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TRIAL CHAMBER V

Before: Judge Beti Hohler , Presiding Judge
Judge Joanna Korner
Judge Keebong Paek

SITUATION IN CENTRAL AFRICAN REPUBLIC II

***IN THE CASE OF THE PROSECUTOR v.
ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

**Public
with confidential Annex A**

Public Redacted Version of the “Corrected Version of the ‘Yekatom Defence Response to Parties and Participants Observations on Reparations’, ICC-01/14-01/18-2923-Conf, 12 June 2026”

Source: Defence for Mr. Alfred Rombhot Yekatom

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INTRODUCTION

1. In accordance with the Trial Chamber's Decision,¹ the Defence for Mr. Alfred Yekatom ("Defence") submits the present response directed principally to the CLRV, TFV and VPRS observations² given the central role those participants have in the reparations process. The Defence's focus on those submissions is dictated by the page constraints applicable to the present filing and does not, in any way, constitute an endorsement of the Amicus Curiae³ or other parties'⁴ observations. In this regard, the Defence notes that the Amicus Curiae observations are of limited assistance to the Chamber, as they are overly broad, insufficiently specific to the CAR situation⁵ or address matters falling outside the scope of the charges.⁶ The Defence therefore does not engage with those submissions but directly addresses the issues raised in the other Parties and Participants submissions by way of reference to: (i) its former responses on the questions asked by the Chamber in its initial "Order for submissions on Reparations",⁷ (ii) additional evidential material collected during its recent missions in the Central African Republic ("CAR") and (iii) through open source research for consideration by the Chamber.⁸ The Defence stands by all of its previous submissions.⁹

SUBMISSIONS

I. General observations

2. Where a convicted person has been found indigent, the Appeals Chamber has made it clear that "even if reparations are ordered 'through' the Trust Fund in accordance with the second sentence of article 75(2) of the Statute, the Trial Chamber must still direct the order 'against' the convicted person."¹⁰ It is for this reason that the Court's jurisprudence has consistently

¹ ICC-01/14-01/18-2821, para. 7. See also ICC-01/14-01/18-2914, para. 10.

² ICC-01/14-01/18-2899-Conf-Corr ("CLRV Observations"); ICC-01/14-01/18-2905-Conf ("VPRS Observations"); ICC-01/14-01/18-2907-Conf ("TFV Observations") (collectively 'Parties and Participants' Observations').

³ ICC-01/14-01/18-2895 (for the Human Rights Centre of Queen's University Belfast "HRCQUB"); ICC-01/14-01/18-2906 (for the Association des Réintégrés en Centrafrique (ARC-EN-CIEL)).

⁴ ICC-01/14-01/18-2900 (for the Prosecution); ICC-01/14-01/18-2903 (for the Defence of Mr Ngaïssona). The Defence will however address one specific point of the Prosecution's observation below para. 96.

⁵ The ARC-EN-CIEL Observations consist of a series of a list of general considerations and definitions which, notwithstanding the Amicus Curiae's claim to be "neutral, independent, and contextual", do not engage with any aspect of the present case and are therefore of no assistance to the Chamber.

⁶ See e.g. HRCQUB Observations, paras. 4-5 addressing destruction of mosques outside the scope of the charges.

⁷ ICC-01/14-01/18-2821, para. 6.

⁸ Disclosure 'Reparations D29 package 01 12 June 2026. See also Annex A providing summary of witness' statements and their associated annexes.

⁹ ICC-01/14-01/18-2904-Conf ("Defence Observations" or "Observations").

¹⁰ *Prosecutor v. Lubanga*, Judgment on the appeals against the "Decision establishing the principles and procedures to be applied to reparations", 3 March 2015, [ICC-01/04-01/06-3129](#), para. 70.

held that the convicted person remains legally liable for any reparations awarded.¹¹ Likewise, where the Trust Fund for Victims (“TFV”) advances resources for the implementation of reparations, the convicted person remains under a continuing obligation to reimburse those resources should his/her financial circumstances permit, through ongoing monitoring of his/her financial situation and without any temporal limitation.¹²

3. Furthermore, this phase of the proceedings should be treated with the same care as other phases of the trial proceedings. Parties and Participants should therefore provide detailed and verifiable information for the Chamber to effectively rule on reparations.
4. It is necessary to recall these principles following the Parties and Participants Observations’ apparent attempt to seek an unwarranted expansion of Mr Yekatom’s liability well beyond the parameters established in the Trial Judgment. Such an expansion has direct and significant consequences for the scope and amount of reparations that may ultimately be awarded.¹³
5. Accordingly, the Defence’s submissions addresses:
 - the imprecise and contradictory figures advanced by the various Parties and Participants regarding the total number of direct and indirect victims and the expansion of the geographical and temporal scope of the charges (Questions a & b);
 - the evidence of significant returns of displaced populations in the Boeing and Cattin neighbourhoods, and along the PK9-Mbaiki axis;¹⁴
 - the failure by the Parties and Participants’ Observations to sufficiently distinguish harm directly resulting from the crimes of conviction from harm attributable to other events, actors, or broader consequences of the conflict¹⁵ (Question d);
 - the absence of a coherent methodology and insufficient consideration when determining the appropriateness and scope of factual presumptions (Question e);
 - the necessary precautions when awarding collective reparations which will benefit non eligible victims (Question f);
 - the significant discrepancies in the estimates as to the costs to repair the harms suffered by the victims and the need for a cautious and rigorous approach when assessing the financial implications of any proposed reparations programme (Question g);
 - the information collected during the Defence’s recent missions to the Central African Republic on the number of members of Muslim population present in relevant location, including discrepancies with VPRS numbers (Question j);¹⁶

¹¹ *Prosecutor v. Lubanga*, Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations”, 3 March 2015, [ICC-01/04-01/06-3129](#), para. 65.

¹² *Prosecutor v. Al Mahdi*, Reparations Order, 17 August 2017, [ICC-01/12-01/15-236](#), paras 115-116. See also *Prosecutor v. Katanga*, Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, [ICC-01/04-01/07-3728-tENG](#), paras 245-246, 329; *Prosecutor v. Ntaganda*, Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#), para. 255; *Prosecutor v. Ongwen*, Reparations Order, 28 February 2024, [ICC-02/04-01/15-2074](#), para. 816.

¹³ Defence Observations, paras 18-25.

¹⁴ See below, paras 56-58, 62-66.

¹⁵ See below, paras 42-74.

¹⁶ See below, paras 97-101.

II. Defence's response on the Chamber's identified topics

a. Estimated total number of direct and indirect victims of the crimes for which Mr. Yekatom and Mr. Ngaïssona were convicted, who may be potentially eligible for reparations

6. Rather than providing a reliable basis upon which the Chamber may assess the potential scope of reparations, the Parties and Participants' Observations reveal significant discrepancies regarding the number of persons purportedly eligible.
7. The Defence is particularly concerned with the lack of verified data and reliable sources in the Parties and Participants' Observations. This is illustrated by CLRV's submissions which estimate for Bangui alone 140,000 to 214,000 victims,¹⁷ whereas the VPRS mapping indicates an upper-bound estimation of 10,000 victims for Bangui-related conviction.¹⁸ Such disparity in numbers of potential eligible victims necessarily impacts Mr Yekatom's interests and emphasizes the need for proper documentation to be requested and the application of a rigorous methodology.
8. The Defence engaged with the *Institut Centrafricain des Statistiques, des Etudes Economiques et Sociales* (« ICASEES ») and was provided with preliminary data regarding the population of several villages located along the PK9-Mbaïki axis.¹⁹ The Defence will continue to engage with ICASEES and other CAR institutions in order to bring to the Chamber's attention official and detailed information on the CAR population both in 2026 and contemporaneous with the events.
9. The Defence contends that where recent and official data, collected by government authorities is available and includes verifiable references relevant to the reparations process it should be treated as the presumptive basis for the assessment, absent compelling reasons to depart from it. The Defence further notes that, given the Chamber's invitation to the Government of the Central African Republic to submit observations on reparations and to attend the hearing on 1 October 2026,²⁰ available census and demographic data should be explored and utilized to provide a more reliable basis for estimating the number of potentially eligible victims.

¹⁷ CLRV Observations, para. 20.

¹⁸ VPRS Observations, Annex 1, ICC-01/14-01/18-2905-Conf-Anx1. The Defence notes that this upper bound estimation takes into account adjacent neighbourhoods of Boeing and Cattin; the estimation for Boeing and Cattin alone stands at 5,000 individuals which highlights the necessity to respect the geographical parameters of the case.

¹⁹ [CAR-D29-0014-0296](#).

²⁰ [ICC-01/14-01/18-2915](#), para. 3.

10. To further assist the Chamber, the Defence provides its response to the Parties and Participants' Observations in relation to the number of estimated direct and indirect victims per count.²¹

i. Count 1 : Attack against the civilian population

11. The Defence refers to its previous observations as regard Count 1.²²

ii. Counts 2, 3, 26 & 27 : Murder as WC and CAH

12. The Defence recalls its Observations on the charges of murder,²³ in particular the fact that the Trial Judgment clearly delimited the murders for which Mr Yekatom was convicted: Mr Hassan Mahamat and two unnamed Muslim traders at the Boeing market, an unnamed Muslim individual in Cattin, Mr Djido Saleh in Mbaïki.

13. In the Al Hassan case, Trial Chamber X recently reaffirmed in its reparations order that the scope of the conviction should not expand at the reparations stage. In particular, where the Judgment or Sentencing Decision "made specific findings in relation to crimes committed against a limited number of individuals and were not expansive or open ended in the description of the victim population", it was held that the direct victims of the crimes were the said individuals identified.²⁴ Accordingly, the Chamber should reject any submissions of Parties and Participants seeking to expand the category of victims of murder beyond those identified in the Trial Judgment in relation to these specific counts. Reparations proceedings must not become a second (and improper) trial in which new charges are added against Mr Yekatom.

14. In this regard, the Chamber should reject VPRS's suggestion to include individuals who suffered personal harm as a result of murders "including, but not limited to the XX (*sic*) individuals killed identified in the Judgment".²⁵ It is particularly concerning that the VPRS relies, in a footnote, on the charges as confirmed by Pre-Trial Chamber II and goes as far as to include individuals such as "Nina Pascal"²⁶ despite the Trial Chamber's express finding that "it has received no evidence concerning Nina Pascal's death, nor does the Prosecution mention her in its Closing Brief".²⁷

²¹ The counts addressed below are grouped by categories of crimes.

²² Defence Observations, paras 28-33.

²³ Defence Observations, paras 34-38 and 59-61.

²⁴ *Prosecutor v. Al Hassan*, Reparation Order, 28 April 2026, [ICC-01/12-01/18-2782](#), paras 65-66.

²⁵ VPRS Observations, para. 133, v).

²⁶ VPRS Observations, para. 133, fn. 79.

²⁷ ICC-01/14-01/18-2784-Conf, ("Judgment"), para. 2574.

15. Likewise, CLRV's attempt to include around 1,000 victims of murder in Bangui should be summarily dismissed as falling grossly outside the scope of the Judgment.²⁸ The Defence notes that the CLRV merely refers to HRW's and UN's reports without any attempt to circumscribe the location of the murders to Boeing and Cattin, nor to identify the perpetrators.²⁹

16. Mr Yekatom was convicted by the Chamber of murder in relation to 5 individuals. His personal liability for reparations is therefore limited to those 5 individuals and cannot be expanded.

iii. Counts 4, 5, 24 & 25: Forcible transfer and deportation as a CAH, displacement as a WC

17. The Defence will first address the issue of children born after the commission of the crimes. The TFV and VPRS referred to this category, noting that Trial Chamber V granted the status of participating victims to a child born into a refugee camp.³⁰ The Defence will then address the litigation related to neighbourhoods bordering Cattin and Boeing.

a. Children

18. The Defence notes that, should the Chamber consider children born after the displacement of their parents as eligible victims, limits must be established to ensure that there is no undue expansion of Mr Yekatom's liability.

19. First, the displaced parents must have fled from Boeing or Cattin in the context of the 5 December operation,³¹ or from a locality along the PK9-Mbaïki axis during the relevant timeframe,³² as a direct result of Mr Yekatom's conduct.³³ Second, the child's relationship to the displaced parents must be clearly established. Trial Chamber V accepted that the relationship had been established on the basis of a birth certificate with a matching name for the parents, a statement of the parents, and statements of two individuals confirming the relationship.³⁴

²⁸ CLRV Observations, para. 27.

²⁹ CLRV Observations, para. 27, fn 40.

³⁰ TFV Observations, paras 20-21 and VPRS Observations, para. 136 referring to [ICC-01/14-01/18-1795](#).

³¹ Defence Observations, paras 43-44.

³² Defence Observations, paras 54-58.

³³ Defence Observations, paras 44, 55.

³⁴ [ICC-01/14-01/18-1795](#), paras 9-10.

20. Third, as is developed in detail below, the temporal end-point for the crimes comprising these counts must be taken into account in the determination of whether harms to children born to displaced parents can be properly linked to said crimes.³⁵ On this aspect, Trial Chamber V emphasized, in the above-mentioned case, that the child's birth certificate indicated that she was born "immediately after her mother's displacement".³⁶ The Defence further notes that even at the participation stage, the Trial Chamber had required such further proof and as such negates the TFV's proposed blanket 40% uplift for children allegedly affected by displacement, absent individualized proof of both harm and a sufficiently direct causal link to the crimes of conviction.³⁷
21. Should the Chamber be minded to order assistance to be provided to children born in refugee camps after the normalization of conditions for Muslims in the location from which their parents was displaced from³⁸ then it is submitted that this should be disbursed from the TFV's assistance programme, and should not be included in the reparations programme for which Mr Yekatom would bear financial liability.

b. Bordering neighbourhoods

22. As regard the VPRS's submissions that eligible victims should include individuals "present in the neighbourhoods bordering Cattin and Boeing",³⁹ the Defence recalls its submissions to the effect that Counts 4 & 5 relate only to individuals who fled from Boeing and Cattin and not from other neighbourhoods.⁴⁰ This position is consistent with the jurisprudence of Trial Chamber VI which held that for potential victims from "surrounding places" to be eligible for reparations, the Chamber must have made an explicit finding with regards to those localities, which served as a basis for conviction.⁴¹ The fact that Trial Chamber V accepted victims participation from neighbourhoods bordering Boeing and Cattin does not mean that the same approach is warranted at the reparations stage, particularly given the Chamber's specific findings in the Trial Judgment, which are more precise in scope than

³⁵ See below, paras 46-47.

³⁶ [ICC-01/14-01/18-1795](#), para. 11.

³⁷ TFV Observations, para. 21.

³⁸ See below, paras 55-58, 62-67.

³⁹ VPRS Observations, para. 133, ii).

⁴⁰ Defence Observations, paras 39-43.

⁴¹ *Prosecutor v. Ntaganda*, Decision on issues raised in the Registry's First Report on Reparations, 15 December 2020, [ICC-01/04-02/06-2630](#), para. 18 : "(...) In light of the above, the Chamber stresses that, for victims who claim to have suffered a harm in a location surrounding an area or village to be potentially entitled to reparations, the Chamber must have made explicit findings in relation to these surrounding places and these findings must have served as a basis for convicting Mr Ntaganda."

those made at the initial participation stage.⁴² The absence of any findings in the Trial Judgment on the bordering neighborhoods undermines the eligibility of victims from those localities.

iv. Count 6 : Directing an attack against a building dedicated to religion

23. The Defence notes that VPRS and CLRV suggest that the Boeing Mosque be qualified as a victim pursuant to Rule 85(b).⁴³ The Defence defers to the Chamber's discretion in this regard but underlines the necessity of a thorough assessment of any juridical person claiming to represent the interests of the Mosque.

v. Counts 8 and 28 : Persecution as CAH

24. The Defence reiterates its previous submissions on the fact that the language of the Trial Judgment supports the conclusion that only victims of the underlying crimes mentioned by the Chamber may also be recognized as victims of persecution.⁴⁴
25. The TFV appears to advocate for an expansion of eligible victims to encompass "Muslim communities" as a whole in light of the nature of the crime of persecution and of incidents which are not reflected in the conviction.⁴⁵
26. This suggestion should be rejected. In Ntaganda, Trial Chamber VI unequivocally found that "reparations are intrinsically linked to the individual whose criminal liability is established in a conviction and whose culpability for the criminal acts is determined in a sentence. Accordingly, only victims of underlying acts that served as the basis for the Chamber to convict Mr Ntaganda for the crime of persecution are eligible for reparations".⁴⁶ The same applies to Mr Yekatom.

⁴² Ibid, para. 11 : "At the outset, the Chamber notes that, in order to be entitled to reparations in the Ntaganda case, victims must have suffered harm as a result of a crime for which Mr Ntaganda has been convicted. As stressed by the Appeals Chamber, 'reparation orders are intrinsically linked to the individual whose criminal liability is established in the conviction and whose culpability for those criminal acts is determined in a sentence.' Accordingly, the assessment as to whether a person may be entitled to reparations in the Ntaganda case shall be based exclusively on the conviction and not on the Chamber's prior decisions regarding the scope of the case brought to trial or the requirements for victims' participation during the trial proceedings".

⁴³ See CLRV Observations, para. 25 and VPRS Observations, para. 133 iv).

⁴⁴ Defence Observations, paras 50-51, 62-63.

⁴⁵ TFV Observations, para. 26 : "Furthermore, information available from the VPRS-TFV consultations indicates that multiple mosques were destroyed in the course of the events, although not all of these incidents are reflected in the conviction. Additionally, the crimes at issue resulted in the near disappearance of Muslim communities in certain locations, including, most notably, Bossangoa. These communities are now slowly re-establishing themselves, as revealed during the VPRS-TFV consultations. In these circumstances, and considering the nature of the crime of persecution, the Trial Chamber may wish to assess whether the Muslim communities in the affected locations qualify as victims of the crimes, having suffered direct harm through the destruction of their religious sites and their displacement due to religious reasons."

⁴⁶ *Prosecutor v. Ntaganda*, Decision on issues raised in the Registry's First Report on Reparations, 15 December 2020, [ICC-01/04-02/06-2630](#), para. 60.

vi. Counts 11 to 17 : Crimes committed within the context of the events at Yamwara on or around 24 December 2013

27. The Defence refers to its previous Observations as regards Counts 11 to 17.⁴⁷

b. Any factual or legal issues relevant to the identification of eligible victims

28. The identification of eligible victims must therefore remain strictly confined to those persons who suffered harm as a result of the conduct and events forming the basis of the Judgment, and not broader patterns of violence, displacement, or suffering occurring in the wider context of the conflict.

29. The evidence recently collected by the Defence during its missions in CAR raises concerns regarding the manner in which purported victims are being identified on the field by various actors.⁴⁸ The process of victim identification and registration warrants careful scrutiny.

30. The Defence reiterates its concerns regarding the risk of fraud during the reparations phase of the proceedings.⁴⁹ This concern is further reinforced by the VPRS's submission that for PK9-Mbaiki it relied on intermediaries "[REDACTED]".⁵⁰ In this regard, the Defence recalls that it made specific submissions on a VPRS intermediary, operating on the axis, who was implicated in fraudulent activities.⁵¹

31. Neither the VPRS nor the CLRV properly addressed the risk of fraud in their original submissions, despite the history of this case and the significant discrepancies in the estimates provided. Other legal representatives before the Court have expressly acknowledged that risk and advocated for safeguards designed to prevent it.⁵²

32. Furthermore, during its latest mission, the Defence obtained information concerning meetings organised in Bangui in which individuals appeared to have been incentivized to falsely present themselves as victims in the present case in order to obtain financial benefits. This included instructions to individuals to mention that they originate from Boeing, Cattin or Mbaiki despite this being factually inaccurate.⁵³

⁴⁷ Defence Observations, para. 52.

⁴⁸ See below, paras 32-34.

⁴⁹ Defence Observations, paras 64-81.

⁵⁰ VPRS Observations, para. 37, fn. 37.

⁵¹ Defence Observations, paras 76, 78 in relation to P-2580. See also Defence submissions regarding Registry intermediary P-2638: ICC-01/14-01/18-2240-Conf.

⁵² *Prosecutor v. Abd al Rahman*, Public Redacted Version of "CLRV Submissions on Reparations of 4 June 2026", 9 June 2026, [ICC-02/05-01/20-1344-Red](#), paras 76, 81.

⁵³ [REDACTED].

33. After further consultations, the Defence has received information, including from victims' counsel Mr Dangabo, who confirmed that an entity operating under the name [REDACTED] appears to be engaged in fraudulent activities. This entity appears to be the same one as mentioned by [REDACTED] above. [REDACTED] appears to be soliciting payments from vulnerable persons under the false promise of inclusion on compensation/reparations lists. Its reported approaches beyond PK5, including in Bimon, raise concerns as to the scope of its activities and the reliability of any information collected.⁵⁴
34. This seems to indicate that people with various vested interests intend to take advantage of the reparations proceedings. This threatens the integrity of the Court, as well as both the interests of Mr Yekatom and of those eligible victims who genuinely fall within the parameters of the case. In such circumstances, reliance on reliable data, official documents and proper verification of potential eligible victim's application is essential. Where formal documentation and data exist, it should be used.⁵⁵
35. The VPRS's preliminary observations provide an insufficient basis for identifying potential victims of displacement. The VPRS asserts that it consulted with "survivors and community leaders" who explained evacuations were conducted "without standardised procedure for registration" and that "lists generated during these movements were frequently partial".⁵⁶
36. While the VPRS refers to some UNHCR data in its footnotes, it does not appear to have engaged directly with international organizations that were actively involved in the 2013-2014 crisis to obtain the information in their possession. This is despite the fact that such organizations have specific and dedicated procedures for the identification of individuals and emergency registration in such situations.⁵⁷ Information collected in such circumstances by recognized actors is of particular relevance to the determination of eligibility for reparations.

⁵⁴ D29-9013 : [CAR-D29-0009-0969-R01](#), paras 16-17, 20-22, 27-31. [REDACTED].

⁵⁵ Contra VPRS Observations, para. 19: "In view of these limitations, the VPRS relied on alternative methodologies, rather than formal documentation, prioritising data collection from primary sources such as community leaders, civil society actors and survivors with direct knowledge of the events, and seeking corroboration across other sources".

⁵⁶ VPRS Observation, para. 17.

⁵⁷ See UNHCR "Guidance on Registration and Identity Management", [Emergency Registration](#). The Defence notes that in the [Registration interview and data collection](#), UNHCR specifies the minimum information to be collected from all individuals, including : full name, sex, date of birth, country of origin, photograph, biometrics.

37. More pertinently, reliable data exists. The VPRS itself acknowledges this in its submissions.⁵⁸ The Defence submits that the Chamber should encourage the Registry to engage with UNHCR and other relevant organizations in order to obtain reliable data for the identification of displaced individuals who may be eligible for reparations in the present case and prior to any reparations award.
38. In addition, the Defence reiterates that the utmost vigilance should be required during the forthcoming assessment of victim application forms for the eligibility purposes.⁵⁹ It further underscores the importance of ensuring that the Defence is provided with adequate access to the relevant application materials so that it may effectively exercise its rights and assist the Chamber in verifying whether applicants satisfy the legal requirements for eligibility and whether a sufficient causal nexus exists between the harm alleged and the crimes for which Mr Yekatom was convicted.⁶⁰
39. Any suggestion that providing the Defence with access to identification forms would unduly delay the proceedings should be rejected. The experience of other reparations proceedings demonstrates that delays are in fact attributable to other actors in the process. For example, in the Ongwen case, whilst VPRS was entrusted with the assessment of eligibility, it sought extensions resulting in a process spanning approximately six years.⁶¹ By contrast, the Defence's involvement may assist in streamlining the process, identifying potential issues at an early stage, and reducing the risk of error, duplication, or fraud. As officers of the Court bound by the Code of Professional Conduct, Defence counsel can be entrusted with handling such information responsibly and confidentially, and there is no legitimate basis for withholding it from them.
40. In a case where vastly divergent estimates of potentially eligible victims have been advanced and where Mr Yekatom's reparations liability may ultimately be affected continuously, fundamental fairness requires that he be permitted, through his Defence team, to participate meaningfully in a process aimed at verifying the identity and eligibility of applicants and ensuring that only those who satisfy the relevant criteria receive reparations.

⁵⁸ VPRS Observations, para. 66 (in relation to [REDACTED]) “[REDACTED]”; para. 142 “multi-year displacement, including in foreign jurisdictions where they were registered under provisional categories and faced significant barriers to legal documentation (...)”.

⁵⁹ Defence Observations, paras 64, 71-75.

⁶⁰ Defence Observations, paras 83-88.

⁶¹ *Prosecutor v. Ongwen*, [ICC-02/04-01/15-T-272-ENG ET](#), p.3 lines 11-15: “The Chamber notes that to work on this backlog, the Registry proposes a timeline for the processes of identification, assessment and notification that runs in parallel for 2.7, 4.5 and 6.5 years respectively. Notwithstanding the submissions and proposals from the Registry, the Chamber would appreciate having more clarity on this timeline and the reasons for such deviations within the timelines”.

c. Any victims or groups of victims who may require prioritisation of eligible victims

41. The Defence recalls its previous Observations on the matter.⁶²

d. Specification of the types and extent of the harm suffered by the victims of the crimes for which Mr. Yekatom and Mr Ngaïssona were convicted

42. The Defence refers to its previous Observations,⁶³ and develops below points on the harm suffered by victims of specific crimes.

a. Forcible transfer, deportation and/or ordering displacement

43. The Defence takes note of the submissions made with respect to the harm suffered by victims of forcible transfer, deportation and/or displacement,⁶⁴ In particular, the Defence notes that said submissions do not properly account for the ceasing of the crimes committed under Counts 4 / 24,⁶⁵ and the manner in which this impacts the Chamber's determination as to whether certain harms can be causally linked with these crimes.

44. In this respect, the Defence recalls the following three points:

- By their nature, deportation and forcible transfer are 'continuing' crimes: they are committed over a certain period of time,⁶⁶ and specifically involve ongoing criminal interference with protected interests, viz. individuals' right to stay in their homes and communities and to enjoy their property.⁶⁷ Logically, they must also theoretically cease, i.e. come to an end at a certain point.

⁶² Defence Observations, para. 82.

⁶³ Defence Observations, paras 83-88.

⁶⁴ CLRV Observations, paras 51-59 ; VPRS Observations, paras 106-115 ; TFV Observations, para. 38.

⁶⁵ Given the factual overlap in this case, as well as the overlap in protected interests, the Defence position set out in following paragraphs applies *mutatis mutandis* to the crimes under counts 5 / 25.

⁶⁶ See Black's Law Dictionary (12th ed. 2024), where 'continuing offence' is defined as 'a crime [...] that is committed over a period of time[.]'; see also, ECtHR, *Case of Rohlena v. The Czech Republic*, App. no. 59552/08, [Judgment](#), 27 January 2015, para. 28(a) ('a "continuing" criminal offence [...], defined as an act (or omission) which has to last over a certain period of time.').

⁶⁷ See ICTR, *Prosecutor v Nahimana et al.*, [Appeal Judgment](#), 28 November 2007, para. 721; ICTY, *Prosecutor v Stakić*, [Appeal Judgment](#), 22 March 2006, para. 277. See ECtHR, *Case of Loizidou v. Turkey*, App. no. 15318/89, [Judgment](#), 18 December 1996, paras 56, 58-64 (where the Court found that the applicant's right to the peaceful enjoyment of her property had been interfered with as a result of the continuous denial of access to her property in northern Cyprus, and concluded that 'there has been and continues to be a breach of Article 1 of Protocol No. 1 (P1-1) to the ECHR [emphasis added]' guaranteeing 'peaceful enjoyment of [one's] possessions'); see also, ECtHR, *Case of Cyprus v Turkey*, App. no. 25781/94, [Judgment](#), 10 May 2001, paras 165-177 (where the Court found that 'a continuing violation of [the right to respect for one's home] by reason of the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus [emphasis added]').

- They are also ‘open-conduct’ crimes, in that various types of conduct can amount to the *actus reus* element of ‘expulsion or other coercive acts’⁶⁸ – including conduct clearly aimed at preventing, and effectively prevents, the return of persons to their homes and communities.⁶⁹
 - To establish that a victim’s displacement was forced, it must be established that a perpetrator’s coercive acts gave rise to a ‘genuine lack of choice’ as to whether or not to leave, or return, on the part of the victim.⁷⁰ The crux of this crime thus lies not in the fact of being physically displaced per se, but in the coerced nature of that displacement.
45. Given the above, it is submitted that the determination as to whether (and when) the crimes of deportation and forcible transfer have ceased, must turn upon the question of whether and when the ‘genuine lack of choice’ engendered by the relevant coercive acts / conditions itself ceased to exist qua element. Specifically, the determination as to whether and when the crimes comprising Counts 4/5 and 24/25 ceased, is critical for the purposes of the Chamber’s assessment as to whether certain harms (and in particular, late-developing harms) can be causally linked to those crimes.
46. While count-specific submissions on this point are set out below, the Defence submits generally that, in accordance with applicable principles of causation, only those harms arising from victims’ displacement during the period of time while the crimes under Counts 4/5 and 24/25 continued – in other words, while the ‘genuine lack of choice’, engendered by the relevant coercive acts / conditions for which Mr Yekatom was found liable, continued to exist – can (potentially) be causally attributed to those crimes. This is because upon the ceasing of these crimes, and where objective conditions of return allow, a displaced person’s choice not to attempt to regain their homes or communities should be understood and respected as the exercise of that person’s autonomy and individual will; and by extension, as engendering a rupture in the chain of causation for harms that arise after that point in time.⁷¹ Any exceptions to this principle must be limited to those victims in respect of whose choice not to attempt to regain their homes

⁶⁸ See e.g., *Prosecutor v Ruto et al*, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute Decision on the Confirmation of Charges, [ICC-01/09-01/11-373](#), 23 January 2021, para. 244; *Prosecutor v Abd-Al-Rahman*, Trial Judgment, [ICC-02/05-01/20-1240](#), 6 October 2025 (‘Abd-Al-Rahman Trial Judgment’), para. 734.

⁶⁹ See *Prosecutor v. Ntaganda*, Trial Judgment, [ICC-01/04-02/06-2359](#), 8 July 2019, paras 1061, 1067; see also paras 1058-1059.

⁷⁰ See e.g. [Abd-Al-Rahman Trial Judgment](#), para. 735.

⁷¹ This position is distinguishable from, and does not exclude, the possibility that existing harms can persist beyond the ceasing of the crimes themselves, or that certain harms can theoretically arise after the ceasing of the crimes but remain causally linked thereto; in all instances however, that causal link must be carefully examined.

or communities cannot be meaningfully said to constitute an exercise of autonomy and individual will, due to a pre-existing vulnerability – for instance, those who were too ill or infirm to attempt to return.

47. Applying the above to the specific matter of children born to displaced parents:⁷² harms arising to children conceived after the chain of causation has been ruptured, per the above-detailed exercise of autonomy on the part of displaced parents, cannot be causally linked to the crimes.
48. In the same vein, upon the ceasing of the crimes under Counts 4/5 and 24/25, any acts, conduct or behavior of third party actors (i.e. other than Mr Yekatom or his group) that render displaced persons unable to attempt to regain their homes or communities should be understood as likewise breaking the chain of causation for harms subsequently arising. This includes actors such as other ‘anti-Balaka groups’, noting in particular that from the outset of these proceedings, the scope of Mr Yekatom’s criminal responsibility has been expressly circumscribed to ‘his group’s crimes [...] and not those crimes committed by other Anti-Balaka sub-groups’.⁷³ The Defence here recalls the Trial Chamber’s findings acknowledging alternative factors leading to displacement in the relevant areas;⁷⁴ as well its previous submissions on the ambiguity of the ‘anti-balaka’ label and implication for the (mis-)attribution of conduct to Mr Yekatom or his group.⁷⁵

- i. Specific temporal end-point of displacement crimes

49. The Defence makes the following submissions regarding the end-point of the crimes comprising Counts 4/5 and 24/25, including on the current situation of Muslims living in Boeing, Cattin, and on the PK9-Mbaiki axis. It stresses that these submissions should in no way be construed as diminishing or denying the difficult reality faced by displaced victims; they are made simply with the aim of guiding the Chamber’s necessary determination as to where the boundaries of Mr Yekatom’s financial liability should lie, over a decade on from the 2013-2014 CAR conflict.
50. Generally, evidence and Trial Chamber findings demonstrate that the situation in western CAR improved after the events for which Mr Yekatom was convicted. The Chamber indicated in its Trial Judgment that “the Chamber recalls in this respect that

⁷² See above, paras 18-21.

⁷³ See e.g. ICC-01/14-01/18-282-Conf-AnxB1, para. 7.

⁷⁴ See Defence Observations, para. 87.

⁷⁵ See ICC-01/14-01/18-2737-Conf, paras 211-216, 515; T-308 (ENG), 61:13-63:11; 64:15-67:21; 69:24-73:5. See also, ICC-01/14-01/18-2848-Conf, paras 85-94.

the non-international armed conflict ended in February 2014”,⁷⁶ with hostilities subsiding considerably after this month⁷⁷ and the number of IDPs and refugees beginning to decrease in the course of 2014.⁷⁸ Evidence elicited during the trial establishes that the Lobaye prefecture was among the first to be at peace.⁷⁹ Bangui and the Lobaye prefecture were also the first ones, in December 2016, to benefit from national projects dedicated to peace and reconciliation.⁸⁰ Mr Yekatom was heavily involved in a multitude of such projects and related efforts, both during the events themselves, and throughout their aftermath, as the Defence had previously submitted.⁸¹

51. These submissions must be considered in light of the TFV's own finding that reintegration conditions are: “[REDACTED]”,⁸² and that return to areas such as Boeing, Cattin and Lobaye has been possible for years. The Defence will therefore focus on Boeing, Cattin and the PK9–Mbaïki axis, where the evidence indicates comparatively favourable conditions for return and reintegration.⁸³

- Counts 4/5 (Boeing/Cattin crime base)

52. The Defence recalls that per the Trial Judgment, Mr Yekatom’s ‘coercive acts’ under these counts constituted: first, his ‘launching of the attack on Boeing and Cattin and how his elements carried out the attack, leading to the attack on the Boeing Mosque and the killing of Muslim civilians in Boeing and Cattin’, which caused the initial displacement of Muslims from Boeing / Cattin; and second, his ‘launching of the attack on Boeing and Cattin, the establishment of his base in Yamwara, and the continued presence of the Anti-Balaka in Bangui’, which made these Muslims unable to return to their homes.⁸⁴
53. It is also recalled that, per the Trial Judgment, Mr Yekatom and his group departed Bangui for the PK9-Mbaiki axis in early January 2014,⁸⁵ and that he “and elements

⁷⁶ Judgment, fn. 10311.

⁷⁷ Judgment, para. 66.

⁷⁸ Judgment, para. 67.

⁷⁹ P-1595: T-106-CONF-FRA ET, p. 41, lines 10-13.

⁸⁰ See [CAR-D29-0016-0189](#).

⁸¹ ICC-01/14-01/18-2746-Conf, pages 16-17; ICC-01/14-01/18-T-311-FRA, p.22, ln. 14 to p. 23, ln. 24; see also Judgment, paras 1882, 1886-1887, 4471-4472; ICC-01/14-01/18-2737-Conf, paras 351-354.

⁸² TFV Observations, para. 38.

⁸³ Bossangoa is of no relevance to the present response, as no charges were brought against Mr Yekatom in relation to that area.

⁸⁴ See Judgment, paras 3975-3976.

⁸⁵ Judgment, para. 113, see also p. 1135: “Starting on 10 January 2014, Mr Yekatom and elements under his control left Yamwara and advanced from Bangui on the road towards Mbaïki”.

under his control entered Mbaïki on 30 January 2014”.⁸⁶ His and the group’s presence in Bangui, more specifically in Boeing where the Yamwara base was located, thus lasted for under two months.

54. Pursuant to the principles set out above therefore, it would follow that the crimes under Counts 4/5 should be understood to have ended with the withdrawal of the group from Boeing / Cattin; and that necessary conclusions as to the break in causation for harms arising after that point should be drawn by the Chamber.
55. The Defence notes that numerous Muslims are currently living, working, and openly practising their faith in Boeing and Cattin.⁸⁷ The evidence collected during the Defence mission demonstrates significant improvements in the situation since the events underlying Mr Yekatom's convictions. The Boeing Mosque was reopened on 26 February 2021,⁸⁸ and has since been further improved, including through the construction of ablution facilities.⁸⁹ The Mosque is actively hosting and organising events and has more followers than at the relevant time.⁹⁰ Events organized by Muslim associations in Boeing are attended by the population.⁹¹
56. [REDACTED]⁹² [REDACTED]⁹³ indicated that the Muslim population of Boeing increased compared to 2013, with an influx of returnees and new Muslims who decided to settle within the area.⁹⁴ Muslims from Cattin have also returned in the area, as indicated by the imam of the Attawhid Mosque.⁹⁵ This confirms several reports such as a UNHCR report mentioning the return of refugee from Congo to Bangui (and Mbaïki) as early as 31 March 2018⁹⁶ in the context of specific returnee programmes launched since 2017.⁹⁷

⁸⁶ Judgment, para. 120.

⁸⁷ D29-9006: [CAR-D29-0009-0978-R01](#), paras 25-27.

⁸⁸ See [CAR-D29-0016-0188](#) and video [CAR-D29-0008-0001](#).

⁸⁹ See [CAR-D29-0010-0218](#); [CAR-D29-0010-0217](#); [CAR-D29-0010-0226](#).

⁹⁰ [REDACTED]

⁹¹ [REDACTED].

⁹² [CAR-D29-0009-1004](#) at 1013.

⁹³ [CAR-D29-0009-1082](#).

⁹⁴ [REDACTED].

⁹⁵ D29-9006: [CAR-D29-0009-0978-R01](#), para. 25 : “J’affirme que la plupart des musulmans de Cattin qui ont quitté sont maintenant revenus. Ils sont revenus car il y a la paix. Ils voulaient rentrer chez eux. (...)”. See also [REDACTED]; [CAR-D29-0005-1172](#) (Détails sur les zones de retour par région pour la période 2017 à 2026, voir Bimbo pour les quartiers de Cattin et Boeing).

⁹⁶ See [CAR-D29-0005-1172](#); [CAR-D29-0005-1156](#) at 1168; [CAR-D29-0005-1173](#) (“ La raison principale avancée par les réfugiés eux-mêmes est qu’ils ont décidé de rentrer chez eux à Mongoumba, Mbaiki et Bangui parce que ces localités jouissent d’une certaine stabilité”).

⁹⁷ [CAR-D29-0005-1170](#) (“Depuis 2017, le début des opérations de Rapatriement Volontaire en RCA, le HCR en RCA a facilité le retour de 45516 réfugiés centrafricains (...). Leurs principales zones de retour sont les Préfectures de la Lobaye (Mongoumba, Mbaïki, Boda), Ombella-M’Poko (Bangui et Bimbo) (...). It also has to be taken

57. The Muslim population in Cattin has increased to the point that additional mosques have been constructed,⁹⁸ including one such mosque located only a few metres from the Cattin roundabout and documented through photographs collected during the Defence's last mission. Estimates were provided of 400 to 600 worshipers for the Attawhid Mosque,⁹⁹ and around 300 to 400 worshipers for the Al Kawsar Mosque.¹⁰⁰
58. The free circulation of Muslims, the open practice of their faith, the return of residents, and the construction of new places of worship all indicate that conditions in Boeing, Cattin, and the surrounding areas have substantially improved and are considerably more favourable than they were in the immediate aftermath of the events at issue in this case.¹⁰¹ While Muslims who returned are encouraging others to also come back,¹⁰² some are not returning as they obtained refugee status in other countries such as the US or Canada.¹⁰³
59. Irrespective of the security situation in Boeing and Cattin after Mr Yekatom's departure, the Chamber will have to determine a cut-off date that takes into account that he was no longer in Boeing and Cattin after January 2014.¹⁰⁴ The Defence notes that several incidents involving inter-religious community violence in Bangui, which could have prevented a return, occurred after this date, without any link with Mr Yekatom's conduct.¹⁰⁵
- Counts 24/25 (PK9- Mbaïki axis crime base)
60. Per the Trial Judgment, Mr Yekatom's 'coercive acts' under these counts comprised: the group's advance along the Axis starting on 10 January 2014; their 'takeover' of villages and checkpoints; and the 'continued armed presence of Mr Yekatom's group along this axis'.¹⁰⁶ The Trial Chamber found that Mr Yekatom's group withdrew from

into consideration that displaced individuals accompanied by the UNHCR receive financial assistance from the UNHCR to finance their return and reintegration and assistance to obtain documentation. See [CAR-D29-0005-1170](#) at 1171 ('Aux fins de leur reintegration en RCA, les rapatriés âgés de plus de 18 ans reçoivent : (...) une viatique par le HCR composée de (90,000 Francs par adulte ; 45,000 Francs par enfant) ; 50,000 Francs par famille pour l'équivalent de NFI; 10,000 Francs par famille pour le forfait de transport secondaire; 10,000 Francs pour les kits de dignité pour les femmes de 12 à 49 ans').

⁹⁸ D29-9006: [CAR-D29-0009-0978-R01](#), paras 16, 28-29. See also [REDACTED].

⁹⁹ D29-9006: [CAR-D29-0009-0978-R01](#), para. 19, see photograph of the Mosque [CAR-D29-0009-1155](#).

¹⁰⁰ D29-9006: [CAR-D29-0009-0978-R01](#), para. 28, see photograph of the Mosque [CAR-D29-0009-1156](#).

¹⁰¹ D29-9006: [CAR-D29-0009-0978-R01](#), paras 26-27 ; [REDACTED].

¹⁰² [REDACTED].

¹⁰³ [REDACTED].

¹⁰⁴ See above, paras 48, 52-53.

¹⁰⁵ See as an example for the attack on the Fatima Church in May 2014 and the subsequent worry of the Muslim population in PK5 ([CAR-D29-0002-0070](#); [CAR-D29-0009-1298](#) at 1303); see also [CAR-OTP-2120-0301](#), transcription [CAR-D29-0006-0005](#).

¹⁰⁶ See Judgment, paras 4310-4314, 4327.

Mbaïki ‘immediately’ upon being asked to do so by MISCA in the aftermath of Djido Saleh’s killing on 28 February 2014.¹⁰⁷ It also found that Mr Yekatom was involved in the removal of checkpoints along the axis following the signing of the July 2014 Brazzaville Agreement.¹⁰⁸

61. Again, as regards crimes under Counts 24/25, the withdrawal of the group from Mbaïki and the dismantling of the checkpoints should be taken into account by the Chamber in its determination of the end-point of those crimes.¹⁰⁹
62. Similarly to Bangui, several programmes assisting returnees to come back to Lobaye were launched since 2017.¹¹⁰ Documents, such UNHCR report, describe the situation in Mbaïki and Lobaye as being relatively at peace.¹¹¹ Witnesses confirmed that there is a freedom of circulation on PK9-Mbaïki axis for Muslim traders.¹¹²
63. With respect to Mbaïki, the Defence notes that three mosques are fully operational: the Baguirmi Mosque, the Yerima Mosque or Central Mosque, the Ahmadiyya Mosque located in Bombolet 3.¹¹³ The Muslim population of Mbaïki is able to practice its faith freely, including through teaching of the Quran at the madrasa of the Yerima Mosque.¹¹⁴ During Muslim festivities, local authorities and representatives of the Christian community also participate in order to demonstrate support and social cohesion.¹¹⁵ Several witnesses confirmed the good social cohesion in Mbaïki.¹¹⁶ Furthermore, a number of Muslims returned to Mbaïki following their displacement, in particular from

¹⁰⁷ See Judgment, paras 125, 3679.

¹⁰⁸ See Judgment, para. 1891, citing inter alia [CAR-OTP-2030-0243](#); P-1193: T-124, p. 31, line 25 – p. 32, line 9; T-125, p. 21, line 11 – p. 22, line 18; P-0888: T-123, p. 67, line 6 – p. 68, line 2. See also, ICC-01/14-01/18-2738-Conf, para. 358, where the OTP cited ‘missions to dismantle roadblocks along the PK9 –MBAIKI axis’.

¹⁰⁹ See also, P-0888: T-122-CONF-FRA, p. 19, line 25 to p. 24, line 27, regarding the free circulation of Muslims on the PK9-Mbaïki Axis after the events.

¹¹⁰ See footnote 97 above. See also [CAR-D29-0016-0191](#) depicting in April 2019 the Mbaïki bureau of UNHCR to facilitate returns.

¹¹¹ [CAR-D29-0005-1173](#). See also RFI article dated 10 June 2026 : [Centrafrique: après plus de 10 ans de présence, la Minusca a rétrocédé la base de Mbaïki à l'État](#).

¹¹² D29-9012: [CAR-D29-0009-1359-R01](#), para. 36. See also [REDACTED].

¹¹³ For the Yerima Mosque: [CAR-D29-0009-1369](#) and [CAR-D29-0009-1370](#) (the mosque was renovated in 2024: [CAR-D29-0008-0114](#); [CAR-D29-0016-0190](#); [CAR-D29-0002-0716](#); [CAR-D29-0002-0720](#); [CAR-D29-0010-0213](#)); for the Baguirmi Mosque: [CAR-D29-0009-1372](#) (it reopened in April 2019: [CAR-D29-0008-0113](#); [CAR-D29-0006-1492](#); [CAR-D29-0016-0192](#)) ; for the Ahmadiyya Mosque: [CAR-D29-0009-1371](#); [CAR-D29-0010-0222](#). For the identification of the Mosques see D29-9012: [CAR-D29-0009-1359-R01](#), paras 32-34.

¹¹⁴ D29-9010: [CAR-D29-0009-1215-R01](#), paras 12, 21, 24.

¹¹⁵ D29-9012: [CAR-D29-0009-1359](#), paras 28-30, 40-41 with photographs annexed as number 7 ([CAR-D29-0009-1391](#)) and number 8 ([CAR-D29-0009-1392](#)).

¹¹⁶ D29-9007: [CAR-D29-0009-1352-R01](#), para. 23 ; D29-9010: [CAR-D29-0009-1215-R01](#), para. 26 ; D29-9012: [CAR-D29-0009-1359-R01](#), paras 28-30. [REDACTED].

2017/2018 onwards¹¹⁷ in addition to newly arrived Muslims who decided to settle in Mbaïki.¹¹⁸

64. There is a diversity of situations post events that need to be taken into account as displaced individuals are now all over the world.¹¹⁹ Some people have decided not to return because they found a now better situation in their new place of residence,¹²⁰ while others preferred to come back because they had difficulties living in Bangui.¹²¹ While return is a possibility some individuals make the choice not to.
65. The Defence observations regarding Mbaïki should not be viewed in isolation. Similar considerations appear to apply to other localities along the PK9–Mbaïki axis. The Mosque in Bimon has been rebuilt¹²² and is regularly attended by worshippers from Bimon and neighbouring villages, including Kapou and Bossongo.¹²³ Community members also confirmed that a number of Muslims have returned to Bimon where they created their own association,¹²⁴ furthering the strength of social cohesion.
66. Similarly, a dozen of displaced Muslims have returned to Kapou,¹²⁵ contrary to VPRS assertion.¹²⁶ Community members consistently indicated that Kapou is now safe and that relations between Muslims and non-Muslims are peaceful, with no significant security concerns reported. They even celebrated the Tabaski,¹²⁷ an important ceremony in Islam. Muslim associations, such as the *Bureau de Prédication Islamique*, are organizing events in the Lobaye and reach villages such as Ndangala.¹²⁸
67. The Defence submits that the Chamber should likewise establish a general cut-off date after which Mr Yekatom's liability for the continuing harm suffered by displaced

¹¹⁷ D29-9012: [CAR-D29-0009-1359-R01](#), paras 16-27 with list annexed as number 5 ([CAR-D29-0009-1373](#)) and 6 ([CAR-D29-0009-1390](#)). See also [CAR-D29-0002-0708](#) at 0713 ('Vous observez le retour massif des déplacés, des réfugiés donc aujourd'hui la communauté musulmane en grand nombre à Mbaïki'). See also [REDACTED].

¹¹⁸ D29-9012: [CAR-D29-0009-1359-R01](#), para. 28 ; D29-9010: [CAR-D29-0009-1215-R01](#), para. 24.

¹¹⁹ D29-9003: [CAR-D29-0009-1120-R01](#), para. 17 ([REDACTED]) ; D29-9010: [CAR-D29-0009-1215-R01](#), paras 17-18 ([REDACTED]).

¹²⁰ D29-9002: [CAR-D29-0009-0955-R01](#), paras. 26, 31-32 (who explained that [REDACTED] is happy in [REDACTED] and does not wish to come back. Other Muslims from Mbaïki, such as [REDACTED], stay in PK5 because they found better jobs there).

¹²¹ D29-9004: [CAR-D29-0009-1172-R01](#), para. 18.

¹²² [CAR-D29-0010-0209](#); [CAR-D29-0010-0210](#); [CAR-D29-0010-0211](#); [CAR-D29-0010-0212](#); [CAR-D29-0008-0111](#).

¹²³ D29-9008: [CAR-D29-0009-1207-R01](#), para. 12; D29-9004 : [CAR-D29-0009-1174-R01](#), para. 15; D29-9005: [CAR-D29-0009-1178-R01](#), para. 19.

¹²⁴ [CAR-D29-0025-0001](#); [CAR-D29-0014-0294](#).

¹²⁵ D29-9004: [CAR-D29-0009-1172-R01](#), paras 16-18, paras 20-23, with Annex 1 [CAR-D29-0009-1177](#). See also D29-9008: [CAR-D29-0009-1207-R01](#), paras 15-17.

¹²⁶ See below, paras 99-100.

¹²⁷ D29-9008: [CAR-D29-0009-1207-R01](#), p. 1210; [CAR-D29-0009-1212](#); [CAR-D29-0009-1214](#).

¹²⁸ [REDACTED].

individuals ceases, in light of the conditions and assistance enabling individuals to return without risk for their safety. Bearing in mind all the evidence establishing a good security situation since at the very least 2017.

b. Yamwara Incident

68. The CLRV contends that the women involved in the Yamwara School base incident suffered physical harm.¹²⁹ The Defence notes that one of the woman indicated in her statement that, upon their release to the French forces they were taken to the medical unit where they were asked whether they had been beaten or mistreated and that they answered in the negative.¹³⁰ Another woman involved of this incident testified that they had not been physically hurt.¹³¹

c. Transgenerational harm

69. The Defence submits that a highly cautious approach should be adopted with respect to the recognition of transgenerational harm in the present case. Such caution militates against a presumption of transgenerational harm as developed in the dedicated section below.¹³²
70. The Defence underlines that a causal nexus must be established between a crime for which Mr Yekatom was convicted and the transgenerational harm alleged.¹³³ This nexus is of particular importance given the specific circumstances of the present case, in which the Chamber has found a plurality of factors contributing to the displacements which were not attributable to Mr Yekatom.¹³⁴
71. Moreover, the manner in which the displacements occurred needs to be taken into account as it directly impacts whether or not the parents, as direct victims, suffered trauma of nature and degree sufficient to set in motion an “intergenerational cycle of dysfunction”.¹³⁵ The Defence does not minimise the suffering of individuals who had to leave their homes. However, for transgenerational harm to be recognized, it must be

¹²⁹ CLRV Observations, para. 60 : “The women also suffered physical harm, as they were forced to undress and submitted to invasive checks inside their underwear while being gunpoint by armed men”.

¹³⁰ P-1811: [CAR-OTP-2058-0003-R05](#), para. 52.

¹³¹ P-0967: [REDACTED] : “[REDACTED]”.

¹³² See below, section e) Whether recourse to factual presumptions should be considered, paras 75-82.

¹³³ *Prosecutor v. Katanga*, Order for Reparations pursuant to Article 75 of the Statute, 24 March 2017, [ICC-01/04-01/07-3728-tENG](#), para. 134 ; *Prosecutor v. Ntaganda*, Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#), para. 182 : “(...) children of the direct victims may have suffered transgenerational trauma (...) if they can show that their harm is a result of the crimes for which Mr Ntaganda was found guilty.”

¹³⁴ See Defence Observations, para. 87 referring to Judgment, paras 3443, 3976, 3988, 4315, 4326-4327.

¹³⁵ *Prosecutor v. Ongwen*, Reparations Order, 28 February 2024, [ICC-02/04-01/15-2074](#), para. 168.

established that such suffering was of such severity that it resulted in parents “handing-down trauma by acting as violent and neglectful caretakers deforming the psyche and impacting the next generation”.¹³⁶

72. With respect to the displacement along the PK9-Mbaïki axis, it should be recalled that the Chamber found that Mr Yekatom’s advance along the axis did not lead to any combat as the Seleka retreated before his arrival.¹³⁷ Individuals left in fear of the advance,¹³⁸ but the Chamber did not find that the displacement occurred while under attack by Mr Yekatom. Individuals recently interviewed by the Defence explained that they had no particular problems themselves, but left nonetheless because of others doing so.¹³⁹ This context needs to be taken into account when assessing whether transgenerational harm can be attributed to Mr Yekatom.
73. With respect to the displacement from Boeing and Cattin, the Defence notes that those displaced were principally relocated to PK5, another neighbourhood of Bangui only a short distance away from Boeing and Cattin. In many instances, displaced persons continued to have access to the same social, cultural and religious environment, including the markets and mosques that they had frequented prior to their displacement,¹⁴⁰ particularly as PK5 has historically served as the principal commercial and religious centre for much of the Muslim community in Bangui. While the Defence does not minimise the disruption and hardship associated with displacement, the fact that many individuals remained within the same urban area and retained significant links to their pre-existing community must be taken into account when assessing the nature and extent of the harm suffered and, in particular, whether such displacement could reasonably be said to have generated transgenerational harm. The fact that people from Boeing and Cattin were mainly displaced in the neighbourhood of PK5 needs to be taken into account when assessing whether the harm suffered during such displacement could also lead to transgenerational harm.
74. Finally, the Defence notes the recent Al Hassan reparations order in which transgenerational harm was not included on the basis that: “to the extent that the Reparations Order addresses the harm of the current population in a timely manner, it

¹³⁶ *Prosecutor v. Ntaganda*, Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#), para. 73.

¹³⁷ Judgment, para. 113.

¹³⁸ Judgment, paras 4310-4316.

¹³⁹ D29-9004: [CAR-D29-0009-1172-R01](#), para. 16 ; D29-9010: [CAR-D29-0009-1215-R01](#), para. 16.

¹⁴⁰ P-2682: ICC-01/14-01/18-T-018-CONF-FRA ET, p. 10, ln. 20 to p.11, ln. 4,

thereby mitigates the harm of the next generations”.¹⁴¹ Such an approach should be replicated in the present case not only in light of the specificities described but also in view of the currently prevailing peaceful conditions in the localities of origin, which are conducive to — and indeed already facilitating — the return of displaced persons.

e. Whether recourse to factual presumptions should be considered

75. The Defence notes discrepancies between the VPRS’s and TFCV’s submissions with respect to the presumption of physical harm for displaced victims. While the VPRS advocates for such a presumption without any justification,¹⁴² the TFCV clearly states that “based on the VPRS-TFCV consultations, the TFCV considers that there is no basis to presume physical harm due to forcible transfer, deportation, and displacement in this case”.¹⁴³ In light of the more detailed submissions of the TFCV on this point, as well as cautious approach required for presumptions due to potential prejudice to the convicted person,¹⁴⁴ such presumptions must be based on objective and verifiable indicia and must remain rebuttable in light of the individual circumstances of each applicant.
76. The Defence submits that this presumption of physical harm for displaced individuals should not be adopted by the Chamber. While the Defence notes that the Ntaganda Trial Chamber presumed physical harm for victims of displacement, notably finding it ‘more likely than not that [displaced victims] who were forced to flee and hide in the bush experienced physical harm due to the harsh living conditions they had to experience [emphasis added]’¹⁴⁵, the circumstances at hand are materially distinguishable, in particular given that the diversity in displaced victims’ manner and mode of displacement¹⁴⁶ or destination(s) and living conditions¹⁴⁷ render the establishment of a presumption inappropriate.
77. The Defence recalls that the Chamber found as regard the PK9-Mbaiki axis that the RFACPP “did not meet with resistance as they passed from PK9 to Sekia and Pissa, since the Seleka had fled these areas after learning that the Anti-Balaka were approaching”.¹⁴⁸ Muslims explained that they fled in anticipation or because other

¹⁴¹ *Prosecutor v. Al Hassan*, Reparations Order, 28 April 2026, [ICC-01/12-01/18-2782](#), para. 179.

¹⁴² VPRS Observations, para. 145.

¹⁴³ TFCV Observations, para. 54.

¹⁴⁴ Defence Observations, paras 89-90.

¹⁴⁵ *Prosecutor v. Ntaganda*, Addendum to Reparations Order of 8 March 2021, ICC-01/04-02/06-2659, 14 July 2023, [ICC-01/04-02/06-2858-Red](#), paras 259-264, 267.

¹⁴⁶ See e.g. Judgment, paras 2684, 3576, 3586.

¹⁴⁷ See e.g. Judgment, paras 2679, 2686, 2693, 2701-2702, 3590-3591, 4618.

¹⁴⁸ Judgment, p. 1135.

people were leaving,¹⁴⁹ the Judgment also explaining the departure of Mbaïki through convoys organised by Chad and Congolese MISCA.¹⁵⁰

78. The Defence further notes the TFV's submissions with respect to the presumption of victimhood based on presence at the relevant locations at the relevant time, a presumption which would apply *inter alia* for displacement.¹⁵¹ The Defence submits that this presumption of victimhood should be rejected, as the language of the Judgment makes clear that it was not the entirety of the Muslim civilian population that was displaced.¹⁵²
79. Applying a blanket presumption of victimhood for displacement, founded solely on the presence at the relevant location at the relevant time, would result in individuals who fall outside the parameters of the case being deemed eligible for reparations, thereby prejudicing the rights of Mr Yekatom. Moreover, adopting such presumption of victimhood for the crime of displacement would impermissibly expand the scope of Mr Yekatom's conviction.
80. With respect to the TFV and CLRV's suggestion that a presumption of transgenerational harm be adopted,¹⁵³ in particular in relation to the charges of displacement/forcible transfer, the Defence submits that such a presumption should be rejected. The Defence recalls i) a causal nexus between the transgenerational harm and a crime for which Mr Yekatom was convicted is needed;¹⁵⁴ ii) that in the Judgment the Chamber found that multiple and overlapping factors contributed to the displacement;¹⁵⁵ and iii) that direct victims of displacement had vastly different experiences, ranging from relocation in the same city (such as individuals leaving Boeing and Cattin for PK5), to displacement in refugee camps outside of the CAR.
81. In such circumstances applying a blanket presumption of transgenerational harm to children of victims of displacement would improperly set aside the requisite causal link between a crime and the harm alleged. This would violate Mr Yekatom's right as it

¹⁴⁹ D29-9010: [CAR-D29-0009-1215-R01](#), para. 16 ; D29-9004: [CAR-D29-0009-1172-R01](#), para. 16. See also, Judgment, para. 118 "A significant proportion of the Muslim civilian population fled their towns and villages along the PK9-Mbaïki axis due to and in fear of the advance of Mr Yekatom's group".

¹⁵⁰ Judgment, paras 122-123.

¹⁵¹ TFV Observations, paras 44-45.

¹⁵² See Defence Observations, paras 91-92. See also [REDACTED] (who confirms knowing two Muslims who never left).

¹⁵³ TFV Observations, para. 59 ; CLRV Observations, para. 77.

¹⁵⁴ See above paras 69-74.

¹⁵⁵ See Defence Observations, para. 87 referring to Judgment, paras 3443, 3976, 3988, 4315, 4326-4327.

would render him personally financially liable for reparations in respect of transgenerational harm not resulting from his own conduct.

82. Finally, the Defence submits that the numerous presumptions listed by the CLRV should be rejected.¹⁵⁶ The CLRV submissions are broad, unspecific and not supported by any precise information or reference to the Judgment despite their potential significant impact on the reparations order (such as the suggestion of a “presumption of moral and transgenerational harm for the Muslim community as a whole”).¹⁵⁷ They equally lack caution required by the Court’s jurisprudence, as illustrated by their request for a presumption of psychological harm for all categories of victims.¹⁵⁸

f. Types and modalities of reparations

83. The Defence reiterates its Observations to the effect that Mr Yekatom cannot be held liable, nor be required to reimburse the TFV, for any activities whose beneficiaries are not victims of crimes for which he was convicted.¹⁵⁹
84. The TFV submits that collective reparations could benefit persons who were not directly targeted by the crimes,¹⁶⁰ and appears to advocate for the expansion of reparations outside of the parameters of the case in order to avoid creating tensions among communities.¹⁶¹ While cognizant of the practical difficulties of the TFV in limiting reparations solely to eligible victims, the Defence submits that the principle that Mr Yekatom cannot be held financially liable for harm suffered by persons who are not victims of crimes for which he was convicted should prevail.

¹⁵⁶ CLRV Observations, para. 77.

¹⁵⁷ Ibid. The Defence notes that the Al Hassan reparations order rejected such broad presumption of transgenerational harm when there is insufficient information to sustain it, see *Prosecutor v. Al Hassan*, Reparations Order, 28 April 2026, [ICC-01/12-01/18-2782](#), paras 176-177.

¹⁵⁸ *Prosecutor v. Ntaganda*, Reparations Order, 8 March 2021, [ICC-01/04-02/06-2659](#), para. 142.

¹⁵⁹ Defence Observations, para. 99.

¹⁶⁰ TFV Observations, para. 130 : “The TFV recalls that collective reparations, in particular restorative measures, may in certain circumstances also benefit persons who were not directly targeted by the crimes, provided that such measures primarily address the harm suffered by victims and are not disproportionate in nature.”

¹⁶¹ TFV Observations, para. 144: “The TFV recalls that Mr Ngaïssona has been found guilty of the war crime of destructing the adversary’s property, pursuant to Articles 8(2)(e)(xii) and 25(3)(c) of the Rome Statute, committed on 5 December 2013 and in the days thereafter in Bossangoa. To the extent that victims are able to establish ownership of the destroyed properties, the Trial Chamber could consider whether compensation for such destruction would be appropriate. The TFV notes that the estimated cost of reconstructing a house in the Bossangoa area is approximately EUR 4,000. At the same time, the TFV observes that the destruction of housing affected a significant number of displaced households, including, *inter alia*, along the PK9-Mbaiki Axis, as reflected in the VPRS 13 April 2026 Submission. Nevertheless, the TFV respectfully notes that the provision of compensation for some individuals, and not for others, may inherently create tensions among the beneficiaries of reparations in this case.”

85. To the extent that the TFV already envisages that certain reparations programmes may benefit individuals that would not qualify as eligible victims, the Defence requests the Chamber to i) order the TFV to assess for each such programme the percentage of beneficiaries who would qualify as eligible victims and the percentage who would not ; and ii) apportion the costs of the programme between a percentage for which Mr Yekatom would be financially liable (for eligible victims) and the percentage which would fall in the TFV's assistance programme (for non eligible individuals).¹⁶²

g. Estimates as to the costs to repair the harms suffered by the victims in light of the appropriate modalities for repairing them

86. Cost assessments should not be based on broad assumptions or speculative projections. Rather, they should be grounded in objective, verifiable, and context-specific data reflecting the realities of the country concerned. This is particularly important where the estimates relate to material losses or to expenses associated with administrative procedures and implementation measures. The Defence notes that reliable data exists with respect to a number of the categories of harm and costs identified by the Parties and Participants.¹⁶³ The Defence submits that, in order for Mr Yekatom's rights to be effectively respected during the reparation proceedings, the Chamber should request more information from the TFV, with respect to the basis for the costs being claimed. It is particularly concerning that neither the Chamber nor the Defence has been provided with any evidence or supporting documentation to substantiate as to how certain figures were calculated.

87. The Defence is particularly concerned by the TFV's unqualified endorsement of the sum of 100,000 euros (65.6 million FCFA) as provided to it by "[REDACTED]".¹⁶⁴ First, contrary to the TFV's submission, the Mosque was not merely "partially" reconstructed, it has been fully reconstructed and is fully operational.¹⁶⁵ Second, the sum of 100,000 euros (65.6 million FCFA) claimed is wholly disproportionate to construction costs in CAR. By way of comparison, MINUSCA constructed and fully equipped a full police station in Bangui, including IT equipment for 46 million FCFA,¹⁶⁶

¹⁶² Practically this would mean that for a program costing EUR 100,000, for which TFV estimate that 65% of beneficiaries would be eligible victims, the Chamber would clearly state in its reparations order that Mr Yekatom is only financially liable for EUR 65,000.

¹⁶³ See below, para. 92.

¹⁶⁴ TFV Observations, [REDACTED].

¹⁶⁵ See [CAR-D29-0010-0218](#); [CAR-D29-0010-0217](#); [CAR-D29-0010-0226](#).

¹⁶⁶ See [CAR-D29-0016-0181](#).

and renovated 3 classrooms and a library for 6 million FCFA.¹⁶⁷ A further point of comparison is the Ahmadiyya Mosque, which is roughly the same size as the mosque in Boeing, recently constructed in Mbaïki¹⁶⁸ at a cost of approximately 5 million FCFA.¹⁶⁹

88. This gross overestimation of the sum required for the Boeing Mosque renovation exemplifies the need for independent quotes and supporting documents to be provided in respect of all sums required. Significant infrastructure projects should entail the provision of a detailed breakdown of costs and the submission of concrete supporting quotes. This should equally apply for the proposed “psychological and psychosocial” centre suggested by the TFV at an estimate cost of 200,000 euros (approximately 131.2 million FCFA).¹⁷⁰ Whilst deferring to the Chamber’s discretion, the Defence notes i) that the CPS rejected such a project in a previous judgment finding that such construction are the prerogative of the state,¹⁷¹ and ii) that the TFV does not justify the need for such a construction rather than making use of an existing one.
89. Further the Defence remains concerned by the significant discrepancies between the monetary figures put forward by the TFV, VPRS and CLRV with respect to the sums requested by victims. CLRV refers sum between 1,600 to 2,000 euros per victim,¹⁷² TFV refers to requests ranging between 1,067 and 4,573 euros (700,000 to 3 million FCFA),¹⁷³ while the VPRS refers to requests by women of between 7,600 to 12,195 euros (5 to 8 million FCFA) and by men between 15,244 to 22,867 euros (10 to 15 million FCFA).¹⁷⁴ Should the Chamber determine that cash payments to victims are warranted, it should request more detailed information with respect to the appropriate quantum.

¹⁶⁷ See [CAR-D29-0016-0183](#).

¹⁶⁸ See [CAR-D29-0009-1358](#).

¹⁶⁹ D29-9007: [CAR-D29-0009-1352-R01](#), para. 17.

¹⁷⁰ TFV Observations, para. 166.

¹⁷¹ See [Jugement n° 001-2023 sur les interets civils affaire parquet special contre issa sallet adoum et consorts](#), para. 166 : ‘La Section considère que l’opportunité de construire de telles infrastructures relève de la politique générale de l’État centrafricain qui n’est pas partie à la procédure’. The Appeals Chamber identified no error in the Trial Chamber’s rejection of the request. It nevertheless noted that the construction of a health centre may, in principle, constitute an appropriate measure for reparations, such a request requires supporting evidence specifying the precise nature of the measure sought, its nexus to the crime, and the practical and financial arrangements necessary for its implementation. No such evidence was presented by the victims’ representatives. [Arrêt n13 relatif à l’appel interjeté contre le jugement n001-2023 du 16 juin 2023 de la Première Section d’Assises](#), paras 205-208.

¹⁷² CLRV Observations, para. 79.

¹⁷³ TFV Observations, para. 68.

¹⁷⁴ VPRS Observations, para. 152.

90. The Defence further notes that the TFV has provided estimates as to the cost of various items without, however, providing any supporting documentation or justification.¹⁷⁵ Certain figures do not correlate with the information collected by the Defence. By way of example, the TFV refers to a cost of 50 euros (32,797 FCFA) for a basic medical check-up, while ICASEES documentation indicates that the actual cost is closer to 10 euros (6,684 FCFA).¹⁷⁶ It is furthermore unclear from the TFV's submissions as to what "more complex treatment" encompasses; accordingly it is difficult to provide the Chamber with detailed submissions on the appropriateness of such figures.
91. In any event, it is unclear how such costs can automatically be attributed to Mr Yekatom. Regardless of the crimes for which he was convicted, individuals ordinarily incur medical expenses and routine healthcare costs throughout their lives. Only medical expenses resulting from harm causally linked to the crimes underlying Mr Yekatom's convictions—and, where applicable, the resulting displacement—may properly be considered for reparations purposes. The Defence therefore submits that such costs cannot be presumed and must be supported by evidence establishing both the existence of the expense and its causal connection to the harm for which reparations are sought.
92. The same ICASEES document provide an average of school costs for both public and private institutions, which could also assist the Chamber.¹⁷⁷ In the same vein, in light of the TFV's proposal to facilitate access to identity documents as part of the reparations programme,¹⁷⁸ the Defence provides in annex official documentation as regard to the cost of various ID documents.¹⁷⁹
93. In conclusion, the Defence submits that proper documentation, including independent quotes, is necessary for the Chamber to properly exercise its functions in the reparations order, which ultimately will determine the extent of Mr Yekatom financial liability.

h. Information as to whether the victims of the crimes for which Mr Yekatom and Mr Ngaïssona were convicted have received any form of compensation or reparations for the harm suffered as a result of these crimes

¹⁷⁵ TFV Observations, para. 166.

¹⁷⁶ [CAR-D29-0014-0296](#). The Defence added Coût de Consultation d'un généraliste, Coût d'analyse d'urine, Coût d'analyse de sang. Other documents indicates substantially lower costs : See also [CAR-D29-0001-1805](#); [CAR-D29-0001-1814](#); [CAR-D29-0001-1819](#).

¹⁷⁷ See [CAR-D29-0014-0296](#); [CAR-D29-0014-0298](#); [CAR-D29-0014-0299](#). See also D29-9008: [CAR-D29-0009-1207-R01](#), paras 18-19 as regarding the cost for primary school in KAPOU being 6750 FCFA for children between Cours Préparatoire (CP) and Cours Moyen 2 (CM2).

¹⁷⁸ TFV Observations, para. 75.

¹⁷⁹ [CAR-D29-0001-0651](#); [CAR-D29-0001-1121](#).

94. The Defence refers to its original Observations¹⁸⁰ and supports the TFV's approach of ensuring no over-compensation and avoiding duplicating support.¹⁸¹

i. Any considerations the Chamber should take into account when assessing liability for reparations of each of the convicted persons with respect to the crimes for which both Mr Yekatom and Mr Ngaïssona were convicted

95. The Defence relies on its previous submissions¹⁸² and notes that the Trust Fund for Victims has accurately set out the applicable legal framework and jurisprudence governing the allocation of reparations liability in cases involving multiple convicted persons.¹⁸³

96. In addition, the Defence strongly contests the Prosecution's claim that Mr Yekatom's culpable conduct reflects a high degree of responsibility and that liability should reflect the breadth and lasting nature of the harm "in a broader campaign to inflict great suffering".¹⁸⁴ The Defence submits, to the contrary, that proportionality cannot be determined by reference to broad characterisations of a campaign but only by reference to harm causally linked to the convictions and to Mr. Yekatom's individual conduct. The Defence observations reiterates the necessary causal nexus.

j. Information about the numbers of the members of the Muslim population residing at the relevant time in: (i) Bangui, notably in the neighbourhoods of Boeing and Cattin, (ii) the town of Bossangoa, including the Boro neighbourhood, and (iii) the villages along the PK9-Mbaïki axis

97. As regard the villages along the PK9-Mbaïki axis the Defence obtained information from ICASEES¹⁸⁵ regarding the population of the following villages in 2013:

- Ndangala: 5877 inhabitants
- Kapou: 4563 inhabitants
- Bimon: 4753 inhabitants
- Bossongo: 4200 inhabitants
- Pissa: 21794 inhabitants
- Mbaïki: 20082 inhabitants

¹⁸⁰ Defence Observations, para. 108.

¹⁸¹ TFV Observations, para. 196.

¹⁸² Defence Observations, paras 109-114.

¹⁸³ TFV Observations, paras 207-210.

¹⁸⁴ OTP Observations, para. 27.

¹⁸⁵ [CAR-D29-0014-0296](#).

98. While the Defence will not address every village along the axis, as the limited duration of its missions did not permit a detailed assessment of each locality, the information gathered raises serious questions as to the accuracy and reliability of the figures presented by the VPRS and suggests that they may be overly generalised or insufficiently supported by current facts on the ground.
99. As regard to Kapou, the VPRS states that the Muslim community consisted of approximately 100 to 200 households prior to the events,¹⁸⁶ with 8 to 10 persons per households which means a total of between 800 to 2000 Muslims. These numbers do not align with the total population of around 4500 inhabitants. Nor does it align with the statement of the [REDACTED] who indicated that there were around 40 to 45 Muslims in Kapou 1 before the events, and that he knew of only one Muslim in Kapou 2.¹⁸⁷
100. In addition, the Defence obtained the following information as regard the population of Kapou in 2026,¹⁸⁸ after the latest national census RGPH4: total population 7209 inhabitants with 2% of Muslim faith (around 144 individuals). The Defence notes that VPRS mentions that 0 Muslim households returned to Kapou,¹⁸⁹ which is inaccurate. One such witness,¹⁹⁰ also provided a list and information on more than a dozen other returnees.¹⁹¹
101. In conclusion, with respect to the number of Muslims in the relevant areas of the case, the recent RGPH4 census conducted included the collection of the religion of each inhabitants as well as the reason for any change of residence, which include militaro-political crisis or “conflit intercommunautaire”.¹⁹² The Defence will continue to engage with the authorities in order to obtain the detailed information for the relevant location.

k. Any additional information relevant for reparations

102. The Defence informs the Chamber that it has ongoing requests for assistance with numerous parties [REDACTED]. The Defence hopes to continue receiving relevant information and to transmit it to the Chamber, Parties and Participants in advance of the hearing scheduled on 1 October 2026.¹⁹³

¹⁸⁶ VPRS Observations, para. 91.

¹⁸⁷ D29-9004: [CAR-D29-0009-1172-R01](#), para. 14. As regard Kapou 2 see also D29-9005: [CAR-D29-0009-1178-R01](#), para. 12.

¹⁸⁸ D29-6025: [CAR-D29-0009-1220-R01](#), paras 46-50 with Annex 6 [CAR-D29-0009-1296](#).

¹⁸⁹ VPRS Observations, para. 98.

¹⁹⁰ D29-9004: [CAR-D29-0009-1172-R01](#), paras 16-18.

¹⁹¹ D29-9004: [CAR-D29-0009-1172-R01](#), paras 20-23, with Annex 1 [CAR-D29-0009-1177](#).

¹⁹² [REDACTED].

¹⁹³ ICC-01/14-01/18-2915.

CONFIDENTIALITY

103. The present Observations and its Annex are filed on a confidential basis due to references to confidential information. A Public Redacted Version will be filed forthwith.

RELIEF SOUGHT

104. The Defence respectfully requests Trial Chamber V to take into account the above Observations when ruling on its Order on Reparations and :

- **DIRECT** that there is no undue expansion of Mr Yekatom's liability when examining the application of potential eligible victims and the award;
- **DIRECT** that the Defence is provided with adequate access to the relevant application, including identification, materials;
- **DIRECT** that any presumptions are properly limited in accordance with the parameters set out in paragraphs 75-82;
- **APPLY** a general temporal end-point for displacement crimes;
- **DIRECT** the Parties and Participants to provide independent and verifiable quotes for any cost assessment to repair the harms suffered by the victims; and
- **INVITE** the CAR Government to provide the Chamber with relevant, recent and official data collected by CAR government authorities for estimating the number of potentially eligible victims (including census and demographic data for the localities of the charges).

RESPECTFULLY SUBMITTED ON THIS 24th DAY OF SEPTEMBER 2026 ¹⁹⁴



Me Mylène Dimitri
Lead Counsel for Mr. Yekatom

Dated 24 September 2026

At The Hague, the Netherlands

¹⁹⁴ The Defence thanks legal interns Noemi Martin and Julia Brown for their precious assistance and legal research in the preparation of this Response.