO when the Seleka arrived.<sup>1397</sup> *Second*, in terms of financial support, the evidence does not bear out the Defence's anticipated contention<sup>1398</sup> that BOSSANGO's Muslim traders financed the Seleka. While D30-4953 referred to two traders who financed the Seleka "because they had some means during this period",<sup>1399</sup> there is no indication that such support went beyond what P-2453 referred to as the "usual relationship that exists between the Seleka as authorities at the time and the local traders about their business and tax payment."<sup>1400</sup> *Third*, as against the equivocal claims that the imam was too 'close to' the Seleka,<sup>1401</sup> it should be emphasised that the imam was involved in reconciliation work,<sup>1402</sup> and the Seleka represented the authorities during the period prior to 5 December 2013.<sup>1403</sup> Finally, and most significantly, mere sympathy for or association with the Seleka (which could involve nothing more than a political affiliation) cannot, without more, transform the entire Muslim population of BOSSANGO or even its individual members into a legitimate target as a matter of law.

616. That none of the 18 victims took part in "acts of war that by their nature or purpose strike at the personnel and *matériel* of enemy armed forces"<sup>1404</sup> as set out above, is irrefutable on the credible evidence in the record.

617. Conversely, the general assertion of Muslims in BOSSANGO being armed prior to 5 December 2013 has no bearing on the civilian status of the approximately 18 victims as particularised. Such claims, which derive mainly from anecdotes and rumours lack specificity.<sup>1405</sup> For instance, while Defence witnesses D30-4514 and D30-4608 claimed that there were weapons hidden in the mosque, their basis of knowledge was mere "common

<sup>1396</sup> P-2049: [T-103](#), p. 48, line 17-p. 49, line 3.

<sup>1397</sup> P-2462: [T-059](#), p. 10, line 23-p. 11, line 5.

<sup>1398</sup> See the Defence's suggestions put to P-2049, P-2657 and P-2453 in its questioning: P-2657: [T-105](#), p. 18, lines 10-18; P-2049: [T-103](#), p. 46, lines 6-13; P-2453: [T-138](#), p. 26, lines 12-13.

<sup>1399</sup> D30-4953: [CAR-D30-0026-0001-R01](#) at 0004, para. 25.

<sup>1400</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0419, para. 22.

<sup>1401</sup> See D30-4608: [CAR-D30-0017-0004-R01](#) at 0008, 0010, para. 30, 47; [CAR-OTP-2081-0973](#) [00:01:57] to [00:02:26], transcript/translation [CAR-OTP-2122-9226](#) at 9229, lines 44-51, commented upon by P-2049: [T-103](#), p. 49, line 4-p. 50, line 20, and P-2453: [T-138](#), p. 27, line 1-p. 28, line 8. See also P-2657: [T-105](#), p. 18, line 19-p. 20, line 15.

<sup>1402</sup> P-2049: [T-103](#), p. 47, line 19-p. 48, line 9, commenting upon [CAR-D30-0008-0092](#) at 0095.

<sup>1403</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2150-2151, para. 24; P-2049: [T-103](#), p. 50, lines 12-16; P-2453: [CAR-OTP-2111-0415-R04](#) at 0418, para. 20; D30-4496: [CAR-D30-0022-0001-R01](#) at 0004, para. 20. See also D30-4608: [CAR-D30-0017-0004-R01](#) at 0008, para. 31.

<sup>1404</sup> ICC-02/04-01/15-1762-Red, para. 2697.

<sup>1405</sup> See D30-4551: [CAR-D30-0021-0001-R01](#) at 0002, para. 8; D30-4514: [CAR-D30-0025-0001-R01](#) at 0014, lines 442-443; D30-4608: [CAR-D30-0017-0004-R01](#) at 0008, para. 25; P-2652: [CAR-OTP-2126-0175-R01](#) at 0186-0187, para. 60-61; [CAR-OTP-2110-1010](#) at 1011; [CAR-OTP-2110-1015](#) at 1017; [CAR-OTP-2088-1673-R01](#) at 1701; [CAR-OTP-2101-5003](#) at 5009-5010.

knowledge” hearsay.<sup>1406</sup> For the same reason, D30-4496’s claim that weapons were discovered in wells near the mosque equally lacks probative value,<sup>1407</sup> as do claims that certain Muslim individuals had weapons at home,<sup>1408</sup> had given a weapon to a shepherd to protect their flock,<sup>1409</sup> or were in possession of a machete.<sup>1410</sup> Even if accepted, these claims cannot transform the civilian casualties into fighters.

618. Rather, the credible evidence is consistent, corroborated, and rejects the suggestion that Muslims (in general) had been armed.<sup>1411</sup> Furthermore, to the extent that the fleeing Seleka left weapons to certain Muslim men on 5 December to defend their families, none of the 18 victims were so armed or fighting when the Anti-Balaka killed them.<sup>1412</sup>

***ii. The Anti-Balaka perpetrators were aware of their victims’ civilian status and intended to attack the civilian population***

619. The perpetrators were aware of the factual circumstances establishing their victims’ civilian status, and intended the Muslim civilian population to be the object of their attack.

620. The approximately 18 murder victims were not only civilians who were not participating in hostilities when they were killed, but were objectively identifiable as such to any onlooker. The local family was fleeing to the imam’s house, unarmed,<sup>1413</sup> and composed of multiple women wearing civilian *pagnes* and headscarves.<sup>1414</sup> The Peuhl family was unarmed apart from bows and arrows held by a young boy, and Ousman ABACAR was injured from a previous attack.<sup>1415</sup> C-17 was killed while seeking shelter at the *Ecole*.<sup>1416</sup>

621. The Anti-Balaka intended to attack the civilian population in BOSSANGO on 5 December 2013. As KEMA, the leader of the attack, would later admit to P-0287, “the main objective of his group – the Anti-Balaka in OUHAM province – is ‘still’ to chase all the Muslims out of OUHAM and also to chase out all the Seleka.”<sup>1417</sup> P-2453 recounts overhearing Anti-Balaka elements relay KEMA’s orders: “[o]ur chief has said we must kill all Muslims that

<sup>1406</sup> D30-4514: [CAR-D30-0025-0001-R01](#) at 0012, lines 364-365; D30-4608: [CAR-D30-0017-0004-R01](#) at 0008, 0010, para. 25, 47; [T-291](#), p. 52, lines 11-15.

<sup>1407</sup> See D30-4496: [T-289](#), p. 57, lines 4-20.

<sup>1408</sup> See D30-4608: [CAR-D30-0017-0004-R01](#) at 0016, para. 92; [T-292](#), p. 54, lines 20-24.

<sup>1409</sup> See D30-4496: [CAR-D30-0022-0001-R01](#) at 0004, para. 22.

<sup>1410</sup> See D30-4496: [CAR-D30-0022-0001-R01](#) at 0005, para. 28.

<sup>1411</sup> P-2049: [T-103](#), p. 41, line 7-p. 43, line 11.

<sup>1412</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2156, para. 57. See also D30-4608: [T-291](#), p. 51, lines 17-19.

<sup>1413</sup> See para. 602 and 605.

<sup>1414</sup> P-2462: [T-059](#), p. 23, lines 4-8; P-2657: [T-104](#), p. 25, lines 10-13.

<sup>1415</sup> See photos taken in the moments before the family was killed: [CAR-OTP-2085-2972](#), [CAR-OTP-2085-2992](#), [CAR-OTP-2085-3012](#), [CAR-OTP-2085-4832](#), [CAR-OTP-2085-4852](#), as commented upon by P-1577: [T-027](#), p. 36, line 25-p. 26, line 1, p. 51, lines 13-25, p. 55, line 23-p. 56, line 1; [T-028](#), p. 17, line 9-p. 18, line 12.

<sup>1416</sup> See para. 609.

<sup>1417</sup> P-0287: [CAR-OTP-2115-0239-R01](#) at 0265, para. 131.



we meet [...] Kema Florent told us to kill all Muslims. Not to leave them alive.”<sup>1418</sup> P-2269, who had also been at GOBERE, confirmed, “[w]e didn’t differentiate between Muslim civilians or Seleka, they were all the same.”<sup>1419</sup>

622. The Anti-Balaka’s attack on Muslim civilians was unjustified by any legitimate military objective. The testimony of insider witnesses such as P-2251 and P-0966 demonstrate how the Anti-Balaka did not distinguish between civilians and combatants. P-2251 claimed that while in GOBERE, the Anti-Balaka chiefs told their elements that they “should distinguish between members of the Seleka and Muslim civilians”, and that they “should not harm Muslims who did not associate themselves with the Seleka”.<sup>1420</sup> However, he explained how he understood that “association”, saying that “a Muslim who associated with the Seleka would be armed or be near the Seleka base”<sup>1421</sup> and that in their view “[p]erhaps three, four or five Muslims in each town might not have associated with the Seleka.”<sup>1422</sup> Similarly, P-0966 testified that the Anti-Balaka’s purpose in the attack was to drive the Seleka out of BOSSANGO and that they attacked military objectives and in no way disturbed the civilian population, Muslims or Peuhls.<sup>1423</sup> However, he also stated that in BOSSANGO, “whoever was a Muslim was a Seleka”, and that any Muslim man found in a house who had not fled was a Seleka.<sup>1424</sup>

623. These justifications, apparently intended to excuse the Anti-Balaka’s attacks on Muslim civilians, show exactly the opposite. They are proof of the Anti-Balaka’s criminal policy which did not distinguish Muslim civilians and Seleka combatants, but conflated them, regarding them as equally legitimate targets of attack. Far from rebutting the victims’ objectively observable civilian status, the Anti-Balaka targeted the Muslim civilian population in retribution for an unreasonable perceived *collective* association with the Seleka. P-0287 explained in his evidence how the general objective of ousting the Seleka led to a simplified idea lower down the Anti-Balaka chain of command that the enemy were Muslims in general.<sup>1425</sup> This approach was not unique to the GOBERE-based Anti-Balaka groups who attacked BOSSANGO; as elaborated throughout this Brief, the Anti-Balaka’s disregard for

<sup>1418</sup> P-2453: [T-137](#), p. 46, lines 3-7; *see also* [CAR-OTP-2111-0415-R04](#) at 0422, para. 36.

<sup>1419</sup> P-2269: [CAR-OTP-2111-0336-R01](#) at 0357-0358, para. 161.

<sup>1420</sup> P-2251: [CAR-OTP-2093-0045-R01](#) at 0052, para. 46.

<sup>1421</sup> P-2251: [CAR-OTP-2093-0045-R01](#) at 0052, para. 46.

<sup>1422</sup> P-2251: [CAR-OTP-2093-0045-R01](#) at 0053, para. 47.

<sup>1423</sup> P-0966: [T-117](#), p. 40, lines 8-22, p. 43, line 15-p. 44, line 1.

<sup>1424</sup> P-0966: [CAR-OTP-2031-0241-R03](#) at 0248, 0252, para. 46, 64.

<sup>1425</sup> P-0287: [CAR-OTP-2115-0239-R01](#) at 0265-0266, para. 132; [T-020](#), p. 27, line 12-p. 28, line 13.

the principle of distinction vis-à-vis the Seleka was a criminal feature of its organisational policy.<sup>1426</sup>

624. In any case, the Anti-Balaka's actions on the ground in BOSSANGOA resolve any doubt as to the group's intentions. In addition to the murder of approximately 18 civilians as already detailed, the attackers also injured many Muslim civilians and raped two women. Among the injured was a great-grandmother, Batoul NAFFI, who was struck to the head with a machete and left for dead,<sup>1427</sup> as well as other women and elderly persons.<sup>1428</sup> The rapes<sup>1429</sup> are telling as to the perpetrators' state of mind; they confirm that, far from respecting the principle of distinction, the perpetrators intended to attack civilians. They are also suggestive of the perpetrators' motivation: *i.e.* retribution against perceived Seleka supporters.<sup>1430</sup>

**c. Muslim women were raped during the 5 December 2013 attack (counts 40, 41)**

625. The Anti-Balaka raped Muslim women during their attack on BOSSANGOA. While NGAISSONA is only charged with the rape of one victim (counts 40 and 41), the Prosecution includes in its analysis the evidence of the rape of a second victim which is probative as to the charge of persecution, the intention of the perpetrators and the Anti-Balaka's criminal policy. The testimonies of [REDACTED] and [REDACTED] suffice to prove their respective rapes by the Anti-Balaka beyond reasonable doubt. The evidence of their rape is credible and incontestable.<sup>1431</sup>

626. [REDACTED].<sup>1432</sup> [REDACTED].<sup>1433</sup>

<sup>1426</sup> See in particular, P-0884: [T-055](#), p. 52, line 4-p. 63, line 13, including commentary on video [CAR-OTP-2049-1679](#) from [00:01:43] to [00:06:12] with its transcript [CAR-OTP-2107-1530](#) at 1532-1536, lines 67-214; see also Defence cross-examination at [T-057](#), p. 9, lines 7-21; [T-058](#), p. 18, line 24-p. 21, line 23; P-0876: [CAR-OTP-2046-0473-R02](#) at 0484-0485, lines 420-446; [T-085](#), p. 46, line 3-p. 47, line 15; P-0291: [T-051](#), p. 29, line 10-p. 30, line 12, p. 67, lines 2-23, p. 68, line 13-p. 69, line 2; P-0808: [CAR-OTP-2093-0010-R02](#) at 0017-0018, para. 37, 39-40; P-0965: [CAR-OTP-2046-0182-R01](#) at 0186-0187, lines 117-153; [CAR-OTP-2046-0195-R01](#) at 0203, lines 271-280; [T-061](#), p. 37, line 17-p. 38, line 12.

<sup>1427</sup> P-2462: [T-059](#), p. 36, line 17-p. 38, line 24; P-2657: [T-104](#), p. 18, line 24-p. 19, line 11, p. 25, lines 3-6, p. 36, lines 9-22, p. 40, lines 9-11; P-2200: [CAR-OTP-2088-2146-R04](#) at 2155, para. 46; P-2049: [T-100](#), p. 72, lines 14-24.

<sup>1428</sup> P-2657: [T-104](#), p. 19, line 24-p. 20, line 2, p. 26, lines 6-16.

<sup>1429</sup> See sub-section c.

<sup>1430</sup> See the statements made by Anti-Balaka perpetrators while raping Muslim women and girls in the provinces: P-1864: [CAR-OTP-2064-0860-R02](#) at 0866, para. 33; P-2422: [CAR-OTP-2110-0801-R02](#) at 0831, para. 93; P-1865: [CAR-OTP-2066-0134-R01](#) at 0138, para. 25. See also P-1962: [CAR-OTP-2068-0037-R04](#) at 0051, para. 63-64; [CAR-OTP-2092-2739](#) at 2758; [CAR-OTP-2022-0375](#) at 0375 and 0378; [CAR-OTP-2061-1592](#) at 1611; [CAR-OTP-2100-1131](#) at 1160; [CAR-OTP-2110-0915](#) at 0921, para. 37-38; [CAR-OTP-2110-0961](#) at 0961.

<sup>1431</sup> See sub-section f on the witnesses' credibility.

<sup>1432</sup> P-2642: [T-059](#), p. 23, line 19-p. 24, line 15; [T-060](#), p. 31, lines 4-12.

<sup>1433</sup> See para. 632.

627. [REDACTED]. She knew one of the rapists as [REDACTED], but did not know the other one.<sup>1434</sup> As other evidence demonstrates, [REDACTED] was also an Anti-Balaka member.<sup>1435</sup>

628. That both victims reported the rapes to others within days of their occurrence dispels any claim that their accounts are recent inventions. [REDACTED] gave evidence that she told her husband [REDACTED] about the rape two days later,<sup>1436</sup> [REDACTED].<sup>1437</sup> [REDACTED].<sup>1438</sup> Although it was not clarified, this is a likely reference to [REDACTED].<sup>1439</sup> [REDACTED].<sup>1440</sup> [REDACTED].<sup>1441</sup> P-2453 stated that he had heard that both women had been “taken to the bush” by the Anti-Balaka, a metaphor for being raped.<sup>1442</sup> He also suggested in his testimony that [REDACTED].<sup>1443</sup> [REDACTED] and [REDACTED] had reported the rapes to others, at the time of the events, long before meeting with the Prosecution, showing consistency and genuineness of their accounts.

**d. The Anti-Balaka were the perpetrators of the charged crimes**

629. The evidence demonstrates that the charged crimes were perpetrated by members of the Anti-Balaka participating in the 5 December 2013 BOSSANGO attack.

630. *First*, the evidence clearly proves that the Anti-Balaka attacked BOSSANGO on the afternoon of 5 December 2013, with at least some groups entering from the North and progressing down through the neighbourhoods of BORO, north of the river.<sup>1444</sup> P-1577 in particular describes hearing gunfire coming from the direction of the imam’s house behind him, as he drove southbound towards the town centre and ultimately the FOMAC compound.<sup>1445</sup> There, he received contemporaneous updates from the FOMAC troops that the Anti-Balaka had started to attack the town “from the imam’s house and also from the side”, and overheard the FOMAC captain as he commanded his men on the radio referring to the area around the

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<sup>1434</sup> [REDACTED].

<sup>1435</sup> See para. 633.

<sup>1436</sup> [REDACTED].

<sup>1437</sup> [REDACTED].

<sup>1438</sup> [REDACTED].

<sup>1439</sup> [REDACTED].

<sup>1440</sup> [REDACTED].

<sup>1441</sup> [REDACTED].

<sup>1442</sup> [REDACTED]: [CAR-OTP-2111-0415-R04](#) at 0430, para. 70-71. [REDACTED].

<sup>1443</sup> [REDACTED].

<sup>1444</sup> P-0966: [CAR-OTP-2031-0241-R03](#) at 0251, para. 60; [T-116](#), p. 41, line 20-p. 43, line 20; [T-118](#), p. 3, line 20-p. 4, line 7, including commentary upon [CAR-REG-0001-0004-0018](#); P-2602: [CAR-OTP-2118-9545-R01](#) at 9547, lines 40-56; [CAR-OTP-2118-9664-R01](#) at 9671-9681, lines 232-566, including commentary upon [CAR-OTP-2120-0262](#); P-1577: [T-027](#), p. 46, line 25-p. 47, line 18; P-2049: [T-100](#), p. 71, line 25-p. 72, line 2; [T-103](#), p. 65, lines 18-25; P-2453: [CAR-OTP-2111-0415-R04](#) at 0429, para. 64; [T-137](#), p. 17, lines 12-16, p. 18, lines 8-11; [T-138](#), p. 34, lines 4-13, p. 35, line 23-p. 36, line 24.

<sup>1445</sup> P-1577: [T-027](#), p. 37, lines 2-19, p. 40, lines 2-10.

imam's house as a "slaughterhouse".<sup>1446</sup> This evidence confirms that the attacking Anti-Balaka groups were present in the vicinity of the imam's house when the charged killings [REDACTED] took place.

631. The attacking Anti-Balaka elements comprised groups trained in GOBERE, and may have also *included* some local Anti-Balaka elements from BOSSANGO and the surrounding villages.<sup>1447</sup> Among the attackers were P-2602 and P-0966, both trained in GOBERE. P-0966 describes how he and other Anti-Balaka who had been based in GOBERE were split into two groups – one led by KEMA and one led by NDANGBA – to attack BOSSANGO in the afternoon of 5 December 2013.<sup>1448</sup> [REDACTED] similarly describes leading one group into BOSSANGO, shortly followed by KEMA's group, among others.<sup>1449</sup> CDR evidence confirms the presence of both KEMA and NDANGBA in BOSSANGO on 5 December 2013.<sup>1450</sup> P-0966 and P-2602, who participated in the attack, as well as P-2269, who had also been present in GOBERE, gave evidence about the strategy for GOBERE-based groups to attack BOSSANGO, and the subsequent execution of this strategy.<sup>1451</sup>

632. *Second*, [REDACTED] steadfastly identified their attackers as Anti-Balaka. [REDACTED] used the word "*Balaka*" to nominate the group [REDACTED],<sup>1452</sup> and confirmed that she saw them herself.<sup>1453</sup> She said that some of the attackers had plaited hair, others had *gris-gris* and scarves, others were wearing military dress,<sup>1454</sup> and that they all had red turbans.<sup>1455</sup> In identifying the perpetrator group, she noted "(w)hen the gunfire started, [she] immediately understood that what was going on was a clash between the Seleka and the Anti-Balaka, and those who were shooting at us were most certainly the Anti-Balaka."<sup>1456</sup> [REDACTED] was unable to say if the Anti-Balaka elements who were

<sup>1446</sup> P-1577: [T-027](#), p. 38, lines 4-10, p. 41, line 24-p. 42, line 8. *See also* [CAR-OTP-2085-6486](#) [00:00:00] to [00:04:48] transcript/translation [CAR-OTP-2107-7148](#) at 7150-7155, lines 4-188.

<sup>1447</sup> On the participation of local Anti-Balaka elements, *see, e.g.*, P-2049: [T-100](#), p. 18, lines 4-9, p. 28, lines 9-13; [T-101](#), p. 30, line 25-p. 34, line 18; P-2453: [CAR-OTP-2111-0415-R04](#) at 0431, para. 74; P-2652: [CAR-OTP-2126-0175-R01](#) at 0186, para. 59.

<sup>1448</sup> P-0966: [CAR-OTP-2031-0241-R03](#) at 0251-0252, para. 60-61; [T-116](#), p. 41, line 20-p. 43, line 20.

<sup>1449</sup> P-2602: [CAR-OTP-2118-9664-R01](#) at 9671-9681, lines 232-566, *in particular* at lines 351-382, 539-547.

<sup>1450</sup> CDRs show KEMA ([REDACTED]) and NDANGBA ([REDACTED]) communicated from the Cell Site in BOSSANGO on 5 December 2013: *see* Call Sequence Tables 16-17 available at ICC-01/14-01/18-1296-Conf-AnxA-Corr, and relevant attributions.

<sup>1451</sup> *See, e.g.*, P-2602: [CAR-OTP-2118-9525-R01](#) at 9535-9544, lines 328-630; [CAR-OTP-2118-9641-R01](#) at 9661-9662, lines 672-725; [CAR-OTP-2118-9664-R01](#) at 9665, 9668-9670, lines 18-21, 135-136, 174-182; P-0966: [CAR-OTP-2031-0241-R03](#) at 0251, para. 60; P-2269: [CAR-OTP-2111-0336-R01](#) at 0344, para. 58.

<sup>1452</sup> [REDACTED].

<sup>1453</sup> [REDACTED].

<sup>1454</sup> [REDACTED].

<sup>1455</sup> [REDACTED].

<sup>1456</sup> [REDACTED].

firing [REDACTED],<sup>1457</sup> but also identified the latter as “Balaka” with certainty.<sup>1458</sup> She described them as wearing *gris-gris*, speaking Sango to one another,<sup>1459</sup> wearing military clothes, and bearing firearms.<sup>1460</sup> [REDACTED]<sup>1461</sup> [REDACTED].<sup>1462</sup>

633. [REDACTED] maintained that both groups of elements were Anti-Balaka, identifiable through their use of the Sango language.<sup>1463</sup> Other evidence on the record supports *her* identification in other material aspects. P-2658 — [REDACTED] — testified that they all wore red headbands.<sup>1464</sup> Significantly, while the witness herself had no information on how Chawlin became an Anti-Balaka,<sup>1465</sup> other witnesses confirm his membership. BOSSANGO ComZone NDANGBA’s testimony confirms that Chawlin was an Anti-Balaka chief of section under DEDANE.<sup>1466</sup> P-2658 too heard that Chawlin, a former butcher, had joined the Anti-Balaka.<sup>1467</sup> While D30-4608 had heard that a butcher called Chawlin (“Chaolin”) had been killed prior to 5 December 2013,<sup>1468</sup> this in no way detracts from [REDACTED]. *Firstly*, [REDACTED]’s was a direct witness at the relevant time, whereas D30-4608’s account is second or third hand information.<sup>1469</sup> *Secondly*, as D30-4608 testified, Chawlin (“Chaolin”) is a common nickname for someone with a goatee.<sup>1470</sup>

634. [REDACTED] testified that the perpetrators who shot [REDACTED] were Anti-Balaka elements, [REDACTED].<sup>1471</sup> She knew this because, as she explained, “(d)uring these events it was the Anti-Balaka who were cracking down on Muslims.”<sup>1472</sup> [REDACTED], all wearing *gris-gris*, and some wearing military outfits and some not.<sup>1473</sup> Significantly, she described them as wearing “red head banners”,<sup>1474</sup> a description that accords with that of [REDACTED]. They were, according to her testimony, speaking

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<sup>1457</sup> [REDACTED].

<sup>1458</sup> [REDACTED].

<sup>1459</sup> [REDACTED].

<sup>1460</sup> [REDACTED].

<sup>1461</sup> [REDACTED].

<sup>1462</sup> [REDACTED].

<sup>1463</sup> [REDACTED].

<sup>1464</sup> P-2658: [T-134](#), p. 25, line 16-p. 26, line 20.

<sup>1465</sup> [REDACTED].

<sup>1466</sup> P-2602: [CAR-OTP-2118-9683-R01](#) at 9687-9688, lines 135-158.

<sup>1467</sup> P-2658: [CAR-OTP-2126-0012-R02](#) at 0038, para. 169; [T-135](#), p. 14, line 8-p. 15, line 2.

<sup>1468</sup> D30-4608: [CAR-D30-0017-0004-R01](#) at 0009, para. 36.

<sup>1469</sup> *See* D30-4608: [T-291](#), p. 36, line 23-p. 38, line 13.

<sup>1470</sup> D30-4608: [T-292](#), p. 55, lines 3-14.

<sup>1471</sup> P-2657: [T-104](#), p. 26, line 25-p. 27, line 6.

<sup>1472</sup> P-2657: [T-104](#), p. 27, lines 3-5.

<sup>1473</sup> P-2657: [T-104](#), p. 21, lines 15-16; [T-105](#), p. 33, lines 6-12.

<sup>1474</sup> P-2657: [T-105](#), p. 33, lines 6-9.

Gbaya and Sango.<sup>1475</sup> That members of groups other than the Anti-Balaka may have worn red headbands in other locations of CAR,<sup>1476</sup> or that wearing *gris-gris* and bearing arms was not unique to the Anti-Balaka,<sup>1477</sup> does not detract from the reliability of [REDACTED] identification of the perpetrators. That the attackers were in fact Anti-Balaka members is supported by her observations and the circumstances taken as a whole, for instance, that they were Gbaya and Sango-speaking, armed, wearing *gris-gris* and red headpieces, and were present during a major Anti-Balaka offensive. P-0966, a member of the Anti-Balaka who attacked BOSSANGO on 5 December 2013, testified he had heard of a person called or nicknamed Armand, and indicate he may have been in another Anti-Balaka group during the attack.<sup>1478</sup>

635. As to the killing of C-17, the direct and unchallenged evidence of [REDACTED] shows that the Anti-Balaka shot at and killed him.<sup>1479</sup>

636. *Finally*, vague suggestions that the perpetrators “could have or may very well have” been armed civilians, Seleka, or other armed groups<sup>1480</sup> is not tenable. As detailed above at paras. 630 and 631, BOSSANGO was under attack by KEMA, NDANGBA and their elements at the time, and there is no evidence, plausible or otherwise, as to the presence of other armed groups attacking Muslims on that day.

**e. The Muslim civilian population was forcibly displaced and severely deprived of its liberty (counts 37-39)**

637. The Anti-Balaka forcibly displaced BOSSANGO’s Muslim civilian population to the *Ecole* and onwards to CHAD, without security justification or military necessity.<sup>1481</sup> To the contrary, the coercive acts committed by the Anti-Balaka and the persecutory context in which they took place demonstrate that the Muslim population had no genuine choice<sup>1482</sup> but to leave their homes, community, and ultimately, BOSSANGO altogether.

<sup>1475</sup> P-2657: [T-104](#), p. 22, lines 2-3.

<sup>1476</sup> See P-2657: [T-105](#), p. 33, lines 13-22.

<sup>1477</sup> See P-2657: [T-105](#), p. 12, lines 15-16, p. 27, lines 4-6, p. 36, lines 18-21.

<sup>1478</sup> P-0966: [T-117](#), p. 58, lines 2-14.

<sup>1479</sup> [REDACTED].

<sup>1480</sup> See, for e.g., P-2462: [T-060](#), p. 38, line 23-p. 39, line 9. See further P-2462: [T-060](#), p. 16, line 17-p. 17, line 9, p. 22, lines 21-25; P-2657: [T-105](#), p. 33, line 23-p. 34, line 16, p. 36, lines 18-19; P-2049: [T-103](#), p. 75, line 25-p. 78, line 4.

<sup>1481</sup> See [Elements of Crimes](#), p. 39 (in relation to article 8(2)(e)(viii)) and article 17 of [Additional Protocol II to the Geneva Conventions](#). See also *Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar*, Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar, ICC-01/19-27 (“[Myanmar/Bangladesh Article 15 Decision](#)”), para. 98, 118.

<sup>1482</sup> See IC-01/04-02/06-2359, para. 1056.

638. First, the Anti-Balaka's 5 December 2013 attack caused a mass displacement of BOSSANGO's Muslim population who were lawfully present in BOSSANGO to the *Ecole*. While some 1,000-2,000 Muslims had already gathered there fleeing previous Anti-Balaka attacks in surrounding villages and in BOSSANO, the number rose dramatically after 5 December to approximately 7,000.<sup>1483</sup> On that day, Muslims fled for their lives.

639. P-2462 explained that she and her family "fled without taking anything at all with us, not even clothes."<sup>1484</sup> As P-2453 and P-2200 stated, while many Muslims at first sought shelter at the imam's house, peacekeepers urged them to move to the *Ecole*, where they would be better protected.<sup>1485</sup> According to P-2453, they were right to do so: "The Muslims were fleeing and it was their right because the Anti-Balaka were going to shoot everyone. They wouldn't leave one alive and kill someone else. They were shooting at everything that moved."<sup>1486</sup>

640. P-2049 also described the chaos of hearing "explosions everywhere", with people running in every direction: "(o)n that day everybody was rushing, men and women and children alike, all confused and many of us were rushing on the road in the midst of the gunfire."<sup>1487</sup> According to P-2658, the entire remaining Muslim population of BOSSANGO moved to the *Ecole* after hearing gunshots everywhere in the city.<sup>1488</sup>

641. *Second*, the living conditions in the *Ecole* were so dire that no person would freely choose to endure them. According to P-2462, P-2453, P-2652 and P-2658,<sup>1489</sup> and confirmed by satellite imagery as well as by ordinary photographs on the ground,<sup>1490</sup> after 5 December 2013 many people were forced to sleep outside the school building, for lack of space. P-2049 and P-2652 refer to insufficient food and/or water, despite the efforts of

<sup>1483</sup> P-2652: [CAR-OTP-2126-0175-R01](#) at 0187, para. 65; P-1577: [CAR-OTP-2081-0769-R01](#) at 0791; [CAR-OTP-2079-1163](#) at 1163. *See also* P-2049: [T-101](#), p. 45, lines 7-11; [CAR-OTP-2006-1218](#) at 1220; [CAR-OTP-2079-0677](#) [00:00:49] to [00:01:16], transcript [CAR-OTP-2127-7186](#) at 7187, lines 12-26.

<sup>1484</sup> P-2462: [T-059](#), p. 41, line 4.

<sup>1485</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0429, para. 63; P-2200: [CAR-OTP-2088-2146-R04](#) at 2155, para. 44.

<sup>1486</sup> P-2453: [T-136](#), p. 84, lines 9-13.

<sup>1487</sup> P-2049: [T-103](#), p. 63, lines 16-20; *see also* at [T-100](#), p. 72, lines 10-13.

<sup>1488</sup> P-2658: [CAR-OTP-2126-0012-R02](#) at 0033, para. 133, 135.

<sup>1489</sup> P-2462: [T-059](#), p. 42, lines 14-24; P-2453: [CAR-OTP-2111-0415-R04](#) at 0434, para. 91; P-2652: [CAR-OTP-2126-0175-R01](#) at 0187-0188, para. 66; P-2658: [CAR-OTP-2126-0012-R02](#) at 0034, para. 143.

<sup>1490</sup> *See* satellite analysis: P-2193: [T-019](#), p. 22, line 9-p. 24, line 7, p. 57, line 7-p. 58, line 4, p. 62, line 12-p. 65, line 1, commenting upon his expert report and its annex 1 at [CAR-OTP-2127-6617](#) at 6618-6620, 6622 and [CAR-OTP-2127-6626](#) at 6629, Inset 2, and the related satellite images [CAR-OTP-2127-6689](#) and [CAR-OTP-2127-6690](#). *See* photographs: [CAR-OTP-2085-4492](#), [CAR-OTP-2085-4502](#), [CAR-OTP-2085-4512](#), [CAR-OTP-2085-4552](#), [CAR-OTP-2085-4562](#), [CAR-OTP-2085-4572](#) – commentary by P-1577: [CAR-OTP-2081-0769-R01](#) at 0791.

the World Food Programme.<sup>1491</sup> Accounts on the availability of schooling varied, with P-2049 stating that UNICEF had set up a programme for educating children,<sup>1492</sup> while P-2642 and P-2453 stated that there was no schooling for children.<sup>1493</sup> Many witnesses described the conditions, rather understatedly, as “difficult”.<sup>1494</sup>

642. *Third*, it was impossible for the displaced Muslims to leave the *Ecole* under threat of Anti-Balaka attacks. Many witnesses gave evidence that leaving the *Ecole* – particularly without military escort – meant risking such attack.<sup>1495</sup> The threat was real; P-2462, P-2049, P-2453 all referred to the example of a Muslim man called Yaya whom, they heard, had left the *Ecole* and was later found killed by machete.<sup>1496</sup> There was, in any case, nowhere for the Muslims to return to. As P-2462 and P-2200 pointed out, the Muslims’ houses had been destroyed and their possessions looted, it was “practically impossible” to return home.<sup>1497</sup> P-2453 noted, “[i]t felt like we did not have a home anymore.”<sup>1498</sup> According to P-2200: « *La situation pour les Musulmans de BOSSANGOÀ à ce moment-là c’était comme être en prison, nous étions cernés par les Anti-Balaka de tous les côtés. Ils avaient établi leurs positions à plusieurs endroits de la ville de façon à ce qu’on n’ose pas sortir du camp. [...] Une Chrétienne... de mon quartier est venue nous prévenir de ne pas sortir car les Anti-Balaka menaient une vraie chasse aux Musulmans.* »<sup>1499</sup>

643. P-2658’s testimony establishes that, while at the *Ecole*, the Muslims were constantly in fear of the Anti-Balaka.<sup>1500</sup> The direct accounts of these victims of displacement vastly outweigh the contrived evidence of witnesses such as D30-4514, who claimed that there was no danger for the Muslims civilians in BOSSANGOÀ, and that they merely decided to leave for CHAD.<sup>1501</sup> Indeed, even Defence witness D30-4496 had to concede the obvious, that the international forces thought that the Anti-Balaka “had

<sup>1491</sup> P-2049: [T-101](#), p. 48, lines 2-7; P-2652: [CAR-OTP-2126-0175-R01](#) at 0187-0188, para. 66.

<sup>1492</sup> P-2049: [T-101](#), p. 44, lines 17-19.

<sup>1493</sup> P-2462: [T-059](#), p. 44, lines 17-22; P-2453: [CAR-OTP-2111-0415-R04](#) at 0434, para. 92.

<sup>1494</sup> P-2462: [T-059](#), p. 43, line 14-p. 44, line 16; P-2049: [T-101](#), p. 48, lines 2-4; P-2652: [CAR-OTP-2126-0175-R01](#) at 0187-0188, para. 66.

<sup>1495</sup> P-2049: [T-101](#), p. 46, lines 4-22; P-2657: [T-104](#), p. 29, line 25-p. 30, line 7; P-2453: [CAR-OTP-2111-0415-R04](#) at 0434, para. 93; P-2200: [CAR-OTP-2088-2146-R04](#) at 2159, para. 72; P-2658: [CAR-OTP-2126-0012-R02](#) at 0034-0035, para. 144; P-1577: [CAR-OTP-2081-0769-R01](#) at 0791, [T-027](#), p. 66, line 20-p. 67, line 6.

<sup>1496</sup> P-2462: [T-059](#), p. 45, lines 15-20; P-2049: [T-101](#), p. 46, lines 10-19; P-2453: [CAR-OTP-2111-0415-R04](#) at 0434, para. 94.

<sup>1497</sup> P-2462: [T-059](#), p. 40, lines 20-25, p. 45, lines 9-14; P-2200: [CAR-OTP-2088-2146-R04](#) at 2158, para. 64.

<sup>1498</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0435, para. 96.

<sup>1499</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2157, para. 72.

<sup>1500</sup> P-2658: [CAR-OTP-2126-0012-R02](#) at 0034-0035, para. 144.

<sup>1501</sup> See D30-4514: [CAR-D30-0025-0001-R01](#) at 0033, lines 1089-1093.



come out of the bush and were furious, they had no other choice. They were going to attack the Muslims, so that's why these soldiers were protecting them.”<sup>1502</sup>

644. *Fourth*, the ultimate flight of BOSSANGOA's Muslim population to CHAD was the only alternative to remaining confined in an intolerable situation at the *Ecole*, and under threat by the Anti-Balaka. Between around 9 and 11 April 2014, the last remaining Muslims at the *Ecole*, numbering approximately 500, were finally evacuated to CHAD.<sup>1503</sup> This followed an earlier evacuation intended for Chadian nationals or Muslims of Chadian origin,<sup>1504</sup> but joined also by Central African Muslims.<sup>1505</sup> P-2657 explained why she left for CHAD, noting that the Muslims were enclaved in the *Ecole*, which was “almost like a prison” and that people could no longer handle living under the conditions.<sup>1506</sup> P-2453 similarly commented that the Muslims were “kept as prisoners inside the school”.<sup>1507</sup> P-2658's testimony that the Muslim community was targeted by the Anti-Balaka is clear and consistent with other victims, “(i)f we, Muslims had stayed there we would be killed.”<sup>1508</sup>

645. According to the evidence, there is no scenario in which the Anti-Balaka's displacement of the Muslim population in BOSSANGOA could have been lawful. BOSSANGOA was not an area in danger as a result of “military operations” or “intense bombing”.<sup>1509</sup> Nor, did the presence of the Muslim population hamper military operations.<sup>1510</sup> Even assuming *arguendo* that the 5 December 2013 attack was a military operation, it is notable that the Anti-Balaka made no attempt to evacuate the population – Muslim or otherwise – beforehand; this attack therefore cannot serve as a lawful justification. Likewise, it cannot be said that there was ongoing combat at the time of the final evacuation to CHAD in early April 2014, as the Seleka had already departed from BOSSANGOA at that point. P-2652 confirmed that the Seleka disappeared from BOSSANGOA “overnight” following DJOTODIA's resignation (*i.e.* 10 January

<sup>1502</sup> D30-4496: [T-290](#), p. 25, line 25-p. 26, line 4.

<sup>1503</sup> P-2049: [T-101](#), p. 48, lines 7-19; P-2453: [CAR-OTP-2111-0415-R04](#) at 0435, para. 96-97; P-2200: [CAR-OTP-2088-2146-R04](#) at 2160, para. 76-80; P-2652: [CAR-OTP-2126-0175-R01](#) at 0189, para. 77. *See in particular*, as to the dates: [CAR-OTP-2001-2885](#) at 2885; [CAR-OTP-2101-4056](#) at 0456; [CAR-OTP-2079-1166](#) at 1166.

<sup>1504</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0435, para. 95; [T-138](#), p. 52, line 17-p. 53, line 6; P-2200: [CAR-OTP-2088-2146-R04](#) at 2160, para. 76.

<sup>1505</sup> P-2049: [T-101](#), p. 48, lines 7-10.

<sup>1506</sup> P-2657: [T-104](#), p. 37, lines 11-16.

<sup>1507</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0435, para. 96.

<sup>1508</sup> P-2658: [CAR-OTP-2126-0012-R02](#) at 0036, para. 153.

<sup>1509</sup> *See* ICTY, *Prosecutor v. Blagojević & Jokić*, [IT-002-60](#), Judgement, 17 January 2005 (“[Blagojević & Jokić TJ](#)”), para. 598.

<sup>1510</sup> *See* [Blagojević & Jokić TJ](#), para. 598.

2014).<sup>1511</sup> P-2453 similarly confirmed that, after remaining in their military base, the Seleka left after “a few weeks”.<sup>1512</sup> There was no humanitarian ground *unrelated* to the conflict to evacuate the (Muslim) civilian population, such as the threat of epidemic outbreak, natural disaster, or of a “generally untenable and life-threatening living situation”.<sup>1513</sup> In any case, forced removal for humanitarian reasons cannot be justified where “the humanitarian crisis that caused the displacement is itself the result of the perpetrator’s own unlawful activity.”<sup>1514</sup>

646. Finally, that some individuals agreed or even requested, to leave BOSSANGO must not be mistaken for “consent”,<sup>1515</sup> much less a collective consent to leave. In this sense, the fact that some of the displaced individuals were Chadian nationals or the descendants thereof<sup>1516</sup> is of no consequence. Similarly, the use of the term “evacuation” to describe the removal of the population is in no way determinative.<sup>1517</sup>

647. The prevailing situation and atmosphere in BOSSANGO, including the particular vulnerability of the Muslim population<sup>1518</sup> and ethnic division, was heightened, if not created by, the Anti-Balaka attack, and moreover demonstrates that the decision of Muslim civilians to leave was not a genuine choice. Although initially against evacuation, P-2200 finally acceded, advising all Muslims to leave BOSSANGO for CHAD, as it was too dangerous to stay.<sup>1519</sup> In sum, the i) ferocity of the Anti-Balaka’s attack, in which many Muslim civilians were killed;<sup>1520</sup> ii) anti-Muslim sentiment of the attackers, as evidenced by their statements;<sup>1521</sup> iii) destruction of the Muslims’ houses;<sup>1522</sup> iv) deplorable living conditions in the *Ecole*;<sup>1523</sup> and v) ongoing threat presented by the Anti-Balaka to those enclaved,<sup>1524</sup> all made leaving their home in BOSSANGO the only option for their survival.

<sup>1511</sup> P-2652: [CAR-OTP-2126-0175-R01](#) at 0188, para. 70.

<sup>1512</sup> P-2453: [CAR-OTP-2111-0415-R04](#) at 0432, para. 80.

<sup>1513</sup> [Blagojević & Jokić TJ](#), para. 600.

<sup>1514</sup> ICTY, *Prosecutor v. Radovan Karadžić*, IT-095-5/18, [Judgement](#), 24 March 2016, para. 492. *See also* ICTY, *Prosecutor v. Milomir Stakić*, IT-097-24-A, [Judgement](#), 22 March 2006, para. 287; [Popović et al. TJ](#), para. 903.

<sup>1515</sup> *See* [Ntaganda TJ](#), para 1056.

<sup>1516</sup> *See* P-2049: [T-101](#), p. 48, lines 7-10; P-2453: [CAR-OTP-2111-0415-R04](#) at 0435, para. 95; [T-138](#), p. 52, line 17-p. 53, line 6.

<sup>1517</sup> *See* [Blagojević & Jokić TJ](#), para. 618.

<sup>1518</sup> *See* [Ntaganda TJ](#), para. 1056.

<sup>1519</sup> P-2200: [CAR-OTP-2088-2146-R04](#) at 2160, para. 76-80.

<sup>1520</sup> *See* sub-section b. i.

<sup>1521</sup> *See* para. 621.

<sup>1522</sup> *See* para. 641.

<sup>1523</sup> *See* para. 640.

<sup>1524</sup> *See* para. 641-642.

**f. The victims of the attack are credible witnesses**

648. Core crime base witnesses for the BOSSANGO attack such as P-2049, P-2200, P-2453, P-2642 and P-2657 gave credible and coherent accounts of the events during the attack and its aftermath. Any inconsistencies in the witnesses' accounts are reasonable and in most cases relate to minor issues that do not affect their overall credibility.

**i. Minor inconsistencies do not affect the witnesses' credibility**

649. P-2049's change in his account concerning [REDACTED] on the day of the attack is entirely understandable in the circumstances. The witness originally told OTP investigators [REDACTED] on 5 December 2013 when he fled to the *Ecole*.<sup>1525</sup> He later testified under oath that in fact [REDACTED].<sup>1526</sup> He conceded that he did not provide this information to OTP investigators. This is hardly surprising given the sensitivity of the subject matter and to [REDACTED].<sup>1527</sup>

650. Any other minor contradictions — whether internal or between witnesses — as to such matters as to how a witness made it from work to home on the morning of the attack,<sup>1528</sup> who picked up the children from school during the attack,<sup>1529</sup> and who acted as interpreter at a medical appointment,<sup>1530</sup> are peripheral to the main issues in the case. Moreover, they are understandable given the passage of time and the traumatic circumstances, and do not affect the witnesses' credibility on the main subjects of their evidence. Similarly, [REDACTED] is understandable, and irrelevant to her general credibility.<sup>1531</sup>

**ii. There is no evidence of contamination**

651. Finally, the BOSSANGO crime base witnesses are related to each other, or at the very least know each other. After being driven from their community in BOSSANGO by the Anti-Balaka, they have since found themselves in a refugee camp together. This alone, cannot reasonably sustain a claim of contamination. Despite several attempts<sup>1532</sup> no such evidence has been adduced. [REDACTED].<sup>1533</sup>

<sup>1525</sup> See P-2049: [CAR-OTP-2088-2173-R04](#) at 2188, para. 77.

<sup>1526</sup> P-2049: [T-100](#), p. 72, line 2-p. 73, line 3.

<sup>1527</sup> P-2049: [T-100](#), p. 73, lines 1-2.

<sup>1528</sup> See P-2049: [T-100](#), p. 70, lines 10-16; P-2642: [T-060](#), p. 29, lines 1-10.

<sup>1529</sup> See P-2657: [T-105](#), p. 21, line 14-p. 22, line 24.

<sup>1530</sup> See [REDACTED].

<sup>1531</sup> See P-2642: [T-060](#), p. 6, line 7-p. 7, line 15.

<sup>1532</sup> See, e.g., the cross-examination of P-2642: [T-060](#), p. 4, line 1-p. 6, line 6; P-2657: [T-105](#), p. 4, line 17-p. 7, line 13; P-2049: [T-101](#), p. 53, line 22-p. 58, line 22; P-2453: [T-137](#), p. 7, line 16-p. 8, line 9.

<sup>1533</sup> [REDACTED].

## C. YAMWARA SCHOOL BASE

### a. Overview

652. The evidence proves beyond reasonable doubt that in the aftermath of the 5 December 2013 BANGUI attack, at their YAMWARA School Base, **YEKATOM** and his Group went on to commit the crimes of inhumane acts (Count 11), torture (Count 12), cruel treatment (Count 13), imprisonment and other forms of severe deprivation of physical liberty (Count 14), murder (Counts 15 and 16). As discussed below, these crimes were moreover committed as part of a campaign of persecution (Count 17).<sup>1534</sup>

653. **YEKATOM** established the YAMWARA School Base in BOEING after the 5 December 2013 BANGUI Attack,<sup>1535</sup> billeting around 1,000 elements there.<sup>1536</sup> Anti-Balaka elements who arrived from the BOSSANGO A area, known as '*les Gobere*', joined **YEKATOM**'s Group there.<sup>1537</sup> **YEKATOM** and his commanders ordered the targeting and killing of Muslims, and did so to eliminate their presence in his areas of responsibility.<sup>1538</sup>

654. On or about 24 December, seven people including three Muslim women, were on their way home from Benjamin LAPO's<sup>1539</sup> son Charlemagne's funeral when **YEKATOM**'s subordinates, including ALKANTO (Chief of the First Division<sup>1540</sup>) detained them at a roadblock in or around CATTIN.<sup>1541</sup> **YEKATOM**'s elements abducted these seven detainees and brought them to their YAMWARA School Base<sup>1542</sup> — six

<sup>1534</sup> See Section V, C, e, para. 685.

<sup>1535</sup> See above, paras. 485-486; P-1705: [T-211](#), p. 12, lines 10-20. See e.g. Annex B.

<sup>1536</sup> See above, paras. 471, 485-486; P-1839: [T-170](#), p. 23, lines 6-12; [CAR-OTP-2065-4880](#), [00:00:30] to [00:00:47] [00:04:37] to [00:05:03] transcript [CAR-OTP-2107-1551](#), at 1552, 1555, lines 20-31, 123-135.

<sup>1537</sup> P-1839: [T-171](#), p. 71, line 23-p.73, line 25; [T-172](#), p. 3, line 11-p. 4, line 10; P-1786: [T-197](#), p. 37, line 23-p. 38, line 18; [CAR-OTP-2065-5470](#) [00:00:32] to [00:01:46] transcript [CAR-OTP-2107-1559](#), at 1560, lines 16-25.

<sup>1538</sup> P-1339: [T-155](#), p. 32, lines 12-22, p. 37, lines 20-24; P-1339: [T-159](#), p. 22, lines 14-19, p. 23, lines 18-23, p. 25, line 19-p. 26, line 5; [CAR-OTP-2041-0775](#) – see commentary by P-1339: [T-155](#), p. 30, line 3-p. 31, line 16; [CAR-OTP-2065-3843](#) [00:00:00] to [00:01:17] transcript and translation [CAR-OTP-2107-3077](#) and [CAR-OTP-2118-5668](#) at 5670-5671, lines 6-12; [CAR-OTP-2065-3448](#); [CAR-OTP-2065-3823](#); [CAR-OTP-2065-3839](#); [CAR-OTP-2124-0261](#) – see commentary at [CAR-OTP-2124-0247-R02](#) at 0257, para. 46; P-1839: [T-173](#), p. 38, line 6-p. 39, line 14; [T-171](#), p. 34, line 14-p. 35, line 16; P-0487: [T-201](#), p. 45, line 4-p. 46, line 47; P-1705: [T-211](#), p. 29, lines 10-15.

<sup>1539</sup> [REDACTED].

<sup>1540</sup> P-1704: [T-128](#), p. 13, lines 2-4; P-1839: [T-170](#), p. 29, lines 10-15, p. 18, lines 13-14.

<sup>1541</sup> P-1704: [CAR-OTP-2054-1136-R05](#) at 1140-1141, paras. 21-26; P-1811: [T-114](#), p. 12, line 22-p.18, line 8; P-0967: [T-199](#), p. 25, line 19-p. 36, line 15.

<sup>1542</sup> P-1839: [T-170](#), p. 29, lines 10-15; [T-173](#), p. 65, lines 7-25, p. 67, line 12-p. 69, line 11; [CAR-OTP-2066-1468](#); [T-172](#), p. 4, line 25-p. 7, line 7; P-1705: [T-211](#), p. 13, line 12-p. 15, line 12, p. 19, line 5-p. 20, line 9; p. 18, line 13-p. 19, line 4, p. 23, lines 1-25; P-1704: [CAR-OTP-2054-1136-R05](#) at 1140-1142, paras. 25-31, 35; [T-128](#), p. 43, lines 2-6; [T-128](#), p. 12, line 2-p. 16, line 2, p. 39, line 2-p. 41, line 20; P-1811: [CAR-OTP-2058-0003-R05](#) at 0006-0010, paras 22-39; [T-114](#), p. 13, line 13-p. 17, line 18; P-1716: [CAR-OTP-2053-0062-R05](#) at 0066-0068, 0071, paras 22-35, 52-55; [T-147](#), p. 7, lines 7-13, p. 8, line 8-p. 9, line 1; P-1716: [CAR-OTP-2053-0074-R01](#); P-0967: [T-199](#), p. 34, line 23-p. 36, line 11, p. 38, lines 15-25, p. 39, lines 8-17, p. 39, line 25-p. 41, line 18, p. 42, lines 11-24, p. 44, lines 7-11, p. 45, lines 18-20; [T-200](#), p. 39, lines 19-24; P-0876: [T-085](#), p. 49, line 9-p. 50, line

survived.<sup>1543</sup> [REDACTED]<sup>1544</sup>, and the severe physical and mental pain and suffering that **YEKATOM**'s subordinates inflicted [REDACTED]. [REDACTED] confirms **YEKATOM**'s responsibility for the crimes as charged.

**b. The abduction of seven persons, including three Muslim women, at a roadblock**

655. P-1704 testified how ALKANTO and other Anti-Balaka targeted [REDACTED]: “[REDACTED].”<sup>1545</sup>

Similarly, P-0967 testified that the [REDACTED] detained [REDACTED] because [REDACTED] were Muslims.<sup>1546</sup> [REDACTED].”<sup>1547</sup> P-0967 recalled the Anti-Balaka chief telling his elements that “[REDACTED].”<sup>1548</sup>

656. **YEKATOM**'s subordinates subjected the abductees to severe physical and mental injury at the YAMWARA School Base.<sup>1549</sup> They intentionally inflicted such pain and suffering on the abductees to intimidate and/or punish them because of their association with Muslims and their perceived collective support of the Seleka. This treatment, as described below, was neither justified by, nor incidental to, any lawful sanctions defined under article 7(2)(e).

**c. The torture of the seven persons**

657. After forcibly bringing the abductees to the YAMWARA School Base, **YEKATOM**'s Group threatened to kill them and taunted them as “traitors”.<sup>1550</sup>

658. P-1705 described how ‘BOUDJOS’ (*i.e.*, **YEKATOM**'s Section Chief “BODIOS”<sup>1551</sup>) ordered the abductees to undress and threatened them. He testified:

“[REDACTED].”<sup>1552</sup>

P-1705 described how [REDACTED].<sup>1553</sup> P-1716 testified that [REDACTED].”<sup>1554</sup>

6; P-0884: [T-056](#), p. 13, line 21-p. 14, line 8, p. 15, lines 14-21, p. 16, lines 3-4, p. 17, lines 3-20, p. 19, line 21-p. 21, line 21; [T-057](#), p. 92, line 19-p. 93, line 12; [CAR-OTP-2048-0063](#) at 0063-0064.

<sup>1543</sup> See Section V, C, d, para 258.

<sup>1544</sup> P-1705, P-1704, P-1811, P-1716, P-0967.

<sup>1545</sup> P-1704: [CAR-OTP-2054-1136-R05](#) at 1141, para. 2; P-1716: [T-147](#), p. 8, lines 2-7.

<sup>1546</sup> P-0967: [T-199](#), p. 38, lines 15-25; [T-200](#), p. 39, lines 19-24.

<sup>1547</sup> P-0967: [T-199](#), p. 39, lines 11-17.

<sup>1548</sup> P-0967: [T-199](#), p. 36, lines 12-15.

<sup>1549</sup> P-1704: [CAR-OTP-2054-1136-R05](#) at 1142, paras. 32-44; [T-128](#), p. 18, lines 5-7, p. 45, line 4-p. 46, line 1.

<sup>1550</sup> P-0967: [T-199](#), p. 40, line 7-p. 42, line 19, p. 48, lines 1-23; P-1811: [CAR-OTP-2058-0003-R05](#) at 0007, 0010, para. 26, 40; [T-114](#), p. 17, line 23-p. 18, line 3, p. 21, lines 3-15, p. 29, lines 7-16, p.15, lines 3-8; P-1704: [CAR-OTP-2054-1136-R05](#) at 1142, 1144, para. 41; P-1839: [T-170](#), p. 29, lines 15-18; P-1716: [T-147](#), p. 15, lines 5-6, p. 8, lines 2-7; P-1839: [T-171](#), p. 34, line 14-p. 35, line 16; [T-174](#), p. 78, line 3-p. 79, line 6, [T-175](#), p. 9, line. 19-p. 10, line 2.

<sup>1551</sup> P-1839: [T-172](#), p. 9, lines 4-6; P-1339: [T-151](#), p. 50, lines 5-13; P-1705: [T-211](#), p. 24, lines 3-8, p. 25, lines 1-4.

<sup>1552</sup> P-1705: [T-211](#) p. 28, line 21-p. 29, line 15; [CAR-OTP-2041-0775](#) – see commentary by P-1339: [T-155](#), p. 30, line 3-p. 31, line 16; P-0487: [T-201](#), p. 45, line 4-p. 46, line 47.

<sup>1553</sup> P-1705: [T-211](#), p. 16, line 13, p. 24, lines 3-8, p. 25, lines 1-4.

<sup>1554</sup> P-1716: [CAR-OTP-2053-0062-R05](#) at 0070, para. 45, [T-147](#), p. 15, lines 5-6

659. Three male abductees were forced to undress, kneel, and were repeatedly beaten with wooden clubs on their head, arms, back, and legs.<sup>1555</sup> P-1705 recounted [REDACTED].<sup>1556</sup>

660. The fourth male abductee, Saint Cyr LAPO N’GOMAT (“LAPO N’GOMAT”), was singled out and “treated much worse” than the other male abductees, as **YEKATOM**’s elements found his FACA military card on him.<sup>1557</sup> [REDACTED].<sup>1558</sup> He was then bound in the *arbatachar* method, beaten with vehicle brake cables and wooden clubs, and had his ear, toes, and fingers cut off [REDACTED].<sup>1559</sup> [REDACTED].<sup>1560</sup>

661. There is no evidence that the seven abductees were engaging or had engaged in hostilities at the time of their abduction, or during their detention at the YAMWARA School Base. To the contrary, upon their abduction the seven were exclusively within the custody and control of **YEKATOM** and his Group — they were defenceless and at their mercy.

662. While **YEKATOM** and the elements under his command and authority had the ability to *protect* the seven captives — in fact a *duty* to do so — the evidence unequivocally demonstrates the opposite.<sup>1561</sup> It shows that **YEKATOM** and his Group went out of their way to harm them. They escalated the cruelty of the torture of the three male abductees by inflicting even greater brutality on their friend/family member, LAPO N’GOMAT. Moreover, this deliberately amplified the surviving abductees’ fear for their lives and anguish, compounding their physical and psychological suffering.<sup>1562</sup>

*i.* [REDACTED]

663. [REDACTED].<sup>1563</sup> [REDACTED].<sup>1564</sup> [REDACTED].<sup>1565</sup>

<sup>1555</sup> P-1704: [CAR-OTP-2054-1136-R05](#) at 1143, para. 39; P-1705: [T-211](#) p. 28, line 21-p. 29, line 15; P-1716: [T-147](#), p. 14, lines 8-14; [T-148](#), p. 28, lines 15-19.

<sup>1556</sup> P-1705: [T-211](#) p. 40, lines 22-24.

<sup>1557</sup> [REDACTED]: [CAR-OTP-2053-0062-R05](#) at 0069, para. 39, 42-43; [REDACTED], p. 13, line 22-p. 14, line 7.

<sup>1558</sup> P-1811: [T-114](#), p. 24, line 14-p. 25, line 11, p. 32, lines 19-25; [CAR-OTP-2058-0003-R05](#) at 0009, para. 36; P-1705: [T-211](#) p. 39, line 26-p. 40, line 5.

<sup>1559</sup> P-1839: [T-170](#), p. 29, line 9-p. 30, line 20; P-1704: [CAR-OTP-2054-1136-R05](#) at 1143, para. 38; [T-128](#), p. 47, line 25-p. 48, line 5; P-1705: [T-211](#), p. 37, line 13, p. 35, lines 9-17; [T-212](#), p. 33, line 20-p. 34, lines 11; P-1716: [CAR-OTP-2053-0062-R05](#) at 0069, para. 39, 42-43; [T-147](#), p. 13, line 22-p. 14, line 7; P-0967: [T-199](#), p. 45, lines 7-12; P-1654: [CAR-OTP-2053-0112-R04](#) at 0116-0117, para. 31, 35.

<sup>1560</sup> P-1839: [T-170](#), p. 29, line 9-p. 30, line 20.

<sup>1561</sup> See e.g., [Mrkšić & Šljivančanin AJ](#), paras. 72-73 (recognising that international law imposes a duty on an agent of a detaining power (i.e., an official of the State, such as military personnel) to protect prisoners).

<sup>1562</sup> See footnote cited at para.656.

<sup>1563</sup>[REDACTED]: [CAR-OTP-2053-0062-R05](#) at 0071-0071, para. 46-49, 51; [REDACTED], p. 20, lines 10-22; [REDACTED]: [CAR-OTP-2054-1136-R05](#) at 1145, para. 47.

<sup>1564</sup> [REDACTED]: [CAR-OTP-2053-0062-R05](#) at 0070, paras 36-37, 46; [REDACTED]: [CAR-OTP-2054-1136-R05](#) at 1145, para. 47.

<sup>1565</sup> [REDACTED]: [CAR-OTP-2053-0062-R05](#) at 0071-0071, paras. 46-49, 51.

**ii. Separation of the women**

664. P-0967 testified [REDACTED], the Anti-Balaka elements forcibly removed the women's veils, while the male abductees were made to kneel outside with their hands on their heads.<sup>1566</sup> The women were separated from the men, who remained outside as the female captives were taken to [REDACTED].<sup>1567</sup>

665. There, the women were forced to strip down to their underwear<sup>1568</sup> and frisked,<sup>1569</sup> threatened with weapons by **YEKATOM's** elements,<sup>1570</sup> and taunted. P-0967 testified [REDACTED];<sup>1571</sup> [REDACTED].<sup>1572</sup> [REDACTED].<sup>1573</sup>

**iii. YEKATOM was present at the YAMWARA School Base**

666. [REDACTED], he threatened "[REDACTED]."<sup>1574</sup> **YEKATOM** then left [REDACTED].

**iv. [REDACTED]**

667. [REDACTED].<sup>1575</sup> [REDACTED].<sup>1576</sup>

668. [REDACTED], the Anti-Balaka elements forced [REDACTED] abductees to kneel and threatened, "you were going to be peeled like papaya."<sup>1577</sup>

**v. The five remaining abductees were released from YEKATOM's custody on or around 27 December 2013**

669. The evidence proves that the five remaining abductees were transferred f[REDACTED], before their release was secured through the intervention of Sangaris forces and SAMBA-PANZA on or around 27 December 2013.

<sup>1566</sup> P-0967: [T-199](#), p. 40, lines 2-8; P-1716: [CAR-OTP-2053-0062-R05](#) at 0069, para. 38.

<sup>1567</sup> [CAR-OTP-2066-1468](#)- see commentary by P-1839: [T-172](#), p. 4, line 25-p. 7, line 5; P-1811: [T-115](#), p. 19, lines 7-9; P-1704: [CAR-OTP-2054-1136-R05](#) at 1145, para. 50; [CAR-OTP-2054-1150-R01](#).

<sup>1568</sup> [REDACTED], p. 21, lines 3-15; [REDACTED], p. 47, lines 15-17.

<sup>1569</sup> P-1839: [T-170](#), p. 29, lines 15-18.

<sup>1570</sup> P-1839: [T-170](#), p. 29, lines 21-23; P-0967: [T-199](#), p. 40, lines 2-10, p. 42, lines 11-24; see: [CAR-OTP-2012-0523](#) [00:44:30] to [00:44:33] transcript [CAR-OTP-2118-5507](#) at 5540 – see commentary by P-0967: [T-200](#), p. 8, lines 10-16; P-1811: [CAR-OTP-2058-0003-R05](#) at 0008-0009, para. 30-33.

<sup>1571</sup> P-0967: [T-199](#), p. 40, lines 2-10, and p. 42, lines 11-24, p. 48, lines 1-23; P-1705: [T-211](#), p. 42, line 20-p. 43, line 6; P-1811: [CAR-OTP-2058-0003-R05](#) at 0008-0009, para. 30-33; [T-114](#), p. 21, lines 3-15; [T-115](#), p. 19, lines 7-9; P-1704: [T-128](#), p. 43, line 7-p. 44, line 12.

<sup>1572</sup> [REDACTED], p. 21, lines 7-15.

<sup>1573</sup> [REDACTED], p. 40, lines 2-10, p. 42, lines 14-23.

<sup>1574</sup> [REDACTED], p. 41, lines 6-18; [T-200](#), p. 52, lines 15-21. [REDACTED], see [CAR-OTP-2012-0523](#) [00:09:02] to [00:09:09] transcript [CAR-OTP-2118-5507](#) at 5515, lines 233-238 – see commentary: [REDACTED], p. 4, lines 19-24, [REDACTED], p. 46, lines 22-25, p. 48, lines 19-22; [REDACTED], p. 54, lines 8-11; [REDACTED], p. 27, line 14.

<sup>1575</sup> P-1704: [CAR-OTP-2054-1136-R05](#) at 1145, para. 47.

<sup>1576</sup> P-0967: [T-199](#), p. 50, line 20-p. 51, line 7.

<sup>1577</sup> [REDACTED], p. 28, line 18-p. 29, line 11.

670. [REDACTED] the supreme leader [being] ROMBHOT”.<sup>1578</sup> [REDACTED].”<sup>1579</sup>

671. P-1811 testified [REDACTED].<sup>1580</sup>

**vi. *YEKATOM* spoke to the abductees [REDACTED]**

672. [REDACTED].<sup>1581</sup> [REDACTED].<sup>1582</sup>

673. [REDACTED].<sup>1583</sup> [REDACTED].<sup>1584</sup>

674. [REDACTED].<sup>1585</sup> [REDACTED].<sup>1586</sup> [REDACTED].

675. [REDACTED].<sup>1587</sup> [REDACTED].<sup>1588</sup> [REDACTED].<sup>1589</sup>

**d. [REDACTED]**

676. [REDACTED].

677. [REDACTED]<sup>1590</sup> [REDACTED].<sup>1591</sup> [REDACTED].

678. [REDACTED],<sup>1592</sup> [REDACTED].

679. [REDACTED].<sup>1593</sup>

<sup>1578</sup> P-0967: [T-199](#), p. 53, line 22-p. 54, line 19; [T-199](#), p. 57, lines 15-16; [CAR-OTP-2050-0648](#) [00:00:49] to [00:00:57] transcript [CAR-OTP-2130-1216](#) and translation [CAR-OTP-2130-1347](#) – see commentary by P-0967: [T-200](#), p. 9, lines 10-14; [REDACTED]: [CAR-OTP-2054-1136-R05](#) at 1145-1147, para. 42, 52-54, 62; [REDACTED], p. 19, line 19-p. 20, line 11; [REDACTED]: [CAR-OTP-2058-0003-R05](#), at 0010, para. 41; [REDACTED], p. 29, lines 12-23; P-1839: [T-171](#), p.18, lines 19-22; [REDACTED], p. 52, lines 3-8; [CAR-OTP-2012-0523](#) at [36:11:13] and [REDACTED], p. 53, lines 7-10 – see commentary by [REDACTED], p. 83, line 3-p. 84, line 7.

<sup>1579</sup> P-0967: [T-199](#), p. 53, line 22-p. 54, line 19 .

<sup>1580</sup> P-1811: [CAR-OTP-2058-0003-R05](#) at 0012, para. 50, 52; [CAR-OTP-2042-1457](#) [00:02:15] to [00:05:34] and transcript [CAR-D29-0006-0092](#) at 0093-0094, lines 9-21 – see commentary by P-0952: [T-249](#), p. 13, line 19-p. 15, line 15; P-1704: [CAR-OTP-2054-1136-R05](#) at 1146, para. 57.

<sup>1581</sup> [REDACTED], p. 33, lines 8-25.

<sup>1582</sup> [REDACTED], p. 17, lines 13-18; [CAR-OTP-2012-0523](#) at [36:58:01] [REDACTED], p. 53, lines 19-22, p. 49, lines 14-23; [REDACTED], p. 45, lines 4-15, p. 46, lines 6-13.

<sup>1583</sup> [REDACTED], p. 14, lines 17-24, p. 15, lines 14-17, p. 20, lines 23-25, p. 21, lines 4-25; [REDACTED], p. 87, line 23-p. 88, line 5, p. 89, lines 14-22, p. 91, line 13-p. 92, line 4, lines 16-17; [REDACTED], p. 62, lines 11-12; [REDACTED]: [T-085](#), p. 49, line 9-p. 50, line 6.

<sup>1584</sup> *Ibid.*

<sup>1585</sup> [REDACTED]: [CAR-OTP-2048-0171-R03](#) at 0185-0186, para. 86: [T-168](#) [FR], p. 58, line 19-p. 60, line 2; [CAR-OTP-2039-0063](#) at 0063, number three and at 0064, number 55, see commentary by P-1193: [T-124](#), p. 34, line 7-p. 36, line 10.

<sup>1586</sup> [REDACTED]: [CAR-OTP-2048-0171-R03](#) at 0185-0186, para. 86; [REDACTED], p. 37, line 24-p. 43, line 2; [T-168](#), p. 57, line 13-p. 60, line 4, p. 62, lines 3-17.

<sup>1587</sup> *Contra* ICC-01/14-01/18-2562-Conf-AnxA, p. 10.

<sup>1588</sup> [REDACTED]: [CAR-OTP-2048-0171-R03](#) at 0176, para. 34; [REDACTED], p. 24, line 12-p. 28, line 25, p. 35, line 20-p. 37, line 19; [CAR-OTP-2084-1303](#) [00:05:00] to [00:05:13] translation and transcription at [CAR-OTP-2122-2362](#), at 2365, lines 65-69; [CAR-OTP-2084-1307](#) [00:00:00] to [00:00:58] transcript and translation, [CAR-OTP-2107-6985](#) at 6986, lines 4-11 and [CAR-OTP-2122-2366](#) at 2368, lines 4-11.

<sup>1589</sup> [CAR-OTP-2039-0063](#) at 0063, number three and at 0064, number 46 and 55 - see commentary by P-1193: [T-124](#), p. 34, line 7-p. 36, line 10.

<sup>1590</sup> P-1716: [CAR-OTP-2053-0062-R05](#) at 0069, para. 43; [T-147](#), p. 15, lines 21-25; [T-148](#), p. 27, lines 10-14; P-1705: [T-211](#) p. 38, lines 7-16.

<sup>1591</sup> P-1839: [T-170](#), p. 31, lines 4-7.

<sup>1592</sup> ICC-01/14-01/18-1169-Conf, para. 9.

<sup>1593</sup> P-1654: [CAR-OTP-2053-0112-R04](#) at 0116-0117, para. 31, 35; [CAR-OTP-2050-0737-R01](#).



680. [REDACTED].<sup>1594</sup>

681. [REDACTED].<sup>1595</sup>

682. **YEKATOM**'s subordinates killed LAPO N'GOMAT with deliberate brutality, aware that he was unarmed and not engaged in hostilities at the time of his abduction. Any suggestion that LAPO N'GOMAT was a Seleka member,<sup>1596</sup> even if true, does not overcome his status as objectively *hors de combat* at the time of his murder. Conversely, the Anti-Balaka's labelling of LAPO N'GOMAT as a Seleka member provides ample evidence of the motive and persecutory intent of his killers. Furthermore, as stated above,<sup>1597</sup> the law does not permit treating an individual as a legitimate target based on their perceived political affiliation.

683. [REDACTED]<sup>1598</sup> [REDACTED]<sup>1599</sup> [REDACTED].<sup>1600</sup>

684. [REDACTED].<sup>1601</sup>

685. Likewise, in her testimony P-0967 [REDACTED].<sup>1602</sup>

**e. Persecution (article 7(1)(h)) (count 17)**

686. The acts described above, committed by **YEKATOM**, his commanders, including BODIOS, ALKANTO, OUANDJIO, and their subordinates, specifically targeted the Muslim population,<sup>1603</sup> in furtherance of the Common Purpose and Criminal Policy, promoted by the Anti-Balaka's *de facto* Coordination.

687. **YEKATOM**'s Group's attack, beating, torture, and murder of unarmed abductees on the basis of their ethnicity and religion as Muslims, and/or based on their presumed political association with the Seleka, severely deprived the victims of fundamental rights

<sup>1594</sup> P-1704: [CAR-OTP-2054-1136-R05](#) at 1143, para. 38; P-1705: [T-211](#), p. 17, lines 10-12, p. 38, lines 7-16, p. 55, lines 5-8; P-1716: [CAR-OTP-2053-0062-R05](#) at 0069, para. 43; [T-147](#), p. 15, lines 21-25; [T-148](#), p. 27, lines 10-14; P-1654: [CAR-OTP-2053-0112-R04](#) at 0118, para. 48; P-1811: [CAR-OTP-2058-0003-R05](#) at 0009, para. 37; [T-114](#), p. 25, lines 23-25; P-0967: [T-199](#), p. 50, line 20-p. 51, line 7; [T-200](#), p. 10, lines 15-17, p. 12, lines 1-5; P-0487: [T-201](#), p. 42, line 21-p. 43, line 15; [CAR-OTP-2068-0009](#); P-1839: [T-170](#), p. 31, lines 4-7; [T-173](#), p. 72, lines 11-15.

<sup>1595</sup> P-1704: [CAR-OTP-2054-1136-R05](#) at 1143, para. 38; P-1705: [T-211](#), p. 17, lines 10-12, p. 38, lines 7-16; P-1716: [CAR-OTP-2053-0062-R05](#) at 0069, para. 43; [T-147](#), p. 15, lines 21-25; P-0967: [T-199](#), p. 50, line 20-p. 51, line 7; P-1811: [T-114](#), p. 25, lines 23-25.

<sup>1596</sup> P-1839: [T-170](#), p. 29, lines 10-15.

<sup>1597</sup> See Section V, C, c, para. 655.

<sup>1598</sup> P-1339: [T-155](#), p. 29, lines 16-21.

<sup>1599</sup> P-1839: [T-172](#), p. 53, line 6-p. 54, line 4, p. 63, lines 2-11.

<sup>1600</sup> [REDACTED], p. 32, lines 12-22.

<sup>1601</sup> P-1705: [T-211](#), p. 55, lines 5-8.

<sup>1602</sup> P-0967: [T-200](#) [FR], p. 11, line 5-p. 12, line 20; [CAR-OTP-2049-1679](#) [00:06:00] to [00:08:00] transcript [CAR-OTP-2107-1530](#) at 1536, line 214 to 1538, line 265 – see commentary by P-0884: [T-055](#), p. 57, line 4-p. 60, line 17, p. 63, line 7-p. 64, lines 3-15, p. 68, lines 2-3; [CAR-OTP-2049-1679](#); [CAR-OTP-2107-1530](#).

<sup>1603</sup> See Section V, C, c-d.

such as the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

**f. YEKATOM and his elements were the direct perpetrators**

688. **YEKATOM** and his elements committed the crimes charged against LAPO N’GOMAT and the six other abductees. **YEKATOM** directly contributed to the violence and brutality committed against them — instead of protecting them while they were defenceless in his custody and control or in that of persons under his authority, despite his FACA training, particularly on basic tenets of international humanitarian law.<sup>1604</sup>

**YEKATOM**’s actions and those of his subordinates, many of whom were also trained FACA members, was unquestionably calculated and deliberate, in flagrant defiance of their military training.

689. *First*, the charged incident took place at the YAMWARA School Base which was under **YEKATOM**’s control.<sup>1605</sup>

690. *Second*, the perpetration of the charged crimes against LAPO N’GOMAT and the six abductees was certain to occur in the ordinary course of events in implementing the Group’s common plan, and moreover in its subscription to the Anti-Balaka’s common purpose and criminal organisational policy.<sup>1606</sup>

691. *Third*, **YEKATOM** was present and had direct knowledge of the charged crimes as they were being committed, including by his subordinates.<sup>1607</sup>

692. *Fourth*, **YEKATOM** endorsed the crimes, even providing his express approbation of his subordinates’ participation in their commission. Notably, [REDACTED],<sup>1608</sup> [REDACTED]. Moreover, the evidence is that, in no instance were the known perpetrators of the charged crimes punished or sanctioned in any way by **YEKATOM**.

693. *Finally*, only **YEKATOM**, as the leader of his Anti-Balaka group, held the ultimate authority to order the release of the abductees<sup>1609</sup> and conversely, their captivity.

<sup>1604</sup> P-0487: [T-201](#), p. 11, line 21-p. 12, line 13; P-1647: [T-194](#), p. 42, line 1-p. 45, line 8.

<sup>1605</sup> See above, paras. 471, 485-486.

<sup>1606</sup> P-1339: [T-155](#), p. 32, lines 12-22, p. 37, lines 20-24; P-1339: [T-159](#), p. 22, lines 14-19, p. 23, lines 18-23, p. 25, line 19-p. 26, line 5; [CAR-OTP-2041-0775](#) – see commentary by P-1339: [T-155](#), p. 30, line 3-p. 31, line 16; [CAR-OTP-2065-3843](#) [00:00:00] to [00:01:17] transcript and translation [CAR-OTP-2107-3077](#) and [CAR-OTP-2118-5668](#) at 5670-5671, lines 6-12; [CAR-OTP-2065-3448](#); [CAR-OTP-2065-3823](#); [CAR-OTP-2065-3839](#); [CAR-OTP-2124-0261](#), see commentary at [CAR-OTP-2124-0247-R02](#) at 0257, para. 46; P-1839: [T-173](#), p. 38, line 6-p. 39, line 14; [T-171](#), p. 34, line 14-p. 35, line 16; P-0487: [T-201](#), p. 45, line 4-p. 46, line 47; P-1705: [T-211](#), p. 29, lines 10-15.

<sup>1607</sup> See Section V, C, c(iii) and c(vi), paras. 665, 671.

<sup>1608</sup> P-1839: [T-171](#), p. 7, lines 10-23.

<sup>1609</sup> See Section V, C, c(v), paras. 668-674.

### g. Alibi defence

694. The Defence argues that **YEKATOM** returned to the YAMARA School Base only in the late evening on 24 December 2013.<sup>1610</sup> It claims that **YEKATOM** arrived at the scene to meet the female abductees after dark, indicating an arrival time after 17:49.<sup>1611</sup> Furthermore, it contends that **YEKATOM** was not present during the abduction of the seven individuals, nor during the mutilation, beating, killing and burial of LAPO N’GOMAT.<sup>1612</sup> This argument should be rejected for the following reasons:

695. *First*, there is no credible evidence supporting the proposed alibi.<sup>1613</sup> [REDACTED] testimony establishes beyond a reasonable doubt that **YEKATOM** was indeed present during the commission of the crimes charged, including when the surviving abductees were unlawfully detained in his group’s custody.

696. *Second*, to the extent that the crimes were the result of **YEKATOM**’s participation in the Common Plan, or a result of his prior or contemporaneous orders, his physical presence is not determinative of his criminal responsibility.

697. *Third*, even if **YEKATOM** was not physically present throughout the events when LAPO N’GOMAT was killed, this does not diminish his role in the killing or his intent and knowledge. As noted above, **YEKATOM** maintained a military-like structure within his group, assigning clear roles and responsibilities to subordinates, with established lines of command and reporting.<sup>1614</sup> Given that **YEKATOM**’s commanders were present during these events, **YEKATOM** possessed constructive knowledge of the crimes which transpired at the YAMWARA School Base.<sup>1615</sup>

“[REDACTED].”<sup>1616</sup>

## D. PK9-MBAIKI AXIS (LOBAYE Prefecture)

### a. Overview

698. After YAMWARA, following DJOTODIA’s resignation, **YEKATOM** and his Group progressed into the LOBAYE Prefecture along the PK9-MBAIKI axis. They continued to force thousands of Muslim civilians to flee from the areas they took over;

<sup>1610</sup> ICC-01/14-01/18-818-Conf (“[Yekatom Defence Rule 79 Notification](#)”), para. 11

<sup>1611</sup> ICC-01/14-01/18-2516-Conf-AnxA, Item 30.

<sup>1612</sup> [Yekatom Defence Rule 79 Notification](#), para. 11.

<sup>1613</sup> ICC-01/14-01/18-2539-Conf (“[Yekatom Defence Request to Reply to Prosecution Response to Defence Request for Submission of Open-source Evidence](#)”), paras. 3-4; [CAR-D29-0002-0123](#).

<sup>1614</sup> *See above*, para. 424.

<sup>1615</sup> [Bemba CD](#), para. 431.

<sup>1616</sup> [REDACTED], p. 45, lines 5-9; [CAR-OTP-2048-0171-R03](#) at 0185-0186, para. 86.

first to MBAIKI, and then on to other parts of CAR and to CHAD (Counts 24 and 25). On 28 February 2014, YEKATOM's elements took part in the murder of one of the only remaining Muslims in MBAIKI, Djido SALEH ("SALEH") (Counts 26 and 27). **YEKATOM** and members of his Group committed these crimes in a coordinated effort, intending to cleanse the towns and villages along the PK9-MBAIKI axis of their Muslim population (Count 28). They did so pursuant to their Common Plan and in furtherance of the Anti-Balaka's Criminal Policy.

699. The LOBAYE Prefecture is one of 16 in CAR.<sup>1617</sup> Located in the southwest part of the country, it borders the Republic of the Congo and the DRC.<sup>1618</sup> Its capital is MBAIKI.<sup>1619</sup> PK9 refers to the area nine kilometres from the centre of BANGUI, which marks the entry point into the LOBAYE Prefecture.<sup>1620</sup> From here, the main route stretching across approximately 110 km of the LOBAYE (the PK9-MBAIKI axis), links BANGUI and MBAIKI.<sup>1621</sup> The axis is strategic, being the main commercial route linking MBAIKI to BANGUI.<sup>1622</sup>

700. Within a few weeks of the 5 December 2013 Anti-Balaka attacks on BOSSANGO and BANGUI, **YEKATOM** ordered his Group's takeover of the PK9-MBAIKI axis on or about 10 January 2014,<sup>1623</sup> as other Anti-Balaka groups tried to establish control over another strategic axis, the MSR route, which links BANGUI and CAMEROON.<sup>1624</sup>

701. From the YAMWARA School Base, **YEKATOM** and his Group advanced to PK9, establishing a position at the PISMISS house, located next to the bridge on the way to NZILA.<sup>1625</sup> As they continued their progression toward MBAIKI, **YEKATOM** and his

<sup>1617</sup> [Agreed Facts](#), para. 18(v).

<sup>1618</sup> [Agreed Facts](#), para. 18(vi).

<sup>1619</sup> [Agreed Facts](#), para. 18(vii).

<sup>1620</sup> [CAR-OTP-2055-2610](#) [00:01:17] to [00:01:23], transcript and translation [CAR-OTP-2107-6906](#) and [CAR-OTP-2122-2271](#), at 2275, lines 39-40; [CAR-OTP-2065-5324](#) [00:00:36] to [00:01:44], transcript and translation [CAR-OTP-2107-3128](#) and [CAR-OTP-2118-5698](#) at 5700-5701, lines 17-49; P-0954: [CAR-OTP-2048-0171-R03](#) at 0182, para. 61.

<sup>1621</sup> [CAR-OTP-2075-1370](#); P-2084: [CAR-OTP-2094-0968-R02](#) at 0983, para. 77; P-0487: [T-202](#), p. 68, line 25-p. 69, line 1.

<sup>1622</sup> [CAR-OTP-2055-2610](#) [00:01:14] to [00:02:21], translation [CAR-OTP-2122-2271](#) at 2275-2276, lines 36-82; [CAR-OTP-2065-5324](#) [00:00:36] to [00:01:44], translation [CAR-OTP-2118-5698](#) at 5700-5701, lines 17-49; [CAR-OTP-2001-5739](#) at 5798; [CAR-OTP-2074-3246](#) at 3247.

<sup>1623</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0207-0208, para. 42; P-1647: [CAR-OTP-2050-0654-R02](#) at 0659-0660, para. 38; P-1858: [CAR-OTP-2063-0050-R04](#) at 0063, para. 83; P-0954: [CAR-OTP-2048-0171-R03](#) at 0184-0185, para. 79; [T-166](#), p. 49, line 8-p. 50, line 1; P-2084: [CAR-OTP-2094-0968-R02](#) at 0983, para. 77; P-1558: [CAR-OTP-2105-0195-R01](#) at 0204, para. 50; P-1666: [T-230](#), p. 42, lines 8-11.

<sup>1624</sup> [CAR-OTP-2023-0376](#) [00:04:01] to [00:23:18], transcript [CAR-OTP-2122-9377](#) at 9383-9396, lines 152-640.

<sup>1625</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0182, 0186, para. 61, 89; [T-166](#), p. 43, lines 5-20; [CAR-OTP-2118-0723](#) [00:00:00] to [00:02:16] – *see commentary* by P-0954 at [T-166](#), p. 43, line 21-p. 47, line 14; [CAR-OTP-](#)

Group took over towns and villages along the axis, including SEKIA,<sup>1626</sup> NDANGALA,<sup>1627</sup> BIMON,<sup>1628</sup> KAPOU,<sup>1629</sup> and PISSA.<sup>1630</sup> Each town and village was taken over without resistance, as the Seleka had withdrawn by the time **YEKATOM**'s Group arrived.<sup>1631</sup> As described by insider P-1647, “[w]hen [the Seleka] heard that we were coming they fled”.<sup>1632</sup> Muslim civilians fled the area as well in fear of imminent attack. On or about 30 January 2014, **YEKATOM** and his elements reached MBAIKI.<sup>1633</sup> Again, by the time **YEKATOM** and his Group arrived, the Seleka had already fled.<sup>1634</sup>

## b. Crimes committed

### i. *Forcible transfer, deportation, displacement (articles 7(1)(d), 8(2)(e)(viii)) (counts 24, 25)*

702. **YEKATOM** and his Group drove out Muslim civilians lawfully present in areas along the PK9-MBAIKI axis, forcing them to flee their homes and communities, *en masse*, under threat of force. The victims reasonably feared the impending violence that

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[2055-2610](#) [00:01:13] to [00:03:05], translation [CAR-OTP-2122-2271](#) at 2275-2276, lines 39-95 – *see commentary* by P-0954 at [T-166](#), p. 51, lines 15-p. 55, lines 9; P-0888: [CAR-OTP-2108-0333-R01](#) at 0340, para. 74; [T-120](#), p. 56, lines 17-p. 57, lines 3, p. 57, lines 25-p. 58, lines 17; P-1858: [CAR-OTP-2063-0050-R04](#) at 0063, para. 79; P-1647: [CAR-OTP-2050-0654-R02](#) at 0659, para. 37; [CAR-OTP-2065-3889](#) [00:00:00] to [00:01:11], translation [CAR-OTP-2127-3680](#) at 3682, lines 4-14; [CAR-OTP-2065-3412](#) [00:00:00] to [00:01:07], translation [CAR-OTP-2125-0470](#) at 0472, lines 1-25 – *see commentary* by P-1786: [T-197](#), p. 82, line 14-p. 83, line 16.

<sup>1626</sup> [CAR-OTP-2094-7618](#) [00:09:45] to [00:11:13], transcript and translations [CAR-OTP-2118-4284](#), [CAR-OTP-2118-4272](#) and [CAR-OTP-2118-4260](#) – *see commentary* by P-1558: [CAR-OTP-2105-0195-R01](#) at 0207, para. 76, 78; P-0954: [CAR-OTP-2048-0171-R03](#) at 0184-0185, para. 79; P-1647: [CAR-OTP-2050-0654-R02](#) at 0659-0660, para. 37, 39; P-1839: [T-170](#), p. 43, line 19-p. 44, line 15; P-0888: [CAR-OTP-2108-0333-R01](#) at 0340, para. 74; [T-120](#), p. 56, line 17-p. 57, line 3, p. 57, line 25-p. 58, line 17.

<sup>1627</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0184-0185, para. 79; P-1647: [CAR-OTP-2050-0654-R02](#) at 0659-0660, para. 37, 39.

<sup>1628</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0660, para. 39; P-2419: [CAR-OTP-2112-0036-R03](#) at 0043, 0047-0048, 0051, para. 36, 63-65, 85; P-0888: [T-120](#), p. 56, line 17-p. 57, line 3, p. 58, lines 8-9, 14-17.

<sup>1629</sup> [CAR-OTP-2094-7618](#) [00:12:01] to [00:13:15], translations [CAR-OTP-2118-4272](#) and [CAR-OTP-2118-4260](#) – *see commentary* by P-0888: [CAR-OTP-2108-0333-R01](#) at 0336, para. 26 – *see commentary* by P-1558: [CAR-OTP-2105-0195-R01](#) at 0207, para. 81; P-0954: [CAR-OTP-2048-0171-R03](#) at 0184-0185, para. 79; P-1647: [CAR-OTP-2050-0654-R02](#) at 0660, para. 39; P-0888: [T-120](#), p. 56, line 17-p. 57, line 3, p. 58, lines 5-7, 14-17.

<sup>1630</sup> [CAR-OTP-2094-7618](#) [00:20:16] to [00:23:54], translations [CAR-OTP-2118-4272](#) and [CAR-OTP-2118-4260](#) at p. 4269, line 293-p. 4270, line 340 – *see commentary* by P-0888: [CAR-OTP-2108-0333-R01](#) at 0337, para. 36-37 – *see commentary* by P-1647: [T-194](#), p. 58, line 4-p. 59, line 16 – *see commentary* by P-1558: [CAR-OTP-2105-0195-R01](#) at 0208, para. 94; P-0954: [CAR-OTP-2048-0171-R03](#) at 0184-0185, paras. 78-79; P-1647: [CAR-OTP-2050-0654-R02](#) at 0660, para. 39; P-1666: [T-230](#), p. 44, line 2; P-2084: [T-234](#), p. 71, line 24-p. 72, line 4.

<sup>1631</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0659-0660, para. 37, 39; P-1786: [CAR-OTP-2058-0200-R03](#) at 0207-0208, para. 42; P-2353: [CAR-OTP-2100-0226-R03](#) at 0234, paras. 49-50; P-2084: [T-234](#), p. 71, lines 7-21; P-1666: [T-230](#), p. 44, line 2; [T-231](#), p. 25, lines 13-20.

<sup>1632</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0659, para. 37.

<sup>1633</sup> P-2041: [CAR-OTP-2104-0003-R02](#) at 0011, para. 50; P-2389: [CAR-OTP-2104-0033-R03](#) at 0041, 0043, para. 44, 54; P-2476: [CAR-OTP-2114-0149-R05](#) at 0153, para. 26, 28.

<sup>1634</sup> P-1813: [CAR-OTP-2069-0035-R02](#) at 0042-0043, paras. 49-50; P-2353: [CAR-OTP-2100-0226-R03](#) at 0234, para. 47; P-2354: [CAR-OTP-2105-0991-R03](#) at 1000, paras. 48-49; P-1595: [CAR-OTP-2104-0274-R02](#) at 0283, para. 49; P-2476: [CAR-OTP-2114-0149-R05](#) at 0152-0153, para. 24; P-1838: [T-215](#), p. 14, lines 13-14; P-1666: [T-230](#), p. 49, lines 21-25; [CAR-OTP-2090-0373](#) at 0376.

had not only characterised the Anti-Balaka’s attack in BANGUI and in the provinces, but the acts perpetrated by the elements **YEKATOM** deployed to the PK9-MBAIKI axis.

703. Multiple witnesses describe how towns and villages along the PK9-MBAIKI axis were emptied of their Muslim population, as thousands of civilians fled in fear of being targeted and killed by the Anti-Balaka.<sup>1635</sup> P-2353, who helped evacuate some of these civilians, explained: “there were Muslims in the small villages between MBAIKI and BANGUI who felt unsafe and feared for their lives at the hands of the Anti-Balaka”.<sup>1636</sup> Several Anti-Balaka insiders, including P-1962 and P-0954, confirm that Muslim civilians fled for fear of being violently targeted by YEKATOM’s Group.<sup>1637</sup> P-1962’s testimony is clear:

“Coeur de Lion had chased away the Muslims from PK9 to MBAIKI and along the road to BODA. He [Coeur de Lion] heard that there were still Muslims left in BODA and he wanted to chase them out. Coeur de Lion's elements told us this. As we drove to MBAIKI, we could still see burning houses. Villagers from BOSSONGO, SEKIA, PISSA and others along the road to MBAIKI told me that all the Muslims left because of Coeur de Lion”.<sup>1638</sup>

704. These fears were not unfounded and plainly justified. A member of **YEKATOM**’s Group P-1839 freely admitted that the Muslims fled “for their security” because “if the Anti-Balaka found them, they would have been killed” – “anybody who was Muslim would be killed”.<sup>1639</sup> As previously stated,<sup>1640</sup> P-1839 also testified that **YEKATOM** and OUANDJIO specifically ordered members of the Group to “kill all Muslims” in their area of control as the takeover of the PK9-MBAIKI axis progressed. Similarly, another insider, P-0954, testified that “after **YEKATOM** had taken over the [PK9-MBAIKI] axis, there

<sup>1635</sup> P-2419: [CAR-OTP-2112-0036-R03](#), at 0042-0043, 0048, paras. 35-37, 68; P-2041: [CAR-OTP-2104-0003-R02](#) at 0010-0011, para. 48-49; P-2353: [CAR-OTP-2100-0226-R03](#) at 0232-0234, paras. 37-38, 41-42, 44; P-2084: [CAR-OTP-2094-0968-R02](#) at 0973, 0980, para. 31, 64; [T-233](#), p. 10, lines 11-17; [T-235](#), p. 6, lines 16-20; P-1838: [CAR-OTP-2100-0252-R05](#) at 0263, para. 56; [T-215](#), p. 10, line 22-p. 11, line 10; [T-216](#), p. 9, lines 16-23, p. 11, lines 13-18; P-2389: [CAR-OTP-2104-0033-R03](#) at 0041-0042, paras. 46-47; P-2354: [CAR-OTP-2105-0991-R03](#) at 0998-0999, para. 42; P-1595: [CAR-OTP-2104-0274-R02](#) at 0282-0283, para. 41, 44-45; P-1666: [T-231](#), p. 23, lines 3-16, p. 25, line 21-p. 26, line 3; P-2476: [CAR-OTP-2114-0149-R05](#) at 0154, para. 31; [T-213](#), p. 9, line 18-p. 10, line 8; P-2328: [T-047](#), p. 76, line 25-p. 77, line 5; P-0475: [T-090](#), p. 41, line 22-p. 42, line 9; [CAR-OTP-2058-0573](#) [00:23:51] to [00:25:30], transcript at [CAR-OTP-2118-0420](#) at 0433 lines 465-490.

<sup>1636</sup> P-2353: [CAR-OTP-2100-0226-R03](#) at 0232, para. 37.

<sup>1637</sup> P-1962: [CAR-OTP-2068-0037-R04](#) at 0045, para. 35; [T-139](#), p. 40, lines 11-24; P-0954: [CAR-OTP-2048-0171-R03](#) at 0187, paras. 95-96; [T-166](#), p. 83, line 5-p. 84, line 8; [T-168](#), p. 53, line 4-p. 54, line 10; P-1647: [T-194](#), p. 53, lines 4-5.

<sup>1638</sup> P-1962: [CAR-OTP-2068-0037-R04](#) at 0045, para. 35.

<sup>1639</sup> P-1839: [T-171](#), p. 44, line 17-p. 46, line 18.

<sup>1640</sup> See Section IV, B, b, para. 444.

were no Muslims left”, adding that “[i]f you tried to stay, well, then you would be killed. So on that basis, all Muslims left.”<sup>1641</sup>

705. Many of these Muslim civilians sought refuge in MBAIKI, significantly swelling its population.<sup>1642</sup> Others fled to BODA,<sup>1643</sup> where they were later enclaved, or further displaced, along with other Muslims civilians fleeing the Anti-Balaka.<sup>1644</sup> In MBAIKI, the displaced were largely taken in by members of the local population in the predominantly Muslim neighbourhoods of YERIMA, BAGUIRMI, BORNOU, and HAOUSSA, where both the locals and the displaced were overburdened and lived in extremely difficult conditions, facing increased shortages of food, basic shelter, and other supplies,<sup>1645</sup> as described by P-1666.<sup>1646</sup>

706. The evidence demonstrates that, at the same time, **YEKATOM**'s Group continued its advance towards MBAIKI, establishing checkpoints all along the PK9-MBAIKI axis<sup>1647</sup> including at PK9,<sup>1648</sup> SEKIA,<sup>1649</sup> BIMON,<sup>1650</sup> KAPOU,<sup>1651</sup> and PISSA.<sup>1652</sup>

<sup>1641</sup> P-0954: [T-166](#), p. 83, line 5-p. 84, line 8.

<sup>1642</sup> P-1838: [T-215](#), p. 10, line 22-p. 11, line 10; P-2476: [CAR-OTP-2114-0149-R05](#) at 0154, para. 31; [T-213](#), p. 9, line 18-p. 10, line 8; P-0974: [CAR-OTP-2058-0165-R01](#) at 0178, para. 87; P-1823: [CAR-OTP-2063-0369-R02](#) at 0375, para. 33; P-1813: [CAR-OTP-2069-0035-R02](#) at 0040-0041, para. 34, 37; P-2389: [CAR-OTP-2104-0033-R03](#) at 0038-0042, para. 33, 41, 43-44, 47; P-2354: [CAR-OTP-2105-0991-R03](#) at 0999, paras. 43-44; P-1839: [T-171](#), p. 44, line 17-p. 46, line 18; P-2084: [CAR-OTP-2094-0968-R02](#) at 0983, para. 75; [T-233](#), p. 10, lines 11-17; [T-235](#), p. 6, lines 16-20; P-1595: [CAR-OTP-2104-0274-R02](#) at 0289, para. 82-83; P-2018: [T-222](#), p. 15, lines 12-17; D29-5015: [T-254](#), p. 79, line 23-p. 80, line 2, p. 80, line 21-p. 81, line 4; [T-256](#), p. 31, lines 13-25; [CAR-OTP-2008-0923](#) at 0924.

<sup>1643</sup> P-2353: [CAR-OTP-2100-0226-R03](#) at 0234, para. 45; P-0954: [T-166](#), p. 83, line 5-p. 84, line 8.

<sup>1644</sup> See Section III, A, q, para. 271 and Section III, B, f, para. 341.

<sup>1645</sup> P-2476: [T-213](#), p. 10, lines 16-25; P-2041: [CAR-OTP-2104-0003-R02](#) at 0010-0011, para. 48; P-2389: [CAR-OTP-2104-0033-R03](#) at 0041, para. 45; P-1595: [CAR-OTP-2104-0274-R02](#) at 0289, paras. 82-83; P-1666: [T-230](#), p. 62, line 23-p. 63, line 12; [T-231](#), p. 26, line 21-p. 27, line 10; D29-5015: [T-254](#), p. 52, line 11-p. 53, line 2, p. 80, lines 3-5.

<sup>1646</sup> P-1666: [T-231](#), p. 26, line 22-p. 27, line 10.

<sup>1647</sup> P-2084: [T-234](#), p. 76, lines 8-15; P-0954: [CAR-OTP-2048-0171-R03](#) at 0187, para. 93; [T-166](#), p. 82, line 16-p. 83, line 3; P-0889: [CAR-OTP-2122-7684-R02](#) at 7692, lines 281-288; [CAR-OTP-2101-3250](#) at 3253; [CAR-OTP-2001-0835](#) at 0884.

<sup>1648</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0184, 0186, para. 74, 89; [T-166](#), p. 50, lines 2-25; P-1647: [CAR-OTP-2050-0654-R02](#) at 0660, para. 44; P-0974: [CAR-OTP-2058-0165-R01](#) at 0179, para. 95; P-2084: [CAR-OTP-2094-0968-R02](#) at 0983-0984, paras. 78-79; P-1858: [CAR-OTP-2063-0050-R04](#) at 0063, para. 79; P-1962: [T-139](#), p. 32, line 17-p. 33, line 5; [CAR-OTP-2055-2610](#) [00:07:07] to [00:08:40], transcript and translation [CAR-OTP-2107-6906](#) and [CAR-OTP-2122-2271](#) at 2279-2280, lines 188-236; [CAR-OTP-2001-0835](#) at 0876.

<sup>1649</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0660, para. 44; P-1858: [CAR-OTP-2063-0050-R04](#), at 0058, para. 50; P-0954: [T-166](#), p. 50, lines 2-25; P-1839: [T-174](#), p. 30, line 18-p. 31, line 23; P-1962: [T-139](#), p. 32, line 17-p. 33, line 5; P-2419: [CAR-OTP-2112-0036-R03](#) at 0057-0058, paras. 122-123; P-2084: [CAR-OTP-2094-0968-R02](#) at 0983-0984, paras. 78-79.

<sup>1650</sup> P-1839: [T-174](#), p. 51, lines 18-25.

<sup>1651</sup> P-1839: [T-174](#), p. 51, lines 18-25.

<sup>1652</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0660, para. 44; P-1813: [CAR-OTP-2069-0035-R02](#) at 0046, para. 74; P-1962: [T-139](#), p. 32, line 17-p. 33, line 5; P-2084: [CAR-OTP-2094-0968-R02](#) at 0983-0984, paras. 78-79; [T-234](#), p. 66, lines 1-20; P-0954: [T-166](#), p. 50, lines 2-25; P-2018: [T-223](#), p. 44, lines 13-14; P-1838: [T-215](#), p. 13, line 10-p. 14, line 2; P-2328: [T-047](#), p. 30, lines 6-16; [CAR-OTP-2094-7618](#) from [00:20:23] to [00:21:32], translations [CAR-OTP-2118-4272](#) and [CAR-OTP-2118-4260](#) at 4269, lines 293-319 – see commentary by P-

**YEKATOM** also had his elements set up additional roadblocks at the entrance and exit of MBAIKI upon reaching the town.<sup>1653</sup> Armed elements from **YEKATOM**'s Group<sup>1654</sup> regulated movement, targeting Muslims at these roadblocks and preventing their circulation.<sup>1655</sup> P-0954 explained that the purpose of the checkpoints manned by **YEKATOM**'s elements was, *inter alia*, to check “whether it was a vehicle of the Muslims or the positions of the Muslims or whether the Muslims were passing through”.<sup>1656</sup> He further testified that “[t]o pass these checkpoints, God had to be with you, really. Otherwise, you could be killed”.<sup>1657</sup> The Anti-Balaka checkpoints exacerbated the Muslim civilians’ intense and justifiable fear of **YEKATOM**'s elements. In the words of P-1595, the Muslims gathered in MBAIKI “felt that they had become prisoners in their own city and did not dare to leave the city out of fear of being killed”.<sup>1658</sup>

707. **YEKATOM**'s elements also seized cattle and goods at these checkpoints, and extorted illegal “tolls”,<sup>1659</sup> part of which **YEKATOM** personally collected.<sup>1660</sup>

708. Serious concern for the fate of the Muslim population grew as **YEKATOM**'s Group advanced toward MBAIKI, prompting a so-called ‘reconciliation’ meeting to be organised on 30 January 2014 by the Church and local authorities at the training centre of the *St Jeanne d’Arc* cathedral. The meeting was aimed at preserving peace and protecting Muslims.<sup>1661</sup> Even Defence witness D29-5015 had to concede that he did not

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0888: [CAR-OTP-2108-0333-R01](#) at 0337, para. 37 – see commentary by D29-6048: [CAR-D29-0009-0804-R01](#) at 0810, para. 39.

<sup>1653</sup> P-1339: [T-154](#), p. 5, lines 14-15, p. 10, lines 7-9; P-2041: [CAR-OTP-2104-0003-R02](#) at 0013-0014, para. 58; P-2041: [CAR-OTP-2104-0020-R01](#); P-1595: [CAR-OTP-2104-0274-R02](#) at 0287, para. 71.

<sup>1654</sup> P-2419: [CAR-OTP-2112-0036-R03](#) at 0057, para. 122; P-2328: [T-047](#), p. 75, line 24-p. 76, line 11; [CAR-OTP-2074-3246](#) at 3247; [CAR-OTP-2090-0373](#) at 0376.

<sup>1655</sup> P-0954: [T-166](#), p. 50, lines 12-25, p. 61, lines 2-11; P-2041: [CAR-OTP-2104-0003-R02](#) at 0013-0014, para. 58; P-2389: [CAR-OTP-2104-0033-R03](#) at 0042, para. 48; P-2419: [CAR-OTP-2112-0036-R03](#) at 0042, para. 34; P-2353: [CAR-OTP-2100-0226-R03](#) at 0238, para. 67; P-1595: [CAR-OTP-2104-0274-R02](#) at 0287, para. 71; P-1823: [CAR-OTP-2063-0369-R02](#) at 0347, paras. 27-29; [T-183](#), p. 11, line 24-p. 12, line 25; D29-5015: [T-256](#), p. 35, lines 1-18; [CAR-OTP-2090-0373](#) at 0376.

<sup>1656</sup> P-0954: [T-166](#), p. 50, lines 21-23.

<sup>1657</sup> P-0954: [T-166](#), p. 50, lines 17-18.

<sup>1658</sup> P-1595: [CAR-OTP-2104-0274-R02](#) at 0287, para. 71.

<sup>1659</sup> P-1647: [CAR-OTP-2050-0654-R02](#) at 0665, para. 79; P-1339: [T-154](#), p. 5, lines 14-15, p. 10, lines 7-9; P-2328: [T-047](#), p. 30, lines 6-24; P-1838: [CAR-OTP-2100-0252-R05](#) at 0272, para. 108; P-2419: [CAR-OTP-2112-0036-R03](#) at 0057, para. 122; [CAR-OTP-2001-0835](#) at 0876; [CAR-OTP-2001-5739](#) at 5798; [CAR-OTP-2074-3246](#) at 3247.

<sup>1660</sup> P-1838: [CAR-OTP-2100-0252-R05](#) at 0272, para. 109; [T-215](#), p. 12, lines 14-18, p. 13, lines 2-5; P-0974: [CAR-OTP-2058-0165-R01](#) at 0179, para. 95; [CAR-OTP-2001-0835](#) at 0884; [CAR-OTP-2001-5739](#) at 5798; [CAR-OTP-2074-3246](#) at 3247.

<sup>1661</sup> P-1813: [CAR-OTP-2069-0035-R02](#) at 0043 para. 52-54; [T-180](#), p. 25, lines 4-12; D29-5015: [T-254](#), p. 41, lines 8-11, p. 41, line 25-p. 42, line 21, p. 43, line 12-p. 44, line 11; [T-255](#), p. 29, lines 3-5; P-2084: [CAR-OTP-2094-0968-R02](#) at 0981, para. 65; [T-233](#), p. 10, line 15-p. 11, line 20; [T-235](#), p. 6, lines 19-21, p. 9, lines 2-20, p. 10, lines 19-25; P-0974: [CAR-OTP-2058-0165-R01](#) at 0178, para. 88; P-1838: [CAR-OTP-2100-0252-R05](#) at 0264-0265, paras. 66-69; [T-216](#), p. 6, line 10-p. 7, line 4; P-2476: [CAR-OTP-2114-0149-R05](#) at 0153, para. 27;



want **YEKATOM** to advance beyond PISSA ahead of the meeting for fear that he would bring “war”.<sup>1662</sup> That fear was shared by others,<sup>1663</sup> as explained by P-2084, who testified that “the prefecture of LOBAYE opened the meeting to say that he, the prefecture of LOBAYE did not want that there was a bloodbath in MBAIKI as what happened on the 4th and 5th of December in BANGUI”.<sup>1664</sup>

709. While the initial idea was to bring the Seleka based in MBAIKI and the Anti-Balaka together during the meeting, the Seleka fled the night before **YEKATOM**’s Group was to arrive, as they had previously done upon the approach of his Group in other locations along the PK9-MBAIKI axis. This left **YEKATOM** and his elements free reign over the town,<sup>1665</sup> and the Muslim population defenceless.

710. During the meeting, church and local officials requested that **YEKATOM**, as the head of the only remaining armed group in the area, provide assurances to the Muslim community.<sup>1666</sup> Although he complied under the watchful presence of Sangaris forces and various authorities (including representatives of UNHCR and the Danish Refugee Council),<sup>1667</sup> his words were empty, and his own elements knew it.

711. [REDACTED].<sup>1668</sup> [REDACTED].<sup>1669</sup>

712. Multiple witnesses testified how **YEKATOM**’s elements continued threatening Muslims in MBAIKI after the *St Jeanne d’Arc* meeting, telling them to leave and gesturing, running their fingers across their throats.<sup>1670</sup> Muslim civilian P-2353, described his ordeal:

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[CAR-D29-0010-0165](#); [CAR-D29-0010-0168](#); [CAR-D29-0010-0169](#); [CAR-D29-0010-0171](#); [CAR-D29-0010-0179](#); [CAR-OTP-2023-1636](#) [00:00:34] to [00:00:55], [00:10:46] to [00:11:21], transcript and translation [CAR-OTP-00002252](#) and [CAR-OTP-00002254](#) at p. 3, p. 5.

<sup>1662</sup> D29-5015: [T-254](#), p. 41, lines 21-24; [T-255](#), p. 18, lines 3-7, p. 32, line 18-p. 33, line 11.

<sup>1663</sup> D29-5015: [T-254](#), p. 43, lines 6-11; P-1813: [CAR-OTP-2069-0035-R02](#) at 0043 para. 54.

<sup>1664</sup> P-2084: [T-233](#), p. 11, lines 4-9.

<sup>1665</sup> D29-5015: [T-254](#), p. 18, lines 1-11, p. 41, lines 11-13, p. 43, lines 2-6; [T-255](#), p. 29, lines 19-22, p. 34, lines 9-11, p. 51, line 18-p. 52, line 8; P-1813: [CAR-OTP-2069-0035-R02](#) at 0042-0043, paras. 49-50; P-2353: [CAR-OTP-2100-0226-R03](#) at 0234, para. 47; P-2354: [CAR-OTP-2105-0991-R03](#) at 1000, paras. 48-49; P-1647: [CAR-OTP-2050-0654-R02](#) at 0659, para. 37.

<sup>1666</sup> D29-5015: [T-254](#), p. 43, lines 17-20; P-1813: [CAR-OTP-2069-0035-R02](#) at 0043 para. 54.

<sup>1667</sup> P-1813: [CAR-OTP-2069-0035-R02](#) at 0043 paras. 52-54; P-2084: [CAR-OTP-2094-0968-R02](#) at 0981, para. 65; [T-233](#), p. 10, line 25-p. 11, line 3; P-2389: [CAR-OTP-2104-0033-R03](#) at 0041, 0043, para. 44, 54; P-2354: [CAR-OTP-2105-0991-R03](#) at 1002, para. 60; [CAR-D29-0010-0165](#); [CAR-D29-0010-0168](#); [CAR-D29-0010-0169](#); [CAR-D29-0010-0171](#); [CAR-D29-0010-0179](#).

<sup>1668</sup> [REDACTED].

<sup>1669</sup> [REDACTED].

<sup>1670</sup> P-1666: [T-230](#), p. 32, line 20-p. 33, line 19; P-2389: [CAR-OTP-2104-0033-R03](#) at 0043, para. 57; P-2353: [CAR-OTP-2100-0226-R03](#) at 0235-0236, paras. 53-55; [T-161](#), p. 26, line 6-p. 27, line 11; P-2354: [CAR-OTP-2105-0991-R03](#) at 1001-1002, para. 53, 57-58; [T-210](#), p. 20, line 21-p. 21, line 8; P-1595: [CAR-OTP-2104-0274-R02](#) at 0289-0290, para. 85; P-1823: [CAR-OTP-2063-0369-R02](#) at 0375, para. 32; [CAR-OTP-2055-1987](#) at 2159; [CAR-OTP-2001-2237](#) at 2245.

“[t]he Anti-Balaka were threatening our children, women and elders with their machetes. They said they were going to kill us, cut us in pieces. They threatened that they would destroy our houses. They threatened me as well. The elements who were issuing threats were RAMBO’s elements.”<sup>1671</sup>

713. The Anti-Balaka also attacked a *gendarmerie* patrol, which was supposed to protect the population of MBAIKI, taking their weapons and vehicle.<sup>1672</sup>

714. **YEKATOM**’s Group perpetuated and heightened increasing hostility towards Muslims in MBAIKI, not only by directly intimidating and threatening their community, but by simultaneously eliminating even the minimal protection they had before 30 January 2014. Their actions directly forced the Muslim population in MBAIKI to flee, *en masse*, from about 6 February 2014 onwards, leaving their homes and possessions behind. Thousands of Muslim civilians, including women, children, and the elderly, were evacuated to CHAD, or to other parts of CAR, with the assistance of convoys secured by Chadian forces sent to come to their aid, as well as MISCA.<sup>1673</sup> P-2041 explains that “[m]ost of the people could only take what they were wearing at the time” and adds “I left with my family. We had no choice. We did not want to leave our homes but if we stayed we risked being killed by the Anti-Balaka or their supporters”.<sup>1674</sup> Some Muslims joined the convoys using their own vehicles, relying on the protection provided by the Chadian soldiers and MISCA, particularly when passing through illegal Anti-Balaka checkpoints along the PK9-MBAIKI axis, still controlled by **YEKATOM**’s Group, *en route* to BANGUI.<sup>1675</sup>

715. Within two weeks, almost the entirety of MBAIKI’s Muslim population had been removed. Its Second Deputy Mayor Djido SALEH (“SALEH”) and his family, who

<sup>1671</sup> P-2353: [CAR-OTP-2100-0226-R03](#) at 0235, para. 53.

<sup>1672</sup> P-1813: [CAR-OTP-2069-0035-R02](#) at 0044, para. 58; P-2041: [CAR-OTP-2104-0003-R02](#) at 0014, para. 59.

<sup>1673</sup> P-1666: [T-231](#), p. 27, line 20-p. 31, line 11; P-2041: [CAR-OTP-2104-0003-R02](#) at 0015, paras. 63-65; P-2389: [CAR-OTP-2104-0033-R03](#) at 0045-0046, paras. 67-72; P-2353: [CAR-OTP-2100-0226-R03](#) at 0237-0238, paras. 60-64; P-2354: [CAR-OTP-2105-0991-R03](#) at 1002-1003, paras 63-67, 70; P-1647: [CAR-OTP-2050-0654-R02](#) at 0661, para. 48; [T-194](#), p. 60, lines 5-12, p. 61, lines 1-12; P-1823: [CAR-OTP-2063-0369-R02](#) at 0375, para. 33; P-1813: [CAR-OTP-2069-0035-R02](#) at 0043-0044, para. 53, 59; [T-180](#), p. 17, lines 8-21; P-2084: [CAR-OTP-2094-0968-R02](#) at 0982, para. 69; [T-233](#), p. 11, line 22-p. 12, line 7; [T-235](#), p. 6, lines 21-25, p. 8, lines 18-21, p. 12, line 17-p. 13, line 5; P-1838: [T-215](#), p. 26, lines 14-23, p. 28, line 25-p. 29, line 7, p. 29, lines 13-18, p. 40, lines 3-11; [T-216](#), p. 9, lines 2-3; P-1595: [CAR-OTP-2104-0274-R02](#) at 0290-0291, para. 87-88, 91; P-2018: [T-222](#), p. 14, line 14-p. 16, line 8; D29-5015: [T-255](#), p. 72, lines 19-25, p. 73, lines 11-22; [CAR-OTP-2117-0687](#) at 0687-0688; [CAR-OTP-2001-2237](#) at 2245-2246; [CAR-OTP-2055-1987](#) at 2159; [CAR-OTP-2019-3120](#); [CAR-OTP-2001-0409](#) at 0411, para. 11.

<sup>1674</sup> P-2041: [CAR-OTP-2104-0003-R02](#) at 0015, paras. 64-65.

<sup>1675</sup> P-1666: [T-231](#), p. 30, lines 17-21; P-2353: [CAR-OTP-2100-0226-R03](#) at 0237, para. 62; P-2354: [CAR-OTP-2105-0991-R03](#) at 1003, para. 66; P-1595: [CAR-OTP-2104-0274-R02](#) at 0290, para. 87.

refused to leave their hometown,<sup>1676</sup> were among the only Muslims left. The possessions of those who had fled were looted by the Anti-Balaka, along with the local population.<sup>1677</sup> To this day, many Muslims have not returned.<sup>1678</sup>

716. LOBAYE's Muslim civilian population was displaced to MBAIKI, and then onwards to CHAD or to other parts of CAR, without security justification or military necessity. The Anti-Balaka's coercive acts and the persecutory context in which they took place, demonstrate that the Muslim population lacked a genuine choice in leaving their homes and ultimately MBAIKI.

717. The Muslim civilians fled explicitly on account of the conduct of **YEKATOM's** Group and their fear of serious harm was justified. That they abandoned their homes, mosques, communities, and personal belongings in flight, because of the threat posed by the Anti-Balaka under **YEKATOM's** leadership, is incontestable. For instance, P-1666, who was present in MBAIKI during the relevant period, testified that:

“[the Muslims] were afraid of the Anti-Balaka who were there. The ones that they had been living alongside, they weren't afraid of them. They were afraid of the Anti-Balaka who had come in and might assault them at any time. They were not afraid of the local people”.<sup>1679</sup>

718. In addition, regarding the Defence suggestion that Christian civilians targeted the Muslim population, the evidence shows that many of them were integrated into **YEKATOM's** Group on their arrival,<sup>1680</sup> and thus formed a part of it.

719. Furthermore, any additional coercive acts committed by the civilian population against the Muslim population do not exonerate **YEKATOM** and his Group for their own conduct. The arrival of **YEKATOM** and his Group (which also forced out the Seleka) created an environment that facilitated and encouraged the targeting of the Muslim

<sup>1676</sup> P-1813: [CAR-OTP-2069-0035-R02](#) at 0044, para. 59; [T-182](#), p. 38, lines 17-19; P-2353: [CAR-OTP-2100-0226-R03](#) at 0237, para. 61; P-2476: [CAR-OTP-2114-0149-R05](#) at 0157, para. 48; P-1838: [T-216](#), p. 13, lines 2-5; P-1595: [CAR-OTP-2104-0274-R02](#) at 0292, para. 95; P-0954: [CAR-OTP-2048-0171-R03](#) at 0187, para. 95; P-1339: [T-154](#), p. 5, lines 12-13, p. 8, lines 1-7, p. 12, lines 10-22; [CAR-OTP-2117-0687](#) at 0687-0688; [CAR-OTP-2001-2707](#) at 2728; [CAR-OTP-2001-2248](#) at 2249; [CAR-OTP-2001-4422](#) at 4422.

<sup>1677</sup> P-2476: [CAR-OTP-2114-0149-R05](#) at 0153, para. 30; [T-213](#), p. 11, line 4-p. 12, line 15, p. 14, lines 6-16; P-2389: [CAR-OTP-2104-0033-R03](#) at 0045, para. 70; P-0954: [CAR-OTP-2048-0171-R03](#) at 0187, para. 95; P-1838: [CAR-OTP-2100-0252-R05](#) at 0270, para. 100; P-2232: [T-077](#), p. 64, lines 21-25.

<sup>1678</sup> P-0475: [T-090](#), p. 40, line 15-p. 41, line 21, p. 42, line 24-p. 43, line 11; P-1838: [T-215](#), p. 43, lines 3-4; D29-5015: [T-255](#), p. 75, lines 10-15.

<sup>1679</sup> P-1666: [T-231](#), p. 27, line 20-p. 31, line 11.

<sup>1680</sup> P-1666: [T-230](#), p. 58, lines 1-7; P-1838: [CAR-OTP-2100-0252-R05](#) at 0270, para. 99; [T-216](#), p. 5, lines 1-14; P-2476: [CAR-OTP-2114-0149-R05](#) at 0154, para. 33; [T-213](#), p. 15, lines 17-25; P-2353: [T-161](#), p. 59, lines 13-20.

population.<sup>1681</sup> The authority and influence of **YEKATOM** and of his Group over the population of MBAIKI upon their arrival is described by P-1813, who testified that it was “the Anti-Balaka who the indigenous community would listen to, [...] not the authorities, nor the few police officers or gendarmerie officers who were there on site”.<sup>1682</sup>

720. The forcible transfer of the Muslim population from towns and villages along the PK9-MBAIKI axis was committed as part of a widespread attack directed against the Muslim civilian population in southwestern CAR. Moreover, the forcible transfer that took place in LOBAYE in January and February of 2014 was, *in itself* a widespread attack, given its geographical and temporal scope, as well as the scale of the number of civilians displaced, which numbered in the thousands, as described above.

*ii. Murder (articles 7(1)(a), 8(2)(c)(i)) (counts 26, 27)*

721. On 28 February 2014 – shortly after the mass evacuation of MBAIKI’s Muslim population took place – Deputy Mayor SALEH, one of the only remaining Muslims in the town, was brutally killed while defenceless and fleeing for his life, because he was a Muslim. Elements of **YEKATOM**’s Group participated in his murder.<sup>1683</sup> As known to the perpetrators, SALEH was a civilian and taking no active part in hostilities when he was savagely attacked, murdered, and then dismembered in broad daylight.

722. SALEH, a Muslim born in MBAIKI, refused to leave his home when the rest of the Muslim population fled the town. In footage filmed just days before his murder, SALEH says:

*« ça nous fait peur parce que mais on est dans le risque total, dans un risque total. Bon, comme nous sommes des responsables, exemple moi, je suis le 2e adjoint au maire, je suis en une fondation, je suis ... fondation de ce pays. Que j’aïlle où? Aller où? Non. Je ne peux pas, je suis dans mon pays et ... je suis Musulman, je suis Musulman. Et donc ... j’appelle à la ... aux communautés internationales, il faut protéger, protéger les Musulmans et protéger les Chrétiens sans distinguer. »*<sup>1684</sup>

<sup>1681</sup> P-1813: [T-180](#), p. 18, lines 8-25, p. 27, lines 9-21, p. 20, lines 8-13, p. 22, line 18-p. 23, line 10.

<sup>1682</sup> P-1813: [T-180](#), p. 19, line 12-p. 20, line 13; *see also* D29-5015: [T-254](#), p. 45, lines 23-25, p. 54, lines 10-14.

<sup>1683</sup> *See* Section V, D, b, paras 725-729.

<sup>1684</sup> [CAR-OTP-00002245](#) [00:01:04] to [00:02:24], transcript and translation at [CAR-OTP-00002276](#) and [CAR-OTP-00002278](#) at p. 3; *see also* [CAR-OTP-2058-0573](#) [00:30:11] to [00:30:20], transcript [CAR-OTP-2118-0420](#) at 0436, lines 601-602; [CAR-OTP-2117-0687](#) at 0688.

723. In the days leading up to his murder SALEH was threatened by **YEKATOM**'s elements, including COEUR de LION.<sup>1685</sup> He was subjected to threats during both the Seleka and the Anti-Balaka regimes. While the Seleka beat him and accused him of being a Mayor appointed by Francois BOZIZE, the Anti-Balaka threatened and intimidated him, accusing him of being a Seleka.<sup>1686</sup> P-1595 and P-1838 pleaded with SALEH to flee for his own security, noting that as a Muslim it was unsafe for him (even as the town's Deputy Mayor) to remain in MBAIKI.<sup>1687</sup> Yet he stayed, and was targeted by the Anti-Balaka for that very reason. [REDACTED].<sup>1688</sup>

724. On 28 February 2014 his house was attacked by a number of individuals, including members of **YEKATOM**'s Group. SALEH attempted to defend his home (armed with nothing but a bow and arrow<sup>1689</sup>), and his family, including his pregnant wife and children, managed to flee to safety. Although SALEH ultimately attempted to escape in fear of his life, he was pursued by the perpetrators and caught within metres of the local *gendarmerie*, and the Anti-Balaka bases,<sup>1690</sup> where he was brutally killed. As the evidence proves, his body was mutilated by a member of **YEKATOM**'s Group.<sup>1691</sup>

725. **YEKATOM** knew that SALEH had been killed and had a personal discussion on the topic of his burial with P-1838 in MBAIKI the next day.<sup>1692</sup> SALEH's burial was made possible by a MISCA escort to the cemetery, but his wife was still unable to attend, as it

<sup>1685</sup> P-1838: [CAR-OTP-2100-0252-R05](#) at 0270-0271, para. 98, 100, 103; [T-215](#), p. 18, line 9-p. 19, line 6, p. 19, line 21-p. 20, line 6, p. 22, line 15-p. 23, line 4; P-1813: [CAR-OTP-2069-0035-R02](#) at 0045, para. 64; [CAR-OTP-2001-4422](#) at 4422.

<sup>1686</sup> [CAR-OTP-2117-0687](#) at 0688.

<sup>1687</sup> P-1595: [CAR-OTP-2104-0274-R02](#) at 0292, para. 96; P-1838: [T-215](#), p. 22, lines 19-24, p. 30, lines 6-18.

<sup>1688</sup> [REDACTED].

<sup>1689</sup> P-1838: [CAR-OTP-2100-0252-R05](#) at 0270, para. 101; [T-215](#), p. 23, lines 13-15.

<sup>1690</sup> P-1786: [CAR-OTP-2058-0200-R03](#) at 0208, para. 45; P-2476: [CAR-OTP-2114-0149-R05](#) at 0153, para. 30; [T-213](#), p. 15, lines 10-16; P-1339: [T-154](#), p. 5, line 24; P-2354: [CAR-OTP-2105-0991-R03](#) at 1001, para. 53; P-2018: [T-222](#), p. 16, line 22-p. 17, line 7; [T-223](#), p. 39, lines 16-20; [CAR-OTP-2058-0186](#).

<sup>1691</sup> P-1339: [T-154](#), p. 5, lines 14-25, p. 6, line 22-p. 7, line 17, p. 9, line 4-p. 11, line 5, p. 11, line 20-p. 12, line 5, p. 15, line 18-p. 16, line 5; P-1647: [T-194](#), p. 63, lines 10-14; [CAR-OTP-2059-0384](#) [00:00:00] to [00:14:36], translation [CAR-OTP-2118-5633](#) – see commentary by P-1666: [T-231](#), p. 38, line 16-p. 39, line 16 – see commentary by P-2353: [T-161](#), p. 32, lines 5-18, p. 33, line 20-p. 34, line 7, p. 48, lines 4-20; P-1666: [T-231](#), p. 40, line 2-p. 41, line 18; P-1813: [CAR-OTP-2069-0035-R02](#) at 0044-0045, para. 63, 65, 67-69; [T-180](#), p. 30, line 23-p. 31, line 14; P-1595: [CAR-OTP-2104-0274-R02](#) at 0292-0293, para. 95, 97-98; P-1838: [CAR-OTP-2100-0252-R05](#) at 0270-0271, para. 99-102, 104-105; [T-215](#), p. 22, line 16-p. 23, line 4, p. 38, line 7-p. 39, line 19; P-2018: [T-222](#), p. 17, lines 13-18, p. 18, line 19-p. 19, line 19 [T-223](#), p. 40, lines 11-15; [CAR-OTP-2058-0573](#) [00:29:49] to [00:31:32], transcript [CAR-OTP-2118-0420](#) at 0436, lines 590-627; [CAR-OTP-2001-2308](#) at 2316; [CAR-D29-0002-0686](#) at 0686-0688.

<sup>1692</sup> P-1838: [CAR-OTP-2100-0252-R05](#) at 0270-0271, paras 98-99, 104; [T-215](#), p. 20, lines 11-17, p. 21, line 4-p. 22, line 7.

was too risky: “[i]f the Anti-Balaka took note of her presence, she could have been executed”.<sup>1693</sup>

726. The evidence proves beyond a reasonable doubt that members of **YEKATOM**’s Group were among the perpetrators<sup>1694</sup> of his murder.

727. Two of **YEKATOM**’s subordinates, MBAIKI Deputy ComZone P-1647 and [REDACTED] identified one of the elements who participated in SALEH’s murder and mutilation of his body as Honorine MBAFOLO (also known as ‘*Mama tia Godobe*’), confirming her status as a member of **YEKATOM**’s Group at the time of the incident.<sup>1695</sup> [REDACTED].<sup>1696</sup> Her involvement in the murder was reported to and discussed with the Anti-Balaka ComZone in MBAIKI, Staphor SETTE.<sup>1697</sup>

728. In addition, Honorine MBAFOLO’s membership in **YEKATOM**’s Group is established by another insider, P-1786, and by documentary evidence, including **YEKATOM**’s own lists of elements.<sup>1698</sup> The fact that a female Anti-Balaka was among the co-perpetrators of the SALEH murder is also corroborated by multiple additional witnesses.<sup>1699</sup>

729. [REDACTED] identified at least two other members of **YEKATOM**’s Group as among the co-perpetrators of SALEH’s murder, namely a soldier named Cyrille NGOMBE, and a civilian member of the Group.<sup>1700</sup> Cyrille NGOMBE’s membership in **YEKATOM**’s Group is confirmed by P-1647, and by documentary evidence, again including **YEKATOM**’s own lists of elements.<sup>1701</sup>

<sup>1693</sup> P-1838: [T-215](#), p. 37, line 15-p. 38, line 1, p. 38, lines 7-13, p. 39, lines 1-2; D29-5015: [T-255](#), p. 21, lines 1-15.

<sup>1694</sup> See [Elements of Crimes](#), General introduction, para. 8.

<sup>1695</sup> [REDACTED]; P-1647: [T-194](#), p. 63, lines 16-21, p. 65, lines 18-19. For visual identification of Honorine MBAFOLO see: [CAR-OTP-2094-7618](#) [00:10:32] to [00:10:35], translations [CAR-OTP-2118-4272](#) and [CAR-OTP-2118-4260](#) – [REDACTED] [CAR-OTP-2059-0384](#) [00:01:47] to [00:02:41], [00:12:25] to [00:13:05], translation [CAR-OTP-2118-5633](#) – see commentary by P-1666: [T-231](#), p. 47, line 22-p. 48, line 16.

<sup>1696</sup> [REDACTED].

<sup>1697</sup> P-1647: [T-194](#), p. 62, lines 5-9, p. 65, line 20-p. 66, line 23; [CAR-OTP-2094-3642](#) at 3642 entry 07.

<sup>1698</sup> P-1786: [T-197](#), p. 89, lines 18-20, p. 90, lines 18-20; [CAR-OTP-2094-3642](#) at 3645 entry 003; [CAR-OTP-2094-4759](#) at 4761, entry 114; [CAR-OTP-2094-3500](#) entry 003.

<sup>1699</sup> P-1838: [CAR-OTP-2100-0252-R05](#) at 0271, para. 101; [T-215](#), p. 38, line 18-p. 39, line 19; P-2476: [T-213](#), p. 33, line 5-p. 34, line 14; P-2018: [T-222](#), p. 18, line 22-p. 19, line 4.

<sup>1700</sup> [REDACTED].

<sup>1701</sup> P-1647: [T-194](#), p. 65, lines 1-15; [CAR-OTP-2039-0063](#) at 0066, entry 130; [CAR-OTP-2094-3642](#) at 3644, entry 91; [CAR-OTP-2094-4759](#) at 4761, entry 93.

730. Finally, the fact the Anti-Balaka were co-perpetrators of SALEH's murder is further corroborated by independent evidence, including multiple other witnesses and documents.<sup>1702</sup>

731. Being members of **YEKATOM**'s Group, the Anti-Balaka co-perpetrators of the killing were known to **YEKATOM**. [REDACTED].<sup>1703</sup>

732. YEKATOM was equally aware of his elements' involvement in SALEH's murder, *first*, because they discussed it among each other;<sup>1704</sup> *second*, because the involvement of the Group's elements was reported up the chain of command;<sup>1705</sup> *third*, because the incident became instantly notorious in MBAIKI – as it was filmed and heavily discussed among the population;<sup>1706</sup> and *finally*, because MISCA ordered **YEKATOM**, personally, and his elements, to leave MBAIKI immediately after SALEH's murder.<sup>1707</sup>

733. While evidence suggests that some of the perpetrators were initially caught, all were either quickly released or escaped. None were charged, punished, or otherwise sanctioned.<sup>1708</sup> [REDACTED].<sup>1709</sup> Although P-1647's testimony was that Honorine MBAFOLO was flogged and handed over to the *gendarmerie* in relation to her participation in SALEH's murder, this is uncorroborated.<sup>1710</sup> Either way, his testimony definitively confirms her participation in the crimes, [REDACTED]. Moreover, Honorine MBAFOLO and Cyrille NGOMBE remained in YEKATOM's Group well into the DDR process.<sup>1711</sup>

734. The perpetrators killed SALEH in full knowledge of his civilian status and of the fact that he was clearly not taking an active part in hostilities. SALEH was attacked at his home and then chased down and killed as he fled to save his life.<sup>1712</sup> He was well-known

<sup>1702</sup> P-2353: [T-161](#), p. 33, line 20-p. 34, line 7; P-1813: [CAR-OTP-2069-0035-R02](#) at 0045, para. 63, 65, 68; [T-180](#), p. 30, line 23-p. 31, line 14; P-1595: [CAR-OTP-2104-0274-R02](#) at 0292-0293, para. 97-98; P-1838: [CAR-OTP-2100-0252-R05](#) at 0270-0271, para. 99, 101-102, 104; [T-215](#), p. 22, line 16-p. 23, line 4; P-2018: [T-222](#), p. 17, lines 13-18, p. 18, line 19-p. 19, line 19; [CAR-OTP-2001-2308](#) at 2316.

<sup>1703</sup> [REDACTED].

<sup>1704</sup> [REDACTED].

<sup>1705</sup> P-1647: [T-194](#), p. 65, line 20-p. 66, line 23.

<sup>1706</sup> P-1339: [T-154](#), p. 12, lines 19-21; P-1647: [T-194](#), p. 66, lines 20-23.

<sup>1707</sup> See Section V, D, b, para. 738.

<sup>1708</sup> P-1595: [CAR-OTP-2104-0274-R02](#) at 0293, para. 99; [CAR-OTP-2058-0573](#) [00:30:39] to [00:30:53], transcript [CAR-OTP-2118-0420](#) at 0436, lines 605-608 – see commentary by P-1813: [T-182](#), p. 60, line 6-p. 61, line 18; [CAR-D29-0002-0686](#) at 0688.

<sup>1709</sup> [REDACTED].

<sup>1710</sup> P-1647: [T-194](#), p. 64, lines 3-11.

<sup>1711</sup> P-1339: [T-154](#), p. 14, line 23-p. 15, line 13; [CAR-OTP-2094-3642](#) at 3644, entry 91, at 3645, entry 003; [CAR-OTP-2094-4759](#) at 4761, entries 93 and 114; [CAR-OTP-2094-3500](#) entry 003.

<sup>1712</sup> See Section V, D, b, para. 723.

as the Second Deputy Mayor in MBAIKI. He was a civilian, unarmed, and alone when he was savagely killed and mutilated.<sup>1713</sup>

735. The evidence suggesting that SALEH may have supported, or otherwise associated with the Seleka prior to 28 February 2014 has no bearing on his civilian status at the time of his murder. Moreover, generalised and vague allegations that SALEH lent his vehicle to the Seleka, or took part in an operation conducted in October 2013 at BANGUI-BOUCHA or in MBATA<sup>1714</sup> – even assuming *arguendo* they are founded, which they are not – are irrelevant in the context of his civilian status, months later, on 28 February 2014. Moreover, rumours that SALEH was a Seleka sympathiser are roundly contradicted by the clear evidence of his mistreatment by the Seleka, that beat him and accused him of being sympathetic to BOZIZE.<sup>1715</sup> In any event, as stated above,<sup>1716</sup> the mere perceived sympathy for, or association with, the Seleka cannot – as a matter of law – transform an individual into a legitimate target. Conversely, they provide evidence of the motive and persecutory intent of SALEH’s future murderers.

736. Allegations that SALEH was armed *prior* to 28 February 2014,<sup>1717</sup> fair no better in view of explicit evidence that he only had a bow and arrow with which he unsuccessfully attempted to defend himself and his family when attacked on the day of his murder.<sup>1718</sup>

737. There can be no doubt that the Anti-Balaka who participated in SALEH’s murder and mutilation intended to kill him given the threats preceding his murder<sup>1719</sup> and from its brutal and targeted nature, as well as from the mutilation of SALEH’s body that followed.

738. Finally, the presence of members of MBAIKI’s non-Muslim civilian population among the perpetrators of SALEH’s murder does not detract from the direct participation of **YEKATOM**’s elements in his killing. *First*, MBAIKI’s non-Muslim civilian population does not exclude members of the Anti-Balaka. *Second*, even if it did, their participation merely demonstrates that they too were co-perpetrators of the crime.

<sup>1713</sup> [CAR-OTP-2059-0384](#) [00:00:00] to [00:14:36], translation [CAR-OTP-2118-5633](#).

<sup>1714</sup> P-1813: [CAR-OTP-2069-0035-R02](#) at 0045, para. 64; [T-182](#), p. 59, lines 1-11, p. 64, lines 1-25, p. 70, lines 6-23; P-1838: [T-215](#), p. 49, lines 16-23; [CAR-D29-0002-0080](#).

<sup>1715</sup> [CAR-OTP-2117-0687](#) at 0688.

<sup>1716</sup> See Section V, B, b, para. 614.

<sup>1717</sup> P-1813: [T-182](#), p. 59, lines 12-16.

<sup>1718</sup> P-1838: [CAR-OTP-2100-0252-R05](#) at 0270, para. 101; [T-215](#), p. 23, lines 13-15.

<sup>1719</sup> See Section V, B, b, para. 614.



739. Apart from their direct participation in SALEH's murder and mutilation, **YEKATOM**'s elements created the environment in which such attacks against Muslim civilians were practically certain to occur, including by having removed the only protection left to the Muslim civilian population, whether that be the security provided by the Seleka or the safety of their own community. The mass displacement of the Muslim population, the threats preceding the murder of SALEH, as well as the words of the perpetrators, saying: « *J'aurais aimé que les autres musulmans soient encore ici pour voir cela de leurs propres yeux* » in footage showing the horrific mistreatment and mutilation of SALEH's body,<sup>1720</sup> are a clear testament to this fact. It is further evidenced by the fact that MISCA ordered **YEKATOM** and his elements to leave MBAIKI immediately after SALEH's murder<sup>1721</sup> because, in the words of P-1838, "they did not want what happened to Djido to happen to others."<sup>1722</sup>

**iii. Persecution (article 7(1)(h)) (count 28)**

740. The crimes and acts described above were committed by **YEKATOM** and members of his Group in a coordinated effort to cleanse the towns and villages along the PK9-MBAIKI axis of their Muslim population, targeting them on political, ethnic and/or religious grounds due to their perceived support of/affiliation with the Seleka. That effort demonstrates the Anti-Balaka's Criminal Policy and Common Purpose as implemented by **YEKATOM**'s Group, its leadership, and other elements under the Anti-Balaka leadership or National Coordination.

741. **YEKATOM**'s and his elements' attack on Muslim civilians; their expulsion; the murder of a prominent Muslim leader in MBAIKI, and the commission of violent crimes and acts,<sup>1723</sup> 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. Credibility of core witnesses**

742. Core witnesses relied on by the Prosecution to substantiate Counts 24-28, gave credible and coherent accounts relating to the underlying events that took place in the LOBAYE Prefecture, and in MBAIKI, in January-February 2014. Most are eye-witnesses

<sup>1720</sup> [CAR-OTP-2059-0384](#) [00:07:41] to [00:08:20], transcript and translation [CAR-OTP-2107-3014](#) and [CAR-OTP-2118-5633](#) at 5641, line 211.

<sup>1721</sup> P-1838: [CAR-OTP-2100-0252-R05](#) at 0270-0271, paras. 98-99, 104; [T-215](#), p. 17, lines 19-21, and p. 35, lines 7-9; P-1813: [CAR-OTP-2069-0035-R02](#) at 0045, para. 69; P-1974: [CAR-OTP-2068-0222-R05](#) at 0231, para. 54; [T-227](#), p. 33, line 2-p. 36, line 16.

<sup>1722</sup> P-1838: [T-215](#), p. 35, lines 7-9.

<sup>1723</sup> See Section V, D, b, (i) and (ii).

and direct victims of the charged crimes. Their accounts are extensively corroborated by other testimonial, documentary, and audio/video evidence, as evident from the sections above. Any contradictions or inconsistencies in the witnesses' accounts are reasonable and, in most cases, relate to minor issues that do not affect the assessment of their overall credibility.

## **E. CHILD SOLDIERS**

### **a. Overview**

743. The evidence shows beyond reasonable doubt that children, including under age 15, were present among **YEKATOM**'s elements from at least December 2013 through August 2014 (Count 29). These children were recruited into **YEKATOM**'s Group, in line with the Anti-Balaka's widespread and well documented practice in the Relevant Period, as described below.

### **b. The Anti-Balaka's recruitment and use of children in the context of armed conflict**

744. Historically, there is a pattern of conscription, enlistment, and use of children, including of those under age 15, by armed groups in CAR.<sup>1724</sup> This practice was accelerated by armed groups during the Relevant Period.<sup>1725</sup> As described by P-0888 – both a member of the Anti-Balaka National Coordination under **NGAISSONA** and with close links to **YEKATOM**'s Command<sup>1726</sup> – “wherever there were armed groups, uncontrolled children joined those armed groups and stayed with them”, and **YEKATOM**'s Group was no exception.<sup>1727</sup>

745. The widespread presence of children within Anti-Balaka's ranks during the Relevant Period was confirmed by several witnesses, including multiple Anti-Balaka

<sup>1724</sup> [CAR-OTP-2122-9082](#) at 9086, para. 1, at 9102, para. 2, at 9123, para. 3, at 9124, para. 3-4; [CAR-OTP-2073-0871](#) at 0875.

<sup>1725</sup> [CAR-OTP-2073-0871](#) at 0875; [CAR-OTP-2075-0602](#) at 0607; [CAR-OTP-2001-0329](#) at 0337, para.42.

<sup>1726</sup> P-0992: [CAR-OTP-2128-0288-R02](#) at 0312, para. 152-153; [T-092](#), p. 65, lines 13-15, p. 66, line 8-p. 67, line 2.

<sup>1727</sup> P-0888: [T-120](#), p. 77, lines 9-17.

insiders, and expert witness P-2927,<sup>1728</sup> and reported by international organisations, NGOs, and the media.<sup>1729</sup>

746. The Anti-Balaka exploited children's social conditions, and their motivation for revenge for Seleka crimes against their relatives. Some were forcibly recruited, others simply volunteered. The children were trained. Some as young as age eight were used to carry out household tasks, spy on the enemy, man checkpoints, carry military equipment and supplies, act as guards or bodyguards, or participate in combat. Children were given drugs to be fearless, and subjected to mental and physical harm.<sup>1730</sup> Some were also subjected to sexual violence.<sup>1731</sup>

747. The Anti-Balaka undertook to cease the recruitment and use of children, and to release children within their ranks, at BRAZZAVILLE in 2014, and during the BANGUI Forum in 2015.<sup>1732</sup> Children integrated within the Anti-Balaka continued to be liberated in 2015 and 2016.<sup>1733</sup>

<sup>1728</sup> P-1962: [CAR-OTP-2071-0003-R02](#) at 0016, para. 87; [T-139](#), p. 36, line 20-p. 38, line 20; [T-140](#), p. 34, lines 8-16; P-2232: [T-077](#), p. 10, line 23-p. 11, line 24, p. 12, lines 17-24; P-0889: [CAR-OTP-2122-8146-R02](#) at 8184-8185, lines 1338-1373; [T-108](#), p. 53, line 14-p. 54, line 7; P-2328: [T-048](#), p. 13, line 25-p. 14, line 6; [CAR-OTP-2085-0251](#); [CAR-OTP-2085-0261](#); [CAR-OTP-2085-2041](#); [CAR-OTP-2085-2061](#); [CAR-OTP-2085-2091](#) – see commentary by P-1577: [CAR-OTP-2081-0769-R01](#) at 0779-0780; [T-027](#), at p. 29, line 20-p. 32, line 10; [T-028](#), at p. 5, line 4-p. 6, line 13, p. 6, line 24-p. 7, line 13, p. 9, line 19-p. 11, line 14; [CAR-OTP-2066-5310](#) [00:01:36] to [00:02:56], translation [CAR-OTP-2127-4589](#) at 4591-4592, lines 24-43 – see commentary by P-0884: [T-056](#), p. 87, line 1-p. 88, line 22; P-2658: [CAR-OTP-2126-0012-R02](#) at 0025, para. 82; [CAR-OTP-2019-1359](#) [00:16:02] to [00:16:45], translation [CAR-OTP-2130-1332](#) at 1342, lines 319-332; [CAR-OTP-2122-9082](#) at 9112, para. 2, at 9131, para. 3, at 9140, para. 2; [CAR-OTP-2122-9155](#) at 9164-9165, 9180-9184, 9192-9194, 9197; [CAR-OTP-2136-1093](#) at 1093.

<sup>1729</sup> [CAR-OTP-2118-0703](#) [00:00:24] to [00:00:48], [00:01:49] to [00:02:07], and [00:02:15] to [00:02:37], translation [CAR-OTP-2122-9734](#), at 9736-9737, lines 7-17, 35-45, 51-64; [CAR-OTP-2001-0782](#) at 0782-0784; [CAR-OTP-2001-7145](#) at 7158; [CAR-OTP-2001-0987](#) at 0995, para. 38-39, at 1031, para. 215, and at 1033; [CAR-OTP-2110-0935](#) at 0938; [CAR-OTP-2072-1202](#) at 1203; [CAR-OTP-2075-0664](#) at 0665-0668; [CAR-OTP-2001-5386](#) at 5438, para. 215; [CAR-OTP-2101-3627](#) at 3628.

<sup>1730</sup> [CAR-OTP-2122-9082](#) at 9134, paras. 3-4, at 9140, para. 2, at 0141, para. 6, at 9142, para. 2; [CAR-OTP-2122-9155](#) at 9158, at 9179-9191; [CAR-OTP-2136-1093](#) at 1095; P-2927: [T-220](#), p. 6, lines 21-23, p. 8, lines 12-20, p. 94, lines 5-24; [CAR-OTP-2001-7017](#) at 7121-7123, para. 490-501; [CAR-OTP-2075-0602](#) at 0607-0609, 0621, 0623-0629, 0632; [CAR-OTP-2066-5307](#) [00:00:13] to [00:01:18], [00:06:18] to [00:08:00], [00:11:36] to [00:13:21], [00:20:42] to [00:21:26], and [00:25:58] to [00:26:30], translation at [CAR-OTP-2127-6334](#) at 6336, lines 5-30, at 6339, lines 119-163, at 6342-6343, lines 255-290, at 6346-6347, lines 420-439, at 4349, lines 521-534; [CAR-OTP-2122-9074](#) [00:00:00] to [00:04:55] and [00:20:45] to [00:23:15], translation at [CAR-OTP-2127-7096](#) at 7098-7100, lines 1-86, at 7106-7108, lines 321-375; [CAR-OTP-2075-0664](#) at 0665-0668; [CAR-OTP-2073-0871](#) at 0873, 0875-0877, 0883; [CAR-OTP-2055-1987](#) at 2210; [CAR-OTP-2118-0703](#) [00:00:24] to [00:00:48], from [00:01:02] to [00:01:32], [00:01:49] to [00:02:07], and [00:02:15] to [00:02:37], translation [CAR-OTP-2122-9734](#) at 9736-9737, lines 7-31, 35-45, 51-64; [CAR-OTP-2032-0034](#) at 0034-0035; [CAR-OTP-2072-1202](#) at 1203.

<sup>1731</sup> [CAR-OTP-2122-9155](#) at 9158, at 9183, at 9188; P-2927: [T-220](#), p. 9, lines 5-16; [CAR-OTP-2001-7017](#) at 7122, para. 497-499; [CAR-OTP-2008-1165](#) at 1173; [CAR-OTP-2073-0871](#) at 0873, 0877; [CAR-OTP-2075-0602](#) at 0607.

<sup>1732</sup> [CAR-OTP-2001-3405](#) at 3407-3408; [CAR-OTP-2087-9276](#) at 9276, 9278-9281; P-0952: [T-250](#), p. 77, lines 2-14.

<sup>1733</sup> [CAR-OTP-2072-1213](#) at 1213-1214; [CAR-OTP-2072-1202](#) at 1202-1203; [CAR-OTP-2072-1210](#) at 1210-1211.

**c. Using, conscripting and enlisting children (article 8(2)(e)(vii)) (count 29)**

***i. Children were recruited into YEKATOM's Group***

748. **YEKATOM** and his Group recruited children into their ranks, including those under 15, consistent with the Anti-Balaka's practice. Children, both boys and girls,<sup>1734</sup> were present among **YEKATOM**'s elements from at least December 2013 through August 2014.<sup>1735</sup> P-0888 confirmed that the presence of children within armed groups in CAR was prevalent and did not occur only in **YEKATOM**'s Group.<sup>1736</sup> Several other witnesses, including insiders, corroborate this.<sup>1737</sup> This was a well-known phenomenon.

749. In **YEKATOM**'s Group, some children enlisted because they were hoping to find protection by joining the Anti-Balaka, or were driven by revenge.<sup>1738</sup> One child, [REDACTED].<sup>1739</sup> He was [REDACTED] years old at the time.<sup>1740</sup> There is also evidence in the record showing that some children were conscripted.<sup>1741</sup>

750. The evidence shows that the children in **YEKATOM**'s Group performed a variety of tasks. Some actively participated in hostilities.<sup>1742</sup> Others manned checkpoints,<sup>1743</sup>

<sup>1734</sup> P-0888: [T-120](#), p. 75, line 20-p. 78, line 23; P-1716: [T-147](#), p. 12, lines 7-22; [CAR-OTP-2122-9074](#) [00:00:00] to [00:04:55] and [00:20:45] to [00:23:15] transcript and translation at [CAR-OTP-2127-7077](#) and [CAR-OTP-2127-7096](#), at 7098-7100, lines 1-86, at 7106-7108, lines 321-375; P-1974: [CAR-OTP-2068-0222-R05](#) at 0232, para. 67.

<sup>1735</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0226, para. 20; [T-227](#), p. 14, line 24-p. 15, line 4; P-0808: [CAR-OTP-2093-0010-R02](#) at 0033-0034, para. 136; [T-069](#), p. 65, lines 3-6; [T-072](#), p. 61, line 23-p. 62, line 9.

<sup>1736</sup> P-0888: [T-120](#), p. 77, lines 9-17.

<sup>1737</sup> P-1839: [T-170](#), p. 65, line 21-p.69, line 5; [T-171](#), p. 5, line 23-p.6, line 16; P-0808: [CAR-OTP-2093-0010-R02](#) at 0033-0034, para. 136; [T-069](#), p. 65, lines 3-6; [T-072](#), p. 61, line 23-p. 62, line 9; P-2084: [CAR-OTP-2094-0968-R02](#) at 0985, para. 87; [CAR-OTP-2122-9082](#) at 9139; [CAR-OTP-2122-9155](#) at 9179.

<sup>1738</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0232, para. 66; P-2018: [T-222](#), p. 29, lines 13-24; P-2084: [T-233](#), p. 14, lines 5-18; P-2082: [CAR-OTP-2109-0452-R02](#) at 0462, para. 47; [T-217](#), p. 19, line 23-p. 20, line 3; [CAR-OTP-2005-0129](#) [00:22:48] to [00:23:31], transcript and translation [CAR-OTP-2130-1184](#) and [CAR-OTP-2130-1307](#) at 1320, lines 416-430.

<sup>1739</sup> [REDACTED].

<sup>1740</sup> [REDACTED].

<sup>1741</sup> P-2082: [CAR-OTP-2109-0452-R02](#) at 0462, para. 47-48; [T-217](#), p. 19, line 23-p. 20, line 3.

<sup>1742</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0232, para. 67; P-1339: [T-155](#), p. 27, lines 16-22, p. 32, lines 17-22; [CAR-OTP-2122-9074](#) [00:00:00] to [00:04:55] and [00:20:45] to [00:23:15], transcript and translation at [CAR-OTP-2127-7077](#) and [CAR-OTP-2127-7096](#), at 7098-7100, lines 1-86, at 7106-7108, lines 321-375.

<sup>1743</sup> P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 21-23; [T-180](#), p. 48, lines 4-7, p. 49, lines 11-17, p. 50, lines 2-10; P-1974: [CAR-OTP-2068-0222-R05](#) at 0226-0228, para. 21, 35-36; [T-227](#), p. 13, lines 3-15, p. 19, line 1-p. 20, line 6, p. 21, line 1-p. 22, line 2; P-2018: [T-222](#), p. 23, lines 10-11, p. 23, line 19-p. 24, line 4, p. 24, lines 18-23; [T-223](#), p. 45, line 18-p. 46, line 1; P-2084: [CAR-OTP-2094-0968-R02](#) at 0985, para. 87; D29-5015: [T-256](#), p. 15, lines 2-20, p. 17, lines 20-22.

guarded the base,<sup>1744</sup> spied,<sup>1745</sup> carried out household chores, such as cooking or fetching water,<sup>1746</sup> and performed other tasks.<sup>1747</sup>

751. [REDACTED] described how one child, nicknamed [REDACTED], slit the throat of a Muslim who was detained by **YEKATOM**'s elements. He was ordered to do so by **YEKATOM**'s Deputy OUANDJIO, who shouted "[REDACTED]."<sup>1748</sup>

752. Multiple witnesses described seeing children, including those under age 15, among **YEKATOM**'s Anti-Balaka elements manning checkpoints at PISSA and SEKIA.<sup>1749</sup> Similarly, Defence witness D29-5015 testified about how the Anti-Balaka used small children, describing his own encounter with children who he estimated to be around 10, 12 years old, being used by older Anti-Balaka youths "to carry out the manual work of lifting up the wood" at a roadblock on the MBAIKI-BODA axis.<sup>1750</sup>

753. When describing the tasks carried out by children in **YEKATOM**'s Group, P-2476 explained "[w]e were guarding the base and in the evening when the adults would leave to patrol, we children would stay back to guard the base and ensure its security".<sup>1751</sup> He testified further that children "were also sent to buy provisions and cook for the elements".<sup>1752</sup> [REDACTED].<sup>1753</sup> Money collected by the Anti-Balaka at roadblocks was also used to buy provisions.<sup>1754</sup>

754. Children were armed with bladed weapons, including knives, machetes, and bows and arrows,<sup>1755</sup> and some wore *gris-gris*.<sup>1756</sup> They received military training together with

<sup>1744</sup> P-2476: [CAR-OTP-2114-0149-R05](#) at 0154, para. 34-35; [T-213](#), p. 22, lines 1-2, p. 23, line 10-p. 24, line 7.

<sup>1745</sup> P-2084: [CAR-OTP-2094-0968-R02](#) at 0985, para. 87; P-1974: [CAR-OTP-2068-0222-R05](#) at 0232, para. 67; P-2018: [T-222](#), p. 24, lines 2-7; P-2082: [CAR-OTP-2109-0452-R02](#) at 0462, para. 50.

<sup>1746</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0232, para. 67; P-2476: [CAR-OTP-2114-0149-R05](#) at 0154, para. 34; [T-213](#), p. 21, lines 1-5, p. 24, line 24-p. 25, line 2, lines 15-17; P-2084: [CAR-OTP-2094-0968-R02](#) at 0985, para. 87.

<sup>1747</sup> P-2476: [T-213](#), p. 21, lines 1-5; P-1839: [T-171](#), p. 6, lines 7-8; P-2018: [T-222](#), p. 24, lines 2-7; P-2082: [CAR-OTP-2109-0452-R02](#) at 0462, para. 50; [T-219](#), p. 16, line 22-p. 17, line 4; P-2084: [CAR-OTP-2094-0968-R02](#), at 0985, para. 87; [T-233](#), p. 14, lines 16-18.

<sup>1748</sup> [REDACTED].

<sup>1749</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0227-0228, para. 35-36; [T-227](#), p. 19, line 1-p. 20, line 6, p. 20, line 18-p. 21, line 11, p. 21, line 23-p. 22, line 22; P-2018: [T-222](#), p. 23, lines 10-11, p. 23, line 19-p. 24, line 4, p. 24, lines 18-23; [T-223](#), p. 45, line 18-p. 46, line 1; P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 21-23; [T-180](#), p. 48, lines 4-7, p. 49, lines 11-17, p. 50, lines 2-10.

<sup>1750</sup> D29-5015: [T-256](#), p. 15, lines 2-20, p. 17, lines 20-23.

<sup>1751</sup> P-2476: [T-213](#), p. 23, lines 20-22.

<sup>1752</sup> P-2476: [CAR-OTP-2114-0149-R05](#) at 0154, para. 34.

<sup>1753</sup> [REDACTED].

<sup>1754</sup> P-2476: [T-213](#), p. 25, lines 2-9.

<sup>1755</sup> P-2476: [CAR-OTP-2114-0149-R05](#) at 0154, para. 35; [T-213](#), p. 22, lines 2-12; P-2084: [CAR-OTP-2094-0968-R02](#) at 0985, para. 87; P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 23; [T-180](#), p. 48, lines 4-7, p. 49, lines 11-17, p. 50, lines 2-10; P-1716: [T-147](#), p. 12, lines 7-22.

<sup>1756</sup> P-2476: [T-213](#), p. 48, lines 22-23; P-2018: [T-222](#), p. 24, lines 8-13; P-2084: [CAR-OTP-2094-0968-R02](#), at 0985, para. 87; P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 23; [T-180](#), p. 48, lines 4-7, p. 49, lines 11-17, p. 50, lines 2-10; P-1716: [T-147](#), p. 12, lines 7-22; [CAR-OTP-2117-1173](#).

adult combatants, as video footage filmed at the YAMWARA School in December 2013 shows.<sup>1757</sup>

755. Children within the Group experienced difficult living conditions and lacked basic necessities, such as food and water.<sup>1758</sup> They were also subject to punishments, including beatings and food deprivation.<sup>1759</sup> [REDACTED] described being terrified after seeing another child in the Group [REDACTED].<sup>1760</sup>

756. Some children demobilised from **YEKATOM**'s Group in August 2014 told P-2082 that "there was a clear hierarchy and they were under the authority of **YEKATOM**'s men".<sup>1761</sup>

*ii. Some children were under 15 years of age*

757. The evidence establishes beyond reasonable doubt, that several children that **YEKATOM** and his Group recruited were under age 15.

758. *First*, P-2476 was [REDACTED] during the period he was in **YEKATOM**'s Group.<sup>1762</sup> His testimony regarding his age was essentially uncontested at trial.

759. *Second*, P-2476 testified that [REDACTED],<sup>1763</sup> [REDACTED].<sup>1764</sup> In this context, it is notable that the age estimates provided by P-2476 throughout his testimony were particularly accurate.<sup>1765</sup> [REDACTED] membership in **YEKATOM**'s Group, as well as his age, were corroborated by another witness, P-1974.<sup>1766</sup>

760. *Third*, a member of **YEKATOM**'s Group, P-1839, testified that a child nicknamed '[REDACTED]'<sup>1767</sup> and that [REDACTED].<sup>1768</sup> [REDACTED].<sup>1769</sup> His physical appearance is consistent with P-1839's estimate of [REDACTED] old. While [REDACTED], found it difficult to estimate his age and, [REDACTED] guessed that he

<sup>1757</sup> [CAR-OTP-2120-0305](#) [00:01:07] to [00:01:25], and specifically at [00:01:14], transcript [CAR-OTP-2118-4772](#) at 4774, lines 41-52; *See also* [CAR-OTP-2065-0951](#) [00:01:08] to [00:02:00], transcript and translation [CAR-OTP-2107-6928](#) and [CAR-OTP-2122-2297](#) at 6929, lines 13-24; P-2082: [CAR-OTP-2109-0452-R02](#) at 0463, para. 52.

<sup>1758</sup> P-2082: [CAR-OTP-2109-0452-R02](#) at 0462, para. 50; P-2476: [CAR-OTP-2114-0149-R05](#) at 0156, para. 41; [T-213](#), p. 26, line 21-p. 27, line 5, p. 49, line 24-p. 50, line 5.

<sup>1759</sup> P-2082: [CAR-OTP-2109-0452-R02](#) at 0463, para. 51.

<sup>1760</sup> [REDACTED].

<sup>1761</sup> P-2082: [CAR-OTP-2109-0452-R02](#) at 0462, para. 49.

<sup>1762</sup> P-2476: [CAR-OTP-2114-0149-R05](#) at 0151, para. 11; [T-213](#), p. 5, lines 17-19, p. 6, lines 9-12; [CAR-OTP-2114-0162-R01](#).

<sup>1763</sup> [REDACTED].

<sup>1764</sup> [REDACTED].

<sup>1765</sup> P-2476: [T-214](#), p. 31, line 16-p. 32, line 1, p. 32, line 20-p. 33, line 13, p. 34, line 9-p. 35, line 4, lines 12-25, p. 36, lines 7-16, p. 37, lines 2-6.

<sup>1766</sup> [REDACTED].

<sup>1767</sup> [REDACTED].

<sup>1768</sup> [REDACTED].

<sup>1769</sup> [REDACTED].

could have been between 14 and 19, he did consider [REDACTED] was “too young”, [REDACTED].<sup>1770</sup> [REDACTED].

761. As previously argued,<sup>1771</sup> the re-issued birth certificate obtained by the Defence in April 2022, which stipulates [REDACTED] was allegedly 17 years old during the relevant time,<sup>1772</sup> is at most unreliable, and lacks probative value. The request for this re-issued birth certificate was supported by a « *Certificat d’âge Apparent* », as opposed to any official contemporaneous record. Furthermore, there is no evidence in the record of the case on how the *Certificat d’âge Apparent* was obtained. Thus, it is entirely unclear how the relevant date of birth was substantiated to obtain the certificate (if at all). In addition, the evidence before the Chamber shows that official documents containing false information are routinely issued by CAR administrative offices ‘to help’ a subject, as may be needed in a given situation.<sup>1773</sup> In this case, the certificate was issued in a jurisdiction where **YEKATOM**’s Group was influential,<sup>1774</sup> and concerns a child in the Group who was never demobilised, despite being underage pursuant to the demobilisation agreement **YEKATOM** signed,<sup>1775</sup> and thus highly likely to be beholden to his former Commander.<sup>1776</sup> Apart, its re-issuance only during the course of the trial renders it dubious, given that the relevant charges were confirmed in December 2019.

762. *Fourth*, three witnesses, P-1813, P-1974, and P-2018, independently estimated that the children they personally saw on separate occasions at roadblocks manned by **YEKATOM**’s elements in PISSA and in SEKIA, were substantially below the age of 15.<sup>1777</sup> P-1813 described the circumstances under which he saw the children. He testified: “I often travelled between BANGUI and MBAIKI and I would see very young boys from 10 years old at the SEKIA and PISSA Anti-Balaka barriers”, and particularised that “[t]hese children were part of the Anti-Balaka, not children that would just come and play around the Anti-Balaka bases”.<sup>1778</sup> Another witness, P-2084 also confirms having seen

<sup>1770</sup> [REDACTED].

<sup>1771</sup> ICC-01/14-01/18-2624-Conf (“[Prosecution Response to Yekatom Defence Request to Submit Material related to Fabrication of Evidence](#)”), paras 28-29.

<sup>1772</sup> See [CAR-D29-0013-0095](#) and its copy at [CAR-D29-0001-0426](#), at 0428.

<sup>1773</sup> See Section V, E, d, para. 804.

<sup>1774</sup> P-0954: [CAR-OTP-2048-0171-R03](#) at 0184-0185, para. 79; [CAR-OTP-2001-0835](#) at 0876.

<sup>1775</sup> [CAR-OTP-2068-0568](#) at 0570; P-2018: [T-222](#), p. 30, lines 12-18, p. 48, line 13-p. 49, line 21; P-2082: [CAR-OTP-2109-0452-R02](#) at 0460, para. 37; P-1974: [T-227](#), p. 59, lines 2-10.

<sup>1776</sup> [CAR-OTP-2122-9155](#) at 9199-9203.

<sup>1777</sup> P-1974: [T-227](#), p. 20, line 18-p. 21, line 11, p. 22, lines 3-22; P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 21-23; [T-180](#), p. 48, lines 4-7, p. 49, lines 11-17, p. 50, lines 2-10; P-2018: [T-222](#), p. 26, lines 9-23.

<sup>1778</sup> P-1813: [CAR-OTP-2083-0279-R01](#) at 0283, para. 21-23; [T-180](#), p. 48, lines 4-7, p. 49, lines 11-17, p. 50, lines 2-10.

children “aged from 10 upwards” who “were part of the Anti-Balaka” in PISSA and MBAIKI.<sup>1779</sup> Similarly, and consistent with the Anti-Balaka’s practice, Defence witness D29-5015 estimated that the children he personally saw carrying out “the manual work of lifting up the wood” at a roadblock on the MBAIKI-BODA axis were “10 years, 12 years” old.<sup>1780</sup>

763. *Fifth*, [REDACTED] also observed armed children at the Anti-Balaka base in the YAMWARA School, including a young boy of about 12 years old, who was “still very small”.<sup>1781</sup> This observation is consistent with video and photographic evidence depicting young boys among Anti-Balaka elements at the YAMWARA School Base,<sup>1782</sup> whereby **YEKATOM**’s elements had at their disposal ample opportunity to enlist children in the Group.

764. *Finally*, the evidence establishes that several of the 153 children that **YEKATOM** personally undertook to demobilise from his Group in August 2014 with the assistance of the NGO *Enfants Sans Frontières* (“ESF”), were also below age 15. While the programme was aimed at those below age 18, multiple sources of evidence, confirm that children below age 15 were among those demobilised from **YEKATOM**’s Group.<sup>1783</sup>

765. In the lead-up to their demobilisation, **YEKATOM**’s own elements confirmed that some of the children selected for the programme, both boys and girls, were as young as age 12.<sup>1784</sup> Some were present during meetings between **YEKATOM**’s subordinate commanders and ESF staff, and [REDACTED] confirmed that their physical appearance corresponded to the identified age range of 12-18, adding that he saw children he estimated to be age 12.<sup>1785</sup>

766. P-2082 testified that during conversations she had with children after their release from **YEKATOM**’s Group, several of those that she estimated to be 13-14 years old

<sup>1779</sup> P-2084: [CAR-OTP-2094-0968-R02](#) at 0985, para. 87.

<sup>1780</sup> D29-5015: [T-256](#), p. 15, lines 2-20, p. 17, lines 20-23.

<sup>1781</sup> [REDACTED].

<sup>1782</sup> [CAR-OTP-2117-1173](#); [CAR-OTP-2095-5569](#); [CAR-OTP-2095-5571](#); [CAR-OTP-2120-0305](#) [00:00:49] to [00:01:25], and specifically at [00:01:14], transcript [CAR-OTP-2118-4772](#) at 4773-4774, lines 31-52; [CAR-OTP-2065-3843](#) [00:00:00] to [00:01:17], transcript and translation [CAR-OTP-2107-3077](#) and [CAR-OTP-2118-5668](#); [CAR-OTP-2005-0129](#) [00:22:48] to [00:23:31], transcript and translation [CAR-OTP-2130-1184](#) and [CAR-OTP-2130-1307](#) at 1320, lines 416-430.

<sup>1783</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0231-0232, para. 61, 67; [T-227](#), p. 81, line 22; P-2084: [T-233](#), p. 15, lines 11-14; P-2082: [CAR-OTP-2109-0452-R02](#) at 0461, para. 45; [T-217](#), p. 19, lines 5-15, p. 32, lines 8-11, p. 38, lines 4-7, p. 45, line 13-p. 46, line 18; [T-218](#), p. 44, lines 19-24; [CAR-OTP-2071-0302-R01](#), at 0303; [CAR-OTP-2068-0568](#) at 0571; [CAR-OTP-2071-0279-R03](#).

<sup>1784</sup> [CAR-OTP-2071-0302-R01](#), at 0303; P-2018: [T-222](#), p. 49, line 25-p. 50, line 18, p. 52, lines 5-22, p. 53, lines 12-16.

<sup>1785</sup> [REDACTED].



expressed their wish to return to the Anti-Balaka camp.<sup>1786</sup> Their desire to return to the Anti-Balaka corroborates the fact of their recruitment in **YEKATOM**'s Group, and is moreover consistent with the expert testimony of P-2927, who explains this phenomenon.<sup>1787</sup> This expressed desire to go back to the Group, also refutes the Defence suggestion that children were merely pretending to have been child soldiers in order to benefit from advantages offered by the ESF programme. Even if that were the case — and the evidence proves otherwise — the children could only have done so with the complicity of **YEKATOM** and his commanders, and thus *enlisted* by them, even if for that limited purpose, inherent to the *political* benefit of **YEKATOM** and his Group.<sup>1788</sup>

767. P-2082 further testified that the youngest child within the ESF programme [REDACTED] was 11 years old<sup>1789</sup> and “he really had the voice of a child”.<sup>1790</sup> She further identified him on a photograph, where he is visibly young.<sup>1791</sup> [REDACTED].<sup>1792</sup>

768. Furthermore, according to P-2018's assessment of the age of another child within the ESF programme, [REDACTED], his physical appearance corresponded to age 12, as ESF documentation also indicates.<sup>1793</sup> [REDACTED] moreover appears in a photograph taken during the demobilisation ceremony, from which his very young age is clearly apparent.<sup>1794</sup>

769. Many of the witnesses who provided age estimates are persons who were frequently around children either because of their profession, or because they were parents or grandparents themselves.<sup>1795</sup> In addition, being from the relevant community, they were well equipped to approximate the ages of children they observed or interacted with.

<sup>1786</sup> P-2082: [CAR-OTP-2109-0452-R02](#) at 0462, para. 49; [T-217](#), p. 37, line 3-p. 39, line 4.

<sup>1787</sup> [CAR-OTP-2122-9155](#) at 9201-9203; P-2927: [T-220](#), p. 12, lines 5-9; [T-221](#), p. 22, lines 11-14.

<sup>1788</sup> See ICC-01/14-01/18-2313-Red, footnote 95 (The Statute imposes no ‘purpose’ requirement with regard to enlisting children into an armed group. Thus, their enlistment – even temporarily – in pursuit of a political, military, or criminal objective of the group, does not negate a culpable act of recruitment).

<sup>1789</sup> P-2082: [CAR-OTP-2109-0452-R02](#) at 0461, para. 45; [T-217](#), p. 19, lines 5-15, p. 32, lines 8-11, p. 45, line 13-p. 46, line 18; [T-218](#), p. 44, lines 19-24.

<sup>1790</sup> P-2082: [T-217](#), p. 46, lines 16-18.

<sup>1791</sup> [CAR-OTP-2068-0558](#) at 0562, bottom right – see commentary by P-2082: [CAR-OTP-2109-0452-R02](#) at 0466, para. 73.

<sup>1792</sup> [REDACTED].

<sup>1793</sup> [CAR-OTP-2071-0279-R03](#) at 0280, entry 40; P-2018: [T-223](#), p. 24, line 16-p. 25, line 6.

<sup>1794</sup> [CAR-D29-0010-0027](#) entry 2 – see commentary by P-2018: [T-223](#), p. 15, lines 12-25.

<sup>1795</sup> P-2084: [CAR-OTP-2094-0968-R02](#) at 0985, para. 87; P-1974: [T-227](#), p. 20, lines 18-22; P-2082: [T-217](#), p. 51, lines 22-25; P-2018: [T-222](#), p. 7, line 1-p. 8, line 6.

770. The evidence shows that **YEKATOM**'s eventual agreement to demobilise 153 children in his Group<sup>1796</sup> did not result in the release of *all* such children. [REDACTED]. He does not appear in ESF lists and was not demobilised through the program although, in any circumstance, he should have been.

*iii. YEKATOM knew that children under age 15 were recruited in his Group*

771. The evidence shows beyond a reasonable doubt, that **YEKATOM** knew or, at the very least, should have known, of the presence of children under 15 among his elements.<sup>1797</sup> **YEKATOM** was aware that young people joined his Group<sup>1798</sup> through personal interactions with them. Some of the children, including those under age 15, were personally known to him.<sup>1799</sup> **YEKATOM**'s knowledge is also demonstrated through his direct participation in negotiating the demobilisation of the children in his Group and the involvement of commanders responsible to him in regard to their extensive engagement with the children, and with ESF.

*a) YEKATOM personally interacted with children in his Group*

772. **YEKATOM** was aware of the presence of children among his elements and some of the children, including those under age 15, were personally known to him.<sup>1800</sup>

773. **YEKATOM** saw and directly interacted with children from his Group when visiting the various Anti-Balaka bases within his area of control.<sup>1801</sup> The testimony of P-2082 to this effect is unrefuted, and consistent with the weight of the evidence. P-2476 testified that when **YEKATOM** visited the base where the witness was stationed, he shouted at the children in the Group and told them that, in the Anti-Balaka, they were not to behave like children. The witness explained, “[h]e wanted us to be brave and that we behave like matured people”.<sup>1802</sup> **YEKATOM** never asked P-2476 to leave the Group.<sup>1803</sup>

774. P-1974 describes **YEKATOM**'s interaction with another child within his Group, nicknamed [REDACTED]. When **YEKATOM** saw this child, dressed in a military uniform [REDACTED], he called the child by his nickname. When [REDACTED], **YEKATOM** ordered his elements to catch the boy and beat him, because he believed that

<sup>1796</sup> P-2082: [T-217](#), p. 14, lines 3-15, p. 16, line 19-p. 17, line 1, p. 17, line 24-p. 18, line 2, p. 25, line 24-p. 26, line 6, p. 26, line 23-p. 27, line 22, p. 28, line 22-p. 29, line 5.

<sup>1797</sup> See Section IV, B, d, paras 505-507.

<sup>1798</sup> P-1558: [CAR-OTP-2105-0195-R01](#) at 0202, para. 39.

<sup>1799</sup> P-1974: [CAR-OTP-2122-8673-R02](#) at 8677, para. 23; P-0888: [T-120](#), p. 75, line 20-p. 78, line 23.

<sup>1800</sup> P-1974: [CAR-OTP-2122-8673-R02](#) at 8677, para. 23; P-0888: [T-120](#), p. 75, line 20-p. 78, line 23.

<sup>1801</sup> P-2082: [CAR-OTP-2109-0452-R02](#) at 0463, para. 53.

<sup>1802</sup> P-2476: [CAR-OTP-2114-0149-R05](#) at 0156, para. 43; [T-213](#), p. 28, line 19-p. 29, line 17.

<sup>1803</sup> P-2476: [T-213](#), p. 29, lines 15-16.

the child was a deserter.<sup>1804</sup> P-1974 estimated that [REDACTED] was 13 years old at the time — an estimate corroborated by P-2476.<sup>1805</sup>

775. Furthermore, a member of **YEKATOM**'s Group, P-1839, testified that two “child soldiers” within the Group, [REDACTED],<sup>1806</sup> and thus well-known to him personally. These two children “were at the house. If there were some tasks, [...] or errands, they were sent to do them”.<sup>1807</sup>

*b) YEKATOM and his subordinates were directly involved in the ESF demobilisation process*

776. Aside from personal interactions with children in his Group, **YEKATOM**'s knowledge is also clearly demonstrated through his direct participation in negotiating their demobilisation from his Group and the involvement of his subordinates in their extensive engagement with the children, and with ESF.

777. In 2014, UNICEF initiated<sup>1808</sup> a project to remove children from the Anti-Balaka in the LOBAYE Prefecture and reintegrate them into society.<sup>1809</sup> The partners in this project were UNICEF, the CAR Ministry of Social Affairs, and ESF as executing partner implementing the project on the ground.<sup>1810</sup> Funded by UNICEF,<sup>1811</sup> the project was pre-financed by ESF to retrieve the children from the Anti-Balaka as soon as possible.<sup>1812</sup>

778. The project was organised and implemented in collaboration with **YEKATOM** himself and his ComZones.

779. *First*, **YEKATOM**'s ComZones identified children under 18 within their ranks for the purposes of the reintegration project, and provided lists with their names and other details to ESF, including each child's age. This process was facilitated by **YEKATOM**'s

<sup>1804</sup> P-1974: [CAR-OTP-2122-8673-R02](#) at 8677, para. 23-24.

<sup>1805</sup> See Section V, E, c, para. 757.

<sup>1806</sup> P-1839: [T-170](#), p. 65, line 21-p.66, line 3, p. 66, line 10-p. 67, line 2, p. 68, lines 14-19; [T-171](#), p. 5, line 23-p.6, line 14.

<sup>1807</sup> P-1839: [T-171](#), p. 6, lines 7-8.

<sup>1808</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0225-0226, para. 20, 22; [T-227](#), p. 10, line 24-p. 11, line 2, p. 13, lines 18-20, p. 51, line 21-p. 52, line 13, p. 68, lines 16-24; P-2018: [T-222](#), p. 21, line 19-p. 22, line 9; [T-223](#), p. 41, lines 16-19, p. 46, lines 3-11.

<sup>1809</sup> P-2018: [T-223](#), p. 29, lines 14-21; [T-224](#), p. 56, lines 22-23.

<sup>1810</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0227, para. 28-29; [T-229](#), p. 39, lines 1-21; P-2018: [T-222](#), p. 22, line 25-p. 23, line 5; [T-223](#), p. 49, lines 13-20, p. 51, lines 11-19; P-2082: [CAR-OTP-2109-0452-R02](#) at 0459, para. 33; [T-217](#), p. 8, line 18-p. 9, line 5, p. 11, lines 3-18.

<sup>1811</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0227, para. 29; [T-227](#), p. 31, lines 5-7; P-2082: [T-217](#), p. 11, lines 5-8; P-2084: [T-233](#), p. 20, line 24-p. 21, line 6.

<sup>1812</sup> [CAR-OTP-2068-0586](#) [00:03:00] to [00:03:45], transcript and translation at [CAR-OTP-2107-3148](#) and [CAR-OTP-2118-5710](#) at 5713, lines 53-61; [CAR-OTP-2071-0285](#) at 0287; P-1974: [T-227](#), p. 30, line 8-p. 32, line 1; P-2018: [T-223](#), p. 57, lines 8-24; P-2082: [T-218](#), p. 14, line 18-p. 15, line 20; [CAR-OTP-2109-0473](#) at 0481-0482.

subordinate Ephraim ODIMBA.<sup>1813</sup> MANOUMANA was another ComZone who worked closely with ESF staff.<sup>1814</sup> **YEKATOM** was consulted on and approved the process,<sup>1815</sup> as he ostensibly agreed with the children's release.<sup>1816</sup>

780. *Second*, at least two face-to-face meetings took place between the organisers of the project (including ESF, UNICEF, and Ministry of Social Affairs staff) and members of **YEKATOM**'s Group, including ComZones, in May 2014.<sup>1817</sup> They discussed the definition of a 'child', as well as ESF's intention to send demobilised children of school-age back to school.<sup>1818</sup> The presence of children as young as age 12 within the Anti-Balaka was also reported by ODIMBA during the course of one of the meetings.<sup>1819</sup> Apart from his subordinate commanders' engagement with ESF, [REDACTED] **YEKATOM** also personally attended at least a part of one of their meetings.<sup>1820</sup>

781. *Third*, **YEKATOM** also met with the organisers of the project in PISSA and in MBAIKI to discuss the release of school-aged children from his Group.<sup>1821</sup> [REDACTED].<sup>1822</sup> Similarly, during a meeting held in PISSA on 4 August 2014,<sup>1823</sup> [REDACTED]<sup>1824</sup> [REDACTED].<sup>1825</sup>

782. In addition to in-person meetings, **YEKATOM** was also in telephone contact with [REDACTED].<sup>1826</sup>

<sup>1813</sup> P-2018: [T-222](#), p. 27, line 20-p. 28, line 2, p. 28, lines 15-26, p. 30, lines 12-18; [T-223](#), p. 78, line 24-p. 79, line 11; p. 79, line 12-p. 80, line 2; [T-224](#), p. 3, lines 2-4, p. 3, line 23-p. 4, line 9; P-1974: [CAR-OTP-2122-8673-R02](#) at 8676-8677, para. 21-22; [T-227](#), p. 60, lines 2-21, p. 86, lines 5-8, p. 87, lines 4-6; [T-228](#), p. 31, lines 3-5, p. 34, lines 7-9; [CAR-OTP-2071-0277](#) – see commentary by P-2018: [T-222](#), p. 38, line 15-p. 40, line 5, p. 84, lines 6-11; [CAR-OTP-2039-0063](#) at 0064, entry 52; see also [CAR-OTP-2122-9155](#) at 9201-9292; P-1962: [CAR-OTP-2071-0003-R02](#) at 0016, para. 86-87; [T-139](#), p. 36, line 20-p. 38, line 20; [T-140](#), p. 34, lines 8-16.

<sup>1814</sup> P-2018: [T-223](#), p. 80, lines 3-10; [CAR-OTP-2071-0302-R01](#) at 0302; [CAR-OTP-2039-0063](#) at 0064, entry 38.

<sup>1815</sup> P-2082: [T-217](#), p. 26, lines 13-19; P-2018: [T-222](#), p. 29, lines 1-12, p. 32, lines 8-14, p. 33, line 11-p. 34, line 13; P-1974: [T-227](#), p. 16, lines 16-19, p. 17, lines 1-6.

<sup>1816</sup> P-2018: [T-222](#), p. 31, line 19-p. 32, line 14.

<sup>1817</sup> [REDACTED].

<sup>1818</sup> [REDACTED].

<sup>1819</sup> [REDACTED].

<sup>1820</sup> [REDACTED].

<sup>1821</sup> P-2084: [T-233](#), p. 15, lines 1-7; P-2018: [T-222](#), p. 33, line 11-p. 34, line 13, p. 35, line 25-p. 36, line 5, p. 70, lines 17-25; [T-223](#), p. 87, line 21-p. 88, line 5; [T-226](#), p. 27, lines 15-18; P-1974: [CAR-OTP-2068-0222-R05](#) at 0227-0229, para. 32-33, 37, 42; [T-227](#), p. 17, line 24-p. 18, line 12, p. 25, line 1-p. 26, line 8, p. 26, lines 11-12.

<sup>1822</sup> [REDACTED].

<sup>1823</sup> [REDACTED].

<sup>1824</sup> [REDACTED].

<sup>1825</sup> [REDACTED].

<sup>1826</sup> [REDACTED].

783. Finally, on 4 August 2014, **YEKATOM** attended a demobilisation ceremony held in the Town Hall of PISSA,<sup>1827</sup> where he signed an agreement to (i) demobilise 153 children in his Group; and (ii) refrain from re-recruiting them.<sup>1828</sup> **YEKATOM** never disputed the number of 153 children after he signed the demobilisation agreement,<sup>1829</sup> nor did his subordinates.<sup>1830</sup>

784. Before signing the agreement, **YEKATOM** spoke to the children who were present at the ceremony and told them that the ESF project was an opportunity for them to find something better than what the Anti-Balaka could offer them. He also told them that they cannot come back to the Anti-Balaka.<sup>1831</sup> When questioned about the importance of **YEKATOM**'s attendance that day, P-2082 testified that "he was the main actor, the main person who could deal with the demobilisation of the children, because the children were all in his camp, so it was he who had to give the go-ahead".<sup>1832</sup>

785. At the conclusion of the ceremony, **YEKATOM** was lauded for his actions in releasing the children and told by one of the organisers « *vous avez fait un travail louable; il vous faut appeler votre coordinateur général Patrice Edouard NGAISSONA et l'informer à propos du travail que nous venons de faire* ». <sup>1833</sup>

786. The next day, **NGAISSONA**'s Political Advisor in the National Coordination P-0808 represented the Anti-Balaka at a second ceremony marking the launch of the demobilisation project.<sup>1834</sup> **YEKATOM** was not in attendance because of a restriction order barring his presence in the town.<sup>1835</sup>

<sup>1827</sup> [CAR-OTP-2068-0586](#) [00:00:00] to [00:06:48], translation [CAR-OTP-2118-5710](#); P-1974: [CAR-OTP-2068-0222-R05](#) at 0229-0330, para. 42-49; [T-227](#), p. 27, line 9-p. 29, line 10, p. 39, lines 21-25; [T-229](#), p. 19, lines 11-19; P-2018: [T-226](#), p. 30, lines 2-5; P-2082: [CAR-OTP-2109-0452-R02](#), at 0460, para. 37; P-2084: [T-233](#), p. 15, lines 11-14, p. 18, lines 13-17, p. 21, line 8-p. 22, line 24; [CAR-OTP-2071-0302-R01](#) at 0304; [CAR-OTP-2075-0584](#) at 0591.

<sup>1828</sup> [CAR-OTP-2128-1373](#); [CAR-OTP-2068-0586](#) [00:00:00] to [00:00:26], transcript and translation at [CAR-OTP-2107-3148](#) at 3149, lines 1-13 and [CAR-OTP-2118-5710](#) at 5712, lines 1-13; P-1974: [CAR-OTP-2068-0222-R05](#) at 0229, para. 46; [CAR-OTP-2122-8673-R02](#) at 8676, para. 18, 20; P-2018: [T-222](#), p. 72, line 21-p. 73, line 1, p. 74, lines 7-19, p. 77, lines 13-15; P-2082: [CAR-OTP-2109-0452-R02](#) at 0465, para. 64; [T-219](#), p. 48, lines 20-23; [CAR-OTP-2075-0584](#) at 0591; [CAR-OTP-2074-3252](#) at 3252.

<sup>1829</sup> P-1974: [T-227](#), p. 26, line 13-p. 27, line 4; P-2018: [T-222](#), p. 77, lines 13-25.

<sup>1830</sup> P-2018: [T-222](#), p. 78, lines 11-21.

<sup>1831</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0229, para. 45.

<sup>1832</sup> P-2082: [T-219](#), p. 18, line 19-p. 19, line 23.

<sup>1833</sup> [CAR-OTP-2068-0586](#) [00:04:52] to [00:05:45]: transcript and translation at [CAR-OTP-2107-3148](#) and [CAR-OTP-2118-5710](#) at 5713-5714, lines 77-97.

<sup>1834</sup> P-0808: [CAR-OTP-2093-0010-R02](#) at 0033-0034, para. 130; P-2018: [T-222](#), p. 85, lines 9-16, p. 87, lines 21-25; [T-223](#), p. 11, lines 4-5, p. 12, line 4-p. 13, line 1; P-2082: [CAR-OTP-2109-0452-R02](#) at 0460, 0466-0467, para. 40, 75-76; [T-217](#), p. 33, line 24-p. 34, line 18; P-1974: [CAR-OTP-2068-0222-R05](#) at 0231, para. 53-55; [CAR-OTP-2071-0302-R01](#) at 0306; [CAR-OTP-2068-0558](#) at 0562-0564; [CAR-OTP-2109-0473](#) at 0477-0479.

<sup>1835</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0231, para. 54; [T-227](#), p. 33, line 2-p. 36, line 16; P-2018: [T-222](#), p. 87, lines 21-23; [T-223](#), p. 11, lines 5-6.

787. Throughout his interactions with the various organisers of the reintegration project, **YEKATOM** never denied the presence of children in his Group. On the contrary, he confirmed it.<sup>1836</sup> [REDACTED].<sup>1837</sup> The presence of children within his Group was not denied by **YEKATOM**'s subordinates either.<sup>1838</sup>

**d. Contentions of alleged fabrication of evidence related to Count 29**

788. The Defence has made multiple submissions regarding the alleged fabrication of evidence related to Count 29, as extensively argued in previous filings.<sup>1839</sup> The Defence submissions primarily relate to (i) allegations of the fraudulent nature of the reintegration project implemented by ESF in 2014, and (ii) allegations of collusion between various individuals in an attempt to produce false evidence for the purposes of benefitting from [REDACTED].

*i. Alleged fraud in the ESF reintegration project*

789. The Defence argues that the reintegration project implemented by ESF in 2014 was fraudulent and that children who benefitted from the programme were (i) not members of **YEKATOM**'s Group; or alternatively, (ii) if they were, they were 15 and older.<sup>1840</sup> However, evidence shows that while the ESF project was not without fault, it was not entirely fraudulent. In addition, evidence that at least some of the children in the programme were members of **YEKATOM**'s Group, and below the age of 15, as described above,<sup>1841</sup> is not refuted by evidence that some of them were not.

*c) The claim that demobilised children were not members of YEKATOM's Group*

790. *First*, as described above, the initial selection and identification of children for the purposes of the reintegration project was not conducted by ESF staff, but by **YEKATOM**'s ComZones in consultation with him, who approved the process.<sup>1842</sup> Both P-2018 and P-2082 confirm that the list of 60 children identified for participation in the part of the programme conducted at the *Centre de transit et d'orientation* (CTO) in

<sup>1836</sup> P-2082: [T-217](#), p. 25, lines 17-23; P-2018: [T-222](#), p. 35, lines 12-15.

<sup>1837</sup> [REDACTED].

<sup>1838</sup> P-2018: [T-222](#), p. 52, line 23-p. 53, line 1.

<sup>1839</sup> *See, inter alia*, ICC-01/14-01/18-2240-Red (“[Yekatom Defence Evidence Exclusion Request](#)”); ICC-01/14-01/18-2313-Red (“[Prosecution Response to Yekatom Defence Evidence Exclusion Request](#)”); ICC-01/14-01/18-2460-Red (“[Decision on Yekatom Defence Evidence Exclusion Request](#)”); ICC-01/14-01/18-2611-Red (“[Yekatom Defence Request to Submit Material related to Fabrication of Evidence](#)”); [Prosecution Response to Yekatom Defence Request to Submit Material related to Fabrication of Evidence](#); ICC-01/14-01/18-2687 (“[Decision on Yekatom Defence Request to Submit Material related to Fabrication of Evidence](#)”).

<sup>1840</sup> *See, inter alia*, [Yekatom Defence Evidence Exclusion Request](#), para. 7.

<sup>1841</sup> *See* Section V, E, c, paras 756, 763-768.

<sup>1842</sup> *See* Section V, E, c, para. 778.

MBAIKI<sup>1843</sup> was also cross-checked with officials from **YEKATOM**'s Group, who again confirmed that the children on this list were part of their Group.<sup>1844</sup> Neither **YEKATOM**, nor his elements, denied the presence of children in his Group at any point in the demobilisation process, nor did they question the identities of the children or their stated ages, as represented to and documented by ESF.<sup>1845</sup>

791. A member of the Anti-Balaka, P-1962, confirmed that during a similar demobilisation project conducted by ESF [REDACTED], names of children were indeed provided by Anti-Balaka section chiefs, [REDACTED].<sup>1846</sup>

792. Expert witness P-2927 further confirmed that it was common practice for UNICEF and various NGOs to collaborate directly with ComZones regarding demobilisation projects or projects to reintegrate children back into society. It was these ComZones and commanders that identified the children within their ranks.<sup>1847</sup>

793. Thus, the Defence allegations that ESF staff took liberties with the selection of beneficiaries for the project must be evaluated against this factor.

794. *Second*, in evaluating the probative value of evidence suggesting that certain individuals were not 'child soldiers' within **YEKATOM**'s Group, it is important to note that the understanding of the term 'child soldier' may vary from one witness to another and is not necessarily aligned with the legal criteria set out in the Court's statutory provisions and jurisprudence.

795. P-1974 emphasised the misconceptions about the term 'child soldier' during his testimony. He explained that ESF decided to refer to 'children associated with armed forces or groups', as opposed to 'child soldiers', because "a soldier is someone who handles weapons and participates in combat", whereas children within armed groups often carried out a variety of tasks other than participation in combat.<sup>1848</sup>

796. As such, multiple witnesses expressly negate the presence of 'child soldiers' within **YEKATOM**'s Group, while readily testifying about the presence of children who carried out various tasks such as cooking, running errands, manning checkpoints, and other similar activities, to assist the Anti-Balaka. This is clearly demonstrated by evidence

<sup>1843</sup> [CAR-OTP-2071-0279-R03](#); P-2018: [T-222](#), p. 74, lines 15-19, p. 88, lines 1-12.

<sup>1844</sup> P-2018: [T-222](#), p. 86, lines 1-4; [T-223](#), p. 7, lines 8-12; P-2082: [T-217](#), p. 20, line 22-p. 22, line 7, p. 25, lines 17-23, p. 26, lines 19-21.

<sup>1845</sup> See Section V, B, c, paras 782, 786.

<sup>1846</sup> P-1962: [CAR-OTP-2071-0003-R02](#) at 0016, para. 87; [T-139](#), p. 36, line 20-p. 38, line 20; [T-140](#), p. 34 lines 8-16.

<sup>1847</sup> [CAR-OTP-2122-9155](#) at 9201-9292; P-2927: [T-220](#), p. 26, line 23-p. 27, line 25.

<sup>1848</sup> P-1974: [T-228](#), p. 26, line 21-p. 27, line 22, p. 28, line 23-p. 29, line 10; See also [CAR-OTP-2122-9155](#), at 9163.

provided by Defence witness D29-5015, who explained that “in Lobaye [he] had no idea of child soldiers being enlisted to be put into the militia”,<sup>1849</sup> while at the same time describing “small children” being “the ones who were doing the work of taking away the roadblock”.<sup>1850</sup> When expressly asked whether the witness considers that “the children that are involved in or sent out to go move roadblocks are child soldiers?” D29-5015 replied “I couldn't say it”.<sup>1851</sup>

797. Another illustration is provided by Defence witness D29-6035, who explains that [REDACTED] children, [REDACTED], who carried out domestic tasks such as cooking or fetching water [REDACTED], were never members of his Group because they (i) [REDACTED] and (ii) never touched a weapon.<sup>1852</sup> However, these activities qualified the children for participation in the ESF programme, as corroborated by P-2018 who explained that [REDACTED].<sup>1853</sup>

798. Thus, blank allegations that a particular child was not a member of **YEKATOM**'s Group, or not a ‘child soldier’,<sup>1854</sup> without additional details on the actual activities of the child in question, have limited probative value, if any.

*d) The claim that the demobilised children were not below age 15*

799. *First*, the claim that persons above age 18 were permitted to take part in the ESF programme although they did not meet the age requirement is unimportant: (a) it does not preclude the participation of children under age 15 *in addition*; and (b) the age indications available in ESF documentation reflect information provided by the children themselves.<sup>1855</sup> Thus, any discrepancies are not indicative of fraud or lack of diligence on behalf of ESF.

800. The process adopted by ESF to determine the ages of the demobilised children was reasonable in the circumstances at the time. *First*, **YEKATOM**'s ComZones provided lists of children to ESF via identification forms, which included a column where each child's age was indicated.<sup>1856</sup> Upon receiving the lists, ESF staff, in collaboration with

<sup>1849</sup> D29-5015: [T-256](#), p. 20, lines 4-5.

<sup>1850</sup> D29-5015: [T-256](#), p. 15, lines 2-20, p. 17, lines 20-22.

<sup>1851</sup> D29-5015: [T-256](#), p. 22, line 19-p. 23, line 1.

<sup>1852</sup> D29-6035: [CAR-D29-0009-0444-R01](#) at 0447, para. 24-25, 33.

<sup>1853</sup> P-2018: [T-225](#), p. 65, line 18-p. 66, line 2; [CAR-OTP-2071-0279-R03](#) at 0280, entries 42-43.

<sup>1854</sup> *See, inter alia*, D29-6037: [CAR-D29-0009-0459-R01](#) at 0463, para. 30-31; D29-6013: [CAR-D29-0009-0324-R01](#) at 0328, para. 33.

<sup>1855</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0231, para. 58, 60, 62; [T-227](#), p. 80, line 24-p. 81, line 14, p. 86, line 23-p. 87, line 3, lines 9-15; P-2018: [T-224](#), p. 5, line 23-p. 6, line 1, p. 65, line 19-p. 66, line 10.

<sup>1856</sup> [CAR-OTP-2071-0277](#) – *see commentary by* P-2018: [T-222](#), p. 38, line 15-p. 40, line 5, p. 84, lines 6-11; *See also* P-1962: [CAR-OTP-2071-0003-R02](#) at 0016, para. 84, lines 6-11; *see also* P-1962: [CAR-OTP-2071-0003-R02](#) at 0016, para. 86-87.



UNICEF, COOPIE, and the Ministry of Social Affairs, carried out a verification mission, in June 2013, where each child identified by the ComZones was individually met and interviewed, including about their age, to verify their eligibility for the reintegration programme.<sup>1857</sup> A two-day training course about the verification process was organised by UNICEF prior to this mission.<sup>1858</sup> As a result of the verification, some of those interviewed were referred to adult DDR programmes instead, as they did not satisfy the age requirements for the reintegration programme.<sup>1859</sup> Finally, the children who took part in the programme at the CTO in MBAIKI were interviewed, again, by ESF staff and asked about, *inter alia*, their age.<sup>1860</sup>

801. As described by P-1974, some of the children only knew their age and not the date of birth.<sup>1861</sup> During his testimony, P-2476, confirmed that he was asked about his age by ESF staff and explained that he may not have provided his real age at the time, simply because he did not have a clear idea about his date of birth.<sup>1862</sup>

802. The means, as well as the time available to ESF to carry out additional checks on the children's ages were limited, particularly given the harsh realities on the ground. Thus, when asked whether age was verified using official documents, [REDACTED].<sup>1863</sup> [REDACTED] similarly testified that the majority of the children did not have any official documents indicating their date of birth.<sup>1864</sup> Obtaining reliable documents to certify the age of the children was practically impossible at the time.<sup>1865</sup> Thus, ESF had to base their assessment on their own observations and on what they were told by the children, in order to implement the programme under the conditions on the ground.<sup>1866</sup>

803. When confronted with documents obtained by the Defence suggesting that some participants in the ESF programme were allegedly above the age of 18 at the time, P-1974

<sup>1857</sup> P-2018: [T-222](#), p. 46, lines 10-23, p. 54, line 12-p. 55, line 17, p. 56, lines 2-6, p. 56, line 11-p. 57, line 12, p. 65, line 7-p. 66, line 10, p. 69, line 22-p. 70, line 1; [T-224](#), p. 5, lines 4-10, p. 5, line 23-p. 6, line 1; [CAR-OTP-2109-0470](#), at 0470-0471; [CAR-OTP-2109-0473](#), at 0475; [CAR-OTP-2071-0278](#) – see commentary by P-2018: [T-222](#), p. 57, line 16-p. 58, line 12, p. 59, line 19-p. 60, line 16, p. 62, lines 5-15 – see commentary by P-1974: [T-227](#), p. 69, line 21, p. 70, lines 13-24.

<sup>1858</sup> [REDACTED].

<sup>1859</sup> P-2018: [T-224](#), p. 6, lines 17-24, p. 23, lines 1-12.

<sup>1860</sup> P-1974: [CAR-OTP-2068-0222-R05](#) at 0231, para. 60; [T-227](#), p. 38, line 24-p. 39, line 19, p. 60, lines 18-21; P-2476: [T-213](#), p. 37, line 21-p. 38, line 9, p. 41, lines 14-16.

<sup>1861</sup> P-1974: [T-227](#), p. 81, lines 2-5.

<sup>1862</sup> P-2476: [T-213](#), p. 39, lines 14-25, p. 40, line 9-p. 41, line 4; [T-214](#), p. 8, lines 11-16, p. 9, lines 1-10.

<sup>1863</sup> [REDACTED].

<sup>1864</sup> [REDACTED].

<sup>1865</sup> P-1974: [T-228](#), p. 7, lines 7-10, lines 18-25, p. 41, lines 3-4; P-2018: [T-226](#), p. 8, lines 1-9.

<sup>1866</sup> P-1974: [T-228](#), p. 21, lines 10-21.

pointed out that these documents concern only a few of the children in the programme<sup>1867</sup> and questioned their authenticity.<sup>1868</sup>

804. *Second*, ESF experience as stated above is generally demonstrative of the realities in CAR, where many official records, including birth certificates, were often lost or destroyed during the crisis,<sup>1869</sup> never issued in the first place,<sup>1870</sup> or issued much later than required by the Central African Family Code.<sup>1871</sup>

805. Moreover, when birth certificates, or other identity documents, are issued, it is not uncommon for applicable legal provisions from CAR's Code of Family Law to not be respected.<sup>1872</sup> As such, evidence shows that the practice of producing forged birth certificates, or birth certificates containing false information, is common in CAR.<sup>1873</sup> P-2084 confirmed that "sometimes the rules are bent" and incorrect dates of birth are indicated in official certificates for the purposes of "helping out" or "doing a favour" for the individual in question.<sup>1874</sup> It is also not uncommon for other types of identity documents to contain incorrect references to the date of birth.<sup>1875</sup> These factors need to be taken into consideration when evaluating the probative value of birth certificates.

***ii. Claims of collusion to produce false evidence***

806. In addition to alleging that the ESF project was fraudulent, the Defence claims that various individuals have colluded to produce false evidence, in order to benefit from [REDACTED].

807. *First*, the vast majority of these additional allegations relate to the conduct of individuals who are not witnesses in this case and have provided no evidence in these proceedings. They include P-2580, P-2582, P-2620, P-2638, P-2583, and P-2511. As previously stated,<sup>1876</sup> their credibility is not material to this case and cannot be considered

<sup>1867</sup> P-1974: [T-228](#), p. 41, lines 5-7; [T-229](#), p.71, lines 17-21.

<sup>1868</sup> P-1974: [T-228](#), p. 7, lines 23-25.

<sup>1869</sup> P-2084: [T-233](#), p. 32, lines 12-17; [T-235](#), p. 30, lines 12-17.

<sup>1870</sup> P-2084: [T-233](#), p. 41, line 22-p. 42, line 15; [T-235](#), p.98, line 24-p. 99, line 9; [CAR-OTP-2122-9082](#) at 9087, para. 2.

<sup>1871</sup> P-1813: [T-181](#), p. 5, lines 18-21.

<sup>1872</sup> P-2084: [T-235](#), p. 26, lines 2-25.

<sup>1873</sup> P-2084: [T-233](#), p. 47, line 25-p. 48, line 18; P-1813: [T-182](#), p. 67, line 1-p. 68, line 13; D29-6025: [CAR-D29-0009-0280-R01](#), at 0290, paras. 80-83.

<sup>1874</sup> P-2084: [T-233](#), p. 51, line 19-p. 55, line 4; [T-235](#), p. 95, line 19-p. 98, line 20. *For specific examples see:* [CAR-OTP-2126-0413-R01](#) and [CAR-D29-0013-0084](#); [CAR-D29-0013-0097](#) and [CAR-D29-0013-0247](#); *See also* [CAR-OTP-2122-9082](#), at 9109, para. 2, at 9145, para. 2.

<sup>1875</sup> *See, for example*, D29-6049: [CAR-D29-0009-0759-R01](#) at 0761, para. 14.

<sup>1876</sup> *See, inter alia*, [Prosecution Response to Yekatom Defence Request to Submit Material related to Fabrication of Evidence](#), para. 10; ICC-01/14-01/18-2667-Red ("[Prosecution Consolidated Response to Yekatom Defence Requests](#)"), para. 13, 15; ICC-01/14-01/18-2317-Red ("[Prosecution Response to Defence Disclosure Request](#)"), para. 5.

by the Chamber for the purposes of its final deliberations insofar as its article 74 decision may only be based on “evidence submitted and discussed before it at the trial”.<sup>1877</sup>

808. *Second*, the Prosecution reiterates that it does not rely on P-2475, nor on items obtained by P-2580, regarding his age as relevant to Count 29.<sup>1878</sup>

809. *Finally*, the vast majority of the evidence submitted by the Defence to substantiate the alleged collusion falls outside the time frame related to the charges and relates to activities that the alleged ‘co-conspirators’ would have engaged in for the purposes of benefitting from [REDACTED]. Thus, they also have no bearing on the ESF programme which took place earlier in 2014, or the contemporaneous documentation produced, given that the Court’s investigations related to this case and indeed, **YEKATOM**’s role in it, had not even begun.

**e. Credibility of core witnesses**

810. The core witnesses proving Count 29, include P-2476, P-1974, P-2018, P-2082, P-2084, P-1813, and P-1839. Each gave credible and coherent testimony relating to this charge. Any contradictions or inconsistencies in their accounts are reasonable and mostly relate to minor issues not affecting the assessment of their overall credibility. Additional observations regarding the credibility of P-2476, P-1974, and P-2018 are made below.

*i. P-2476’s credibility*

811. P-2476 gave a credible, internally consistent account of his experience in **YEKATOM**’s Group, that is corroborated by both testimonial and documentary evidence.

812. The Defence challenges P-2476’s veracity primarily based on the fact that [REDACTED].<sup>1879</sup> [REDACTED].<sup>1880</sup> [REDACTED].<sup>1881</sup> [REDACTED].<sup>1882</sup> [REDACTED].<sup>1883</sup> [REDACTED].<sup>1884</sup>

<sup>1877</sup> See Article 74(2) of the [Statute](#).

<sup>1878</sup> See, *inter alia*, ICC-01/14-01/18-2249-Conf, para. 11.

<sup>1879</sup> [CAR-OTP-2071-0279-R03](#) at 0280, entry 36; P-1974: [T-227](#), p. 79, lines 20-24; P-2476: [CAR-OTP-2114-0149-R05](#) at 0151, para. 12; [T-214](#), p. 9, lines 20-25.

<sup>1880</sup> P-1974: [T-227](#), p. 86, line 23-p. 87, line 3, lines 9-15, p. 88, lines 6-8; [CAR-OTP-2071-0309-R02](#); P-2018: [T-223](#), p.3, line 13-p.4, line 11; [T-224](#), p. 8, line 25-p. 9, line 6, p. 63, line 25-p.64, line 5, p.65, line 19-p.66, line 10.

<sup>1881</sup> P-2476: [T-213](#), p. 38, line 11-p. 39, line 12.

<sup>1882</sup> [CAR-OTP-2071-0279-R03](#) at 0280, entry 36; [CAR-OTP-2071-0309-R02](#) at 0309.

<sup>1883</sup> P-1974: [T-228](#), p. 35, lines 11-18.

<sup>1884</sup> P-1974: [T-228](#), p. 63, lines 17-18.

813. When asked if [REDACTED].<sup>1885</sup> [REDACTED],<sup>1886</sup> [REDACTED],<sup>1887</sup> [REDACTED].

814. Once [REDACTED].<sup>1888</sup> [REDACTED].<sup>1889</sup> [REDACTED].<sup>1890</sup>

815. Further, the fact that P-2476 [REDACTED]<sup>1891</sup> [REDACTED].<sup>1892</sup> [REDACTED].<sup>1893</sup>

816. P-2476's credibility is reinforced by his identification of [REDACTED], mentioned throughout his account, in a photo-board presented by the Defence during his testimony.<sup>1894</sup>

*ii. P-1974's and P-2018's credibility*

817. P-1974 and P-2018 gave credible, internally consistent accounts of ESF's efforts to demobilise children in **YEKATOM**'s Group in 2014. Their accounts are not only mutually corroborative, but are extensively corroborated by other testimonial, documentary, and audio/video evidence, as demonstrated above.

818. The evidence on which the Defence relies to undermine these witnesses' credibility almost entirely comprises conduct that occurred outside the timeframe of the case.<sup>1895</sup> These activities have no bearing on the details provided by P-1974 and P-2018 during their testimonies about the ESF demobilisation programme that took place earlier, in 2014.

819. Finally, the existence of the reintegration project, as well as the role of ESF generally, [REDACTED] is uncontested.

## **VI. CONTEXTUAL ELEMENTS**

### **A. The contextual elements of crimes against humanity are satisfied**

820. The evidence shows that the Charged Crimes were committed by the Anti-Balaka were part of a widespread attack directed at a civilian population and carried out under an organisational Criminal Policy.

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<sup>1885</sup> [REDACTED].

<sup>1886</sup> [REDACTED].

<sup>1887</sup> [REDACTED].

<sup>1888</sup> [REDACTED].

<sup>1889</sup> [REDACTED].

<sup>1890</sup> [REDACTED].

<sup>1891</sup> [REDACTED].

<sup>1892</sup> [REDACTED].

<sup>1893</sup> [REDACTED].

<sup>1894</sup> [CAR-D29-0010-0042](#) – see commentary by P-2476: [T-214](#), p. 62, lines 7-17, p. 63, lines 9-21, p. 64, lines 3-6.

<sup>1895</sup> See, *inter alia*, ICC-01/14-01/18-2624-Conf-Anx, p. 6, entry 12, p. 62, entry 111, p. 63, lines 112, p. 70, entry 124, p. 75-76, entry 133, p. 110, entry 7, p. 113, entries 13, 15.

**B. The contextual elements of war crimes are satisfied**

821. The evidence shows that the Charged Crimes were committed in the context of a non-international armed conflict which commenced at least in March 2013 between the FACA/pro-BOZIZE forces and the Seleka forces, and which continued between the Anti-Balaka and the Seleka until at least December 2014. Both the Anti-Balaka and the Seleka exhibited a sufficient degree of organisation.

**VII. CONCLUSION**

822. The evidence on the record demonstrates beyond a reasonable doubt that Patrice-Edouard NGAISSONA and Alfred YEKATOM are criminally responsible for the charged war crimes and crimes against humanity confirmed by the Pre-Trial Chamber on 11 December 2019.



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**Karim A. A. Khan KC, Prosecutor**

Dated this 22<sup>nd</sup> day of November 2024  
At The Hague, The Netherlands