



Original: English

No. ICC-01/14

Date (original): 7 January 2019

Date (public redacted version): 28 July 2022

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

Public

Public Redacted Version of 'Warrant of Arrest for Mahamat Nouradine
Adam', 7 January 2019, ICC-01/14-41-US-Exp

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

The Office of the Prosecutor
Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar
Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

JUDGE ROSARIO SALVATORE AITALA, acting as Single Judge on behalf of Pre-Trial Chamber II (the “Chamber”) of the International Criminal Court (the “Court” or “ICC”),¹ issues this warrant of arrest pursuant to article 58(1) of the Rome Statute (the “Statute”) for

Mahamat Nouradine ADAM

also known as “Nouredine Adam”, “Nourredine Adam”, “Nureldine Adam”, “Nourredine Adam” and “Nourreddine Adam”, a national of the Central African Republic (“CAR”), born between 1969 and 1971 in Ndele, the CAR, former Minister of Security, Emigration, Immigration and Public Order (“Minister for Security”) between 31 March and 22 August 2013, founder of the *Convention des Patriotes pour la Justice et la Paix – Fondamentale* (“CPJP-F”).² His last passport number is “D00001184”.³

I. Procedural History

1. On 30 May 2014, the Government of the CAR referred the situation in the CAR since 1 August 2012 to the Court.⁴
2. On 30 October 2018, the Prosecutor submitted under seal, *ex parte*, the application for the issuance of a warrant of arrest (the “Application”) for Mahamat Nouradine Adam (“Adam”) for the following crimes within the Court’s jurisdiction committed in Bangui, at the *Office Central de Répression du Banditisme* (Central Office for the Repression of Banditry; “OCRB”) and the *Comité Extraordinaire pour la Défense des Acquis Démocratiques* (Extraordinary Committee for the Defence of Democratic Achievements; “CEDAD”), between at least 12 April 2013 and at least 27 November 2013 (the “Relevant Period”) by persons belonging to the militia group known as the “Seleka”.⁵

¹ Pre-Trial Chamber II, Decision designating a Single Judge, 6 December 2018, ICC-01/14-30-US-Exp.

² CAR-OTP-2001-0984 at 0984; CAR-OTP-2005-0404; CAR-OTP-2005-0368; CAR-OTP-2075-0812 at 0817; CAR-OTP-2001-5739 at 5752, 5753.

³ CAR-OTP-2011-0850 at 0855.

⁴ The letter is annexed to the decision assigning the situation to the Chamber; *see* Presidency, Decision Assigning the Situation in the Central African Republic II to Pre-Trial Chamber II, 18 June 2014, ICC-01/14-1-Anx1.

⁵ ICC-01/14-19-US-Exp, together with 7 under seal, *ex parte* annexes.

- (i) imprisonment or other severe deprivation of physical liberty (article 7(1)(e) of the Statute);
- (ii) torture (articles 7(1)(f) and 8(2)(c)(i) of the Statute);
- (iii) persecution (article 7(1)(h) of the Statute);
- (iv) other inhuman acts (article 7(1)(k) of the Statute); and
- (v) cruel treatment (article 8(2)(c)(i) of the Statute).⁶

3. On 23 November 2018, upon request by the Chamber,⁷ the Prosecutor submitted additional information regarding the Application.⁸

II. Jurisdiction and Admissibility

4. The Single Judge finds that, pursuant to article 19(1), first sentence, of the Statute, on the basis of the materials submitted and without prejudice to future determinations on the matter, the case against Adam falls within the jurisdiction of the Court.⁹ The Single Judge is satisfied that the incidents described in the Application amount to crimes against humanity and war crimes that have taken place after 1 August 2012 on the territory of the CAR (article 12(2)(a) of the Statute) and were associated with the conflict underlying the referral of the CAR Government.

5. The Single Judge declines, at this stage, to use his discretionary *proprio motu* power pursuant to article 19(1), second sentence, of the Statute¹⁰ to determine the admissibility of the case against Adam as there is no ostensible cause or self-evident factor which impels him to do so.

III. Requirements of Article 58(1) of the Statute

1. *Whether Adam has committed a crime under the jurisdiction of the Court (Article 58(1)(a) of the Statute)*

6. **The Conflict and Armed Groups Involved.** Dissatisfied with the government of the then President François Bozizé, an armed movement by the name

⁶ ICC-01/14-19-US-Exp, paras 2(a), 171.

⁷ Pre-Trial Chamber II, Order for Additional Information, 14 November 2018, ICC-01/14-25-US-Exp.

⁸ ICC-01/14-29-US-Exp, with 7 under seal, *ex parte* annexes.

⁹ Appeals Chamber, *Prosecutor v Thomas Lubanga Dyilo*, Judgment on the Appeal of Mr. Thomas Lubanga Dyilo against the Decision on the Defence Challenge to the Jurisdiction of the Court pursuant to article 19(2)(a) of the Statute of 3 October 2006, 14 December 2006, ICC-01/04-01/06-772, paras 21-22.

¹⁰ Appeals Chamber, *Situation in the Democratic Republic of the Congo*, Judgment on the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled "Decision on the Prosecutor's Application for Warrants of Arrest, Article 58", 13 July 2006, ICC-01/04-169, paras 1-2, 52.

of “Seleka”,¹¹ emerged around August 2012 in north-eastern CAR.¹² Led by Michel Djotodia, the Seleka consisted of a coalition of several previously uncoordinated political factions and armed groups, including the CPJP-F, predominantly composed of Muslims, which were formed years before to resist the government forces when François Bozizé seized power in 2003.¹³ In the course of time Sudanese and Chadian nationals also joined the fighters.¹⁴ From late 2012 to early 2013, the Seleka advanced southwards towards the capital, Bangui, attacking police stations, occupying military bases, capturing various towns and regional capitals, and targeting those suspected to support François Bozizé.¹⁵ Notwithstanding a cease-fire agreement signed on 11 January 2013 in Libreville, Gabonese Republic,¹⁶ senior Seleka commanders planned to attack Bangui and made a coordinated military advance down two axes: Sibut-Damara and Bossangoa-Bossembélé-Boali.¹⁷ The Seleka captured Bangui on 24 March 2013 with the use of heavy weaponry, including mounted machine guns, mortars and rocket-propelled grenades.¹⁸ François Bozizé was forced into exile in the Republic of Cameroon and Michel Djotodia proclaimed himself President of the CAR.¹⁹

7. After the taking of Bangui in March 2013, forces loyal to the former government, including members of the *Forces Armées Centrafricaines* (“FACA”), continued to display some resistance. Fire exchanges took place between the pro-Bozizé forces and the Seleka²⁰ over the ensuing months, with both sides

¹¹ “Seleka” means “coalition” or “alliance” in the Sango language; see CAR-OTP-2001-2890 at 2897.

¹² CAR-OTP-2001-2769 at 2831; CAR-OTP-2001-1976 at 1989; CAR-OTP-2001-7017 at 7067, paras 167-168; CAR-OTP-2034-0104 at 0110, para. 26.

¹³ CAR-OTP-2001-5739 at 5751-5753; CAR-OTP-2075-0812 at 0816-0817.

¹⁴ CAR-OTP-2001-2769 at 2777, 2832-2835; CAR-OTP-2001-1976 at 1989-1990; CAR-OTP-2001-5739 at 5751-5753; CAR-OTP-2001-7017 at 7034, para. 44, at 7067, paras 167-168; CAR-OTP-2034-0104 at 0113, para. 51.

¹⁵ CAR-OTP-2001-5739 at 5759; CAR-OTP-2034-0104 at 0113, paras 51-52; CAR-OTP-2084-0191 at 0196, para. 22; CAR-OTP-2017-0036 at 0042-0043, paras 33-35; CAR-OTP-2017-0835 at 0837-0838, para. 13; CAR-OTP-2001-0172 at 0180-0182.

¹⁶ CAR-OTP-2001-0742; CAR-OTP-2001-7017 at 7067.

¹⁷ CAR-OTP-2094-0002 at 0006-0007; see also ICC-01/14-29-US-Exp, Annex 7.

¹⁸ CAR-OTP-2001-5739 at 5759; CAR-OTP-2034-0270 at 0271-0272, paras 8-12; CAR-OTP-2017-0835 at 0838, paras 14-15; CAR-OTP-2018-0530 at 0534-0535, paras 26-29; CAR-OTP-2001-2890 at 2898-2899; CAR-OTP-2001-0172 at 0176, para. 9.

¹⁹ CAR-OTP-2017-0835 at 0838, para. 14; CAR-OTP-2069-0398 at 0402, para. 24; CAR-OTP-2034-0270 at 0271-0272, paras 12-13; CAR-OTP-2001-2890 at 2899.

²⁰ By 10 July 2014, the Seleka split in various ex-Seleka groups; CAR-OTP-2027-1631 at 1645; CAR-OTP-2091-0480; CAR-OTP-2001-5055.

employing heavy weapons.²¹ The Seleka expected counter-attacks and strengthened their security efforts.²² The number of Seleka members increased from approximately 5,000 to 15,000-20,000.²³ The number of international troops of the *Force Multinationale des États d'Afrique Centrale*, which had been deployed under the *Mission de consolidation de la paix en Centrafrique*, also increased from 600 to 2000.²⁴

8. The Seleka began to conduct search operations, looking for weapons and FACA members, in areas of Bangui considered to be supportive of François Bozizé, such as the 4th *arrondissement* – in particular the Boy Rabe neighbourhood – and the 7th *arrondissement*.²⁵ In the course of these operations, Seleka members killed an unknown number of residents.²⁶ Some – mostly men – were shot in the back as they were running away.²⁷ Others were killed in their homes, including a pregnant woman²⁸ and family members of FACA soldiers (as a form of punishment).²⁹ Women and girls were raped and gang raped in front of their children or parents; some died as a result of their injuries.³⁰ Houses were systematically looted.³¹ The Seleka used members of the local population, known as *indicateurs*, to identify the houses of perceived supporters of François Bozizé (such as (retired) military men, gendarmes, policemen, civil servants or relatives of François Bozizé).³² Notably, Muslims and Muslim houses were spared.³³

9. Suspected supporters of François Bozizé were also arrested or kidnapped, some of whom were later either killed, or imprisoned and tortured at Seleka bases or

²¹ CAR-OTP-2032-0753 at 0762-0763, 0775; CAR-OTP-2074-2965, 2971; CAR-OTP-2034-3627 at 3633; CAR-OTP-2027-2535 at 2541.

²² CAR-OTP-2019-3348 at 3388.

²³ CAR-OTP-2019-3348 at 3380, para. 251, at 3405, para. 482; CAR-OTP-2001-1102 at 1103, para. 5.

²⁴ CAR-OTP-2001-2890 at 2899.

²⁵ CAR-OTP-2032-0753 at 0758-0762, 0766-0772, 0780; CAR-OTP-2027-2535 at 2540; CAR-OTP-2039-0133 at 0137, 0139; CAR-OTP-2053-0359 at 0363.

²⁶ CAR-OTP-2027-2535 at 2541, 2552; CAR-OTP-2032-0753 at 0762-0763, 0769-0771; CAR-OTP-2039-0133 at 0139.

²⁷ CAR-OTP-2027-2535 at 2545; CAR-OTP-2032-0753 at 0767.

²⁸ CAR-OTP-2027-2535 at 2561; CAR-OTP-2032-0753 at 0769; CAR-OTP-2079-0315 at 0322.

²⁹ CAR-OTP-2039-0133 at 0137.

³⁰ CAR-OTP-2027-2535 at 2541, 2545, 2552; CAR-OTP-2032-0753 at 0762, 0767, 0770-0771; CAR-OTP-2079-0315 at 0321.

³¹ CAR-OTP-2027-2535 at 2541, 2544; CAR-OTP-2032-0753 at 0762-0763, 0770-0773; CAR-OTP-2039-0133 at 0139-0140; CAR-OTP-2053-0359 at 0363; CAR-OTP-2079-0315 at 0319-0320; CAR-OTP-2013-0557 at 0566.

³² CAR-OTP-2032-0753 at 0767; CAR-OTP-2027-2535 at 2547.

³³ CAR-OTP-2032-0753 at 0759, 0768-0769, 0771; CAR-OTP-2079-0315 at 0319-0320.

detention sites such as the OCRB and the CEDAD.³⁴ The OCRB was a pre-existing unit of the CAR national police.³⁵ While career police officers were stationed there,³⁶ individuals subordinate to Adam and belonging to the Seleka were in charge of the security of the entire complex.³⁷ As a matter of fact, career police officers did not exercise authority and were not asked to participate in operational activities.³⁸ They were rather perceived as “figure-heads”.³⁹ While career police officers would stay at the OCRB during working hours in the day, Seleka members would also spend the night in the compound,⁴⁰ and would conduct operations then, without the participation of career police officers.⁴¹ [REDACTED],⁴² while the highest ranking Seleka stationed there – including Muhamat Said Abdel Kani, Adam’s immediate subordinate – would report directly to him.⁴³ The Seleka members and the career police officers wore different uniforms.⁴⁴

10. The CEDAD was created by presidential decree on 25 May 2013 to serve as an intelligence bureau for Michel Djotodia’s new government.⁴⁵ On 22 August 2013, when a new Minister for Security was nominated, Adam was appointed director general of the CEDAD with the rank of minister, per presidential decree.⁴⁶ Contrary to its mandate, the CEDAD under Adam was used as a Seleka base⁴⁷ and a covert detention facility. It was organised in a manner similar to the OCRB.⁴⁸ There were career policemen at the CEDAD but they did not exercise any power, were instructed separately and had only administrative functions or roles in intelligence gathering. Unlike the Seleka, they had no weapons.⁴⁹

³⁴ CAR-OTP-2027-2535 at 2548, 2552, 2557-2560; CAR-OTP-2032-0753 at 0762-0763, 0767, 0770-0771, 0773, 0775-0776; CAR-OTP-2042-4731 at 4735-4737; CAR-OTP-2025-0566 at 0572-0585; CAR-OTP-2015-0010 at 0013-0017.

³⁵ CAR-OTP-2068-0244 at 0246-0247.

³⁶ CAR-OTP-2084-0191 at 0203.

³⁷ CAR-OTP-2084-0191 at 0203.

³⁸ CAR-OTP-2068-0244 at 0261; CAR-OTP-2053-0359 at 0372.

³⁹ CAR-OTP-2084-0191 at 0203.

⁴⁰ CAR-OTP-2055-0137 at 0142.

⁴¹ CAR-OTP-2068-0244 at 0256-0257.

⁴² CAR-OTP-2068-0244 at 0255.

⁴³ CAR-OTP-2043-0536 at 0541.

⁴⁴ CAR-OTP-2084-0191 at 0203.

⁴⁵ CAR-OTP-2005-0375.

⁴⁶ CAR-OTP-2005-0369 at 0370; CAR-OTP-2005-0368.

⁴⁷ CAR-OTP-2023-0621 at 0627.

⁴⁸ CAR-OTP-2084-0191 at 0212.

⁴⁹ CAR-OTP-2023-0621 at 0626, 0628, 0632; CAR-OTP-2083-0003 at 0016.

11. Further mistreatment and killings of civilians was reported in other locations. For example, on or about 13 July 2013, a group of about 12 young men were arrested and detained at *Camp de Roux* after the Seleka found Bozizé t-shirts in their possession. Their bodies were found three days later in the Oubangui River.⁵⁰ Others were detained in containers for long periods of time (for example, at *Camp des Sapeurs Pompiers*, sometime before 23 August 2013),⁵¹ or cattle trucks (in July-August 2013, about 30 people were kept in a cattle truck, some for more than a month, with at least 3 dying inside).⁵² These and other similar acts of violence allegedly resulted in thousands of residents fleeing their homes.⁵³

12. The Seleka targeted the civilian population based on religious grounds (Christians were considered to support the former Bozizé government),⁵⁴ affiliation with the former government (such as government employees),⁵⁵ ethnicity (the Gbaya tribe François Bozizé was from),⁵⁶ or location (specific neighbourhoods were considered as generally being supportive of François Bozizé).⁵⁷ The Seleka accused the persons falling within these categories of supporting François Bozizé⁵⁸ or “planning a coup” against the Seleka⁵⁹ – irrespective of any proof – in order to justify harassing,⁶⁰ detaining⁶¹ or torturing⁶² them or simply extorting money from them.⁶³

13. To carry out the above-mentioned crimes, the Seleka made use of existing State infrastructure and part of the State apparatus after they captured Bangui. However, the Seleka leadership made sure that only persons considered being supportive of the Seleka were in positions of effective power.⁶⁴ Where necessary, they established structures which side-lined the existing institutions in order to guarantee full control by the pro-Seleka, for instance in the detention centres controlled by

⁵⁰ CAR-OTP-2023-0728 at 0735; CAR-OTP-2032-0703 at 0710.

⁵¹ CAR-OTP-2025-0566 at 0577.

⁵² CAR-OTP-2036-0410 at 0427-0428.

⁵³ CAR-OTP-2027-2535 at 2553; CAR-OTP-2032-0753 at 0780.

⁵⁴ CAR-OTP-2043-0536 at 0546.

⁵⁵ CAR-OTP-2053-0359 at 0362; CAR-OTP-2083-0003 at 0006, 0007; CAR-OTP-2019-3348 at 3388.

⁵⁶ CAR-OTP-2019-3348 at 3383, 3391.

⁵⁷ CAR-OTP-2013-0557 at 0566; CAR-OTP-2053-0359 at 0363, para. 22.

⁵⁸ CAR-OTP-2023-1339 at 1343; CAR-OTP-2053-0359 at 0374.

⁵⁹ CAR-OTP-2013-0557 at 0568, 0570.

⁶⁰ CAR-OTP-0253-0359 at 0370.

⁶¹ CAR-OTP-2068-0244 at 0262.

⁶² CAR-OTP-2083-0003 at 0037.

⁶³ CAR-OTP-2023-1339 at 1346; CAR-OTP-0253-0359 at 0370.

⁶⁴ See also paras 9, 10 and 19.

them,⁶⁵ or in the organisation of operations against neighbourhoods in Bangui and the control of public authority.⁶⁶ Further, the Seleka commanders occupied bases across Bangui, where they stationed – and from where they commanded – their subordinates. Among the most prominent were: the OCRB and later the CEDAD, commanded by Adam;⁶⁷ *Camp de Roux*, where Michel Djotodia was based;⁶⁸ *Sapeurs Pompiers*;⁶⁹ Camp BSS;⁷⁰ and Camp Kassai.⁷¹ Commanders from different Seleka bases coordinated and cooperated in carrying out operations such as, for instance, those conducted in Boy Rabe,⁷² or in arranging the transfer of prisoners between the different Seleka bases.⁷³

14. In the meantime and in response to the 24 March 2013 *coup*, various members of François Bozizé’s inner circle organised a pro-Bozizé countermovement, composed of FACA and former *Garde Présidentielle* members as well as pre-existing and new self-defence groups.⁷⁴ The latter were gathered in Gobere, north of Bossangoa, in western CAR and organised into a military-like structure.⁷⁵ The movement came to be known as “Anti-Balaka”.⁷⁶ Their objectives were to (i) remove Michel Djotodia from power, defend against and oust the Seleka from the CAR;⁷⁷ and (ii) target the Muslim population in western CAR in retribution for the crimes and the abuses committed by the Seleka.⁷⁸

⁶⁵ CAR-OTP-2084-0191 at 0203, 0204.

⁶⁶ CAR-OTP-2043-0536 at 0541.

⁶⁷ See paras 9, 10 and 19.

⁶⁸ CAR-OTP-2064-0137 at 0143-0144.

⁶⁹ CAR-OTP-2073-0568 at 0574.

⁷⁰ CAR-OTP-2040-0811 at 0820.

⁷¹ CAR-OTP-2053-0359 at 0363.

⁷² CAR-OTP-2025-0566 at 0571.

⁷³ CAR-OTP-2084-0191 at 0206.

⁷⁴ CAR-OTP-2074-2021 at 2052-2059; CAR-OTP-2001-5739 at 5782; CAR-OTP-2001-7017 at 7086-7087, paras 281-285; CAR-OTP-2061-1534 at 1540, paras 32-36, at 1546-1547, paras 84-87; CAR-OTP-2027-2290 at 2292-2295, paras 15-35; CAR-OTP-2001-0835 at 0875, para. 2.

⁷⁵ CAR-OTP-2031-0241 at 2846-0248, paras 28-39; CAR-OTP-2046-0603 at 0608-0609, paras 31-34; CAR-OTP-2072-1849 at 1850-1860; CAR-OTP-2041-0802; CAR-OTP-2041-0783.

⁷⁶ “Anti-Balaka” stands for “anti-machete” in the Sango language or “anti-bal-AK47”, meaning against the bullets of an AK-47; see CAR-OTP-2001-2769 at 2825; CAR-OTP-2031-0241 at 0244, para. 22.

⁷⁷ CAR-OTP-2061-1534 at 1540, para. 35, at 1546-1547, paras 84-87; CAR-OTP-2046-0603 at 0608, para. 31; CAR-OTP-2062-0039 at 0043, para. 28; CAR-OTP-2074-2021 at 2058-2059; CAR-OTP-2001-7017 at 7086, para. 282; CAR-OTP-2080-1678 at 1699-1799, lines 699-747.

⁷⁸ CAR-OTP-2088-1179 at 1181, 1194; CAR-OTP-2089-0056; see also CAR-OTP-2080-1678 at 1707, lines 985-1012.

15. By September 2013, Anti-Balaka groups were engaged in hostilities against the Seleka in western CAR, starting in Bossangoa, spreading east to Bouca and then south to Bossemptélé, Bossembélé and Boali.⁷⁹ Even though the Seleka movement was officially disbanded by Michel Djotodia by presidential decree on 12 September 2013, it continued to exist and to engage in hostilities with the Anti-Balaka.⁸⁰ Hostilities culminated in an attack on Bangui on 5 December 2013 (the “5 December 2013 Bangui Attack”).⁸¹ Various Anti-Balaka groups, comprising about 1,000 armed men, joined efforts and attacked Bangui from different directions, using heavy weapons, assault rifles and machetes.⁸² On the same day, Anti-Balaka elements attacked Bossangoa.⁸³ The 5 December 2013 Bangui Attack was not immediately successful⁸⁴ and sparked a cycle of violent reprisals by the Seleka and the Anti-Balaka in various neighbourhoods in Bangui and throughout western CAR against civilians perceived as supporting the other side.⁸⁵ An estimated 1,000 persons were killed in Bangui alone in the day following the 5 December 2013 Bangui Attack.⁸⁶ Eventually, on 10 January 2014, Michel Djotodia resigned and the Seleka forces retreated to the north and east of the CAR.⁸⁷ A transitional government under interim President Catherine Samba-Panza took office.⁸⁸

16. In the light of the foregoing, the Single Judge finds reasonable grounds to believe⁸⁹ that an armed conflict not of an international character was ongoing on the territory of the CAR from at least March 2013 until at least January 2014 between the Seleka and the movement which during the relevant time became the Anti-Balaka

⁷⁹ CAR-OTP-2046-0603 at 0608-0609, paras 34-35; CAR-OTP-2001-0835 at 0875, para. 1; CAR-OTP-2001-7017 at 7035, para. 46; CAR-OTP-2031-0241 at 0250; CAR-OTP-2034-4641 at 4641-4642; CAR-OTP-2075-0906 at 0907.

⁸⁰ CAR-OTP-2001-0391 at 0394, para. 7; CAR-OTP-2001-2123 at 2125.

⁸¹ CAR-OTP-2001-0409 at 0409, para. 3; CAR-OTP-2001-0391 at 0394, para. 12.

⁸² CAR-OTP-2001-2769 at 2799; CAR-OTP-2001-0409 at 0409, para. 3; CAR-OTP-2001-2769 at 2776; CAR-OTP-2061-1534 at 1562, paras 180-181, at 1564, paras 189-191; CAR-OTP-2027-1631 at 1648; CAR-OTP-2027-2290 at 2297.

⁸³ CAR-OTP-2031-0241 at 0251-0252; CAR-OTP-2001-5739 at 5788.

⁸⁴ CAR-OTP-2001-2769 at 2802; CAR-OTP-2001-5739 at 5788.

⁸⁵ CAR-OTP-2001-2769 at 2800-2801; CAR-OTP-2001-0409 at 0409-0410, paras 3, 7; CAR-OTP-2001-0329 at 0329, paras 2-3; CAR-OTP-2001-0310 at 0310-0312.

⁸⁶ CAR-OTP-2001-0310 at 0310; CAR-OTP-2001-2769 at 2800.

⁸⁷ CAR-OTP-2001-4199; CAR-OTP-2001-0409 at 0410-0411, paras 8-9; CAR-OTP-2001-5739 at 5789.

⁸⁸ CAR-OTP-2025-0372 at 0374; CAR-OTP-2001-0835 at 0866, para. 17.

⁸⁹ See Pre-Trial Chamber III, *Prosecutor v Jean-Pierre Bemba Gombo*, Decision on the Prosecutor’s Application for a Warrant of Arrest against Jean-Pierre Bemba Gombo, 10 June 2008, ICC-01/05-01/08-14-tENG, para. 24.

consisting of forces loyal to the former government, such as the FACA, former *Garde Présidentielle* members and self-defence groups.⁹⁰ The Single Judge finds that there are reasonable grounds to believe that the Seleka and the Anti-Balaka qualify as armed groups within the meaning of article 8(2)(f) of the Statute, since, as the case may be, (i) they exhibit a sufficient degree of organisation, with commanders controlling militants within their respective bases, (ii) orders were circulated down the chain of command and were obeyed by subordinates, and (iii) they possessed military equipment, including firearms and heavy weapons, and had the ability to plan military operations and put them into effect. Further, the evidence shows that the violence between the above-mentioned armed groups rose above the level of isolated and sporadic acts of violence and that it was protracted, with the parties to the conflict employing attacks over a long period of time and at least in 5 western CAR Prefectures. Notably, the conflict has also attracted the attention of the United Nations Security Council (“UNSC”) in 2013-2014, triggered foreign military interventions,⁹¹ and was marked by ceasefire agreements between the Seleka and its opponents, including the Anti-Balaka, which were not respected.

17. Moreover, the Single Judge finds reasonable grounds to believe that, from at least March 2013 until at least January 2014, a widespread and systematic⁹² attack was conducted by members of the Seleka, including fighters subordinate to Adam, against the civilian population and those perceived to be collectively responsible for, complicit with or supportive of the former Bozizé government and, later, of the Anti-Balaka. In particular, it appears that, pursuant to a State or organisational policy⁹³ aimed to keep the Seleka in power, part of the civilian population was targeted through multiple acts of murder, imprisonment, torture, rape, persecution on political, ethnic and religious grounds, and pillaging of houses belonging to non-Muslims and others perceived to be complicit with or supportive of the Bozizé government and, later, of the Anti-Balaka.

⁹⁰ See Trial Chamber I, *Prosecutor v Thomas Lubanga Dyilo*, Judgment pursuant to Article 74 of the Statute, 14 March 2012, ICC-01/04-01/06-2842, paras 531-542; Trial Chamber II, *Prosecutor v Germain Katanga*, Judgment pursuant to article 74 of the Statute (“Katanga Judgment”), 7 March 2014, ICC-01/04-01/07-3436-tENG, paras 1172-1187.

⁹¹ S/RES/2088 (2013) (CAR-OTP-2001-0294); S/RES/2121 (2013) (CAR-OTP-2001-0256); S/RES/2127 (2013) (CAR-OTP-2001-0275); S/RES/2134 (2013) (CAR-OTP-2051-0665); S/RES/2149 (2013) (CAR-OTP-2001-1043); S/RES/2181 (2013) (CAR-OTP-2091-0488).

⁹² See Katanga Judgment, para. 1123.

⁹³ See Katanga Judgment, paras 1094-1122.

18. The Single Judge is satisfied that the supporting evidence, which includes ICC and non-ICC statements, public reports emanating from the United Nations (“UN”) and non-governmental organisations (“NGO”), and news reports, is sufficient to establish reasonable grounds to believe that a non-international armed conflict existed and a widespread and systematic attack against the civilian population occurred. The Single Judge also notes that the available information indicates that the Seleka may have also committed crimes outside of the temporal scope set by the Prosecutor in the Application, i.e., prior to March 2013 and after January 2014.⁹⁴

19. **The Crimes.** The Single Judge finds reasonable grounds to believe that Adam, in his position as leader of the CPJP-F at the time of the takeover of Bangui; as Minister for Security as of 31 March 2013, officially in charge and *de facto* in control of the OCRB; and as director general of the CEDAD, with the rank of Minister of State, after stepping down as Minister for Security and following the closure of the OCRB on 22 August 2013, is responsible for having committed directly, jointly with others and/or through others, or having ordered, solicited or induced, or of having aided, abetted or otherwise assisted in the commission of, or in any other way contributed to the commission of the following crimes committed between at least 12 April and at least 22 August 2013 in the OCRB, and between at least 22 August and at least 27 November 2013 in the CEDAD.

The OCRB

- a. When the Seleka took control of the OCRB, and at least from 12 April 2013, the number of prisoners increased significantly.⁹⁵ Arrests were undertaken during the night by Seleka members stationed at the OCRB and those arrested were brought to the detention centre.⁹⁶ Individuals were arrested by armed Seleka members in pick-up trucks with a military appearance, bearing inscriptions such as “*s’en fout la mort*” (“doesn’t give a damn about death”) and “*danger de mort, lawa*” (mixed French and Sango, meaning “mortal danger, no matter how far you go, we will find you”), or in vehicles with no licence plates and

⁹⁴ CAR-OTP-2001-2707 at 2732-2733, 2735; CAR-OTP-2001-2769 at 2782-2785.

⁹⁵ CAR-OTP-2068-0244 at 0264.

⁹⁶ CAR-OTP-2084-0191 at 0203.

tinted windows.⁹⁷ The explanation given to most detainees for their arrest was affiliation with the Bozizé government, be it for being a soldier,⁹⁸ an intelligence agent for Bozizé,⁹⁹ supporting and helping the pro-Bozizé forces,¹⁰⁰ or being from the Gbaya ethnic group.¹⁰¹ Most of them were accused of being Bozizé supporters or intelligence agents or having undertaken actions against the Seleka,¹⁰² although no judicial proceedings were conducted against them.¹⁰³ Mahamat Said Abdel Kani or other senior Seleka members decided what the career police officers investigated and what was referred to the national prosecutor.¹⁰⁴ The Seleka at the OCRB asked some detainees or their families for ransom in exchange for their release.¹⁰⁵

Prisoners were held in small, dark, crowded cells with only a bucket as a toilet and little or no food, causing detainees to drink their own urine.¹⁰⁶ The OCRB had 6 cells in total, of which 3 were apparently used by career police officers and 3 by the Seleka. The Seleka cells could not be accessed by the career police officers¹⁰⁷ and could contain 15-20 detainees.¹⁰⁸ In addition, prisoners were also detained in an underground cell which was accessed through a hole in the floor that Seleka members had covered with boards and had placed a desk on top.¹⁰⁹ The underground cell held up to 3 detainees at any one time.¹¹⁰ There, [REDACTED], one of the detainees found a dead prisoner who

⁹⁷ CAR-OTP-2029-0210 at 0215-0216; CAR-OTP-2018-0530 at 0538; CAR-OTP-2053-0359 at 0366; CAR-OTP-2025-0566 at 0572.

⁹⁸ CAR-OTP-2025-0566 at 0572, 0573.

⁹⁹ CAR-OTP-2025-0566 at 0573; CAR-OTP-2083-0003 at 0006.

¹⁰⁰ CAR-OTP-2023-1339 at 1344.

¹⁰¹ CAR-OTP-2025-0566.

¹⁰² CAR-OTP-2068-0244 at 0264; CAR-OTP-2083-0003 at 0006, 0007.

¹⁰³ CAR-OTP-2068-0244 at 0266.

¹⁰⁴ CAR-OTP-2036-0410 at 0418, 0425.

¹⁰⁵ CAR-OTP-2018-0530 at 0540; CAR-OTP-2043-0483 at 0505; CAR-OTP-2018-0530 at 0543.

¹⁰⁶ CAR-OTP-2025-0566 at 0573; CAR-OTP-2018-0530 at 0539-0540; CAR-OTP-2029-0210 at 0218.

¹⁰⁷ CAR-OTP-2036-0410 at 0422.

¹⁰⁸ CAR-OTP-2025-0566 at 0573.

¹⁰⁹ CAR-OTP-2036-0410 at 0423; CAR-OTP-2025-0566 at 0576; CAR-OTP-2073-0568 at 0578-0579.

¹¹⁰ CAR-OTP-2036-0410 at 0423.

had just been left there among the others and saw another detainee [REDACTED].¹¹¹

As soon as they arrived at the OCRB, the detainees were mistreated, beaten with rifle butts,¹¹² or slapped violently and threatened that “[y]ou Bozizé’s mercenaries, we’re going to kill you one by one”.¹¹³ Mistreatment of detainees occurred almost on a daily basis at the OCRB.¹¹⁴ In detention, prisoners were whipped with stripes of rubber tire or with sticks that had metal wires at the bottom; were beaten with truncheons or rifle butts; burnt; [REDACTED].¹¹⁵ A common method used by the Seleka was to tie detainees up in an “*arbatacha*” – a technique whereby the hands and legs are tied behind a person’s back, with the legs touching the elbows, causing great pain.¹¹⁶ They were then beaten, in order to extort confessions.¹¹⁷ The pain caused by this position would be so excruciating that prisoners would ask to be killed; after being tied up for several hours in this position the detainees were unable to walk anymore.¹¹⁸ The torture left them unable to use their limbs:¹¹⁹ [REDACTED];¹²⁰ [REDACTED];¹²¹ others were so exhausted from the torture that they needed help to even change position.¹²² Others suffered from infections,¹²³ but no medical attention was provided to the prisoners.¹²⁴

In the light of the foregoing, the Single Judge finds reasonable grounds to believe that the acts described above amount to crimes against

¹¹¹ CAR-OTP-2025-0566 at 0576-0577.

¹¹² CAR-OTP-2025-0566 at 0573.

¹¹³ CAR-OTP-2025-0566 at 0573.

¹¹⁴ CAR-OTP-2036-0410 at 0431.

¹¹⁵ CAR-OTP-2043-0536 at 0541; CAR-OTP-2018-0530 at 0547; CAR-OTP-2036-0410 at 0424, 0431; CAR-OTP-2029-0210 at 0220; CAR-OTP-2025-0566 at 0575.

¹¹⁶ CAR-OTP-2025-0566 at 0575.

¹¹⁷ CAR-OTP-2068-0244 at 0266; CAR-OTP-2083-0003 at 0011; CAR-OTP-2084-0191 at 0207.

¹¹⁸ CAR-OTP-2025-0566 at 0575-0576.

¹¹⁹ CAR-OTP-2036-0410 at 0424.

¹²⁰ CAR-OTP-2025-0566 at 0575.

¹²¹ CAR-OTP-2036-0410 at 0424.

¹²² CAR-OTP-2025-0566 at 0574.

¹²³ CAR-OTP-2036-0410 at 0424.

¹²⁴ CAR-OTP-2068-0244 at 0264.

humanity, committed as part of a widespread and systematic attack against the civilian population, namely imprisonment or other severe deprivation of physical liberty (article 7(1)(e) of the Statute),¹²⁵ torture (article 7(1)(f) of the Statute), persecution (article 7(1)(h) of the Statute)¹²⁶ and other inhumane acts (article 7(1)(k) of the Statute); and war crimes, committed in the context of and associated with an armed conflict not of an international character, namely torture and cruel treatment (article 8(2)(c)(i) of the Statute).

[REDACTED],¹²⁷ [REDACTED].

The Single Judge is satisfied that the supporting evidence, which includes ICC statements, is sufficient to establish reasonable grounds to believe that the above-mentioned crimes were committed.

¹²⁵ See Pre-Trial Chamber III, *Situation in the Republic of Burundi*, Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Burundi (“Burundi Decision”), 9 November 2017, ICC-01/17-9-Red, para. 68.

¹²⁶ See Burundi Decision, paras 130-133.

¹²⁷ [REDACTED].

The CEDAD

- b. From at least 22 August until at least 27 November 2013, persons arrested and transferred to the CEDAD were accused of supporting François Bozizé or planning a *coup* against the Seleka.¹²⁸ Some arrests were carried out by people who were not identifiable as belonging to law enforcement, as they were wearing plain clothes, balaclavas or were using vehicles without number plates.¹²⁹

At the CEDAD more care was taken to attract as little public attention as possible: the name of the CEDAD was not mentioned publicly,¹³⁰ the Seleka were not allowed to wear their military uniforms when coming and going so as not to give away its location¹³¹ and when prisoners were brought to the compound they were blindfolded so that they would not know where it was situated.¹³² The same was done when prisoners were released.¹³³ The cars used to bring prisoners to the CEDAD had tinted windows.¹³⁴ The detainees could not receive any visits from their families as this was a secret location.¹³⁵ The guards kept two registers, one with real details of the detainees and another with false details. When family members would come looking for them, the guards would show them the false register so that no one could confirm that the prisoners were there.¹³⁶ Family members used to protest about their disappearance and were going around hospitals and morgues looking for them.¹³⁷

¹²⁸ CAR-OTP-2013-0557 at 0568, 0570; CAR-OTP-2064-0321 at 0330.

¹²⁹ CAR-OTP-2023-0537 at 0540; CAR-OTP-2023-1339 at 1341; CAR-OTP-2013-0557 at 0567.

¹³⁰ CAR-OTP-2084-0191 at 0214.

¹³¹ CAR-OTP-2084-0191 at 0211.

¹³² CAR-OTP-2013-0557 at 0568; CAR-OTP-2064-0321 at 0325.

¹³³ CAR-OTP-2023-0537 at 0545.

¹³⁴ CAR-OTP-2013-0557 at 0568; CAR-OTP-2023-0537 at 0540.

¹³⁵ CAR-OTP-2043-0536 at 0544; CAR-OTP-2023-0537 at 0544.

¹³⁶ CAR-OTP-2023-0537 at 0544; CAR-OTP-2013-0557 at 0574.

¹³⁷ CAR-OTP-2023-0537 at 0542, 0545; CAR-OTP-2023-0567 at 0581.

The detention conditions were inhumane. The cells were overcrowded, with up to 40 prisoners in a space of approximately 4 x 4 meters,¹³⁸ completely dark¹³⁹ and unbearably hot.¹⁴⁰ Detainees could only sleep leaning against walls or crouching down,¹⁴¹ and were not allowed to use toilets, having to relieve themselves in the cells.¹⁴² Some prisoners were kept handcuffed¹⁴³ for days or even for the entire time they were at the CEDAD.¹⁴⁴ Other prisoners were kept in containers, next to the CEDAD building.¹⁴⁵ No medical attention was provided, even in cases of detainees suffering serious medical conditions.¹⁴⁶

Prisoners were beaten regularly, sometimes while being hooded and handcuffed,¹⁴⁷ including with whips¹⁴⁸ or with planks and kicks; some had their ribs broken.¹⁴⁹ Some of them even lost consciousness during the beating.¹⁵⁰ They were beaten for weeks, at times.¹⁵¹ [REDACTED].¹⁵² When being beaten they were accused of planning a *coup* and asked to give up names of co-conspirators.¹⁵³ Some persons were released without any formal document regarding their detention and never appeared before a tribunal.¹⁵⁴ In case the prisoners were brought in front of a tribunal and formally released, they were warned by the discharging authorities to be careful and not to go to their

¹³⁸ CAR-OTP-2023-1339 at 1345; CAR-OTP-2064-0321 at 0327; CAR-OTP-2023-0537 at 0541; CAR-OTP-2013-0557 at 0571.

¹³⁹ CAR-OTP-2023-1339 at 1346.

¹⁴⁰ CAR-OTP-2023-1339 at 1347.

¹⁴¹ CAR-OTP-2023-0537 at 0542; CAR-OTP-2064-0321 at 0327.

¹⁴² CAR-OTP-2023-1339 at 1347; CAR-OTP-2064-0321 at 0327.

¹⁴³ CAR-OTP-2064-0321 at 0326.

¹⁴⁴ CAR-OTP-2023-0537 at 0541-0542.

¹⁴⁵ CAR-OTP-2013-0557 at 0572.

¹⁴⁶ CAR-OTP-2023-1339 at 1345; CAR-OTP-2013-0557 at 0570.

¹⁴⁷ CAR-OTP-2064-0321 at 0326 and 0329.

¹⁴⁸ CAR-OTP-2023-0537 at 0542.

¹⁴⁹ CAR-OTP-2013-0557 at 0569.

¹⁵⁰ CAR-OTP-2013-0557 at 0569; CAR-OTP-2064-0321 at 0326.

¹⁵¹ CAR-OTP-2013-0557 at 0570.

¹⁵² CAR-OTP-2064-0321 at 0326.

¹⁵³ CAR-OTP-2013-0557 at 0570.

¹⁵⁴ CAR-OTP-2064-0321 at 0331.

homes, since the Seleka might still be looking for them or pick them up again.¹⁵⁵

In the light of the foregoing, the Single Judge finds reasonable grounds to believe that the acts described above amount to crimes against humanity, committed as part of a widespread and systematic attack against the civilian population, namely imprisonment or other severe deprivation of physical liberty (article 7(1)(e) of the Statute), torture (article 7(1)(f) of the Statute), persecution (article 7(1)(h) of the Statute), enforced disappearance (article 7(1)(i) of the Statute)¹⁵⁶ and other inhumane acts (article 7(1)(k) of the Statute); and war crimes, committed in the context of and associated with an armed conflict not of an international character, namely torture and cruel treatment (article 8(2)(c)(i) of the Statute).

[REDACTED],¹⁵⁷ [REDACTED].

The Single Judge is satisfied that the supporting evidence, which includes ICC statements, is sufficient to establish reasonable grounds to believe that the abovementioned crimes were committed.

20. **Adam's Conduct.** At the time of the takeover of Bangui, Adam was the leader of the CPJP-F fraction¹⁵⁸ and considered as the person with the most power in the Seleka, even more influential than Michel Djotodia.¹⁵⁹ As Minister for Security as of 31 March 2013, he was officially in charge of the OCRB¹⁶⁰ and nothing happened there without his order.¹⁶¹ He visited the compound several times a week and was informed by Mahamat Said Abdel Kani (the highest-ranking Seleka stationed there and his immediate subordinate) on all developments.¹⁶² If he was not there personally, he would be briefed by telephone.¹⁶³ After the Seleka takeover of the OCRB, Adam

¹⁵⁵ CAR-OTP-2023-0537 at 0545.

¹⁵⁶ See Burundi Decision, paras 117-121.

¹⁵⁷ [REDACTED].

¹⁵⁸ CAR-OTP-2075-0812 at 0817.

¹⁵⁹ CAR-OTP-2019-3348 at 3381, 3388.

¹⁶⁰ CAR-OTP-2005-0404; CAR-OTP-2068-0244 at 0255.

¹⁶¹ CAR-OTP-2084-0191 at 0205.

¹⁶² CAR-OTP-2043-0536 at 0541; CAR-OTP-2084-0191 at 0204.

¹⁶³ CAR-OTP-2084-0191 at 0204.

had the locks of all cell doors changed in order to control access.¹⁶⁴ He provided money and rations to be distributed among the Seleka at the OCRB.¹⁶⁵ He received updates from the Seleka in charge of the OCRB, would be briefed on what had been done (in line with his instructions) and would ensure that the persons whose names he had provided had indeed been arrested.¹⁶⁶ In order to feign a rule of law, Adam would publicly disapprove of the arrests, searches and interrogations conducted by the Seleka at the OCRB. This was done however merely for public appearance and he did not issue any orders to stop them. Adam “couldn’t but have been aware” of everything going on in the OCRB.¹⁶⁷ If he wanted, Adam could order the release of a prisoner from the OCRB.¹⁶⁸ On some occasions he witnessed the beating of prisoners.¹⁶⁹ On others he conducted the interrogation of the prisoners himself.¹⁷⁰

21. After stepping down as Minister for Security and the closure of the OCRB on 22 August 2013,¹⁷¹ the CEDAD was opened under Adam’s control. He was regularly at the CEDAD,¹⁷² issuing orders which were followed by the staff.¹⁷³ Adam had complete authority over the Seleka members at the CEDAD: when he told them to stop beating someone, they would stop.¹⁷⁴ The Seleka at the CEDAD would not torture the detainees without Adam’s orders.¹⁷⁵ He could also order that Seleka members be beaten and put in the cells as punishment, if he deemed it necessary.¹⁷⁶ Without his authorisation, the career policemen were not allowed to interact with the detainees.¹⁷⁷ Adam was fully aware of the detention conditions: on one occasion, one of the Seleka guards informed him that the prisoners had insufficient food and water;¹⁷⁸ on another occasion, he opened one of the cells and the smell emanating

¹⁶⁴ CAR-OTP-2068-0244 at 0267.

¹⁶⁵ CAR-OTP-2084-0191 at 0204.

¹⁶⁶ CAR-OTP-2084-0191 at 0204.

¹⁶⁷ CAR-OTP-2084-0191 at 0203; CAR-OTP-2083-0003 at 0010.

¹⁶⁸ CAR-OTP-2053-0359 at 0375.

¹⁶⁹ CAR-OTP-2043-0536 at 0542.

¹⁷⁰ CAR-OTP-2018-0530 at 0546; CAR-OTP-2053-0359 at 0373-0375.

¹⁷¹ CAR-OTP-2005-0368.

¹⁷² CAR-OTP-2013-0557 at 0573.

¹⁷³ CAR-OTP-2013-0557 at 0573.

¹⁷⁴ CAR-OTP-2023-1339 at 1343.

¹⁷⁵ CAR-OTP-2023-1339 at 1346. CAR-OTP-2033-7960 at 7964.

¹⁷⁶ CAR-OTP-2023-0537 at 0543; CAR-OTP-2023-0567 at 0582.

¹⁷⁷ CAR-OTP-2023-0621 at 0632.

¹⁷⁸ CAR-OTP-2023-0567 at 0582.

from there made him close it again.¹⁷⁹ Sometimes he started the beating of prisoners himself, using a sort of whip.¹⁸⁰ He also interrogated persons himself while Seleka guards were beating the detainees, accusing them of being Bozizé supporters and taking part in a *coup*, either before they were taken to the CEDAD or once they were there.¹⁸¹ He also threatened to kill people.¹⁸²

22. Taking into account the totality of the evidence, the Single Judge finds reasonable grounds to believe that, in the first place, Adam committed the above-mentioned crimes directly, jointly with others, including Mahamat Said Abdel Kani and other Seleka members stationed at the OCRB and the CEDAD, and/or through others with a view to detaining and mistreating persons at the OCRB and the CEDAD who were perceived as opposing the Seleka regime, in furtherance of the Seleka policy to maintain power at any cost (article 25(3)(a) of the Statute);¹⁸³ or ordered, solicited or induced these crimes (article 25(3)(b) of the Statute);¹⁸⁴ or aided, abetted or otherwise assisted in the commission of these crimes (article 25(3)(c) of the Statute);¹⁸⁵ or in any other way contributed to the commission of these crimes (article 25(3)(d) of the Statute).¹⁸⁶ The Single Judge is satisfied that Adam acted with the required intent and knowledge for the specific crimes set forth in this warrant of arrest. In addition, the Single Judge is satisfied that Adam (i) knew that the crimes were or intended the crimes to be part of a widespread and systematic attack against the civilian population,¹⁸⁷ and (ii) was aware of the factual circumstances that

¹⁷⁹ CAR-OTP-2023-0537 at 0544.

¹⁸⁰ CAR-OTP-2013-0557 at 0569, 0573.

¹⁸¹ CAR-OTP-2023-1339 at 1343-1344; CAR-OTP-2013-0557 at 0568; CAR-OTP-2033-7960 at 7964.

¹⁸² CAR-OTP-2033-7960 at 7964.

¹⁸³ See Trial Chamber VII, *Prosecutor v Jean-Pierre Bemba Gombo et al*, Judgment pursuant to Article 74 of the Statute (“Bemba et al Judgment”), 19 October 2016, ICC-01/05-01/13-1989-Red, paras 64-71; Katanga Judgment, paras 1398-1416; Pre-Trial Chamber II, *Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui*, Decision on the confirmation of charges, 30 September 2008, ICC-01/04-01/07-717, paras 487-539.

¹⁸⁴ See Pre-Trial Chamber II, *Prosecutor v. Sylvestre Mudacumura*, Decision on the Prosecutor’s Application under Article 58, 13 July 2012, ICC-01/04-01/12-1-Red, para. 63; Bemba et al Judgment, paras 72-82.

¹⁸⁵ See Appeals Chamber, *Prosecutor v Jean-Pierre Bemba Gombo et al*, Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala Wandu and Mr Narcisse Arido against the decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute”, 8 March 2018, ICC-01/05-01/13-2275-Red, paras 18-21.

¹⁸⁶ See Katanga Judgment, paras 1616-1642.

¹⁸⁷ See paragraph 2 of the Introduction to Crimes against Humanity (Article 7) in the Elements of Crimes.

established the existence of the non-international armed conflict.¹⁸⁸ In the second place, the Single Judge is satisfied that Adam, given his effective control over his Seleka group, alternatively bears individual criminal responsibility as a military commander since he knew or, owing to the circumstances at the time, he should have known that the members of his Seleka group were committing or were about to commit the crimes described above and he failed to take all necessary and reasonable measures within his power to prevent or repress the commission by his subordinates of such crimes (article 28(a) of the Statute).¹⁸⁹

23. Accordingly, the Single Judge is satisfied that the overall supporting evidence is sufficient to establish reasonable grounds to believe that Adam bears individual criminal responsibility for the crimes described in paragraph 19.

24. Finally, the Single Judge notes that the Prosecutor has requested a warrant of arrest for Adam exclusively for his responsibility for crimes allegedly committed at the OCRB and the CEDAD.¹⁹⁰ [REDACTED];¹⁹¹ [REDACTED]¹⁹² [REDACTED];¹⁹³ [REDACTED];¹⁹⁴ [REDACTED].¹⁹⁵

2. *Whether the arrest of Adam appears necessary (Article 58(1)(b) of the Statute)*

25. The Single Judge is satisfied, in conformity with article 58(1)(b) of the Statute, that the arrest of Adam appears necessary to ensure that he (i) appears at trial; and (ii) is prevented from continuing with the commission of crimes within the jurisdiction of the Court arising out of the same circumstances. Adam is subject to a UN travel ban which has been repeatedly renewed¹⁹⁶ and is on the red notice alert of Interpol.¹⁹⁷ Despite these impediments, Adam is still able to take international

¹⁸⁸ See paragraph 3 of the Introduction to War Crimes (Article 8) in the Elements of Crimes.

¹⁸⁹ See Pre-Trial Chamber II, *Prosecutor v Jean-Pierre Bemba Gombo*, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, 15 June 2009, ICC-01/05-01/08-424, paras 404-443.

¹⁹⁰ ICC-01/14-19-US-Exp, Part D.III.

¹⁹¹ CAR-OTP-2032-0753 at 0769, 0778; CAR-OTP-2094-0002 at 0029; CAR-OTP-2038-0346; CAR-OTP-2006-1247 at 1253-1255.

¹⁹² CAR-OTP-2025-0566 at 0571; CAR-OTP-2094-0002 at 0029.

¹⁹³ CAR-OTP-2032-0753 at 0769; CAR-OTP-2094-0002 at 0029; CAR-OTP-2006-1247 at 1258.

¹⁹⁴ CAR-OTP-2032-0753 at 0772, 0775; CAR-OTP-2027-2535 at 2555.

¹⁹⁵ CAR-OTP-2036-0410 at 0422 (for example, fridges and freezers).

¹⁹⁶ CAR-OTP-2051-0665 at 0672; CAR-OTP-2051-0731 at 0736. The Single Judge notes that the UNSC resolution cited by the Prosecutor extended the travel ban only until 31 January 2018. However, UNSC resolution 2399 prolonged the travel ban further until 31 January 2019.

¹⁹⁷ CAR-OTP-2051-0757.

flights¹⁹⁸ and seems to be moving uninhibitedly in several countries within the region.¹⁹⁹ In this context, the Single Judge takes note of information that Adam may have a passport other than the CAR passport and family connections in Chad allowing him to enter Chad without alerting the authorities of his travel.²⁰⁰ Further, Adam retains connections to and authority over Seleka members loyal to him and the armed conflict in the CAR has not ceased to this day.²⁰¹ He is a senior member of the “*Front Populaire pour la Renaissance de la Centrafrique*”, composed of ex-Seleka members,²⁰² and has been recruiting fighters for this group,²⁰³ which has been reportedly involved in armed clashes in the CAR in June 2015 and as recently as October 2016.²⁰⁴ He has also returned to the CAR in October 2015 following a period in Kenya, Chad and Sudan.²⁰⁵ Notably, Adam is subject to UN sanctions for “engaging in or providing support for acts that undermine the peace, stability or security of the CAR”.²⁰⁶ This information renders Adam’s voluntary surrender implausible and demonstrates Adam’s willingness to continue committing related crimes within the jurisdiction of the Court arising from the circumstances described in this warrant of arrest. Consequently, there is a need to prevent him from doing so. In the light of the foregoing, the issuance of a warrant of arrest is deemed to be necessary.

IV. Classification and Other Requests

26. For the reasons provided in the Application, the Single Judge is satisfied that making it public at this stage could prevent or significantly impede the execution of the present warrant of arrest. Therefore, the Single Judge accepts the classification proposed by the Prosecutor for the Application and also retains the classification of the present warrant of arrest, as under seal, *ex parte* Prosecutor only, pursuant to regulation 23*bis* of the Regulations of the Court. The Single Judge authorises the

¹⁹⁸ CAR-OTP-2051-0393 at 0476.

¹⁹⁹ CAR-OTP-2058-0607 at 0617.

²⁰⁰ CAR-OTP-2051-0393 at 0476, para. 4.

²⁰¹ CAR-OTP-2051-0703 at 0706.

²⁰² CAR-OTP-2016-0002 at 0002.

²⁰³ CAR-OTP-2051-0479 at 0520, paras 176-177.

²⁰⁴ CAR-OTP-2020-0234 at 0234; CAR-OTP-2051-0687 at 0692; CAR-OTP-2051-0393 at 0412; CAR-OTP-2051-0827 at 0829; CAR-OTP-2051-0703 at 0706.

²⁰⁵ CAR-OTP-2051-0775; CAR-OTP-2051-0683 at 0685; CAR-OTP-2051-0393 at 0476, para. 2.

²⁰⁶ CAR-OTP-2051-0665 at 0672, para. 32, at 0673, para. 36; CAR-OTP-2001-0984 at 0984; CAR-OTP-2051-0743 at 0743.

Prosecutor and the Registry to communicate this warrant of arrest to any State or international organisation, or, as the case may be, to reveal its existence, for the purposes of its execution. However, the Single Judge is of the view that, at the latest once Adam is transferred to the Court, this warrant of arrest will have to be made public, with the necessary redactions, as the case may be.

27. [REDACTED],²⁰⁷ [REDACTED].

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

ISSUES a warrant of arrest for Mahamat Nouradine Adam, a national of the Central African Republic (last known passport number D00001184), born between 1969 and 1971 in Ndele, the Central African Republic, for his alleged criminal responsibility pursuant to articles 25(3)(a), (b), (c) and (d) as well as 28(a) of the Statute, for imprisonment or other severe deprivation of physical liberty (article 7(1)(e) of the Statute), torture (article 7(1)(f) of the Statute), persecution (article 7(1)(h) of the Statute), enforced disappearance (article 7(1)(i) of the Statute) and other inhumane acts (article 7(1)(k) of the Statute) as crimes against humanity; and torture and cruel treatment (article 8(2)(c)(i) of the Statute) as war crimes, committed at the OCRB and CEDAD detention centres in Bangui, between at least 12 April 2013 and at least 27 November 2013, as set forth in this warrant of arrest;

DECIDES that the warrant of arrest, currently classified under seal, *ex parte* Prosecutor only, may be communicated, or its existence be revealed, to any State or international organisation for the purposes of its execution and the existence of the Prosecutor's Application be mentioned;

DIRECTS the Registrar to take all necessary measures to ensure that the UN travel ban imposed on Adam is not an impediment to his surrender to the Court;

DECIDES that, as soon as practicable, the Registrar shall: (i) prepare a request for cooperation seeking the arrest and surrender of Adam and containing the information and documents required by articles 89(1) and 91 of the Statute and rule 187 of the

²⁰⁷ ICC-01/14-19-US-Exp, paras 278-280.

Rules of Procedure and Evidence; and (ii) transmit, in consultation and coordination with the Prosecutor, the request to the competent authorities of any relevant State, or to any international organisation, in accordance with article 87 of the Statute, to cooperate with the Court for the purpose of executing the request for arrest and surrender of Adam;

DECIDES that, when transmitting the request for arrest and surrender to the relevant national authorities of any arresting State, the Registrar shall request them, in accordance with articles 93(1) and 99(1) of the Statute, to restrict, as far as possible under their national law, the contacts of Adam while detained on their territory, pending his surrender to the Court;

DIRECTS the Registrar to prepare and transmit to any relevant State, in consultation and coordination with the Prosecutor, any request for transit pursuant to article 89(3) of the Statute or any request for provisional arrest pursuant to article 92 of the Statute which may be necessary for the surrender of Adam to the Court;

ORDERS the Office of the Prosecutor to transmit to the Registry all information available to it that may be of assistance in the execution of the request for arrest and surrender as well as any information of relevance to assessing any risks to victims and witnesses associated with the transmission of the request for arrest and surrender;

DIRECTS the Registrar to prepare and transmit to the relevant national authorities of any arresting State a request for cooperation [REDACTED];

ORDERS the Registrar to prepare, as soon as practicable, a French translation of the present warrant of arrest for the purpose of transmitting it to the competent authorities of any relevant State, if necessary;

ORDERS the Registrar to register the warrant of arrest in the record of the situation and to open a case record and transfer first the Prosecutor's application (ICC-01/14-19-US-Exp) from the situation record into the case record once the suspect has been arrested; and

ORDERS the Prosecutor, within three days of the notification of the present warrant of arrest, to inform the Chamber whether this warrant may be made public without

redactions or, alternatively, which redactions, according to the Prosecutor, should be applied to the warrant when it is made public.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

**Judge Rosario Salvatore Aitala,
Single Judge**

Dated this Monday, 7 January 2019

At The Hague, The Netherlands