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PRE-TRIAL CHAMBER II

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

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

Public Annex B1

**Public lesser redacted version of ““Public redacted version of “Document
Containing the Charges””
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Table of Contents

I. INTRODUCTION.....	10
II. THE SUSPECTS.....	15
A. PATRICE-EDOUARD NGAISSONA	15
B. ALFRED YEKATOM	17
III. OVERVIEW OF THE ANTI-BALAKA.....	18
A. GENERAL CONTEXT.....	18
B. ORIGINS OF THE ANTI-BALAKA	21
a) CAMEROON-group	22
b) ZONGO-group.....	24
c) KALANGOI-group	27
d) FRANCE-group	28
C. THE ANTI-BALAKA AND SELEKA WERE ENGAGED IN AN ARMED CONFLICT IN WESTERN CAR	30
D. 5 DECEMBER 2013 ATTACKS IN BANGUI AND OTHER LOCATIONS	32
E. RESIGNATION OF PRESIDENT DJOTODIA AND ELECTION OF INTERIM-PRESIDENT SAMBA-PANZA.....	34
F. FORMALISATION OF THE ANTI-BALAKA UNDER NGAISSONA.....	34
a) <i>Structure of the Anti-Balaka</i>	34
b) <i>Coordination and Reporting</i>	37
c) <i>Discipline, the Police Militaire and ‘Fake’ Anti-Balaka</i>	39
d) <i>Money, Support, and Weapons</i>	41
e) <i>Training</i>	43
f) <i>Group Identity</i>	44
G. WIDESPREAD AND SYSTEMATIC ATTACKS AGAINST THE CIVILIAN POPULATION.....	45
a) <i>Policy of targeting the Muslim population in western CAR</i>	45
b) <i>Destruction of Mosques</i>	50
c) <i>Pillaging and Destruction of Muslim property</i>	50
d) <i>Expulsion of the Muslim population</i>	51
e) <i>Recruitment and use of children in hostilities</i>	53
H. THE ARMED CONFLICT LASTED UNTIL AT LEAST THE END OF 2014	54
IV. OVERVIEW OF THE CHARGED CRIMES	55
V. INDIVIDUAL CRIMINAL RESPONSIBILITY OF NGAISSONA	57
A. OVERVIEW	57
B. ARTICLE 25(3)(A).....	57
C. ARTICLE 25(3)(C).....	58
D. ARTICLE 25(3)(D).....	58
E. NGAISSONA’S CONTRIBUTIONS.....	59
a) <i>NGAISSONA participated in developing the Strategic Common Plan and/or the Common Purpose and in the strategies to implement them</i>	59
b) <i>NGAISSONA participated in the formation, organisation, and development of the Anti-Balaka</i> <i>60</i>	
c) <i>NGAISSONA coordinated, controlled, directed, and/or instructed the Anti-Balaka in at least five western Prefectures of CAR and in and around BANGUI, including by planning, monitoring, ensuring cooperation, issuing approvals, authorisations, and orders</i>	61
d) <i>NGAISSONA provided the Anti-Balaka with means and/or money directly or indirectly, including for the preparation of attacks and purchase of weapons</i>	70
e) <i>NGAISSONA procured, stored, and/or otherwise made ammunition available to the Anti-Balaka through its personnel or structures, including the National Coordination, or in other ways</i> <i>71</i>	
f) <i>NGAISSONA assisted in formulating, supporting, encouraging, and promoting the Anti-Balaka’s national policies, objectives, and agendas including by disseminating propaganda to the Anti-Balaka and others to achieve the criminal objectives of the Strategic Common Plan and/or Common Purpose that promoted an atmosphere of fear and hatred towards CAR Muslims</i>	71

g) NGAISSONA falsely denied, justified, and/or provided misleading information about Anti-Balaka crimes against Muslim civilians to the international community, the CAR government, the media and the public	73
h) NGAISSONA permitted, condoned, ratified, or encouraged the Anti-Balaka's use or threatened use of force, coercion, and/or intimidation to unlawfully create, maintain or contribute to the persistence of enclaves in western CAR and the unconscionable living conditions of Muslim civilians within them, and to restrict or interfere with their access to, or the provision of, humanitarian aid and assistance	73
i) NGAISSONA tolerated, accepted, recognised, and/or promoted members of the Anti-Balaka who harboured anti-Muslim animus or had committed, or intended to, commit violent acts against Muslim civilians	74
j) NGAISSONA deployed, assigned, and/or maintained members of the Anti-Balaka in or around Muslim civilian areas and locations, who were undisciplined, harboured anti-Muslim animus, or intended to commit violent acts against Muslims	75
k) NGAISSONA failed to take action within his ability to impede, obstruct, or frustrate the Anti-Balaka's commission of crimes against Muslim civilians	75
F. NGAISSONA HAD THE REQUIRED KNOWLEDGE AND INTENT	79
VI. INDIVIDUAL CRIMINAL RESPONSIBILITY OF YEKATOM	84
A. OVERVIEW	84
B. ARTICLE 25(3)(A)	84
C. ARTICLE 25(3)(B)	85
D. ARTICLE 25(3)(C)	86
E. ARTICLE 25(3)(D)	86
F. ARTICLE 28	86
G. YEKATOM'S CONTRIBUTIONS	87
a) YEKATOM participated in developing the Operational Common Plan and the Common Purpose and strategies to implement them	88
i. The Common Purpose	88
ii. The Operational Common Plan	89
b) YEKATOM participated in the formation and organisation of YEKATOM's Group	90
c) YEKATOM coordinated, commanded and controlled YEKATOM's Group in and around BANGUI and areas in south-western CAR, by planning, monitoring, issuing approvals, authorisations and orders	91
d) YEKATOM provided YEKATOM's Group with weapons and training in their use, and with means and money directly or indirectly, including to purchase weapons, fuel, and obtain medical treatment	93
e) YEKATOM disseminated, encouraged, and/or facilitated the dissemination of propaganda to YEKATOM's Group and others to achieve the criminal objectives of the Operational Common Plan and/or Common Purpose, including by promoting an atmosphere of fear and hatred towards CAR Muslims	93
f) YEKATOM tolerated, accepted, recognised, and/or promoted members of YEKATOM's Group who harboured anti-Muslim animus or had, or intended to, commit violent acts against Muslim civilians	95
g) YEKATOM deployed, assigned, and/or maintained members of YEKATOM's Group in or around Muslim civilian areas and locations, who were undisciplined, harboured anti-Muslim animus, or intended to commit violent acts against Muslims	96
h) YEKATOM committed crimes and issued unlawful orders, and instructed elements of YEKATOM's Group to commit crimes or perform other acts through which the crimes were committed	96
i) YEKATOM failed (i) to take action within his ability to impede, obstruct, or frustrate his Group's commission of crimes against Muslim civilians; and (ii) to take all necessary and reasonable measures within his power to prevent or repress their commission of crimes or to submit the matter to the competent authorities for investigation	97
H. YEKATOM HAD THE REQUIRED KNOWLEDGE AND INTENT	101
VII. CRIMES COMMITTED BY THE ANTI-BALAKA	103
A. BANGUI (INCLUDING CATTIN) AND BOEING	103
a) General	103
b) Crimes committed	104

Count 1 – Attack directed against the civilian population (article 8(2)(e)(i))	104
Count 2 – Murder (article 7(1)(a))	105
Count 3 – Murder (article 8(2)(c)(i))	105
Count 4 – Forcible transfer, deportation (article 7(1)(d))	105
Count 5 – Displacement (article 8(2)(e)(viii))	105
Count 6 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))	106
Count 7 – Destruction of the adversary’s property (article 8(2)(e)(xii))	106
Count 8 – Persecution (article 7(1)(h))	106
c) <i>Direct perpetrators of the crimes</i>	107
d) <i>Knowledge and intent of YEKATOM</i>	107
e) <i>Knowledge and intent of NGAISSONA</i>	107
i. NGAISSONA knew about the situation in BOEING and CATTIN	108
ii. NGAISSONA intended and endorsed the situation in BOEING and CATTIN	109
B. BOEING MUSLIM CEMETERY	109
a) <i>General</i>	109
b) <i>Crimes committed</i>	109
Count 9 – Outrage upon personal dignity (article 8(2)(c)(ii))	109
Count 10 – Persecution (article 7(1)(h))	110
c) <i>Direct perpetrators of the crimes</i>	111
d) <i>The de facto Coordination and later the National Coordination were involved</i>	112
i. From December 2013, the direct perpetrators were in contact with the <i>de facto</i> Coordination and later the National Coordination	112
ii. DONOH, NAMSIO, and WENEZOU received instructions and directions from the National Coordination	112
e) <i>Knowledge and intent of NGAISSONA</i>	113
i. NGAISSONA knew about the blockade	113
ii. NGAISSONA intended and endorsed the situation	114
C. YAMWARA SCHOOL BASE (BOEING)	116
a) <i>General</i>	116
b) <i>Crimes committed</i>	116
Count 11 – Inhumane acts (article 7(1)(k))	116
Count 12 – Torture (article 7(1)(f))	116
Count 13 – Mutilation, cruel treatment and torture (article 8(2)(c)(i))	116
Count 14 – Imprisonment and other forms of severe deprivation of physical liberty (article 7(1)(e))	116
Count 15 – Murder (article 7(1)(a))	116
Count 16 – Murder (article 8(2)(c)(i))	116
Count 17 – Persecution (article 7(1)(h))	117
c) <i>Direct perpetrators of the crimes</i>	118
d) <i>Knowledge and intent of YEKATOM</i>	118
e) <i>The de facto Coordination and later the National Coordination were involved</i>	118
i. From December 2013, the direct perpetrators were in contact with the <i>de facto</i> Coordination and later the National Coordination	118
ii. [REDACTED], YAGOUZOU [REDACTED] received instructions and directions from the National Coordination	119
f) <i>Knowledge and intent of NGAISSONA</i>	119
i. NGAISSONA knew about the situation at the YAMWARA School Base	119
ii. NGAISSONA intended and endorsed the situation at the YAMWARA School Base	120
D. BOY-RABE BASE	120
a) <i>General</i>	120
b) <i>Crimes committed</i>	121
Count 18 – Imprisonment and other forms of severe deprivation of physical liberty (article 7(1)(e))	121
Count 19 – Cruel treatment (article 7(1)(f))	121
Count 20 – Cruel treatment (article 8(2)(c)(i))	121
Count 21 – Rape (article 7(1)(g))	121
Count 22 – Rape (article 8(2)(e)(vi))	121
Count 23 – Persecution (article 7(1)(h))	121
c) <i>Direct perpetrators of the crimes</i>	122
d) <i>Knowledge and intent of NGAISSONA</i>	122

i.	NGAISSONA knew about the crimes committed by LEBENE and Anti-Balaka elements stationed at his house in BOY-RABE.....	123
ii.	NGAISSONA intended and endorsed the crimes committed by LEBENE and Anti-Balaka elements stationed at his house in BOY-RABE.....	124
E.	PK9 – MBAIKI AXIS (LOBAYE PREFECTURE)	124
a)	<i>General</i>	124
b)	<i>Crimes committed</i>	126
	Count 24 – Forcible transfer, deportation (article 7(1)(d)).....	126
	Count 25 – Displacement (article 8(2)(e)(viii)).....	126
	Count 26 – Murder (article 7(1)(a)).....	128
	Count 27 – Murder (article 8(2)(c)(i))	128
	Count 28 – Persecution (article 7(1)(h))	128
c)	<i>Direct perpetrators of the crimes</i>	129
d)	<i>Knowledge and intent of YEKATOM</i>	130
e)	<i>Knowledge and intent of NGAISSONA</i>	130
i.	NGAISSONA knew about the situation in the LOBAYE Prefecture	130
ii.	NGAISSONA intended and endorsed the situation in the LOBAYE Prefecture	131
F.	CHILD SOLDIERS.....	131
a)	<i>Crimes committed</i>	131
	Count 29 – Enlistment and use of children in hostilities (article 8(2)(e)(vii))	131
b)	<i>Direct perpetrators of the crimes</i>	133
c)	<i>Knowledge and intent of YEKATOM</i>	133
d)	<i>Knowledge and intent of NGAISSONA</i>	133
i.	NGAISSONA knew about the situation.....	134
ii.	NGAISSONA intended and endorsed the situation	134
G.	BOSSANGO (OUHAM PREFECTURE).....	135
a)	<i>General</i>	135
b)	<i>Crimes committed</i>	136
	Count 30 – Attack directed against the civilian population (article 8(2)(e)(i))	136
	Count 31 – Murder and attempted murder (article 7(1)(a))	136
	Count 32 – Murder and attempted murder (article 8(2)(c)(i)).....	136
	Count 33 – Destruction of the adversary’s property (article 8(2)(e)(xii)).....	137
	Count 34 – Pillaging (article 8(2)(e)(v)).....	137
	Count 35 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))	137
	Count 36 – Destruction of the adversary’s property (article 8(2)(e)(xii)).....	138
	Count 37 – Forcible transfer, deportation (article 7(1)(d))	138
	Count 38 – Displacement (article 8(2)(e)(viii))	138
	Count 39 – Severe deprivation of physical liberty (article 7(1)(e))	139
	Count 40 – Rape (article 7(1)(g)).....	139
	Count 41 – Rape (article 8(2)(e)(vi)).....	139
	Count 42 – Persecution (article 7(1)(h))	139
c)	<i>Direct perpetrators of the crimes</i>	140
d)	<i>The de facto Coordination was involved with the BOSSANGO Group</i>	141
i.	From September 2013 (at the latest) the BOSSANGO Group was in contact with the <i>de facto</i> Coordination	141
ii.	KEMA received instructions and directions from the <i>de facto</i> Coordination	142
e)	<i>Knowledge and intent of NGAISSONA</i>	142
i.	NGAISSONA knew about the situation in BOSSANGO.....	143
ii.	NGAISSONA intended and endorsed the situation in BOSSANGO	144
H.	YALOKE, GAGA, ZAWA (OMBELLA M’POKO PREFECTURE)	145
a)	<i>General</i>	145
b)	<i>Crimes committed</i>	145
	Count 43 – Attack directed against the civilian population (article 8(2)(e)(i))	145
	Count 44 – Murder and attempted murder (article 7(1)(a))	147
	Count 45 – Murder and attempted murder (article 8(2)(c)(i)).....	147
	Count 46 – Forcible transfer, deportation (article 7(1)(d))	148
	Count 47 – Displacement (article 8(2)(e)(viii)).....	148
	Count 48 – Destruction of the adversary’s property (article 8(2)(e)(xii)).....	149
	Count 49 – Pillaging (article 8(2)(e)(v)).....	149
	Count 50 – Severe deprivation of physical liberty (article 7(1)(e))	149

Count 51 – Inhumane acts (article 7(1)(k))	150
Count 52 – Degrading treatment (article 8(2)(c)(ii))	150
Count 53 – Extermination (article 7(1)(b))	150
Count 54 – Rape (article 7(1)(g))	151
Count 55 – Rape (article 8(2)(e)(vi))	151
Count 56 – Persecution (article 7(1)(h))	151
c) <i>Direct perpetrators of the crimes</i>	152
d) <i>The National Coordination was involved with the YALOKÉ Group</i>	153
i. From January 2014, the YALOKÉ Group was in contact with the National Coordination 153	
ii. NDOGUIA and BOZANDO received instructions and directions from the National Coordination	155
e) <i>Knowledge and intent of NGAISSONA</i>	155
i. NGAISSONA knew about the situation in YALOKÉ, GAGA, and ZAWA	155
ii. NGAISSONA intended and endorsed the situation in YALOKÉ, GAGA, and ZAWA	157
I. BOSSEMPTELE (OUHAM PENDE PREFECTURE)	158
a) <i>General</i>	158
b) <i>Crimes committed</i>	158
Count 57 – Attack against the civilian population (article 8(2)(e)(i))	158
Count 58 – Murder (article 7(1)(a))	160
Count 59 – Murder (article 8(2)(c)(i))	160
Count 60 – Destruction of the adversary’s property (article 8(2)(e)(xii))	161
Count 61 – Pillaging (article 8(2)(e)(v))	161
Count 62 – Attack against buildings dedicated to religion (article 8(2)(e)(iv))	162
Count 63 – Forcible transfer, deportation (article 7(1)(d))	162
Count 64 – Displacement (article 8(2)(e)(viii))	162
Count 65 – Severe deprivation of physical liberty (article 7(1)(e))	163
Count 66 – Persecution (article 7(1)(h))	163
c) <i>Direct perpetrators of the crimes</i>	164
d) <i>The National Coordination was involved with the BOSSEMPTELE Group</i>	165
i. From the end of December 2013, the BOSSEMPTELE Group was in contact with the <i>de</i> <i>facto</i> Coordination and later the National Coordination	165
ii. The BOSSEMPTELE Anti-Balaka leadership received instructions and directions from the National Coordination	165
e) <i>Knowledge and intent of NGAISSONA</i>	165
i. NGAISSONA knew about the situation in BOSSEMPTELE	166
ii. NGAISSONA intended and endorsed the situation in BOSSEMPTELE	167
J. BODA (LOBAYE PREFECTURE)	168
a) <i>General</i>	168
b) <i>Crimes committed</i>	168
Count 67 – Attack against the civilian population (article 8(2)(e)(i))	168
Count 68 – Severe deprivation of physical liberty (article 7(1)(e))	170
Count 69 – Inhumane acts (article 7(1)(k) and 8(2)(c)(ii))	171
Count 70 – Degrading treatment (article 8(2)(c)(ii))	171
Count 71 – Forcible transfer, deportation (article 7(1)(d))	172
Count 72 – Displacement (article 8(2)(e)(viii))	172
Count 73 – Rape (article 7(1)(g))	172
Count 74 – Rape (article 8(2)(e)(vi))	172
Count 75 – Cruel treatment (article 8(2)(c)(i))	172
Count 76 – Murder (article 7(1)(a))	172
Count 77 – Murder (article 8(2)(c)(i))	172
Count 78 – Persecution (article 7(1)(h))	173
c) <i>Direct perpetrators of the crimes</i>	174
d) <i>The National Coordination was involved with the BODA Group</i>	175
i. From January 2014, the BODA Group was in contact with the National Coordination ...	175
ii. The BODA Group reported to the National Coordination	176
e) <i>Knowledge and intent of NGAISSONA</i>	177
i. NGAISSONA knew about the situation in BODA	177
ii. NGAISSONA intended and endorsed the situation in BODA	178
K. CARNOT (MAMBERE-KADEI PREFECTURE)	179

a)	<i>General</i>	179
b)	<i>Crimes committed</i>	180
	Count 79 – Attack against the civilian population (article 8(2)(e)(i))	180
	Count 80 – Forcible transfer, deportation (article 7(1)(d))	181
	Count 81 – Displacement (article 8(2)(e)(viii))	181
	Count 82 – Severe deprivation of physical liberty (article 7(1)(e))	181
	Count 83 – Inhumane acts and degrading treatment (article 7(1)(k))	183
	Count 84 – Degrading treatment (article 8(2)(c)(ii))	183
	Count 85 – Persecution (article 7(1)(h))	183
c)	<i>Direct perpetrators of the crimes</i>	184
	i. Local Anti-Balaka leadership	184
	ii. Contacts of SINAKOLO, NAMSENMO, and ZAOROYANGA with the National Coordination.....	185
	iii. Relationship between [REDACTED] and the National Coordination	186
d)	<i>Knowledge and intent of NGAISSONA</i>	187
	i. NGAISSONA knew about the situation in CARNOT	187
	ii. NGAISSONA intended and endorsed the situation in CARNOT	188
L.	BERBERATI (MAMBERE-KADEI PREFECTURE)	189
a)	<i>General</i>	189
b)	<i>Crimes committed</i>	190
	Count 86 – Attack directed against the civilian population (article 8(2)(e)(i))	190
	Count 87 – Murder (article 7(1)(a)).....	191
	Count 88 – Murder (article 8(2)(c)(i))	191
	Count 89 – Destruction of the adversary’s property (article 8(2)(e)(xii)).....	191
	Count 90 – Pillaging (article 8(2)(e)(v))	191
	Count 91 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))	192
	Count 92 – Pillaging (article 8(2)(e)(v)).....	192
	Count 93 – Destruction of the adversary’s property (article 8(2)(e)(xii)).....	192
	Count 94 – Forcible transfer, deportation (article 7(1)(d))	192
	Count 95 – Displacement (article 8(2)(e)(viii))	192
	Count 96 – Inhumane acts (article 7(1)(k))	193
	Count 97 – Degrading treatment (article 8(2)(c)(ii))	193
	Count 98 – Severe deprivation of physical liberty (article 7(1)(e))	193
	Count 99 – Persecution (article 7(1)(h))	194
c)	<i>Direct perpetrators of the crimes</i>	195
d)	<i>The National Coordination was involved with the BERBERATI Group</i>	196
	i. From December 2013, the BERBERATI Group was in contact with the National Coordination.....	196
	ii. YAPELET and Rocco MOKOM received instructions and directions from the National Coordination.....	197
e)	<i>Knowledge and intent of NGAISSONA</i>	198
	i. NGAISSONA knew about the situation in BERBERATI	198
	ii. NGAISSONA intended and endorsed the situation in BERBERATI	199
M.	GUEN (MAMBERE-KADEI PREFECTURE).....	200
a)	<i>General</i>	200
b)	<i>Crimes committed</i>	202
	Count 100 – Attack directed against the civilian population (article 8(2)(e)(i))	202
	Count 101 – Murder, attempted murder (article 7(1)(a)).....	202
	Count 102 – Murder, attempted murder (article 8(2)(c)(i))	202
	Count 103 – Extermination (article 7(1)(b))	203
	Count 104 – Imprisonment or other severe deprivation of physical liberty (article 7(1)(e))	206
	Count 105 – Rape and attempted rape (article 7(1)(g))	206
	Count 106 – Rape and attempted rape (article 8(2)(e)(vi)).....	206
	Count 107 – Pillaging (article 8(2)(e)(v))	207
	Count 108 – Destruction of the adversary’s property (article 8(2)(e)(xii)).....	207
	Count 109 – Forcible transfer, deportation (article 7(1)(d))	208
	Count 110 – Displacement (article 8(2)(e)(viii)).....	208
	Count 111 – Persecution (article 7(1)(h))	209
c)	<i>Direct perpetrators of the crimes</i>	210
d)	<i>The National Coordination was involved with the GUEN Anti-Balaka leadership</i>	210

i.	From at least 1 February 2014, the GUEN Anti-Balaka leadership was in contact with MOKOM and the National Coordination	210
e)	<i>The National Coordination endorsed and/or rewarded the GUEN Group</i>	212
f)	<i>The GUEN Group received instructions and directions from the National Coordination (MOKOM)</i>	213
g)	<i>Knowledge and intent of NGAISSONA</i>	213
i.	NGAISSONA knew about the situation in GUEN.....	213
ii.	NGAISSONA intended and endorsed the situation in GUEN	214
VIII.	THE CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY ARE SATISFIED	215
IX.	THE CONTEXTUAL ELEMENTS OF WAR CRIMES ARE SATISFIED	216
X.	NEXUS BETWEEN THE ALLEGED CRIMES AND THE NIAC.....	218
XI.	EVIDENTIARY CONSIDERATIONS.....	218
A.	THE CHAMBER’S ASSESSMENT OF THE EVIDENCE	218
B.	MULTIPLE LEGAL CHARACTERISATIONS OF THE SAME FACTS	219
XII.	SCHEDULE OF CHARGES.....	220
XIII.	CONCLUSION.....	251

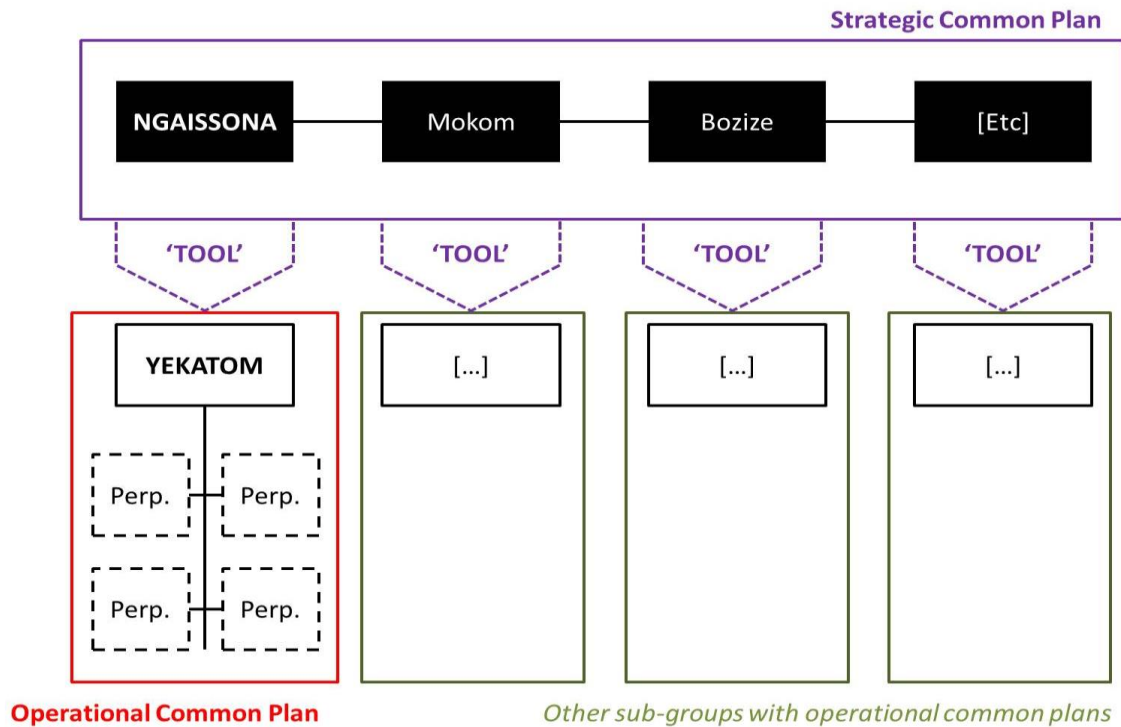
I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) submits this Document Containing the Charges (“DCC”) pursuant to article 61(3) of the Rome Statute (“Statute”), and rule 121(3) of the Rules of Procedure and Evidence (“Rules”).

2. The DCC references supporting evidence demonstrating substantial grounds to believe that Patrice-Edouard **NGAISSONA** (“**NGAISSONA**”) and Alfred **YEKATOM** (“**YEKATOM**”) (together “the Suspects”) committed the alleged crimes. They did so as members of two common plans – a broad one and a subsidiary one, respectively under article 25(3)(a). Although different in their context and ultimate goals, they were identical in the criminal means that they employed (the “Charged Crimes”).¹ As shown in the figure below, members of the broad common plan sought to exploit and enhance the crimes committed by members of the subsidiary common plan, as well as other persons and groups like them.²

¹ The “Charged Crimes” refers in whole or part to the crimes contained in the Schedule of Charges at Section XII.

² *Prosecutor v. Kvočka et al*, IT-98-30/1-T, Judgment, 2 November 2001, para.307 (“Within a joint criminal enterprise there may be other subsidiary criminal enterprises.”).



3. Thus, from at least June 2013 **NGAISSONA**, François **BOZIZE** (“**BOZIZE**”), Maxime **MOKOM** (“**MOKOM**”), Bernard **MOKOM**, and others participated in a broad common plan (“*Strategic Common Plan*”). Their objective was to claim and/or reclaim political power in the Central African Republic (“**CAR**”) by using criminal means, in particular, instrumentalising pre-existing ‘self-defence groups’ and others, later collectively known as the Anti-Balaka.³ The members of the *Strategic Common Plan* intended the Charged Crimes. They knew that mobilising and using Anti-Balaka groups fuelled by vengeance and hatred of Muslims because of atrocities committed by the Seleka – a mainly Muslim politico-military coalition⁴ – enhancing their capabilities, coordinating them, promoting their collective action, and transforming them into a formidable fighting force able to effectively oppose the Seleka, would, in the ordinary course of events, result in the violent targeting of the Muslim civilian population in western **CAR** and the commission of the Charged Crimes.

³ “Anti-Balaka” includes any sub-group or plurality of members/elements thereof, whether or not formally organised or constituted, including **YEKATOM**’s Group, defined below: *see paras.34-49, in particular paras.44-47.*

⁴ The name “Seleka” is used to refer to the armed group also known as “ex-Seleka” post-September 2013. Several senior commanders later formed the *Front populaire pour la renaissance de la Centrafrique* (“**FPRC**”). *See below, paras.617-622.*

4. Specifically, from September 2013 through December 2014 (“Relevant Period”), members of the *Strategic Common Plan*, including **NGAISSONA**, instrumentalised Anti-Balaka groups and their leaders in and around BANGUI and various western Prefectures including OUHAM, OMBELLA M’POKO, OUHAM PENDE, MAMBERE-KADEI, and LOBAYE, knowing that the Muslim civilian population there would be violently targeted as a result. By September 2013, Anti-Balaka groups were mounting sustained attacks in western CAR. In December 2013, they finally attacked BANGUI. From there, they continued in the commission of the Charged Crimes through to at least December 2014. One such group was led by **YEKATOM**, a military commander with effective command and/or authority, and control over a group of thousands of elements (“YEKATOM’s Group”),⁵ operating in and around BANGUI, BIMBO, and in the LOBAYE Prefecture.

5. **NGAISSONA** made an essential contribution to the crimes committed by the Anti-Balaka through contributing to the development and implementation of the *Strategic Common Plan* itself and by his involvement with the various component sub-groups of the Anti-Balaka, directly, or through the Anti-Balaka leadership. This included directing and coordinating their activities, providing resources, enhancing their capabilities, and encouraging their commission of crimes.

6. **YEKATOM** led his group in and around BANGUI, BIMBO, and in the LOBAYE Prefecture. By June 2013, **YEKATOM** was gathering elements in KALANGOI, Democratic Republic of the Congo (“DRC”), where he organised them to prepare for the seminal Anti-Balaka attack on BANGUI and BOEING on 5 December 2013. **YEKATOM** and members of his group thereby participated in a subsidiary common plan to violently target the Muslim population there and in areas in southwestern CAR, who, based on their religious, national, or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka (“*Operational Common Plan*”). In so doing, they intended to commit the Charged Crimes which occurred as a consequence of their own conduct. **YEKATOM** made essential contributions to his *Operational Common Plan*, including through ordering his elements to commit many of the Charged Crimes, as well as leading, training, and equipping them.

⁵ “YEKATOM’s Group” includes any subgroup or plurality of members/elements thereof, whether or not formally organised or constituted. YEKATOM’s Group is a subgroup of ‘Anti-Balaka’, as defined above.

7. Thus, the crimes committed by **YEKATOM** through his *Operational Common Plan* are imputable to members of the *Strategic Common Plan*, as are those committed by members of other Anti-Balaka sub-groups. By contrast, **YEKATOM** is responsible for his group's crimes committed pursuant to his *Operational Common Plan* within the framework of the *Strategic Common Plan*, and not those crimes committed by other Anti-Balaka sub-groups.

8. Further, or in the alternative, **NGAISSONA**'s conduct comprises an intentional and/or knowing contribution to the crimes of the Anti-Balaka sub-groups, each having acted with a common purpose, or otherwise renders him responsible for some or all of these crimes under article 25(3)(c) or 25(3)(d). Similarly, **YEKATOM**'s conduct comprises an intentional and/or knowing contribution to the crimes committed by his group, which acted with a common purpose, or otherwise renders him responsible for some or all of his group's crimes under article 25(3)(b), 25(3)(c), 25(3)(d), or article 28.

9. **NGAISSONA** is individually criminally responsible under article 25(3) of the Statute for all of the Charged Crimes, and in particular, the following crimes committed in violation of articles 7(1) and 8(2)(c) and (e), as more fully specified below:

- *Crimes against humanity*: article 7(1)(a) – Murder and attempted murder; article 7(1)(b) – Extermination; article 7(1)(d) – Forcible transfer and deportation; article 7(1)(e) – Imprisonment and other forms of severe deprivation of physical liberty; article 7(1)(f) – Torture; article 7(1)(g) – Rape and attempted rape; article 7(1)(h) – Persecution; article 7(1)(k) – Inhumane acts.
- *War crimes*: article 8(2)(c)(i) – Murder and attempted murder; article 8(2)(c)(i) - Mutilation, cruel treatment and torture; article 8(2)(c)(ii) – Committing outrages upon personal dignity; article 8(2)(e)(i) - Intentionally directing attacks against the civilian population; article 8(2)(e)(iv) – Attacks against buildings dedicated to religion; article 8(2)(e)(v) – Pillaging; article 8(2)(e)(vi) – Rape and attempted rape; article 8(2)(e)(vii) - Enlistment and use of children under the age of 15 years in hostilities; article 8(2)(e)(viii) - Displacement of the civilian population; article 8(2)(e)(xii) - Destruction of the adversary's property.

10. **YEKATOM** is individually criminally responsible under articles 25(3) and/or 28(a) for the following crimes charged in Counts 1-8, 11-17, and 24-29, committed in violation of articles 7(1) and 8(2)(c) and (e) set out below, as more fully specified below:

- *Crimes against humanity*: article 7(1)(a) – Murder; article 7(1)(d) - Forcible transfer and deportation; article 7(1)(e) – Imprisonment or other severe deprivation of physical liberty; article 7(1)(f) – Torture; article 7(1)(h) – Persecution; article 7(1)(k) – Inhumane acts.
- *War crimes*: article 8(2)(c)(i) – Murder; article 8(2)(c)(i) – Mutilation, cruel treatment and torture; article 8(2)(c)(ii) – Committing outrages upon personal dignity; article 8(2)(e)(i) – Intentionally directing attacks against the civilian population; article 8(2)(e)(iv) – Attacks against buildings dedicated to religion; article 8(2)(e)(vii) – Enlistment and use of children under the age of 15 years in hostilities; article 8(2)(e)(viii) – Displacement of the civilian population; article 8(2)(e)(xii) – Destruction of the adversary’s property.

11. Given the particular nature of the charged common plans, this DCC first introduces the two Suspects and their backgrounds, and then some of the sub-groups which collectively formed the Anti-Balaka. It provides an overview of the Charged Crimes and then, in explaining the individual criminal responsibility of each Suspect, sets out the details of the applicable common plan. It concludes by detailing the crime base to which those common plans relate. A Schedule of Charges is set out at the end of the document. It indicates the incidents, crimes charged, and applicable modes of liability with respect to each Suspect. The DCC should be considered and understood as a whole.

II. THE SUSPECTS

A. *Patrice-Edouard NGAISSONA*

12. Patrice-Edouard **NGAISSONA** was born on 30 June 1967 in BEGOUA, CAR. He was a wealthy, successful, and influential businessman.⁶ Of Gbaya ethnicity, he was a relative of, and close to, former President BOZIZE.⁷

13. Having been involved in national football for years, **NGAISSONA** was appointed President of the Central African Football Federation in 2008.⁸ In this position, **NGAISSONA** acquired fame and considerable influence over Youth Coordinators and the youth in both BANGUI and in the Provinces.⁹ During BOZIZE's presidency, most Youth Coordinators were linked to his *Kwa Na Kwa* ("KNK") political party, through which **NGAISSONA** was elected to represent the town NANA-BAKASSA (near BOSSANGO) in January 2011.¹⁰

14. When the Seleka rebellion led by Michel DJOTODIA ("DJOTODIA") gained substantial ground in December 2012, **NGAISSONA** used his connections to mobilise the youth to erect barricades and roadblocks in BANGUI and in BIMBO. They used these checkpoints to identify Chadian or Sudanese nationals, and anyone appearing to be

⁶ **P-0884**: [CAR-OTP-2072-1715-R01](#), at 1733, 1.613-634; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0015-0016, para.30; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0257, para.91; **P-1048**: [CAR-OTP-2094-0573-R01](#), at 0583-0585, 1.363-440; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2299, para.55. *See also* NGAISSONA's passport application: [CAR-OTP-2017-0196](#), at 0196.

⁷ On NGAISSONA and BOZIZE's relationship, *see* [CAR-OTP-2030-0984](#), at 0984; [CAR-OTP-2001-2769](#), at 2829; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0022, para.62; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0241, paras.71-72; **P-1576**: [CAR-OTP-2060-0280-R01](#), at 0287, para.41. On BOZIZE's membership of the Gbaya ethnic group, *see* **P-0884**: [CAR-OTP-2072-1356-R01](#), at 1375, 1.644-648; [CAR-OTP-2002-0335](#), at 0338; [CAR-OTP-2001-2707](#), at 2720. On NGAISSONA's membership of the Gbaya ethnic group, *see* **P-0487**: [CAR-OTP-2076-0516-R01](#), at 0548, 1.1144-1146; [CAR-OTP-2076-0212-R01](#), at 0217; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0055, para.86.

⁸ [CAR-OTP-2030-0984](#), at 0984; [CAR-OTP-2092-1040](#), at 1040; [CAR-OTP-2000-0540](#), from [00:00:00] to [00:13:10] (for summary translation of video/audio in Sango, *see* Annex G); [CAR-OTP-2003-1076](#), at 1117, 1125; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0615, para.72.

⁹ On NGAISSONA's influence over the Youth Coordination, *see* **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2570-2571, paras.5-6. *See also below*, para.26. On the role of the Youth Coordination, *see* **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0012-0013, paras.13-15, 17-18.

¹⁰ On NGAISSONA's appointment to the KNK, *see* [CAR-OTP-2018-0069](#), at 0127; [CAR-OTP-2018-0174](#), at 0231. *See also* **P-0487**: [CAR-OTP-2076-0348-R01](#), at 0367, 1.653-656; **P-1994**: [CAR-OTP-2080-0852-R01](#), at 0865, para.94.

Muslim.¹¹ In February 2013, BOZIZE appointed **NGAISSONA** as Minister of Youth, Sports, Arts and Culture, a role in which he served until 24 March 2013.¹²

15. **NGAISSONA** fled to CAMEROON following the 24 March 2013 *coup d'état* (“24 March 2013 *Coup*”) which saw BOZIZE overthrown by the Seleka. There, **NGAISSONA** met with other CAR exiles including BOZIZE; Bernard MOKOM and other members of BOZIZE’s inner circle; members of BOZIZE’s former government and Presidential Guard (“PG”); and members of the *Force Armée Centrafricaine* (“FACA”). As noted, their *Strategic Common Plan* was to claim and/or reclaim power in CAR, oust DJOTODIA, the Seleka regime, and their perceived supporters through, *inter alia*, the mobilisation, organisation, and use of pre-existing self-defence groups and others, later collectively known as the Anti-Balaka. MOKOM, Bernard MOKOM’s son, joined in the plan from ZONGO, DRC.¹³ The Anti-Balaka were motivated by vengeance for atrocities committed by the Seleka. The members of the *Strategic Common Plan* enhanced the capabilities of these groups and promoted their collective action as the Anti-Balaka, so that they became a capable fighting force able to effectively oppose the Seleka. At the very least, the members of the *Strategic Common Plan* knew that, in the ordinary course of events, their use of the Anti-Balaka would result in the violent targeting of the Muslim civilian population in western CAR — including the commission of the Charged Crimes.

16. As described below, the Anti-Balaka’s attack on BANGUI and BOEING on 5 December 2013 (“5 December 2013 Attack”)¹⁴ was a crucial point in the implementation of the *Strategic Common Plan*.

17. In August 2013, **NGAISSONA**, BOZIZE, Bernard MOKOM, and others, founded the political action group *Front pour le retour à l'ordre constitutionnel en Centrafrique* (“FROCCA”). The group advocated the removal of the Seleka regime by force among other means, as well as BOZIZE’s return to power. It promoted and disseminated an anti-

¹¹ On the mobilisation and role of youth at checkpoints, see **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0564, para.24; [CAR-OTP-2100-2569-R01](#), at 2571-2572, paras.7-9; **P-1584**: [CAR-OTP-2056-0447-R01](#), at 0452-0454, paras.31-42; [CAR-OTP-2003-0019](#), at 0037-0038.

¹² **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2304, para.86; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0564, para.24; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0615, para.72; [CAR-OTP-2066-2466](#), at 2562; [CAR-OTP-2030-0984](#), at 0984.

¹³ See below, paras.38-43.

¹⁴ See below, paras.53-59.

Muslim agenda, urging CAR's population to chase out so-called "islamists" and "dihadists", claiming, *inter alia*, that local Muslims were in collaboration with Seleka forces whose intent was to "*islamis[e]*" the country.¹⁵

18. From September 2013 at the latest, **NGAISSONA** was part of the Anti-Balaka's leadership as a *de facto* political Coordinator;¹⁶ MOKOM was its recognised Coordinator for military operations.¹⁷

19. **NGAISSONA** was formally designated the Anti-Balaka National General Coordinator on his 14 January 2014 return to BANGUI from exile in CAMEROON. Vested with authority over the Anti-Balaka, he remained in this position through at least December 2014.¹⁸

B. Alfred **YEKATOM**

20. Alfred **YEKATOM** was born on 23 January 1975 in BIMBO, CAR.¹⁹ He was a FACA "*caporal-chef*" before the 24 March 2013 *Coup*.²⁰ After BOZIZE's overthrow, he fled to the DRC.²¹

21. By June 2013, **YEKATOM** had gathered thousands of elements in KALANGOI, DRC, where he trained and developed them.²² From at least September 2013 through to December 2014, **YEKATOM** commanded over 3,000 elements, including approximately 200 FACA.²³ He organised his group in a military-like hierarchy, comprised of subgroups headed by subordinate commanders (i.e. **YEKATOM**'s Group).²⁴

¹⁵ See below, paras.90-101.

¹⁶ "Coordinator" means 'head', 'principle', 'leader' or 'chief' of a group or unit within the Anti-Balaka.

¹⁷ See below, para.40.

¹⁸ See below, para.138.

¹⁹ [CAR-OTP-2017-0210](#), at 0210; [CAR-OTP-2039-0071](#), at 0071.

²⁰ [CAR-OTP-2062-0657](#), 1.10160; [CAR-OTP-2065-0396](#), from [00:00:23] to [00:01:40] and its transcript and translation [CAR-OTP-2107-6918](#), at 6919, 1.13-34, and [CAR-OTP-2107-7050](#), at 7052, 1.13-34; [CAR-OTP-2039-0063](#), at 0063.

²¹ See below, para.44.

²² See below, para.45.

²³ See below, para.45.

²⁴ See below, para.208.

22. **YEKATOM** presented himself, and was recognised by the Anti-Balaka leadership as a powerful Zone Commander (“ComZone”).²⁵ His subordinates recognised his authority as the leader of YEKATOM’s Group, as did the CAR authorities and the international community.²⁶

23. **YEKATOM** controlled distinct territory in south-western CAR and established bases there, including in the LOBAYE Prefecture along the *point kilomètre* (“PK”) 9 – MBAIKI axis, including SEKIA, NDANGALA, BIMON, KAPOU, BOSSONGO, and PISSA (“PK9 – MBAIKI axis”), the PISSA – MONGOUMBA axis, including MBATA, BOUCHIA, and BATALIMO (“PISSA MONGOUMBA axis”), in the southwest of BANGUI (including CATTIN), and in BOEING.²⁷

24. Like other Anti-Balaka groups referred to in the charged incidents, YEKATOM’s Group fell within the structure of the Anti-Balaka leadership (“*de facto* Coordination”) and, after its formalisation, the Anti-Balaka National Coordination (“National Coordination”).²⁸

III. OVERVIEW OF THE ANTI-BALAKA

A. GENERAL CONTEXT

25. Around August 2012, the Seleka emerged in north-eastern CAR in opposition to BOZIZE’s regime.²⁹ Along with CAR nationals, the coalition also comprised Sudanese and Chadians.³⁰ Initial victories in the field led to the Seleka’s 10 December 2012 NDELE offensive.³¹

26. Two KNK-based militias were formed in response. FACA Lieutenant Mike Steve YAMBETE (“YAMBETE”) led the *Comité d’organisation des actions citoyenne*

²⁵ “ComZone” refers to a commander or leader of a group of Anti-Balaka elements responsible for a certain area and/or territory.

²⁶ See below, para.211.

²⁷ See below, para.212.

²⁸ See below, para.206.

²⁹ [CAR-OTP-2001-2890](#), at 2897-2898.

³⁰ [CAR-OTP-2001-2769](#), at 2772. For specific, named ‘perpetrators’ with links to Chad and Sudan, see in particular at 2835-2838; and further [CAR-OTP-2001-2564](#), at 2576-2577.

³¹ [CAR-OTP-2001-1976](#), at 1979 (in particular para.2), 1987-1988; [CAR-OTP-2001-2769](#), at 2775.

(“COAC”), while Levy YAKITE (“YAKITE”) led the *Coalition citoyenne d’opposition aux rébellions armées* (“COCORA”) under NGAISSONA’s patronage.³² Both groups erected barricades and checkpoints throughout BANGUI and BIMBO, aimed at identifying Muslims aligned with the Seleka, some of whom were arrested and never seen again.³³ NGAISSONA mobilised the youth through his connections and influence among Youth Coordinators and the KNK.³⁴ Some later participated in the 5 December 2013 Attack.³⁵

27. In an effort to hold on to power, BOZIZE delivered a seminal speech to his supporters at the *Place de la République* at BANGUI’s PK0 on 27 December 2012. He branded the Seleka and their supporters “foreigners” (“*il n’y a aucun Centrafricain parmi eux*”), “Janjaweed”, or “TORO BORO”.³⁶ Despite several references to peaceful resistance, he called on the population, especially the youth, to take up weapons and to go to war against the enemy. He urged vigilance of “foreigners who live in the fenced houses” — a thinly veiled reference to the CAR Muslims, who BOZIZE declared “assisted” the Seleka to kill. At the rally, YAKITE insisted that they were surrounded by traitors (“*des Judas*”) but that the foreigners would have to walk over their dead bodies before they would cede power (“*la patrie ou la mort*”). He announced the preparedness of the youth

³² **P-1584:** [CAR-OTP-2056-0447-R01](#), at 0452, paras.31-32; **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2571, paras.7-9; [CAR-OTP-2001-0835](#), at 0876, para.1; [CAR-OTP-2003-0019](#), at 0107; [CAR-OTP-2088-1574](#), at 1595, 1597; [CAR-OTP-2054-1362](#); [CAR-OTP-2042-2201](#), from [00:12:30] to [00:14:43].

³³ [CAR-OTP-2000-0668](#), from [00:00:00] to [00:06:05] and its transcript and translation [CAR-OTP-2087-9783](#) and [CAR-OTP-2087-9850](#); [CAR-OTP-2042-2137](#), from [00:12:52] to [00:14:40] and its transcript [CAR-OTP-2107-1481](#); [CAR-OTP-2000-0688](#), from [00:00:00] to [00:02:30] and its transcript and translation [CAR-OTP-2107-6884](#) and [CAR-OTP-2107-7006](#), at 7008; [CAR-OTP-2042-2146](#), from [00:15:27] to [00:16:52] and its transcript [CAR-OTP-2107-1485](#); [CAR-OTP-2000-0687](#), from [00:00:00] to [00:01:13] and its transcript [CAR-OTP-2107-1493](#); [CAR-OTP-2042-0259](#), from [00:00:00] to [00:02:30] and its transcript and translation [CAR-OTP-2107-2991](#) and [CAR-OTP-2107-2993](#); [CAR-OTP-2042-0262](#), from [00:00:00] to [00:04:19] (for summary translation of video/audio in Sango, see Annex G); **P-1584:** [CAR-OTP-2056-0447-R01](#), at 0452-0454, paras.31-43; **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2571-2572, paras.7-10; **P-0434:** [CAR-OTP-2014-0660-R01](#), at 0670, paras.54-55; **P-0519:** [CAR-OTP-2016-0652-R01](#), at 0659-0661, paras.34-39; **P-1452:** [CAR-OTP-2048-0682-R01](#), at 0687-0690, 0692, paras.36-59, 69-73; **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0349, paras.152-153; **P-0589:** [CAR-OTP-2029-0014-R01](#), at 0017-0018, 0025, paras.19-22, 71; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1574, para.253; [CAR-OTP-2034-0270](#), at 0284-0285, 0294-0295, paras.76-77, 120, 124; [CAR-OTP-2104-1137](#). On NGAISSONA’s role in mobilising the march of 10 January 2013, see [CAR-OTP-2042-0976](#), from [00:04:37] to [00:07:22] and its transcript [CAR-OTP-2107-1473](#); [CAR-OTP-2042-2144](#), from [00:07:25] to [00:09:24] and its transcript [CAR-OTP-2107-1483](#).

³⁴ **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0564, para.24; [CAR-OTP-2100-2569-R01](#), at 2571-2572, paras.6-9.

³⁵ [CAR-OTP-2001-6251](#), at 6293, para.3.

³⁶ For the definition of Toro Boro, see [CAR-OTP-2089-0143](#), at 0144.

to patrol every district and expand COCORA’s presence in every village in the OUHAM, NANA-MAMBERE, MAMBERE-KADEI, and NANA-GRIBIZI prefectures.³⁷

28. BOZIZE’s speech was widely disseminated. It was broadcast and discussed in the media, and it founded further Anti-Muslim incitement.³⁸ A few days later, on 31 December 2012, BOZIZE repeated his rhetoric, declaring that CAR had become two countries: one belonging to the “Janjaweed”; the other, to true Central Africans.³⁹

29. In the weeks following BOZIZE’s 27 December 2012 speech, **NGAISSONA** called for support against the “enemies of the Nation who decided to bring trouble by bringing Sharia law” and who “want to use Islamism to destroy the country”. He sought the youth’s support against “foreign invaders”.⁴⁰ Likewise, BOZIZE continued to portray the Seleka as *foreigners* who were intent on harming *real* Central Africans.⁴¹ YAKITE and YAMBETE publicly echoed these sentiments.⁴²

³⁷ [CAR-OTP-2000-0630](#), from [00:00:00] to [00:34:55] and its transcript and translation [CAR-OTP-2060-0623](#) and [CAR-OTP-2060-0678](#); [CAR-OTP-2060-0678](#), at 0682-0692, *in particular* 1.76-92, 123-157, 192-526. For commentary on the speech, *see* **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2571, para.7; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1573-1574, paras.250-253; **P-1437**: [CAR-OTP-2047-0257-R01](#), at 0260, para.22; **P-0461**: [CAR-OTP-2031-0190-R01](#), at 0193, para.20; **P-2200**: [CAR-OTP-2088-2146-R01](#), at 2149, para.19; **P-0876**: [CAR-OTP-2046-0370-R01](#), at 0375-0376, 1.180-208, [CAR-OTP-2046-0380-R01](#), at 0385, 1.156-191.

³⁸ *See e.g.* [CAR-OTP-2101-0462](#), at 0462, 0465-0466; [CAR-OTP-2042-2107](#), from [00:00:00] to [00:06:30]; [CAR-OTP-2000-0724](#), from [00:00:00] to [00:17:01] and its summary translation [CAR-OTP-2008-0253](#).

³⁹ [CAR-OTP-2000-0632](#), from [00:03:23] to [00:05:24], from [00:10:22] to [00:12:31], from [00:14:49] to [00:16:12] and its transcript and translation [CAR-OTP-2060-0631](#) and [CAR-OTP-2060-0693](#), at 0695, 0698-0699, 1.30-40, 105-111, 141-144.

⁴⁰ [CAR-OTP-2000-0680](#), from [00:00:00] to [00:05:37] and its transcript and translation [CAR-OTP-2087-9789](#) and [CAR-OTP-2087-9863](#), at 9865, 1.2-15; [CAR-OTP-2042-0976](#), from [00:04:37] to [00:07:22] and its transcript [CAR-OTP-2107-1473](#). The 10 January 2013 march was attended by more than a million citizens: [CAR-OTP-2000-0522](#), from [00:00:00] to [00:14:52] (for summary translation of video/audio in Sango, *see* Annex G); [CAR-OTP-2042-2144](#), from [00:07:25] to [00:09:25] and its transcript [CAR-OTP-2107-1483](#); [CAR-OTP-2042-2159](#), from [00:01:15] to [00:03:46] and its transcript [CAR-OTP-2107-1487](#).

⁴¹ [CAR-OTP-2000-0627](#), from [00:20:20] to [00:22:46] and its transcript and translation [CAR-OTP-2060-0618](#) and [CAR-OTP-2060-0668](#), at 0674, 1.194-218.

⁴² *See above*, para.26, *in particular* [CAR-OTP-2000-0668](#), from [00:00:00] to [00:06:05] and its transcript and translation [CAR-OTP-2087-9783](#) and [CAR-OTP-2087-9850](#); [CAR-OTP-2042-2137](#), from [00:12:52] to [00:14:40] and its transcript [CAR-OTP-2107-1481](#); [CAR-OTP-2042-2146](#), from [00:15:27] to [00:16:52] and its transcript [CAR-OTP-2107-1485](#); [CAR-OTP-2042-0259](#), from [00:00:00] to [00:02:30], and its transcript and translation [CAR-OTP-2107-2991](#) and [CAR-OTP-2107-2993](#); [CAR-OTP-2042-0262](#), from [00:00:00] to [00:04:19] (for summary translation of video/audio in Sango, *see* Annex G).

30. On 11 January 2013, BOZIZE negotiated and signed the first ceasefire agreement with the Seleka in LIBREVILLE (“2013 LIBREVILLE Agreement”).⁴³

31. Given his influence over the youth, **NGAISSONA** was appointed BOZIZE’s Youth Minister,⁴⁴ and **NGAISSONA** recruited YAMBETE as his *Chargé de missions*.⁴⁵ On 15 March 2013, **NGAISSONA** publicly reaffirmed the youth’s “readiness to devote themselves to defend [the] country”.⁴⁶ The following week he told the youth to stay calm and that they would be called upon when needed.⁴⁷

32. Despite the 2013 LIBREVILLE Agreement, the Seleka resumed its offensive and seized BANGUI in the 24 March 2013 *Coup*,⁴⁸ forcing BOZIZE into exile in CAMEROON, and later KENYA *via* FRANCE.⁴⁹

33. Immediately after the 24 March 2013 *Coup*, Seleka forces expanded their territorial control, suppressing resistance in regions associated with BOZIZE and his Gbaya ethnic group.⁵⁰ For several months, Seleka forces subjected civilians (mainly non-Muslims)⁵¹ in these regions to brutal attacks and atrocities.⁵²

B. ORIGINS OF THE ANTI-BALAKA

34. Soon after the 24 March 2013 *Coup*, members of BOZIZE’s inner circle began organising a response to the Seleka offensive and a plan to claim or reclaim power in

⁴³ [CAR-OTP-2054-1342](#); [CAR-OTP-2054-1346](#).

⁴⁴ *See above*, para.14.

⁴⁵ [CAR-OTP-2098-0154](#), at 0154; [CAR-OTP-2113-0664](#), at 0664.

⁴⁶ [CAR-OTP-2000-0655](#), from [00:00:55] to [00:01:12] and [00:17:43] to [00:18:25].

⁴⁷ [CAR-OTP-2042-1783](#), from [00:01:15] to [00:02:36] and its transcript [CAR-OTP-2107-1475](#).

⁴⁸ [CAR-OTP-2025-0372](#), at 0374; [CAR-OTP-2025-0362](#), at 0364; [CAR-OTP-2025-0396](#), at 0398; [CAR-OTP-2030-0255](#), at 2055-2056.

⁴⁹ **P-0876**: [CAR-OTP-2046-0295-R01](#), at 0321, 1,933-951; [CAR-OTP-2001-4146](#), at 4147.

⁵⁰ *See e.g.* **P-0884**: [CAR-OTP-2072-1913-R01](#), at 1942-1943, 1,1034-1056; **P-2027**: [CAR-OTP-2078-0059-R01](#), at 0063, para.30; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0016, para.34.

⁵¹ Towards the end of 2012 (prior to the conflict), 15% of the population were Muslim, 25% Roman Catholic, 25% Protestant and 35% followed indigenous beliefs: [CAR-OTP-2001-3319](#), at 3320.

⁵² *See e.g.* [CAR-OTP-2001-1767](#), at 1782, 1785; [CAR-OTP-2001-1870](#), at 1913; [CAR-OTP-2001-0310](#), at 0310.

CAR. As members of BOZIZE's ethnic group and family,⁵³ NGAISSONA, Bernard MOKOM,⁵⁴ and MOKOM,⁵⁵ were a part of that inner circle.

a) CAMEROON-group

35. NGAISSONA and Bernard MOKOM joined BOZIZE in CAMEROON,⁵⁶ where they met with members of BOZIZE's PG and FACA members loyal to him. They were mainly Gbaya,⁵⁷ as were most Anti-Balaka.⁵⁸ They also met with other members of his close entourage including Joachim KOKATE ("KOKATE"), Adrien POUSSOU ("POUSSOU"), Ambassador Louis OGUERE NGAIKOUMON ("OGUERE"), YAKITE,⁵⁹ and others, to prepare a response to the Seleka offensive and to coordinate an attack to regain BANGUI.⁶⁰

⁵³ On NGAISSONA and BOZIZE's relationship, *see above*, para.12. On the relationship between MOKOM and BOZIZE, *see* **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1540, para.33; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0338, para.93; [CAR-OTP-2093-0010-R01](#), at 0022, para.62; [CAR-OTP-2023-0032](#), at 0042, para.33; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0620, para.102; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2298, para.48; [CAR-OTP-2001-5672](#), at 5672; [CAR-OTP-0080-0821](#), at 0823.

⁵⁴ Bernard MOKOM was also the former sub-prefect of GAMBOULA under BOZIZE's government: **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1540, para.33; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2298, para.48; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0043, para.26.

⁵⁵ MOKOM was a police officer who had been working in BOZIZE's intelligence: **P-0446**: [CAR-OTP-2059-1626-R01](#), at 1645, 1.730-1.734; **P-0646**: [CAR-OTP-2029-0399-R01](#) at 0424, para.166; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2295, para.31; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2593, paras.138-139.

⁵⁶ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0567, paras.39-40; **P-0487**: [CAR-OTP-2076-0168-R01](#), at 0171, 1.89-96; **P-0801**: [CAR-OTP-2074-2065-R01](#), at 2092, 2101, 1.916-923, 1240-1242, [CAR-OTP-2074-2120-R01](#), at 2141-2142, 1.720-748, [CAR-OTP-2074-2159-R01](#), at 2175, 1.522-523, [CAR-OTP-2074-2608-R01](#), at 2624, 1.531-533; **P-0884**: [CAR-OTP-2072-1541-R01](#), at 1552, 1.371-377; **P-2027**: [CAR-OTP-2078-0059-R01](#), at 0069-0070, paras.61-65; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1551, para.112.

⁵⁷ *See above*, paras.12 and 34.

⁵⁸ *See e.g.* **P-0801**: [CAR-OTP-2074-2159-R01](#), at 2175, 1.541-544; **P-0884**: [CAR-OTP-2072-1913-R01](#), at 1942, 1.1019-1031; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0043, paras.27-28.

⁵⁹ On the meetings attended by members of FACA and PG who fled to Cameroon, *see* **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0607, para.26; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1546-1547, paras.80-87; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0043-0045, paras.25, 34-36; **P-0801**: [CAR-OTP-2074-2021-R01](#), at 2052-2059, 2062, 1.1017-1274, 1.1372-1388, [CAR-OTP-2074-2065-R01](#), at 2079, 2092, 2101, 1.452-463, 916-923, 1240-1242, [CAR-OTP-2074-2580-R01](#), at 2581-2585, 1.15-168, [CAR-OTP-2074-2608-R01](#), at 2627-2631, 1.620-760; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1539-1547, 1551-1552, 1561-1562, paras.25-48, 71, 75, 83-87, 109-114, 176; **P-0884**: [CAR-OTP-2072-1541-R01](#), at 1552, 1.371-377; [CAR-OTP-2001-4146](#), at 4147; [CAR-OTP-2001-0984](#), at 0984; [CAR-OTP-2002-0739](#), at 0744; [CAR-OTP-2079-0574](#), at 0574-0575; [CAR-OTP-2079-0551](#), at 0552; [CAR-OTP-2079-0540](#), at 0540; [CAR-OTP-2001-5739](#), at 5793; [CAR-OTP-2088-1179](#), at 1194. On the FACA fleeing to Cameroon, *see* **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0242-0243, para.81; [CAR-OTP-2001-4020](#), at 4020.

⁶⁰ **P-0884**: [CAR-OTP-2072-1881-R01](#), at 1894-1895, 1.451-488; [CAR-OTP-2072-1356-R01](#), at 1377-1381, 1.710-843, [CAR-OTP-2072-1440-R01](#), at 1465-1466, 1.861-880; [CAR-OTP-2080-1678-R01](#), at 1694-1695, 1.549-574; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0572, para.75; [CAR-OTP-2100-2569-R01](#), at 2572-2573, paras.13, 15; **P-2404**: [CAR-OTP-2102-1558-R01](#), at 1595, para.155; [CAR-OTP-2003-0019](#), at 0109; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0238, 0241, paras.55, 57, 71, 72; **P-0287**: [CAR-OTP-2115-0239-R01](#), at

36. Meetings took place at various locations in YAOUNDE, including at BOZIZE's Hilton Hotel suite,⁶¹ his residence at the *Cité du Golf*,⁶² (where BOZIZE stayed with NGAISSONA and Bernard MOKOM),⁶³ and the CAR Embassy.⁶⁴ There were also meetings in DOUALA.⁶⁵ The anti-Muslim rhetoric expressed earlier was also repeated in these meetings.⁶⁶

37. On the instructions of NGAISSONA and Bernard MOKOM, FACA members and PGs loyal to BOZIZE in the border area of GAROUA-BOULAI, BERTOUA and BOHONG and other parts of western CAR started preparing attacks against Seleka positions. They received money from NGAISSONA and Bernard MOKOM for weapons and ammunition in view of the planned attacks.⁶⁷ As such, money was provided to individuals like Danboy DEDANE ("DEDANE"), and Côme Hyppolite AZOUNOU ("AZOUNOU"), who would later liaise with MOKOM from ZONGO in preparation for the 5 December 2013 Attack.⁶⁸ At the same time, from CAMEROON, NGAISSONA kept apprised of developments on the ground in BANGUI and continued his efforts to mobilise the youth there.⁶⁹ NGAISSONA was in contact with [REDACTED]

0247, paras.40-41; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1551, 1561, paras.112, 174-175; **P-0801:** [CAR-OTP-2074-2021-R01](#), at 2056-2058, 1.1038-1053, 1159-1241; [CAR-OTP-2079-0540](#), at 0540; [CAR-OTP-2001-5739](#), at 5782, 5793; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0172, paras.41, 43.

⁶¹ **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1539-1542, paras.25, 29, 34-37, 40-46; **P-0801:** [CAR-OTP-2074-2021-R01](#), at 2052-2057, 1.1019-1.1209. On the Hilton Hotel being BOZIZE's residence, see [REDACTED].

⁶² [REDACTED].

⁶³ [REDACTED].

⁶⁴ [REDACTED].

⁶⁵ **P-0434:** [CAR-OTP-2014-0660-R01](#), at 0674-0675, paras.83-85; **P-0627:** [CAR-OTP-2102-1265-R01](#), at 1284-1287, 1.660-777. On the presence of FACA in DOUALA, see **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0044-0045, paras.34-36.

⁶⁶ [CAR-OTP-2088-1179](#), at 1181, 1194; **P-0589:** [CAR-OTP-2029-0014-R01](#), at 0024, para.69; **P-0627:** [CAR-OTP-2102-1265-R01](#), at 1285-1287, 1.699-782; [CAR-OTP-2102-1506-R01](#), at 1523-1525, 1.570-633.

⁶⁷ **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0242-0243, 0255, paras.81 157; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0173-0174, 0191, paras.45, 47-48, 140; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0042-0044, paras.23-25, 34-36; **P-0876:** [CAR-OTP-2046-0455-R01](#), at 0466, 1.402-431; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1546-1547, 1550-1552, 1555, 1558-1559, 1563, paras.80-87, 104, 109-110, 112, 115-118, 135, 155-156, 187. On the creation of the Anti-Balaka around BOHONG, see [CAR-OTP-2003-1076](#), at 1086-1087; [CAR-OTP-2025-0396](#) at 0398.

⁶⁸ **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1545, 1552-1553, paras.71, 115-120. Regarding the role of AZOUNOU and DEDANE in relation to MOKOM, see *further below*, para.42.

⁶⁹ **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0015-0016, 0020-0021, paras.30, 58.

FACA member *capitaine* Charles NGREMANGOU (“NGREMANGOU”), who had stayed in BANGUI.⁷⁰ NGREMANGOU, a BOZIZE *protégé*, was also in regular contact with BOZIZE during this period.⁷¹

b) *ZONGO-group*

38. MOKOM fled to ZONGO after the 24 March 2013 *Coup*.⁷² Also with him were members of BOZIZE’s PG, FACA members, and others loyal to BOZIZE.⁷³ Individuals in this group included some of BOZIZE’s sons, as well as FACA members *caporal chef* Patrick OROFEI and *lieutenant* Aimé Abel DENAMGANAI (“DENAMGANAI”), and Brice Emotion NAMSIO (“NAMSIO”) —who later became key members of the Anti-Balaka National Coordination.⁷⁴

39. From ZONGO, MOKOM was in frequent contact with Bernard MOKOM who was with NGAISSONA in CAMEROON.⁷⁵ Indeed, both were contacted and contactable on NGAISSONA’s number.⁷⁶

⁷⁰ [REDACTED]. For the telephone contacts between NGAISSONA, [REDACTED] NGREMANGOU, *see* [REDACTED].

⁷¹ **P-0876**: [CAR-OTP-2046-0473-R01](#), at 0480-0481, 1.276-301; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0177-0179, paras.37, 45, 47.

⁷² **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0607, para.26; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2294-2295, paras.27-29; **P-0446**: [CAR-OTP-2059-1626-R01](#), at 1640-1642, 1.488-618; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0567, 0569, 0576-0577, paras.44, 45, 58, 102; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1551, para.111.

⁷³ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0566, paras.36-37; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0607, para.25; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0745, paras.29-30; **P-0888**: [CAR-OTP-2031-0217-R01](#), at 0220-0222, paras.23, 31; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2294-2295, paras.27-29; **P-0876**: [CAR-OTP-2046-0267-R01](#), at 0281, 1.503-521; **P-0446**: [CAR-OTP-2059-1626-R01](#), at 1638-1640, 1.445-510, 1.741-788; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0179, para.73.

⁷⁴ *See e.g.* [CAR-OTP-2025-0380](#), at 0384-0385; [CAR-OTP-2006-1210](#), at 1213.

⁷⁵ **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1549, paras.101-102; **P-0801**: [CAR-OTP-2074-2643-R01](#), at 2647-2649, 1.124-189; **P-0876**: [CAR-OTP-2046-0249-R01](#), at 0259-0261, 1.375-1.458, [CAR-OTP-2046-0407-R01](#), at 0409-0415, 1.71-271; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0572, 0577, paras.75, 99, [CAR-OTP-2100-2569-R01](#), at 2573-2574, 2578-2580, paras.14,15, 20, 48, 55; [CAR-OTP-2066-3003](#), at 3051-3053, 3055-3057; [CAR-OTP-2066-2142](#), at 2158-2159.

⁷⁶ CDR show that on 30 November 2013, NGAISSONA communicated with MOKOM. For attributions *see* Annex I. For Call Sequence Tables, *see* Annex J, section 4.1.1. CDR also show that while in Zongo, on 30 November 2013, 2-3 and 24 December 2013 and in January 2014, MOKOM communicated with NGAISSONA. For attribution, *see* Annex I. For Call Sequence Table, *see* Annex J, section 2.3. Number [REDACTED] has been identified by **P-0884** as either Bernard MOKOM’s or NGAISSONA’s Cameroonian number. *See* **P-0884**: [CAR-OTP-2072-1773-R02](#), at 1786 1.420-438; [CAR-OTP-2080-1678-R01](#), at 1688-1689, 1696, 1.337-369, 600-639.

40. MOKOM's role in the *Strategic Common Plan* — the plan to claim and/or reclaim power in CAR — was, *inter alia*, to organise and coordinate the FACA and PG who had stayed in CAR or fled with him to ZONGO following the 24 March 2013 *Coup*. MOKOM became the *de facto* Anti-Balaka operations coordinator.⁷⁷ He also secured money, weapons and ammunition,⁷⁸ organised the deployment of Anti-Balaka elements,⁷⁹ and instructed them on when to attack specific towns and villages.⁸⁰ MOKOM was in frequent contact with ComZones in BANGUI and the provinces who kept him, and thus the Anti-Balaka leadership, informed of their actions on the ground.⁸¹

41. From June 2013 onwards, FACA members and PGs loyal to BOZIZE assumed and/or shared command over pre-existing self-defence groups which became the Anti-Balaka. They gathered the groups in GOBERE (near BOSSANGO), where Anti-Balaka strategic and operational commands assembled, and where elements were administered traditional rituals (“*vaccinations*”) and/or fetishes (“*gris-gris*”) to protect them in battle.⁸²

⁷⁷ **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0568-0569, 0574, 0577-0579, paras.48, 50, 53, 54, 86, 99, 103-104, 134-135, [CAR-OTP-2100-2569-R01](#), at 2581, para.62; **P-0627:** [CAR-OTP-2102-1506-R01](#), at 1510-1512, 1.112-127, 165-194; **P-2012:** [CAR-OTP-2091-0127-R01](#), at 0141, para.67; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0246-0248, paras.30-39; **P-1994:** [CAR-OTP-2080-0852-R01](#), at 0865, 0867, paras.95, 96, 98, 120; **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2295-2296, paras.30-34; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0045-0046, paras.37-45; **P-0884:** [CAR-OTP-2072-1479-R01](#), at 1486-1487, 1.225-275, [CAR-OTP-2072-1541-R01](#), at 1559-1562, 1.615-705, [CAR-OTP-2080-1678-R01](#), at 1685-1687, 1.228-299; **P-0646:** [CAR-OTP-2029-0399-R01](#), at 0424, para.166; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0610, para.43; **P-2027:** [CAR-OTP-2078-0059-R01](#), at 0074-0077, 0085, paras.89-93, 102-105, 158; [CAR-OTP-2066-3003](#), at 3071; [CAR-OTP-2066-3003](#), at 3018-3013; [CAR-OTP-2066-1601](#), at 1778.

⁷⁸ **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2296, para.35; **P-0876:** [CAR-OTP-2046-0267-R01](#), at 0276-0277, 1.336-356, [CAR-OTP-2046-0295-R01](#), at 0301, 1.185-201; **P-0884:** [CAR-OTP-2072-1715-R01](#), at 1726-1730, 1.368-531, [CAR-OTP-2080-1678-R01](#), at 1680-1686, 1.46-172, 228-278; **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0570-0573, 0582, paras.62-64, 66, 68, 70-73, 76, 160-163, [CAR-OTP-2100-2569-R01](#), at 2572-2573, 2577, paras.13-18, 42; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0747-0748, paras.41-45; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1549, 1558, paras.102, 150, 152; **P-1858:** [CAR-OTP-2061-1534-R01](#), at 1549, 1564, 1568, paras.102, 194, 215.

⁷⁹ **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0178, paras.65-66; **P-0627:** [CAR-OTP-2102-1506-R01](#), at 1516-1517, 1.336-373.

⁸⁰ See e.g. **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0246-0247, paras.31-34; [CAR-OTP-2066-3003](#), at 3064, 3076-3084; **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0575, para.89, [CAR-OTP-2100-2569-R01](#), at 2579, paras.48, 51-54.

⁸¹ See e.g. **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0046, para.42; [CAR-OTP-2066-3003](#), at 3013-3024, 3047-3050, 3063-3066, 3070, 3076-3084; [CAR-OTP-2100-2602](#).

⁸² **P-1951:** [CAR-OTP-2092-0089-R01](#), at 0091-0992, 0095, 0096-0097, 1.60-117, 205-225, 244-307, [CAR-OTP-2092-0169-R01](#), at 0184-0186, 1.506-598, [CAR-OTP-2092-0265-R01](#), at 0268-0269, 1.99-151, [CAR-OTP-2092-0507-R01](#), at 0514-0515, 1. 222-285; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1569-1570, para.48; **P-2251:** [CAR-OTP-2093-0045-R01](#), at 0050-0051, 0077, paras.34-39, 208-213; **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2295-2297, paras.30-34; **P-1337:** [CAR-OTP-2070-0653-R01](#), at 0659, 1.187-207, [CAR-OTP-2070-0835-R01](#), at 0862-0865, 1.937-1031; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0246, paras.28, 30; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0608-0610, paras.31-34, 39-44; **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0570, paras.59-60; **P-0884:** [CAR-OTP-2072-1849-R01](#), at 1850-1864, 1866-1869, 1.20-515, 582-667; **P-0975:** [CAR-OTP-2033-7885-R01](#), at 7888-7889, paras.25-30; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0237-0239, paras.52, 62; [CAR-OTP-2041-0802](#); [CAR-](#)

FACA members provided rudimentary training and organised them into a military-like structure.⁸³

42. From ZONGO, MOKOM was in contact with the GOBERE leadership, including prospective key figures under the Anti-Balaka Coordination,⁸⁴ like *sergeant* Guy-Gervais MOKPEM (“MOKPEM”), *commandant* Guy MAZIMBELE (“MAZIMBELE”), Rodrigue NGAIBONA (aka “ANDJILO”); Sylvestre YAGOUZOU (“YAGOUZOU”), Thierry LEBENE (“LEBENE” aka “12 Puissances”), *commandant* Benjamin OUAPOUTOU, *lieutenant* Yvon KONATE (“KONATE”), Sylvain BEOROFEI (“BEOROFEI”),

[OTP-2041-0783](#); [CAR-OTP-2084-1331](#), from [00:02:06] to [00:03:40] and its transcript [CAR-OTP-2107-1586](#), at 1587, 1.26-41; [CAR-OTP-2076-0825](#), from [00:03:46] to [00:04:52]; [CAR-OTP-2081-1769](#), from [00:02:55] to [00:04:15] and its transcript and translation [CAR-OTP-2107-6939](#), at 6941-6943, 1.57-111, and [CAR-OTP-2107-7079](#), at 7082-7084, 1.59-113; [CAR-OTP-2084-1263](#), from [00:00:00] to [00:05:13] and its transcript [CAR-OTP-2107-1565](#); [CAR-OTP-2065-2895](#); [CAR-OTP-2107-1545](#); [CAR-OTP-2025-0396](#), at 0401.

⁸³ On the organisation of the GOBERE groups into companies, see **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0608-0609, paras.30-34; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0246-0248, paras.28-30. On the training provided by FACA, see **P-0975**: [CAR-OTP-2033-7885-R01](#), at 7888-7889, paras.25-30.

⁸⁴ Telephone contacts between the Anti-Balaka leadership and MOKOM: CDR show that while in Zongo, MOKOM communicated with ANDJILO from 19 December 2013 to 5 February 2014. For Call Sequence Tables, see Annex J, section 2.2.1. CDR show that MOKOM communicated with AZOUNOU from 17 January to 5 February 2014. For Call Sequence Tables, see Annex J, section 2.2.2. CDR show that MOKOM communicated with BEJOUANE from 10 September 2013 to 5 February 2014. For Call Sequence Tables, see Annex J, section 2.2.3. CDR show that MOKOM communicated with BEOROFEI from 11 August 2013 to 5 February 2014. For Call Sequence Tables, see Annex J, section 2.2.4. CDR show that MOKOM communicated with KONATE from 14 October 2013 to 5 February 2014. For Call Sequence Tables, see Annex J, section 2.2.5. CDR show that MOKOM communicated with LEBENE from 7 November 2013 to 1 February 2014. For Call Sequence Tables, see Annex J, section 2.2.6. CDR show that MOKOM communicated with LEBENE’s Secretary from 31 October 2013 to 1 February 2014. For Call Sequence Tables, see Annex J, section 2.2.7. CDR show that MOKOM communicated with MOKPEM from 5 October 2013 to 25 January 2014. For Call Sequence Tables, see Annex J, section 2.2.8. CDR show that MOKOM communicated with WENZOU from 30 September 2013 to 5 February 2014. For Call Sequence Tables, see Annex J, section 2.2.9. CDR show that MOKOM communicated with YAGOUZOU from 18 October 2013 to 5 February 2014. For Call Sequence Tables, see Annex J, section 2.2.10. For attributions, see Annex I.

Telephone contacts between the GOBERE leadership and MOKOM: CDR show that MOKOM communicated almost daily with DEDANE from 6 August to 5 December 2013. For Call Sequence Tables see Annex J, section 2.1.1. CDR show that MOKOM communicated with BAMA from 27 September to 21 November 2013. For Call Sequence Tables see Annex J, section 2.1.2. CDR show that MOKOM communicated with FEINDIRI from 11 October to 2 December 2013. For Call Sequence Tables see Annex J, section 2.1.3. CDR show that MOKOM communicated with KEMA from 6 September 2013 to 30 March 2014. For Call Sequence Tables, see Annex J, section 6.4.1 (communications in September 2013) and section 6.4.2. (communications in October 2013-March 2014). CDR show that MOKOM communicated with DANGBA on 23 November 2013. For Call Sequence Tables, see Annex J, section 6.4.4. For attributions, see Annex I. See also **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2295-2296, paras.30-34; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0610, para.43; **P-2027**: [CAR-OTP-2078-0059-R01](#), at 0076, para.100.

DEDANE, AZOUNOU, *gendarme* Dieudonné HOURONTI (“HOURONTI”), Florent KEMA (“KEMA”), Théophile DANGBA (“DANGBA”) and others.⁸⁵

43. In the months that followed, the Anti-Balaka incorporated an increasing number of FACA,⁸⁶ PGs, and new recruits in CAR and CAMEROON.⁸⁷ Their growing numbers, strength, and capability was shown in a first series of attacks around BOSSANGO in September 2013.⁸⁸

c) *KALANGOI-group*

44. After the 24 March 2013 *Coup*, **YEKATOM** fled to ZONGO and then to KALANGOI.⁸⁹ In ZONGO, he stayed with other FACA in a house rented by MOKOM, who also paid for food.⁹⁰ MOKOM and **YEKATOM** knew each other well; they were both so-called “*ex-libérateurs*” in the 2003 rebellion which ushered in BOZIZE (“2003 Rebellion”).⁹¹ They met regularly in ZONGO, with **YEKATOM**’s would-be deputies *caporal-chef* Freddy OUANDJIO (“OUANDJIO”) and *caporal* Habib BEINA.⁹² In an

⁸⁵ Regarding their status as key members of the Anti-Balaka National Coordination, see [CAR-OTP-2035-0061](#), at 0061-0063; [CAR-OTP-2101-4059](#), at 4060-4061; [CAR-OTP-2084-0049](#), at 0053-0054; [CAR-OTP-2039-0019](#), at 0019. See also **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0608-0609, 0618-0619, 0625, paras.34, 91-93, 128; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0343-0344, para.123; [CAR-OTP-2003-1654](#), at 1764. On the role of YAGOUZOU as Deputy-Coordinator of Operations, see [CAR-OTP-2030-0239](#), at 0240; [CAR-OTP-2001-5118](#), at 5120; [CAR-OTP-2030-0521](#), at 0533, 0538, 0539; [CAR-OTP-2005-0129](#), from [00:28:16] to [00:31:14]; **P-1815**: [CAR-OTP-2058-0581-R01](#), at 0596-0597, paras.88-89. On the role of AZOUNOU as Deputy Chief of Staff of the Anti-Balaka, see **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0247, 0257, paras.33, 90; [CAR-OTP-2092-1018](#), at 1018. On the roles of KEMA, MANDAGO and DANGBA, see *below*, para.389.

⁸⁶ [CAR-OTP-0080-0802](#), at 0805; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0246, para.28; [CAR-OTP-2001-0409](#), at 0410, para.5; [CAR-OTP-2001-0835](#), at 0845, para.28; [CAR-OTP-2001-2564](#), at 2578; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0134, paras.34, 45; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0180, para.78; **P-1951**: [CAR-OTP-2092-0433-R01](#), at 0462, 1.995-1019, [CAR-OTP-2092-0507-R01](#), at 0525-0527, 0528-0530, 1.676-750, 762-788, 807-839; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1570, para.227; [CAR-OTP-2001-4146](#), at 4147; [CAR-OTP-2001-0984](#), at 0984. On BOZIZE’s contacts with FACA in BANGUI from CAMEROON, see **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0175, para.55.

⁸⁷ **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0251, para.59; [CAR-OTP-2001-4020](#), at 4020; [CAR-OTP-2032-0034](#), at 0034; [CAR-OTP-2001-6251](#), at 6293, para.2.

⁸⁸ **P-0567**: [CAR-OTP-2059-0084-R01](#), at 0107, para.154; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0248-0251, paras.40-55; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0608-0610, paras.30-43; [CAR-OTP-2084-1275](#) and its transcript and translation [CAR-OTP-2107-6973](#), at 6974-6976, 1.4-82, and [CAR-OTP-2107-7117](#), at 7119-7121, 1.4-85.

⁸⁹ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0745-0746, paras.29-36; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2577, para.41.

⁹⁰ [REDACTED].

⁹¹ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2577, para.43; **P-2027**: [CAR-OTP-2078-0059-R01](#), at 0078, para.111; **P-2269**: [CAR-OTP-2111-0336-R01](#), at 0340, para.27.

⁹² [REDACTED].

interview, **YEKATOM** confirmed that “*c’est de là-bas qu’on avait eu l’idée de démarrer notre mouvement*”.⁹³

45. By June 2013, **YEKATOM** had gathered, and was training and developing thousands of elements in KALANGOI, including in how to use weapons. In the months that followed, YEKATOM’s Group numbered approximately 3,000 elements.⁹⁴ According to **YEKATOM**’s instructions, the stated purpose was to kill “Muslims *and* Selekas.”⁹⁵ **YEKATOM** contacted his military classmates to join him in preparation for the 5 December 2013 Attack.⁹⁶

46. From KALANGOI, **YEKATOM** secured weapons and ammunition for his group, including from MOKOM in ZONGO.⁹⁷

47. **YEKATOM** was in regular telephone contact with MOKOM in preparation for the 5 December 2013 Attack,⁹⁸ and deployed part of his group to BANGUI and BOEING to participate in it.⁹⁹ At the time of the 5 December 2013 Attack, **YEKATOM** claimed to have over 1,500 elements with him in BANGUI.¹⁰⁰

d) FRANCE-group

48. In early August 2013, BOZIZE, NGAISSONA, OGUERE, YAKITE, KOKATE, [REDACTED], and other members of BOZIZE’s inner circle met in PARIS to

⁹³ [CAR-OTP-2065-0716](#), from [00:01:02] to [00:01:28] and its transcript and translation [CAR-OTP-2107-6924](#), at 6925, l.13-29, and [CAR-OTP-2107-7058](#), at 7060, l.13-29.

⁹⁴ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0745-0746, 0750, paras.32-39, 60; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0610, para.41; **P-0976**: [CAR-OTP-2056-0031-R01](#), at 0035, paras.25-26; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0185, para.80. *See also* [CAR-OTP-2055-2610](#), from [00:07:15] to [00:08:12] and its transcript and translation [CAR-OTP-2107-6906](#), at 6913-6914, l.193-233, and [CAR-OTP-2107-7037](#), at 7045-7046, l.193-236.

⁹⁵ [REDACTED].

⁹⁶ [REDACTED].

⁹⁷ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0747-0748, paras.41-49.

⁹⁸ [CAR-OTP-2046-0714](#). CDR show that while in Zongo, on 25-30 November 2013, 1 and 4 December 2013 and on 9 January 2014, MOKOM communicated with YEKATOM. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 2.4. *See also* [REDACTED].

⁹⁹ **P-0974**: [CAR-OTP-2058-0165-R01](#), at 0171, para.36; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0750, paras.66-67. *See further below*, paras.275-277.

¹⁰⁰ [CAR-OTP-2065-0396](#), from [00:00:15] to [00:01:35] and its transcript and translation [CAR-OTP-2107-6918](#), at 6919, l. 24-26, and [CAR-OTP-2107-7050](#), at 7052, l.24-26.

create FROCCA, advocating the restoration of CAR's constitutional order - which would effectively see BOZIZE's return to power.¹⁰¹ NGAISSONA was a key-figure in FROCCA.¹⁰² Its Coordinator Lin BANOUKEPA ("BANOUKEPA")¹⁰³ was also BOZIZE's lawyer¹⁰⁴ and promoted the group's agenda by, *inter alia*, urging the "population" (*i.e.*, non-Muslims) to chase so-called "islamists" and "dihadists" from CAR.¹⁰⁵ BANOUKEPA's public statements claimed local Muslims were in collaboration with the Seleka, and stoked fears with inflammatory rhetoric, such as the intention of the Seleka and its supporters to "*islamis[e]*" CAR.¹⁰⁶ This propaganda and rhetoric simply repeated what BOZIZE, YAMBETE, YAKITE, and NGAISSONA had expressed earlier that year.¹⁰⁷

49. FROCCA vindicated the Anti-Balaka's first major attacks in September 2013.¹⁰⁸ Having called on the support of the "population",¹⁰⁹ FROCCA claimed responsibility for the Anti-Balaka 5 December 2013 Attack. As the attack was underway, BANOUKEPA's radio announcement stated:

¹⁰¹ On the creation of FROCCA under the patronage of NGAISSONA and BOZIZE's inner-circle, *see* **P-0884**: [CAR-OTP-2080-1678-R01](#), at 1707-1708, 1.985-1016; [CAR-OTP-2001-4048](#), at 4048. On FROCCA's objective of restoring BOZIZE to power, *see* [CAR-OTP-2091-1793](#), at 1794; [CAR-OTP-2091-1804](#), at 1804-1805; [CAR-OTP-2091-1779](#); **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0348-0349, para.151; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1549, paras.98-100. *See also* [CAR-OTP-2069-3544-R01](#).

¹⁰² **P-0801**: [CAR-OTP-2074-2065-R01](#), at 2066-2072, 1.13-217, [CAR-OTP-2074-2120-R01](#), at 2128, 1.257-269; **P-0884**: [CAR-OTP-2080-1678-R01](#), at 1707-1708, 1.987-1016.

¹⁰³ **P-0801**: [CAR-OTP-2074-2065-R01](#), at 2069-2970, 1.117-148; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0349, para.151; [CAR-OTP-2001-4048](#), at 4048.

¹⁰⁴ [CAR-OTP-2019-1383](#), at 1388; [CAR-OTP-2023-0032](#), at 0040.

¹⁰⁵ [CAR-OTP-2088-2034](#), from [00:00:00] to [00:02:11] and its transcript [CAR-OTP-2107-1596](#); [CAR-OTP-2089-0056](#), at 0057-0058.

¹⁰⁶ [CAR-OTP-2069-3540](#), at 3540-3541; [CAR-OTP-2001-4048](#), at 4048; [CAR-OTP-0075-2041](#), at 2055.

¹⁰⁷ [CAR-OTP-2091-1783](#); [CAR-OTP-2069-3540](#), at 3540-3541; [CAR-OTP-2081-1422](#); [CAR-OTP-0075-2041](#), at 2055; [CAR-OTP-2091-1722](#), at 1722-1723; [CAR-OTP-2091-1732](#), at 1732-1733; [CAR-OTP-2091-1739](#), at 1739-1740. For incitement to civilians to take up weapons, *see* [CAR-OTP-2114-0543](#), at 0546, 0548.

¹⁰⁸ [CAR-OTP-2091-1797](#), at 1797-1799; [CAR-OTP-2091-1785](#), at 1785-1786; [CAR-OTP-2091-1707](#), at 1707; [CAR-OTP-2091-1791](#), at 1791-1792; [CAR-OTP-2074-0278](#), at 0287, columns 1-2; [CAR-OTP-2091-1743](#), at 1752, column 2 *in fine* to column 3; [CAR-OTP-2074-0377](#), at 0381, column 1, para.4; [CAR-OTP-2074-0421](#), at 0429, 0431, columns 1-2.

¹⁰⁹ [CAR-OTP-2091-0433](#); [CAR-OTP-2114-0550](#), at 0550-0551; [CAR-OTP-2091-0473](#).

“ Le rétablissement de l’ordre constitutionnel en cours aujourd’hui à BANGUI ... Nous nous revendiquons l’espace, l’organe politique pour sauver nos citoyens au FROCCA. Et nous revendiquons aujourd’hui notre part auprès de vos jeunes frères et sœurs si, eux, sont en action. Donc, nous sommes ensemble et nous sommes la tête politique [...]”

*En ce jour du 5 décembre j’appelle tous les Centrafricains à se lever comme un seul homme pour botter hors de notre territoire la composante islamique étrangère, envahissante, criminologène [phon], qui sévit, qui humilie. C’est l’objet de notre appel au soutien de l’action de libération de ce 5 décembre de nos jeunes, sœurs et frères des Balakas [...]”*¹¹⁰

C. THE ANTI-BALAKA AND SELEKA WERE ENGAGED IN AN ARMED CONFLICT IN WESTERN CAR

50. By September 2013, the Anti-Balaka was engaged in a sustained and intense armed conflict against the Seleka in western CAR (*i.e.*, a non-international armed conflict, “NIAC”).¹¹¹ Anti-Balaka attacks began near BOSSANGO¹¹² and spread east to BOUCA in OUHAM Prefecture, west to BELOKO, BOHONG, and BOUAR in NANA-MAMBERE Prefecture,¹¹³ and then south, to BOSSEMBELE and BOALI in OMBELLA-M’POKO Prefecture.¹¹⁴

¹¹⁰ [CAR-OTP-2088-2034](#), from [00:00:00] to [00:02:04] and its transcript [CAR-OTP-2107-1596](#).

¹¹¹ **P-0975**: [CAR-OTP-2033-7885-R01](#), at 7890, paras.32-36; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2574-2575, para.28; [CAR-OTP-2055-1987](#), at 2241-2242; [CAR-OTP-2003-1592](#), at 1624, 1627-1628; [CAR-OTP-2003-1592](#), at 1645, point 1; [CAR-OTP-2003-1592](#), at 1648, point 3; [CAR-OTP-2003-1592](#), at 1649, points 1, 2; [CAR-OTP-2003-1592](#), at 1651, point 3.

¹¹² **P-0567**: [CAR-OTP-2059-0084-R01](#), at 0107, para.154; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0248-0251, paras.40-55; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0608-0610, paras.30-43; [CAR-OTP-2001-7017](#), at 7035, para.46; [CAR-OTP-2001-0835](#), at 0875, para.1; [CAR-OTP-2084-1271](#), from [00:00:50] to [00:03:33] and its transcript [CAR-OTP-2107-1570](#), at 1571-1573, 1.16-83; [CAR-OTP-2084-1275](#), from [00:00:00] to [00:05:13] and its transcript and translation [CAR-OTP-2107-6973](#) and [CAR-OTP-2107-7117](#); [CAR-OTP-2061-1428](#), at 1428; [CAR-OTP-2003-1592](#), at 1642, point 3.

¹¹³ For the September–November 2013 attack on BOUCA, *see* **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0248, para.42; [CAR-OTP-2001-2769](#), at 2786. For the November 2013 attack on Seleka in BELOKO, *see* **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1555-1556, paras.136-140, 142. On the September–December 2013 attack in BOHONG, *see* [CAR-OTP-2100-1790](#), at 1791. For attacks on BOUAR in November 2013, *see* **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0182, para.91.

¹¹⁴ For the October–December 2013 attack in BOSSEMBELE, *see* [CAR-OTP-2001-0329](#), at 0338, para.45; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0574, para.80. For the December 2013 attack in BOALI, *see* [CAR-OTP-2001-2769](#), at 2788; **P-0519**: [CAR-OTP-2016-0652-R01](#), at 0669, para.81. *See* Annex F(1) (CAR Overview Map).

51. Around mid-November 2013, under MOKOM's coordination,¹¹⁵ Anti-Balaka groups from BOSSANGO, BOUCA, BOUAR, and BOSSEMBELE marched south to carry out the 5 December 2013 Attack.¹¹⁶

52. In addition, MOKOM deployed Anti-Balaka elements from ZONGO to BANGUI.¹¹⁷ They gathered behind BANGUI's BOY-RABE hill to strategise.¹¹⁸ MOKOM secured additional ammunition for the attack.¹¹⁹ In consultation with MOKOM, YEKATOM also moved elements of his group from KALANGOI to PROJET (near BANGUI's M'Poko Airport) in preparation.¹²⁰ The Anti-Balaka made clear that the group did not want dialogue, but war.¹²¹

¹¹⁵ **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0610, para.43; **P-0884:** [CAR-OTP-2072-1541-R01](#), at 1559-1562, 1.615-705, [CAR-OTP-2080-1678-R01](#), at 1680-1686, 1.46-278; **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2295-2297, paras.31-40; **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0572-0574, paras.73, 78-79, 86, [CAR-OTP-2100-2569-R01](#), at 2573, 2575, paras.19, 33; **P-0446:** [CAR-OTP-2059-1498-R01](#), at 1517-1518, 1.708-711, 741-748, [CAR-OTP-2059-1626-R01](#), at 1640-1641, 1.532-595, [CAR-OTP-2059-1672-R01](#), at 1693, 1.772-783.

¹¹⁶ [CAR-OTP-2030-0255](#), at 0256; [CAR-OTP-2025-0362](#), at 0364; [CAR-OTP-2025-0372](#), at 0374; [CAR-OTP-2025-0396](#), at 0398; **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0331-0332, paras.50-53; **P-0975:** [CAR-OTP-2033-7885-R01](#), at 7889-7891, paras.30-31, 37-38; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0608-0610, paras.30-35, 43; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1560, paras.165-166; **P-1951:** [CAR-OTP-2092-0089-R01](#), at 0094-0095, 0098-0099, 1.171-204, 329-364, [CAR-OTP-2092-0231-R01](#), at 0237-0238, 1.184-219, [CAR-OTP-2092-0507-R01](#), at 0516-0518, 0520-0521, 0524-0525, 1.319-403, 456-504, 633-675; **P-0405:** [CAR-OTP-2107-4838-R01](#), at 4865-4866, 1.904-960, [CAR-OTP-2107-4558-R01](#), at 4577, 1.622-655, [CAR-OTP-2107-4759-R01](#), at 4779-4780, 1.663-718.

¹¹⁷**P-2232:** [CAR-OTP-2100-2569-R01](#), at 2575-2576, paras.33-36; **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0570, para.74; **P-2027:** [CAR-OTP-2078-0059-R01](#), at 0076, para.97; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0610, para.43; **P-0446:** [CAR-OTP-2059-1626-R01](#), at 1646-1647, 1.741-790; [CAR-OTP-2001-6251](#), at 6293, para.3.

¹¹⁸ **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0610, 0612, paras.44, 56; **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2297, 2304, paras.38-40, 87; **P-0446:** [CAR-OTP-2059-1523-R01](#), at 1525, 1.53-61; [CAR-OTP-2059-1567-R01](#), at 1568, 1.31-76; **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0332, paras.52-53; **P-0975:** [CAR-OTP-2033-7885-R01](#), at 7890, para.37; **P-2027:** [CAR-OTP-2078-0059-R01](#), at 0076, para.99; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1559-1561, 1564, paras.158-160, 165, 174, 189; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0179-0180, para.75; **P-0405:** [CAR-OTP-2107-4558-R01](#), at 4574, 4577-4579, 1.520-535, 638-655, 672-697, [CAR-OTP-2107-4580-R01](#), at 4581-4585, 1.29-141.

¹¹⁹ **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2296, para.35.

¹²⁰ See above, para.47, and below, para.247. See Annex F(3) (Bangui Map).

¹²¹ **P-0876:** [CAR-OTP-2046-0249-R01](#), at 0259-0261, 1.382-491, [CAR-OTP-2046-0407-R01](#), at 0409-0416, 1.73-340; [CAR-OTP-2084-1319](#), from [00:05:03] to [00:05:13] and its transcript [CAR-OTP-2107-1577](#), at 1579, 1.47-48; [CAR-OTP-2084-1323](#), from [00:00:00] to [00:00:25] and its transcript [CAR-OTP-2107-1580](#), at 1581, 1.4-8.

D. 5 DECEMBER 2013 ATTACKS IN BANGUI AND OTHER LOCATIONS

53. In the early hours of 5 December 2013, around a thousand Anti-Balaka elements mounted an armed attack on BANGUI and BOEING¹²² under MOKOM's coordination from ZONGO (*i.e.*, 5 December 2013 Attack).¹²³

54. Anti-Balaka elements proceeded simultaneously from different directions under different commanders: some were under the command of FACA officers YEKATOM, KONATE, [REDACTED], NGREMANGOU, *caporal-chef* Samy URBAIN (aka "Bawa"), and MAZIMBELE; others were led by *de facto* military chiefs, like Olivier FEISSONA ("FEISSONA"), ANDJILO, LEBENE, and KEMA. They attacked multiple locations, including *Camp Kassai* (a Seleka-held base), *Camp de roux*, *Camp des sapeurs pompiers*, *Assemblée Nationale*, and the *Centre protestant pour la jeunesse* ("CPJ").¹²⁴

55. Although Seleka positions were targeted first, Anti-Balaka attacks on Muslim civilians soon followed.¹²⁵

¹²² [CAR-OTP-2027-1631](#), at 1648; [CAR-OTP-2001-0409](#), at 0409, para.3; [CAR-OTP-2042-5051](#), at 5051; [CAR-OTP-2055-1987](#), at 2134; [CAR-OTP-2001-0835](#), at 0875, para.3; [CAR-OTP-2001-2769](#), at 2776.

¹²³ On MOKOM's organisational role, see **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2575-2576, paras.32, 37-38. On the generally coordinated nature of the attack, see **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0239-0240, paras.63-64. CDR show that on 4-5 December 2013 MOKOM communicated with Anti-Balaka commanders and leaders such as: BATCHIMANDJI, BEJOUANE, BEOROFEI, DANGBA, DEDANE, DENAMGANAI, GOTHIAS, KEANSSEM, KEMA, KOMESSE, KONATE, Rocco MOKOM, NAMGUENDE, NGREMANGOU, Jean Noel OROFEI, TOUABOYE, TOUNGOUMA, TRIBUNAL, WENEZOU, YADJOUNGOU, YAGOUZOU, YAORE and YEKATOM. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 2.5.

¹²⁴ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2576, 2593, paras.38, 140; **P-0888**: [CAR-OTP-2031-0217-R01](#), at 0222, paras.30-31; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2297, paras.41-42; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1562, 1564, paras.180-183, 189-191; **P-0446**: [CAR-OTP-2059-1672-R01](#), at 1689-1693, 1.634-779; **P-0975**: [CAR-OTP-2033-7885-R01](#), at 7891, para.39; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0751, paras.68-69; **P-0884**: [CAR-OTP-2072-1814-R01](#), at 1824-1825, 1839-1841, 1.333-388, 877-950; **P-0567**: [CAR-OTP-2059-0084-R01](#), at 0090-0091, 0102, paras.29-39, 114; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0611-0613, para.42-60; [CAR-OTP-2091-0264-R01](#), at 0267. See also **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0130, para.18; **P-1951**: [CAR-OTP-2092-0089-R01](#), at 0103, 1.501-527, [CAR-OTP-2092-0201-R01](#), at 0214-0215, 1.446-504; **P-0405**: [CAR-OTP-2107-4580-R01](#), at 4585-4586, 4590-4594, 1.142-199, 317-480. See Annex F(3) (Bangui Map).

¹²⁵ See [CAR-OTP-2001-4190](#), at 4190; [CAR-OTP-2001-0329](#), at 0329, 0339, paras.2, 47-49; [CAR-OTP-2001-0310](#), at 0310, 0312.

56. Christians warned of the 5 December 2013 Attack in advance were advised to place palm branches in front of their houses — a Christian tradition in CAR during mourning — signalling to attacking Anti-Balaka which houses to spare.¹²⁶ The same *modus operandi* was used in Anti-Balaka attacks at CARNOT,¹²⁷ BERBERATI,¹²⁸ and GUEN.¹²⁹

57. The Anti-Balaka also attacked other western CAR towns on 5 December 2013, including BOSSANGO, the capital of the OUHAM Prefecture.¹³⁰

58. In the weeks that followed, systematic house searches and killings by the Seleka and Anti-Balaka took place in various BANGUI neighbourhoods,¹³¹ and throughout western CAR.¹³²

59. Call Data Records (“CDR”) show that both shortly before and after the 5 December 2013 Attack through 13 January 2014, **NGAISSONA** was in contact with NGREMANGOU, KAMEZOLAI, WENEZOU, MOKOM, FEISSONA, KONATE, NAMSIO and Alfred NGAYA (“NGAYA”),¹³³ who were also meeting among themselves and with **YEKATOM** in that period.¹³⁴

¹²⁶ **P-1584:** [CAR-OTP-2056-0447-R01](#), at 0458-0459, paras.70-75; **P-1528:** [CAR-OTP-2048-0757-R01](#), at 0763, para.33; **P-1616:** [CAR-OTP-2054-1038-R01](#), at 1046, paras.43-45; **P-1394:** [CAR-OTP-2073-0775-R01](#), at 0785, para.57; **P-0459:** [CAR-OTP-2013-0503-R01](#), at 0511, para.45.

¹²⁷ **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0161, paras.107-108.

¹²⁸ See below, para.547.

¹²⁹ See below, para.589.

¹³⁰ See below, paras.374-404.

¹³¹ [CAR-OTP-2001-0329](#), at 0329, paras.2-3.

¹³² [CAR-OTP-2001-0409](#), at 0409-0410, paras.3-7; [CAR-OTP-2001-7017](#), at 7090, para.303.

¹³³ CDR show that between July 2013 and 30 November 2014, **NGAISSONA** communicated with MOKOM, DENAMGANAI, FEIKERE, MOKPEM, NAMSIO, NGAYA and WENEZOU. For attributions, see Annex I. For Call Sequence Table, see Annex J, section 4.1.1. CDR also show that while in Zongo, on 30 November 2013, 2-3 and 24 December 2013 and in January 2014, MOKOM communicated with **NGAISSONA**. For attribution, see Annex I. For Call Sequence Table, see Annex J, Section 2.3. CDR show that between December 2013 and 13 January 2014, **NGAISSONA** communicated with MOKOM, FEISSONA, KONATE, NAMSIO, Junior **NGAISSONA**, NGAYA, NGREMANGOU and WENEZOU. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 4.1.2. CDR show that between 1 and 5 December 2013, **NGAISSONA** communicated with MOKOM, NGAYA and WENEZOU. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 4.1.3.

¹³⁴ See e.g. **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0177-0178, paras.41-42.

E. RESIGNATION OF PRESIDENT DJOTODIA AND ELECTION OF INTERIM-PRESIDENT SAMBA-PANZA

60. President DJOTODIA's 10 January 2014 resignation under international pressure due to the worsening armed conflict, forced the Seleka's retreat.¹³⁵ Most Seleka forces, having regrouped in BANGUI cantonment sites since December 2013, withdrew to the north and the east of the country, leaving Muslim civilians in BANGUI and throughout western CAR vulnerable to Anti-Balaka attacks.¹³⁶

61. On 20 January 2014, BANGUI Mayor Catherine SAMBA-PANZA ("SAMBA-PANZA") was elected CAR's interim President and head of the transition government.¹³⁷

F. FORMALISATION OF THE ANTI-BALAKA UNDER NGAISSONA

a) *Structure of the Anti-Balaka*

62. To engage CAR's transition government, the Anti-Balaka documented a formal leadership structure: the National Coordination.¹³⁸ Upon NGAISSONA's 14 January 2014 return from CAMEROON,¹³⁹ he was designated the Anti-Balaka National General Coordinator at a meeting he organised in BOY-RABE.¹⁴⁰ As such, he held and exercised *de jure* control and authority over Anti-Balaka groups in and around BANGUI and in the provinces.¹⁴¹

63. The group's initial formal structure also comprised, *inter alia*, the following: National Coordinator of Operations (MOKOM), Zone Coordinator (YAGOUZOU), Chief of Staff (Richard BEJOUANE ("BEJOUANE")), Deputy Chief of Staff (AZOUNOU),

¹³⁵ [CAR-OTP-2025-0372](#), at 0374; [CAR-OTP-2025-0362](#), at 0364; [CAR-OTP-2025-0396](#), at 0399; [CAR-OTP-2001-4199](#), at 4199; [CAR-OTP-2001-2203](#), at 2215.

¹³⁶ See [CAR-OTP-2001-0409](#), at 0410-0411, paras.8-9.

¹³⁷ [CAR-OTP-2025-0372](#), at 0374; [CAR-OTP-2025-0362](#), at 0364; [CAR-OTP-2025-0396](#), at 0399; [CAR-OTP-2001-0835](#), at 0866, para.17.

¹³⁸ [CAR-OTP-2042-1909](#), from [00:09:10] to [00:10:58] and its transcript [CAR-OTP-2107-1479](#); **P-0884**: [CAR-OTP-2072-1479-R01](#), at 1482-1484, 1.109-175, [CAR-OTP-2080-1678-R01](#), at 1704-1705, 1.899-924.

¹³⁹ [CAR-OTP-2098-0107](#), at 0110; [CAR-OTP-2003-1076](#), at 1086; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0134, para.32.

¹⁴⁰ See *below*, para.138.

¹⁴¹ See *below*, paras.138-149.

Spokesperson(s) (NAMSIO and WENEZOU), and Secretary (Judicael OROFEI MOGANAZOUM (“Judicael OROFEI”)).¹⁴²

64. The National Coordination formalised the pre-existing *de facto* Anti-Balaka structure in BANGUI and CAR’s western provinces. **NGAISSONA** acknowledged and/or formally appointed chiefs of discrete Anti-Balaka groups and areas as ComZones, including through appointment orders he signed.¹⁴³

65. In addition, new ComZones were appointed to deal with particular threats, or when new areas were brought under the Anti-Balaka’s control.¹⁴⁴

66. ComZones controlled specific areas. In the provinces, these typically comprised municipalities or larger areas. In BANGUI they were narrower, encompassing various districts (“*arrondissements*”), neighbourhoods, or even parts thereof.¹⁴⁵ Upon **NGAISSONA**’s instruction, the ComZones in the provinces mirrored the National Coordination’s structure, in their local area of control, comprising a local “Committee”, Coordinator, Deputy Coordinator, and sometimes a Spokesperson and Secretary.¹⁴⁶

67. In BANGUI and the provinces, especially in larger areas, ComZones could have deputies,¹⁴⁷ and several ComZones could be accountable to one local Coordinator,¹⁴⁸ a

¹⁴² [CAR-OTP-2025-0380](#), at 0384-0385; [CAR-OTP-2006-1210](#), at 1213; **P-0884**: [CAR-OTP-2072-1739](#), at 1754-1757, 1.490-609; [CAR-OTP-2101-4059](#); [CAR-OTP-2035-0061](#); **P-0801**: [CAR-OTP-2074-2159-R01](#), at 2165, 1.172-202; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0338, paras.93-94; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2581, para.63. Upon his death, BEJOUANE was replaced by FEISSONA: *see* **P-0446**: [CAR-OTP-2059-1523-R01](#), at 1533-1534, 1.380-392, [CAR-OTP-2059-1567-R01](#), at 1575-1577, 1.278 to 1.349; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2292, para.13.

¹⁴³ *See below*, para.139.

¹⁴⁴ *See below*, para.142. *See also* **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0619, para.97; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0054, paras.80-82.

¹⁴⁵ [CAR-OTP-2025-0372](#), at 0376-0377; [CAR-OTP-2030-0232](#), at 0232-0238; **P-0884**: [CAR-OTP-2072-1739-R01](#), at 1760-1762, 1.727-789; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0254, para.74; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0141-0142, para.68; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0242, para.78; **P-1337**: [CAR-OTP-2070-0739-R01](#), at 0745, 1.199-230. *See* Annex F(3) (Bangui Map).

¹⁴⁶ **P-0884**: [CAR-OTP-2072-1739-R01](#), at 1760-1761, 1.702-749; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0254, para.74; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0619, paras.95-96; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0060, para.111; [CAR-OTP-2071-0093](#), at 0148; **P-0965**: [CAR-OTP-2046-0134-R01](#), at 0144, 1.371-396.

¹⁴⁷ **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0178, para.50; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0660, para.43; [CAR-OTP-2001-5386](#), at 5467 – *see* commentary provided by **P-2269**: [CAR-OTP-2111-0336-R01](#), at 0356, paras.150-151.

¹⁴⁸ *See e.g.* **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0054, paras.80-83; **P-1337**: [CAR-OTP-2070-0596-R01](#), at 0599, 1.77-95, [CAR-OTP-2070-0739-R01](#), at 0745, 0748, 1.199-229, 289-376.

“Zone Coordinator”¹⁴⁹ or “Coordinator of the Prefecture”,¹⁵⁰ or directly to **NGAISSONA** or MOKOM.¹⁵¹

68. ComZones organised and commanded their respective groups of Anti-Balaka elements: they gave orders,¹⁵² distributed weapons,¹⁵³ organised roll calls,¹⁵⁴ controlled elements’ movements, and regulated telephone communication.¹⁵⁵ FACA members in Anti-Balaka leadership positions often organised their groups in a military-like structure.¹⁵⁶

69. By 11 February 2014, the Anti-Balaka comprised at least 50,000 elements¹⁵⁷ — **NGAISSONA** claimed as many as 70,000 under his control.¹⁵⁸ Approximately 22 ComZones led around 10,000 elements across eight neighbourhoods in, or municipalities

¹⁴⁹ [CAR-OTP-2025-0380](#), at 0384-0385; [CAR-OTP-2006-1210](#), at 1231; **P-0884**: [CAR-OTP-2072-1739](#), at 1754-1757, 1.490-609.

¹⁵⁰ After July 2014, the person managing the ComZones in a certain region was also referred to as the “Coordinator of the Prefecture”: **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0619, paras.96-97; [CAR-OTP-2046-0631](#).

¹⁵¹ See below, para.73.

¹⁵² **P-0876**: [CAR-OTP-2046-0324-R01](#), at 0325-0326, 1.9-54; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0664, para.66; **P-1792**: [CAR-OTP-2115-0216](#), at 0218, para.13; **P-1961**: [CAR-OTP-2090-0067-R01](#), at 0076, paras.51-52; **P-1042**: [CAR-OTP-2107-0297-R01](#), at 0310-0312, 1.443-518.

¹⁵³ **P-1792**: [CAR-OTP-2115-0216](#), at 0218, para.16; **P-1042**: [CAR-OTP-2107-0330-R01](#), at 0343, 1.412-436; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2302, para.75.

¹⁵⁴ **P-1839**: [CAR-OTP-2072-0789-R01](#), at 0803, 1.475-519; [CAR-OTP-2065-3929](#), from [00:00:00] to [00:01:35]; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0340, para.105; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0247, para.36.

¹⁵⁵ **P-1792**: [CAR-OTP-2115-0216](#), at 0218-0219, para.18; [CAR-OTP-2065-3208](#), from [00:00:00] to [00:03:48] (for summary translation of video/audio in Sango, see Annex G). See also [CAR-OTP-2012-0523](#), from [00:36:20] to [00:37:00] and its transcript [CAR-OTP-2072-0558](#), at 0577_07-0577_08, 1.900-917.

¹⁵⁶ On FACA members who joined the Anti-Balaka, see e.g. **P-1951**: [CAR-OTP-2068-0118](#), at 0118-0122; **P-0884**: [CAR-OTP-2072-1397-R01](#), at 1429, 1431, 1.1102-1114, 1171-1177, [CAR-OTP-2072-1913-R01](#), at 1937-1940, 1.854-961; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0176-0178, 0185, paras.60, 66, 68-69, 98; **P-0975**: [CAR-OTP-2033-7885-R01](#), at 7892, paras.48, 53. On the military structure of various Anti-Balaka groups, see [CAR-OTP-2068-0123](#); [CAR-OTP-2001-5365](#); [CAR-OTP-2041-0783](#).

¹⁵⁷ [CAR-OTP-2025-0372](#), at 0375; [CAR-OTP-2025-0362](#), at 0365; [CAR-OTP-0080-0818](#), at 0818; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0246, para.29; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0340, para.105; [CAR-OTP-2023-1812](#), from [00:15:50] to [00:22:29] and its transcript and translation [CAR-OTP-2107-2960](#) and [CAR-OTP-2107-2962](#), at 2996-2968, 1.104-198.

¹⁵⁸ [CAR-OTP-2109-0098](#), at 0099; [CAR-OTP-2105-0086](#); [CAR-OTP-2001-5026](#); [CAR-OTP-2113-0430](#); [CAR-OTP-2109-0110](#), at 0110; [CAR-OTP-2105-0086](#); [CAR-OTP-2073-0870](#), from [00:04:35] to [00:05:10] and its transcript [CAR-OTP-2107-1561](#), at 1563, 1.60-67.

around, BANGUI.¹⁵⁹ Some 40,000 or more were deployed in the provinces and led by between 80 and 110 ComZones.¹⁶⁰

b) Coordination and Reporting

70. After the January 2014 meeting, on **NGAISSONA**'s return to BANGUI,¹⁶¹ he held another key meeting on 6 February 2014. ComZones from BANGUI and the provinces were present, as were MOKOM¹⁶² and Bernard MOKOM.¹⁶³ The three encouraged the continuation of the fight, which they said would be rewarded. **NGAISSONA** gave the ComZones money for food and transportation, and they agreed to provide reports to MOKOM on the number of their elements and quantity of weapons. **NGAISSONA** promised more money in the future.¹⁶⁴

71. The next day, MOKOM visited BOEING Anti-Balaka bases, including **YEKATOM** and [REDACTED] base. At each, MOKOM thanked elements for their work and – despite the Seleka being gone – reassured them that the Anti-

¹⁵⁹ [CAR-OTP-2025-0372](#), at 0376-0377; [CAR-OTP-2025-0362](#), at 0366-0367.

¹⁶⁰ [CAR-OTP-2030-0232](#); [CAR-OTP-2030-0445](#), at 0446-0454 – *see* commentary provided by **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2306, para.100; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2303, para.82; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0619, para.97.

¹⁶¹ *See below*, para.138.

¹⁶² On 6 February 2014, MOKOM crossed the river from ZONGO to take up residence in BANGUI, *see* **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2580-2581, paras.60-62; **P-1172**: [CAR-OTP-2082-1058-R02](#), at 1066, para.45; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2298, para.49.

¹⁶³ **P-0405**: [CAR-OTP-2107-4580-R01](#), at 4606-4608, 1.874-881, 1.921-943; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2299, paras.54-56; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1565-1566, paras.197-199, 202; **P-0801**: [CAR-OTP-2074-2159-R01](#), at 2161-2191, 2182-2191, 1.12-63, 773-1085. On 6 February 2014, between 06:00-15:00, Anti Balaka Comzones and National Coordination members connected from Cell Sites in BANGUI, including: ANDJILO, AZOUNOU, BAMA, BAYO, Vivien BEINA, BEJOUANE, BEOROFEI, BOZANDO, DENAMGANAI, DONOH, EMTENOU, FEIKERE, FEISSONA, GANAZOUI, GOUGA-YMBY, GUETOUA, KAMEZOLAI, KEANSSEM, KOKATE, KONATE, KOTAOKO, LEBENE, LEBENE's Secretary, MAKANDJI, MANDAGO, MAZIMBELE, MOKOM, MOKPEM, MOMOKAMA, MONINGUE, NAMGUENDE, NAMSERE, NAMSIO, NDOMATE, **NGAISSONA**, Jean Bruno **NGAISSONA**, Junior **NGAISSONA**, NGAYA, NGREMANGOU, Judicael OROFEI, Patrick OROFEI, SAMY, SOMBET, TOUABOYE, TOUNGOUMA, TRIBUNAL, WENEZOU, YADJOUNGOU, YAGOUZOU, YAORE, YARA, YEKATOM, YOMBO and ZILABO. For attributions, *see* Annex I. For Call Sequence Table, *see* Annex J, section 3.

¹⁶⁴ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0577-0580, 0582, paras.102-147, 159-164; [CAR-OTP-2100-2569-R01](#), at 2581, paras.62-64.

Balaka would fight until the end. He told the elements that they would be rewarded, and that they could collect their money.¹⁶⁵

72. From then on **NGAISSONA** met with, or contacted Bernard MOKOM and MOKOM almost daily.¹⁶⁶ He also regularly invited ComZones from BANGUI and from the provinces to National Coordination meetings.¹⁶⁷

73. ComZones reported to **NGAISSONA** as National General Coordinator,¹⁶⁸ or to MOKOM as National Coordinator for Operations.¹⁶⁹ When **NGAISSONA** or MOKOM could not be reached, ComZones reported to other members of the National Coordination, including to the group's Chief of Staff, its Secretary General or others who were obliged to, and in fact did, promptly pass on the information to **NGAISSONA** or MOKOM.¹⁷⁰

74. As National General Coordinator, **NGAISSONA** gave direct instructions to ComZones in the field, or instructed them through MOKOM and others, from launching operations or attacks, to creating "disturbances" and erecting roadblocks.¹⁷¹

75. ComZones kept the National Coordination abreast of the events on the ground in their areas of responsibility, including on operations, casualties, and the state and number of elements under their control.¹⁷² At the same time, the National Coordination, in

¹⁶⁵ [REDACTED].

¹⁶⁶ [REDACTED]. CDR show that **NGAISSONA** communicated with MOKOM from 12 February to 15 October 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 4.7.

¹⁶⁷ *See below*, para.143.

¹⁶⁸ *See below*, para.145.

¹⁶⁹ **P-0405**: [CAR-OTP-2107-4618-R01](#), at 4646-4648, 1.933-1008; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0615-0616, 0618-0619, paras.77, 89, 96; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0338, para.93, [CAR-OTP-2093-0010-R01](#), at 0029-0030, paras.105-106, 114; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0054, 0060, paras.92, 135; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0260, para.107; **P-0446**: [CAR-OTP-2059-1433-R01](#), at 1445, 1.465-473.

¹⁷⁰ [CAR-OTP-2046-0630](#) – *see* commentary provided by **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0616, para.80; **P-0446**: [CAR-OTP-2059-1567-R01](#), at 1575-1576, 1.275-313; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2582-2585, paras.67-68, 72-74, 78-81, 87; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0030, para.114; **P-1048**: [CAR-OTP-2094-0593-R01](#), at 0606, 0614-0615, 1.473-496, 777-813, [CAR-OTP-2094-0654-R01](#), at 0659-0661, 1.167-268.

¹⁷¹ *See below*, paras.138-149.

¹⁷² **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0054, para.80; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1556-1557, para.144; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0246, para.29; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2588, paras.111-112.

particular **NGAISSONA** and **MOKOM** sent missions to the provinces to check what was going on.¹⁷³

76. ComZones reported to local Coordinators or Coordinators of the Prefectures,¹⁷⁴ and BANGUI ComZones and Coordinators were in contact with their provincial counterparts.¹⁷⁵ They informed one another of enemy positions,¹⁷⁶ and they assisted each other, *inter alia*, by providing reinforcements in attacks. As necessary, the National Coordination also assessed when to send reinforcements from BANGUI to the provinces.¹⁷⁷

c) *Discipline, the Police Militaire and 'Fake' Anti-Balaka*

77. ComZones had the authority to discipline and punish recalcitrant elements which varied according to the offences involved.¹⁷⁸ Some ComZones would kill,¹⁷⁹ beat and/or torture their elements.¹⁸⁰ Others imposed lesser punishments,¹⁸¹ or turned their elements

¹⁷³ **P-1858:** [CAR-OTP-2063-0050-R01](#), at 0068, para.112; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0618, para.89; [CAR-OTP-2012-0811](#), at 0822. *See e.g.* [CAR-OTP-2025-0356](#), at 0356-0360; [CAR-OTP-2029-0171](#); [CAR-OTP-2001-5386](#), at 5405, para.69; **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0026, 0029, paras.87-89, 108; **P-1048:** [CAR-OTP-2094-0654-R01](#), at 0659-0661, 1.167-269.

¹⁷⁴ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0054, paras.80-82; **P-1337:** [CAR-OTP-2070-0739-R01](#), at 0745-0749, 1.197-356.

¹⁷⁵ **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0340, para.105; **P-1337:** [CAR-OTP-2070-0653-R01](#), at 0656, 1.90-124; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0059, 0061, paras.107, 117; **P-0446:** [CAR-OTP-2059-1567-R01](#), at 1569-1570, 1.70-114.

¹⁷⁶ **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0050, para.67.

¹⁷⁷ **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0616-0617, 0620, paras.83, 101; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0178, paras.65-66.

¹⁷⁸ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0247, 0255, paras.35, 79; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0060-0061, para.114; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, 0663, paras.40, 61; **P-1792:** [CAR-OTP-2115-0216](#), at 0218-0219, para.18; **P-0446:** [CAR-OTP-2059-1602-R01](#), at 1616, 1.518-535; **P-0884:** [CAR-OTP-2072-1739-R01](#), at 1763-1764, 1.830-847.

¹⁷⁹ **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0749, paras.54-56; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0662, paras.53-56; **P-1792:** [CAR-OTP-2115-0216](#), at 0221, para.32; **P-0487:** [CAR-OTP-2076-0253-R01](#), 0257, 1.121-141; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0256, para.84; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0617, para.88; **P-1858:** [CAR-OTP-2063-0050-R01](#), at 0063, 0065, paras.82, 94; [CAR-OTP-2065-2169](#), from [00:00:00] to [00:02:56] (for summary translation of video/audio in Sango, *see* Annex G); [CAR-OTP-2065-4849](#), from [00:00:00] to [00:01:32] and its transcript and translation [CAR-OTP-2107-3106](#) and [CAR-OTP-2107-3110](#), at 3112, 1.5-46; [CAR-OTP-2065-4946](#), from [00:00:00] to [00:03:55] (for summary translation of video/audio in Sango, *see* Annex G) – *see also* commentary provided by **P-1819:** [CAR-OTP-2065-0003-R01](#), at 0031, para.162.

¹⁸⁰ **P-0965:** [CAR-OTP-2046-0195-R01](#), at 0210-0211, 1.533-555; **P-0974:** [CAR-OTP-2058-0165-R01](#), at 0174, para.60; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0060-0061, paras.113-114; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0247, 0255, paras.35,79; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0750, para.62; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.40; **P-0446:** [CAR-OTP-2059-1567-R01](#), at 1570, 1.86-95.

¹⁸¹ **P-1792:** [CAR-OTP-2115-0216](#), at 0219, para.19; **P-1048:** [CAR-OTP-2094-0512-R01](#), at 0518-0519, 1.218-255.

over to the *gendarmérie*.¹⁸² In turn, the National Coordination replaced ComZones as a disciplinary measure,¹⁸³ and warned ComZones that they would be held accountable for causing “trouble”.¹⁸⁴

78. Around February 2014, the National Coordination created a military police unit (“*Police Militaire*” or “PM”) subordinated to MOKOM, the Coordinator of Operations. Only becoming operational in May 2014, the PM was supposedly set up to find and arrest so-called “fake” Anti-Balaka committing crimes in and around BANGUI and in the Provinces.¹⁸⁵ However, NGAISSONA appointed well-known Anti-Balaka criminals to positions in the PM, such as ANDJILO¹⁸⁶ whom he assigned to PM operational missions as *chef de mission*. Further, the PM’s commission of crimes itself contributed to a climate of insecurity and impunity.¹⁸⁷

79. Similarly, while ComZones of certain provincial villages set up local police units,¹⁸⁸ these police units were equally committing crimes.¹⁸⁹ Moreover, Anti-Balaka crimes against Muslim civilians went unpunished.¹⁹⁰

¹⁸² **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0617, para.85; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0060-0061, paras.113-114; **P-0884:** [CAR-OTP-2072-1582-R01](#), at 1595-1599, 1.437-582; **P-0446:** [CAR-OTP-2059-1602-R01](#), at 1605-1607, 1.116-199; [CAR-OTP-2003-1076](#), at 1093; [CAR-OTP-2030-0255](#), at 0257.

¹⁸³ **P-0884:** [CAR-OTP-2072-1739-R01](#), at 1766, 1.911-943; **P-0801:** [CAR-OTP-2074-2369-R01](#), at 2379-2380, 1.317-375.

¹⁸⁴ **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2591-2592, para.132.

¹⁸⁵ **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0338, para.95, [CAR-OTP-2093-0010-R01](#), at 0024-0025, 0033, paras.78, 129; **P-0446:** [CAR-OTP-2059-1586-R01](#), at 1597, 1599-1600, 1.434-451, 509-566; [CAR-OTP-2059-1602-R01](#), at 1603-1604, 1.18-68; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0617, paras.85-86; **P-1961:** [CAR-OTP-2090-0067-R01](#), at 0083, paras.93-94; **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0590, 0596-0597, paras.220, 269-270; [CAR-OTP-2025-0356](#), at 0356-0360 – see commentary provided by **P-0446:** [CAR-OTP-2059-1626-R01](#), at 1634-1636, 1.296-376; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0256, paras.86-87; **P-0888:** [CAR-OTP-2031-0217-R01](#), at 0226, paras.56-58; **P-2012:** [CAR-OTP-2091-0127-R01](#), at 0134, para.32; [CAR-OTP-2076-0825](#), from [00:02:40] to [00:03:47].

¹⁸⁶ Regarding ANDJILO’s criminal character: see below, para.80.

¹⁸⁷ [CAR-OTP-2025-0356](#), at 0359-0360 – see commentary provided by **P-0446:** [CAR-OTP-2059-1602-R01](#), at 1605, 1.79-111, [CAR-OTP-2059-1626-R01](#), at 1635-1637, 1.328-409; **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2587, para.98; **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0338, para.95.

¹⁸⁸ **P-1961:** [CAR-OTP-2090-0067-R01](#), at 0083-0084, paras.95-99; **P-1193:** [CAR-OTP-2045-0048-R02](#), at 0060, para.78.

¹⁸⁹ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0060 para.113.

¹⁹⁰ **P-0965:** [CAR-OTP-2046-0195-R01](#), at 0211, 1.556-578; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0051, para.74; **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2575, paras.30-31.

80. Although **NGAISSONA** persistently denied the Anti-Balaka's responsibility for attacks on Muslims publicly, blaming so-called "fake" Anti-Balaka for the crimes,¹⁹¹ he accepted within the group's ranks ComZones like ANDJILO, LEBENE, and other Anti-Balaka chiefs such as Gilbert WILITE (aka "8", "8-8", "huit", or "WITTE"),¹⁹² who were notoriously violent against Muslims.¹⁹³

81. Given the express acknowledgment by key members of the National Coordination of the Anti-Balaka's involvement in the commission of crimes,¹⁹⁴ and that:

*“même s'il est vrai que dans le rang dudit mouvement [Anti-Balaka], des enquêtes doivent être diligentées pour déterminer les responsables des éventuelles exactions.”*¹⁹⁵

NGAISSONA's persistent claims that the atrocities against Muslims attributed to the Anti-Balaka were committed by "fakes", as described further below, was disingenuous at best.

d) *Money, Support, and Weapons*

Money and Support

¹⁹¹ **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0134-0135, paras.32, 37; [CAR-OTP-2066-2466](#), at 2488; [CAR-OTP-2023-2919](#) from [00:04:55] to [00:09:58] and its transcript [CAR-OTP-2107-1516](#), at 1517-1518, 35-88. *See also* [CAR-OTP-2003-1076](#), at 1103.

¹⁹² Regarding the prominent role of ANDJILO and LEBENE in the Anti-Balaka, *see e.g.* [CAR-OTP-2025-0372](#), at 0376 (ANDJILO and LEBENE are listed as Comzones); [CAR-OTP-2025-0362](#), at 0366 (ANDJILO and LEBENE are listed as Comzones); [CAR-OTP-2025-0380](#), at 0384 (LEBENE is listed as Comzone); [CAR-OTP-2006-1210](#), at 1213 (LEBENE is listed as Comzone); [CAR-OTP-2101-4059](#), at 4060, 4061 (ANDJILO and LEBENE are listed as Comzones); [CAR-OTP-2035-0061](#), at 0062 (ANDJILO and LEBENE are listed as Comzones); [CAR-OTP-2008-0747](#) (LEBENE going to BRAZZAVILLE). For the role of WITTE, *see* **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2591, para.129.

¹⁹³ Regarding ANDJILO's criminal character: *see* **P-0314**: [CAR-OTP-2008-1188-R01](#), at 1212-1213, paras.124-127; **P-0487**: [CAR-OTP-2076-0146-R01](#), at 0161, 1.538-546; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0050, para.60; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0019, para.48; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0242, para.80. *See also* [CAR-OTP-2088-1179](#), at 1179; [CAR-OTP-2003-1654](#), at 1671, 1678, 1739, 1758, 1813; [CAR-OTP-2030-0988](#), at 0988-0990; [CAR-OTP-2032-0179](#), at 0179-0506; [CAR-OTP-2030-0431](#), at 0431. Regarding LEBENE's criminal character, *see* **P-1530**: [CAR-OTP-2054-0249-R01](#), at 0256-0257, paras.33-36. Regarding WITTE's criminal character, *see* **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2591, para.130.

¹⁹⁴ *See* [CAR-OTP-2025-0372](#), at 0374; [CAR-OTP-2025-0380](#), at 381; [CAR-OTP-2006-1210](#), at 1211. *See also below*, paras.170-184.

¹⁹⁵ [CAR-OTP-2025-0380](#), at 0383; [CAR-OTP-2006-1210](#), at 1212.

82. The Anti-Balaka received money from a number of sources: (i) **NGAISSONA**;¹⁹⁶ (ii) illegal tolls extorted at, among other places, river crossings and roadblocks along several axes and waterways throughout western CAR;¹⁹⁷ (iii) contributions from the local population, including businessmen;¹⁹⁸ (iv) extortion from the Muslim population in exchange for “protection”;¹⁹⁹ (v) stealing and ransoming;²⁰⁰ and (vi) salaries of deserting military elements.²⁰¹

83. **NGAISSONA** distributed money to ComZones in BANGUI and the provinces in exchange for their support, including to pay for food, accommodation, burial expenses and other expenditures.²⁰²

Weapons and ammunition

84. **NGAISSONA** and **MOKOM** also provided money for weapons and ammunition, as did other important Anti-Balaka members.²⁰³

¹⁹⁶ See above, para.37, and below, paras.150-151.

¹⁹⁷ **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0048-0049, paras.56, 62; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0665, paras.78-79; **P-1839**: [CAR-OTP-2072-0914-R01](#), at 0929, 0931-0932, 1.510-542, 600-626, [CAR-OTP-2072-1068-R01](#), at 1078-1079, 1.344-383.

¹⁹⁸ **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0056, para.92; **P-0965**: [CAR-OTP-2046-0150-R01](#), at 0158, 1.272-291; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0018, paras.42-43; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0134, para.31; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1550-1554, paras.107-108, 119-120, 128-130; [CAR-OTP-2051-0479](#), at 0626-0627.

¹⁹⁹ See e.g. **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0254-0255, paras.76, 78. See also below, para.591.

²⁰⁰ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2586-2587, para.96; [CAR-OTP-2090-0561-R02](#), at 0598, para.275; [CAR-OTP-2003-1076](#), at 0193, 0195, 1103.

²⁰¹ **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0189, para.126.

²⁰² See below, para.151.

²⁰³ **P-0884**: [CAR-OTP-2072-1715-R01](#), at 1729, 1.468-504, [CAR-OTP-2072-1739-R01](#), at 1749-1751, 1.330-1.410; **P-0965**: [CAR-OTP-2046-0108-R01](#), at 0112, 1.130-137, [CAR-OTP-2046-0150-R01](#), at 0161-0612, 1.376-407; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1549, 1551, 1555, 1558, 1560-1561, paras.102, 112, 132, 134, 150, 168-169; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0179, para.47; **P-0876**: [CAR-OTP-2046-0267-R01](#), at 0276-0277, 1.336-356, [CAR-OTP-2046-0295-R01](#), at 0301, 1.181-201; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0570-0571, 0583, paras.63-64, 66, 70-71, 168-169; [CAR-OTP-2100-2569-R01](#), at 2585-2586, paras.88-94; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0755-0756, paras.101, 103.

85. Weapons and ammunition were also made available through different means: (i) seized²⁰⁴ or bought²⁰⁵ from defeated Seleka forces; (ii) FACA members bringing their own,²⁰⁶ or through attacks on weapons depots;²⁰⁷ (iii) delivered to BANGUI from CAMEROON on the request of Anti-Balaka leaders, *inter alia* **NGAISSONA**;²⁰⁸ or (iv) acquired in ZONGO or in BANGUI, including by or via the National Coordination.²⁰⁹

e) Training

86. As described above, from around June 2013 onwards, FACA members provided Anti-Balaka elements at GOBERE with rudimentary military training, including on self-defence techniques and weapons use (*i.e.*, hunting rifles, spears, and machetes).²¹⁰ Likewise, **YEKATOM** organised his elements' training at KALANGOI in the use of firearms, machetes, and knives.²¹¹

87. Anti-Balaka elements were also trained at BOGANGOLO²¹² and at the YAMWARA School.²¹³ Later in 2014, Anti-Balaka training camps were also operational in BIMON²¹⁴ and BOUAR.²¹⁵

²⁰⁴ **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0610-0611, paras.39, 44, 47; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0244, 0248, paras.18, 41; **P-2012:** [CAR-OTP-2091-0127-R01](#), at 0134, para.31; **P-2138:** [CAR-OTP-2092-4314-R01](#), at 4331-4333, 1.637-699; **P-0405:** [CAR-OTP-2107-4580-R01](#), at 4587-4588, 4597-4598, 1.235-255, 1.571-593, [CAR-OTP-2065-0396](#), from [00:01:15] to [00:01:40] and its transcript and translation [CAR-OTP-2107-6918](#), at 6919, l. 27-34, and [CAR-OTP-2107-7050](#), at 7052, 1.27-34.

²⁰⁵ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0049, paras.54-55; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0748, para.48.

²⁰⁶ **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0341, para.111; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0041, 0047, para.11; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0173-0174, paras.45, 47-48.

²⁰⁷ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0184, para.78; [CAR-OTP-2001-5642](#), at 5643; **P-1858:** [CAR-OTP-2063-0050-R01](#), at 0066, para.100.

²⁰⁸ **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0187-0188, paras.114, 116.

²⁰⁹ On weapons bought in Bangui, *see* **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0617, para.84; **P-2138:** [CAR-OTP-2092-4004-R01](#), at 4035, 1.1114-1128; [CAR-OTP-2092-4036-R01](#), at 4037-4040, 1.9-149, [CAR-OTP-2092-4314-R01](#), at 4330-4331, 1.559-619. On weapons bought in Zongo, *see above*, para.40. *See also* **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0267, para.220.

²¹⁰ *See above*, para.41.

²¹¹ *See above*, para.45.

²¹² **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0183, para.93.

²¹³ At least from the beginning of December 2013 to mid-January 2014, *see above*, para.210.

²¹⁴ For Intelligence Report of CAR Administrative Police Services, *see* [CAR-OTP-2003-1654](#), at 1819.

²¹⁵ **P-0487:** [CAR-OTP-2076-0130-R01](#), at 0144, 1.507-535, [CAR-OTP-2076-0146-R01](#), at 0166, 1.714-740.

f) *Group Identity*

Armbands, Gris-gris

88. The Anti-Balaka often wore *ad hoc* distinctive accessories, such as armbands and headbands during operations.²¹⁶ *Vaccinations* and *gris-gris* were also particularly identifying group traits.²¹⁷ During initiation rituals, marabouts linked to the Anti-Balaka leadership, such as a certain LUNDI,²¹⁸ instilled recruits with anti-Muslim animus: they explained that killing Muslims would make them stronger, or that Muslims (without distinction) were the enemy.²¹⁹ While some marabouts instructed elements that the *gris-gris* would not protect them if they harmed innocent civilians, this did not apply to harming Muslims. Also, the restriction could be ignored or adverse consequences avoided by removing the *gris-gris* during the offending acts.²²⁰

ID-cards

89. In addition, from January 2014 onwards, some Anti-Balaka elements were issued ID cards in BANGUI and in the provinces,²²¹ signed by **NGAISSONA** or other senior members of the group, such as **BEJOUANE**.²²² This was ostensibly done for two main reasons: (i) to distinguish real from so-called “fake” members, *i.e.* those falsely claiming

²¹⁶ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0750-0751, paras.66-67.

²¹⁷ *See above*, para.41. *See also* [CAR-OTP-2003-1076](#), at 1093; [CAR-OTP-2025-0396](#), at 0401; **P-0975**: [CAR-OTP-2033-7885-R01](#), at 7889, para.27.

²¹⁸ **P-2251**: [CAR-OTP-2093-0045-R01](#), at 0064, 0074, paras.123, 192; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0617, para.88. *See also e.g.* in respect of Marabout Lundi: **P-2232**: [CAR-OTP-2100-2609](#), at 2635-2638, 2644.

²¹⁹ **P-2404**: [CAR-OTP-2102-1558-R01](#), at 1569, 1575, paras.41, 46-47, 70; **P-2444**: [CAR-OTP-2108-0422-R01](#), at 0426, 0434-0435, paras.24, 77-79, 83.

²²⁰ **P-1961**: [CAR-OTP-2090-0067-R01](#), at 0077, paras.57-58; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0019, para.46; **P-2138**: [CAR-OTP-2092-3976-R01](#), at 3978-3979, 3981-3982, 1.55-100, 174-191, 207-220, [CAR-OTP-2092-4048-R01](#), at 4065, 1.612-637, [CAR-OTP-2092-4188-R01](#), at 4219-4220, 1.1157-1164, [CAR-OTP-2092-4221-R01](#), at 4249-4250, 1.1042-1068; [CAR-OTP-2084-1267](#), from [00:02:45] to [00:05:13] and its transcript and translation [CAR-OTP-2107-6968](#), at 6970-6972, 1.70-118, and [CAR-OTP-2107-7111](#), at 7114-7116, 1.70-118.

²²¹ **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2302, paras.72-74; **P-0884**: [CAR-OTP-2072-1913-R01](#), at 1922, 1.316-368.

²²² For ID Cards signed by **NGAISSONA**, *see e.g.* [CAR-OTP-2030-0230](#). For ID Cards signed by **BEJOUANE**, *see e.g.* **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2593, para.140; [CAR-OTP-2023-1599](#), from [00:00:00] to [00:00:53] and its transcript [CAR-OTP-2107-1502](#); [CAR-OTP-2003-1010](#), at 1016, 1024. For ID cards signed by **BEJOUANE**, *see e.g.* [CAR-OTP-2076-1275](#), [CAR-OTP-2001-6251](#), at 6301, 6302. For the signature of **BEJOUANE**, *see e.g.* [CAR-OTP-2025-0380](#), at 0384.

to be Anti-Balaka;²²³ and (ii) to allow the group to participate in the DDR process.²²⁴ Identification cards contained a number, picture, name, address, and function of the Anti-Balaka member.²²⁵ By July 2014, the National Coordination had issued about 10,000 ID cards.²²⁶

G. WIDESPREAD AND SYSTEMATIC ATTACKS AGAINST THE CIVILIAN POPULATION

a) *Policy of targeting the Muslim population in western CAR*

90. From the outset, emergent leaders of the Anti-Balaka movement and their elements expressed anti-Muslim animus, subscribed to and promoted a policy which entailed the violent targeting of the Muslim population in western CAR, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka. While systematically emphasising the Christian community's victimisation through Seleka crimes and atrocities, Anti-Balaka leaders and their elements portrayed the Muslim population as traitors and collaborators. They equated the Seleka with Muslims, even denying the legitimacy of CAR's native Muslims, whom they labelled foreigners.²²⁷

²²³ [CAR-OTP-2003-1010](#), at 1024; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0257, para.90; **P-0884**: [CAR-OTP-2072-1913-R01](#), at 1922, 1.316-368; **P-0446**: [CAR-OTP-2059-1626-R01](#), at 1630, 1.138-203; [CAR-OTP-2066-1510](#), at 1534.

²²⁴ **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0341-0342, paras.113-117, [CAR-OTP-2093-0010-R01](#), at 0025, paras.82-84, 86; **P-1193**: [CAR-OTP-2045-0048-R02](#), at 0060, paras.80-81; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0621, para.105; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0058, para.101; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0134, 0137, paras.32, 50; [CAR-OTP-2091-0290](#).

²²⁵ [CAR-OTP-2030-0230](#); [CAR-OTP-2030-0231](#); [CAR-OTP-2001-0835](#), at 0883; [CAR-OTP-2001-6251](#), at 6301; [CAR-OTP-2071-0093](#), at 0113-0116, 0121-0125, 0141.

²²⁶ **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2302, paras.72-74.

²²⁷ On the lack of differentiation between Muslims and Seleka and the targeting of indiscriminate targeting of Muslims (including women, children and babies), see **P-0965**: [CAR-OTP-2046-0182-R01](#), 0186-0187, 1.117-153, [CAR-OTP-2046-0195-R01](#), at 0203, 1.271-280; **P-2269**: [CAR-OTP-2111-0336-R01](#), at 0357-0358, para.161; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0188, 0197, paras.119, 172; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0017-0018, paras.37, 39-40; **P-2138**: [CAR-OTP-2092-3976-R01](#), at 3996, 1.739-760, [CAR-OTP-2092-4077-R01](#), at 4089, 1.417-425, 738-767, [CAR-OTP-2092-4221-R01](#), at 4239-4240, 1.635-661, 673-692, [CAR-OTP-2092-4251-R01](#), at 4255-4258, 1.140-164, 206-262, [CAR-OTP-2092-4386-R01](#), at 4393-4394, 1.250-298; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1559, 1569-1570, paras.161, 224-226; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0042, para.18; **P-2133**: [CAR-OTP-2093-0267-R01](#), at 0292, para.181; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0243, para.84; **P-0876**: [CAR-OTP-2046-0473-R01](#), at 0484-0485, 1.420-446; **P-0519**: [CAR-OTP-2016-0652-R01](#), at 0663, paras.51-52; [CAR-OTP-2035-0273](#), from [00:00:20] to [00:00:44] and its transcript and translation [CAR-OTP-2107-6901](#) and [CAR-OTP-2107-7030](#), at 7032, 1.1-19; [CAR-OTP-2005-0129](#), from [00:06:00] to [00:06:52], from [00:10:41] to [00:13:48];

91. The Anti-Balaka policy continued the anti-Muslim rhetoric BOZIZE and his inner circle began long before the 24 March 2013 *Coup*,²²⁸ as well as the anti-Muslim propaganda disseminated via radio, television, and social media.²²⁹

92. Key National Coordination members and leaders, including **YEKATOM**, WENEZOU, YAGOUZOU, HOURONTI, ANDJILO, as well as their elements, expressed this policy. Several incited hatred and violence against Muslim civilians and other perceived supporters of the Seleka, both in their presence and publicly.

93. Members of YEKATOM's Group, for instance, openly voiced an intention to "slaughter" the Muslim population.²³⁰ Similarly, Anti-Balaka elements in BOEING unequivocally expressed their intention to kill Muslims, including "babies and pregnant ladies".²³¹ As [REDACTED] for the group, [REDACTED] noted, "[T]hey started killing our children and wives and destroyed our homes. *Revenge* is good sometimes and bad sometimes. But *we have to do it*."²³² Likewise, YAGOUZOU leveraged the threat of the Anti-Balaka "slaughtering" the "CAR Muslims" in publicly demanding DJOTODIA's resignation,²³³ while HOURONTI stated that Muslims did not belong in CAR regardless of their nationality, holding the whole Muslim population, even small children, responsible for Seleka crimes.²³⁴ ANDJILO too expressed the widely-held

P-1815: [CAR-OTP-2058-0581-R01](#), at 0588-0591, paras.38, 50; [CAR-OTP-2081-0496](#), at 0536-0537; [CAR-OTP-2029-0629](#), at 0632; [CAR-OTP-2084-1327](#), from [00:01:18] to [00:01:55], from [00:03:01] to [00:04:26] and its transcript [CAR-OTP-2107-1583](#), at 1584-1585, 1.16-24, 35-50.

²²⁸ See above, paras.27-29.

²²⁹ **P-0876:** [CAR-OTP-2046-0473-R01](#), at 0482-0483, 1.332-381; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1569-1570, para.224; [CAR-OTP-2001-0409](#), at 0410, para.8.

²³⁰ See below, paras.219-220.

²³¹ [CAR-OTP-2049-1679](#), from [00:00:00] to [00:08:00] and its transcript [CAR-OTP-2107-1530](#) (in particular see from [00:01:35] to [00:06:59]).

²³² [CAR-OTP-2001-4446](#), at 4448 [Emphasis added].

²³³ [CAR-OTP-2065-5468](#), from [00:02:08] to [00:03:36] and its transcript and translation [CAR-OTP-2107-6932](#), at 6933, 1.21-31, and [CAR-OTP-2107-7069](#), at 7071, 1.22-32; [CAR-OTP-2065-5470](#), from [00:00:24] to [00:00:30] and its transcript [CAR-OTP-2107-1559](#), at 1560, 1.8-9.

²³⁴ [CAR-OTP-2083-0332](#), from [00:02:4] to [00:03:47]; [CAR-OTP-2081-1770](#), from [00:05:00] to [00:18:08] and its transcript and translation [CAR-OTP-2107-6945](#), at 6950-6962, 1.144-559, and [CAR-OTP-2107-7086](#), at 7092-7104, 1.144-559 (see in particular from [00:13:35] to [00:18:08]); [CAR-OTP-2084-1279](#), from [00:00:00] to [00:01:02] and its transcript and translation [CAR-OTP-2107-6977](#), at 6978, 1.4-19, and [CAR-OTP-2107-7122](#), at 7124, 1.4-19.

intention to clear the country of “Arabs” and Peuhl.²³⁵ He tortured elements that helped or spared Muslims.²³⁶ Those under his command echoed the message, using similar anti-Muslim rhetoric and threats to make the “Arabs” leave.²³⁷

94. The Anti-Balaka’s intention to target Muslim civilians violently and expel them from CAR was also pervasive among the sub-groups in the provinces, including along the PK9–MBAIKI axis (*i.e.*, YEKATOM’s Group), at BERBERATI, BOSSANGO, YALOKÉ, BOSSEMPTELE, BODA, CARNOT, and GUEN.²³⁸

95. The highest ranks of the Anti-Balaka leadership expressed and promoted the group’s policy. Speaking on behalf of NGAISSONA at his house, [REDACTED]²³⁹ put it plainly:

²³⁵ [CAR-OTP-2049-0141](#), from [00:00:37] to [00:01:22] and its transcript and translation [CAR-OTP-2074-1954](#) and [CAR-OTP-2074-1958](#), at 1960, 1.25-35.

²³⁶ On punishment of those who were suspected of favouring Muslims, *see* **P-0965**: [CAR-OTP-2046-0195-R01](#), at 0210-0211, 1.533-555.

²³⁷ [CAR-OTP-2049-0141](#), from [00:01:22] to [00:03:15] and its transcript and translation [CAR-OTP-2074-1954](#) and [CAR-OTP-2074-1958](#), at 1960-1962, 1.36-99.

²³⁸ For the PK9-MBAIKI axis, *see* **P-1528**: [CAR-OTP-2048-0757-R01](#), at 0762-0763, paras.30-31; **P-2125**: [CAR-OTP-2082-0299-R01](#), at 0317, para.103; [CAR-OTP-2065-3188](#), from [00:00:00] to [00:01:01] and its transcript [CAR-OTP-2107-1547](#); **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0578, para.149. For BERBERATI, *see* [CAR-OTP-2030-2280](#), from [00:00:00] to [00:01:05] and its transcript and translation [CAR-OTP-2107-6899](#) and [CAR-OTP-2107-7027](#); **P-1077**: [CAR-OTP-2107-3636-R01](#), at 3662-3663, 1.924-954; **P-2327**: [CAR-OTP-2100-1921-R01](#), at 1926-1927, paras.24-25. For BOSSANGO, *see* [CAR-OTP-2066-5308](#), from [00:01:50] to [00:03:31] and its transcript and translation [CAR-OTP-2107-6935](#), at 6937-6938, 1.63-108, and [CAR-OTP-2107-7073](#), at 7076-7077, 1.63-110; [CAR-OTP-2085-2953](#), from [00:06:50] to [00:12:00] and its transcript and translation [CAR-OTP-2107-6989](#), at 6995-6997, 1.173-243, and [CAR-OTP-2107-7137](#), at 7144-7146, 1.173-243; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0252, para.64. For YALOKÉ, *see* [CAR-OTP-2106-0684](#), from [00:02:15] to [00:04:45]; **P-2282**: [CAR-OTP-2106-0759-R01](#), at 0795, para.202. For BOSSEMPTELE, *see* [CAR-OTP-2088-0977](#), from [00:03:36] to [00:15:41] and its transcript and translation [CAR-OTP-2089-0317](#) and [CAR-OTP-2089-0323](#), at 0327-0331, 1.50-243. For BODA, *see* [CAR-OTP-2001-2769](#), at 2791; [CAR-OTP-2060-0795](#), from [00:01:27] to [00:02:11]; [CAR-OTP-2074-0789](#), from [00:03:32] to [00:04:37]; [CAR-OTP-2066-5312](#), from [00:00:00] to [00:01:12]; [CAR-OTP-2087-9680](#), from [00:04:00] to [00:07:00]; [CAR-OTP-2058-0573](#), from [00:27:52] to [00:29:05]. For CARNOT, *see* [CAR-OTP-2012-0477](#), from [00:04:00] to [00:04:30] and its transcript and translation [CAR-OTP-2107-6886](#) and [CAR-OTP-2107-7010](#), at 0714, 1.86-105; [CAR-OTP-2019-1359](#), from [00:11:40] to [00:12:52]; [00:14:32] to [00:15:52]. For GUEN, *see* **P-0596**: [CAR-OTP-2018-0736-R01](#), at 0740, 0743, paras.24, 40-41; **P-0650**: [CAR-OTP-2022-0031-R01](#), at 0035, 0043, paras.25, 75; **P-2195**: [CAR-OTP-2090-0032-R01](#), at 0039-0040, 0050, paras.35-36, 76; **P-1040**: [CAR-OTP-2091-0568-R01](#), at 0582, 0601-0602, 1.488-491, 1173-1178; **P-1964**: [CAR-OTP-2094-1755-R01](#), at 1758-1759, 1761, paras.27, 34, 45; **P-2091**: [CAR-OTP-2077-0868-R01](#), at 0875, 0877, paras.37, 46; **P-0595**: [CAR-OTP-2018-0761-R01](#), at 0765, 0767-0769, paras.22, 24, 32, 43; **P-0652**: [CAR-OTP-2078-0434-R01](#), at 0441, paras.37-38. *See* Annex F(1) (CAR Overview Map).

²³⁹ [CAR-OTP-2039-0019](#); **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0024, para.74.

“we had no intention [of] killing Muslims, but we later noticed that so many Muslims in the country were supporting the Seleka rebels ... they were against us ... [t]his angered the Anti-Balaka, as well as the majority-Christian population in the country, hence the attacks you’re seeing on Muslims.”²⁴⁰

96. **NGAISSONA** echoed these words in press releases and “justified” the revenge sought against the Seleka and Muslims by the “population” joining the Anti-Balaka’s ranks:

*“Aussi, la population, victime des exactions des Séléka à travers la Centrafrique depuis le 10 décembre 2012, a regagné les rangs des Antibalaka avec un esprit de vengeance envers les ex-Séléka et les sujets musulmans qui ont soutenu les Séléka durant leur occupation de la RCA”*²⁴¹

97. At the same time, while **NGAISSONA** portrayed the Anti-Balaka as brave and sacrificial,²⁴² he denounced the media’s supposed unbalanced coverage of the Anti-Balaka on one side versus “*les crimes massifs commis par les sujets musulmans sur les populations non-musulmanes*”,²⁴³ equating Muslims – as a whole – with the Seleka.

98. **NGAISSONA** and other National Coordination leaders harboured anti-Muslim animus. For example, **NGAISSONA** incited public opinion by referring to CAR Muslims as “Boko Haram”.²⁴⁴ The rhetoric expressed on Anti-Balaka Facebook accounts²⁴⁵ and meetings at **NGAISSONA**’s compound betrays the group’s policy and ethos. For instance, **KONATE** directed ComZones and their elements to stop looting Christians and to target Muslims instead; **Bernard MOKOM** warned elements not to trust Muslims as “they will stab you in the back”.²⁴⁶

²⁴⁰ [CAR-OTP-2072-1204](#), at 1205-1206.

²⁴¹ [CAR-OTP-2025-0372](#), at 0374. **NGAISSONA** used the same language in [CAR-OTP-2025-0362](#), at 0364.

²⁴² See below, para.157.

²⁴³ [CAR-OTP-2025-0396](#), at 0402. [Emphasis added]

²⁴⁴ [CAR-OTP-2014-0749](#), from [00:02:09] to [00:02:41].

²⁴⁵ [CAR-OTP-2066-3003](#), at 3046; [CAR-OTP-2066-1601](#), at 1632; [CAR-OTP-2066-5201](#), at 5205-5206.

²⁴⁶ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0598, para.276.

99. Similarly, MOKOM expressed his intention to the CAR government to raze BANGUI's predominantly Muslim neighbourhood PK5 and make it disappear.²⁴⁷ He directed Anti-Balaka elements on the ground to punish elements if Christian civilians were killed, but not Muslims. Even after reports of Muslim civilians being killed, MOKOM directed further Anti-Balaka attacks.²⁴⁸ Likewise MOKOM punished and threatened elements that helped Muslims by letting them go.²⁴⁹

100. Having achieved DJOTODIA's resignation on 10 January 2014, the Anti-Balaka continued to carry out widespread and systematic attacks against Muslim civilians in villages across western CAR. They hunted down, killed, raped, and injured members of the Muslim population, including those fleeing.²⁵⁰ Muslims all over CAR understood that they were the Anti-Balaka's target.²⁵¹

101. Anti-Balaka elements themselves referred to their attacks as "cleansing operations",²⁵² as did the international media and NGOs.²⁵³ Between December 2013 and August 2014, of CAR's 16 prefectures, civilian casualties attributable to the Anti-Balaka occurred in and around BANGUI and nine prefectures. The United Nations Panel of Experts reported that the Anti-Balaka killed more than 860 civilians in this period.²⁵⁴

²⁴⁷ **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0243, 0247, 0250, para.125.

²⁴⁸ **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2575, paras.30-31.

²⁴⁹ **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0585, 0590, paras.183, 220.

²⁵⁰ *See below*, the Charged Crimes committed in BOEING and CATTIN (paras.246-256), BOEING Muslim Cemetery (paras.269-274), Yamwara School (paras.296-302), BOY-RABE (paras.317-323), PK9 – MBAIKI AXIS (paras.340-347), BOSSANGO (paras.376-388), YALOKÉ, GAGA and ZAWA (paras.407-426), BOSSEMPTELE (paras.444-456), BODA (paras.473-490), CARNOT (paras.513-522), BERBERATI (paras.543-555), and GUEN (paras.578-595). *See generally*, Section VII (paras.242-611). On widespread attacks against the Muslims after DJOTODIA's resignation, *see* [CAR-OTP-2001-7017](#), at 7087, 7088, 7097, 7099, paras.292, 294, 355, 370; [CAR-OTP-2001-4249](#), at 4249; [CAR-OTP-2001-2068](#), at 2068.

²⁵¹ **P-1452:** [CAR-OTP-2048-0682-R01](#), at 0695, para.98.

²⁵² [CAR-OTP-2001-0409](#), at 0410, para.8; [CAR-OTP-2001-0363](#), at 0363; [CAR-OTP-2082-0732](#), at 0735.

²⁵³ [CAR-OTP-2001-2203](#), at 2206; [CAR-OTP-2001-4393](#); [CAR-OTP-2082-0745](#), at 0745-0746.

²⁵⁴ [CAR-OTP-2001-5386](#), at 5574. *See also* [CAR-OTP-2088-1198](#); [CAR-OTP-2088-1423](#); [CAR-OTP-2088-1437-R01](#); [CAR-OTP-2088-1473](#); [CAR-OTP-2088-1485](#); [CAR-OTP-2088-1493-R01](#); [CAR-OTP-2088-1572](#).

b) Destruction of Mosques

102. Throughout the Relevant Period, the Anti-Balaka took part in systematic attacks against mosques in western CAR. Their destruction signalled to Muslims that there was no place safe, and that they should leave.²⁵⁵

103. The Anti-Balaka frequently sacked, pillaged or desecrated mosques before destroying them.²⁵⁶ Some mosques in BANGUI were reduced to rubble, for instance, in the Muslim neighbourhood of FOUH.²⁵⁷ By June 2014, only a handful of over thirty mosques in BANGUI stood.²⁵⁸ Mosques were also targeted in villages outside BANGUI, including for example along the Route Nationale 3 (“RN3”).²⁵⁹

104. The Anti-Balaka destroyed or dismantled mosques throughout CAR’s western prefectures as well. By February 2014, only one of eight mosques in YALOKÉ (OMBELLA-M’POKO Prefecture) remained standing.²⁶⁰ Similarly, mosques were destroyed or dismantled in BOSSEMPTELE (OUHAM-PENDE Prefecture), BOALI and BOYALI (OMBELLA-M’POKO Prefecture),²⁶¹ in BOSSANGOA (OUHAM Prefecture),²⁶² and in BERBERATI (MAMBERE-KADEI Prefecture).²⁶³

c) Pillaging and Destruction of Muslim property

105. As they gained control over western CAR, the Anti-Balaka routinely pillaged and damaged Muslim property in the context of their “Kill-Loot-Burn” dynamic.²⁶⁴ Muslim

²⁵⁵ See, in general, [CAR-OTP-2017-0115](#), at 0129-0130; [CAR-OTP-2079-0580](#), at 0581; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0244, paras.87-88; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0209, para.234.

²⁵⁶ [CAR-OTP-2001-7017](#), at 7101, para.383; [CAR-OTP-2001-4811](#), at 4811; [CAR-OTP-2001-4472](#), at 4472-447.

²⁵⁷ [CAR-OTP-2001-5739](#), at 5792; [CAR-OTP-2001-1075](#), at 1097, para.102; [CAR-OTP-2001-2769](#), at 2813; [CAR-OTP-2001-0310](#), at 0311; [CAR-OTP-2001-2139](#), at 2142.

²⁵⁸ [CAR-OTP-2001-7017](#), at 7101, paras.384-385; [CAR-OTP-2001-1075](#), at 1097, para.102; [CAR-OTP-2079-0598](#), at 0602; [CAR-OTP-2104-0153-R01](#), at 0153-0155; **P-0475**: [CAR-OTP-2104-0116-R01](#), at 0126-0128, paras.70-97; **P-0567**: [CAR-OTP-2059-0084-R01](#), at 0105, para.142.

²⁵⁹ [CAR-OTP-2055-2611](#), from [00:11:10] to [00:11:25]; [CAR-OTP-2001-5305](#), at 5329; [CAR-OTP-2001-2769](#), at 2813. For RN3, see Annex F(1) (CAR Overview Map).

²⁶⁰ [CAR-OTP-2001-4391](#), at 4392; [CAR-OTP-2007-0925](#), at 0976; [CAR-OTP-2001-2237](#), at 2237.

²⁶¹ See also [CAR-OTP-2055-1987](#), at 2155, 2163; [CAR-OTP-2001-2769](#), at 2789, 2813.

²⁶² See below, para.380.

²⁶³ See below, para.548. See also [CAR-OTP-2079-0695](#), at 0708.

²⁶⁴ [CAR-OTP-2020-0019](#), at 0029, para.29; [CAR-OTP-2001-4446](#), at 4447; [CAR-OTP-2055-1938](#), at 1940; [CAR-OTP-2055-1968](#), at 1970; [CAR-OTP-2001-7145](#), at 7160-7161; [CAR-OTP-2001-0363](#), at 0363; [CAR-OTP-2001-5739](#), at 5795.

houses, shops and cattle were systematically vandalised and looted, resulting in the population – particularly active in trade and cattle herding – being deprived of its main means of subsistence.²⁶⁵ With graffiti or other markings, the Anti-Balaka claimed ownership over the vacated areas.²⁶⁶

106. The United Nations Institute for Training and Research’s Operational Satellite Applications Programme (“UNOSAT”) assessed that between 22 February 2014 and 6 June 2014, 871 structures were severely damaged or destroyed, of which 496 were in BANGUI’s 3^e *arrondissement*, which includes PK5 and KOKORO.²⁶⁷ Other sources, including satellite imagery analysed by Human Rights Watch (“HRW”), confirm that PK5 and other predominantly Muslim neighbourhoods, including BOUCA, PK12, and PK13 were largely destroyed between October 2013 and March 2014.²⁶⁸ In Anti-Balaka attacks in the provinces, Muslim houses and shops were systematically looted and destroyed, including in BOYALI, BOSSEMBELE, BAORO, BERBERATI, BOSSEMPTELE, BOSSANGOA, YALOKÉ, and GUEN.²⁶⁹

d) *Expulsion of the Muslim population*

107. The Anti-Balaka’s violent attacks on Muslim civilians in western CAR forced their flight *en masse* both within the country and to neighbouring countries.²⁷⁰

108. The group’s intention to target the Muslim population violently was clear not only in the crimes they committed, but also the hateful rhetoric publicly disseminated, reported,

²⁶⁵ [CAR-OTP-2001-7017](#), at 7102-7103, paras.397-398; [CAR-OTP-2001-2043](#), at 2043, 0256; [CAR-OTP-2001-2139](#), at 2142. The Peuhl are particularly active in cattle herding: *see e.g.* [CAR-OTP-2069-0072](#), at 0085.

²⁶⁶ [CAR-OTP-2057-0966](#), at 0970; [CAR-OTP-2001-2237](#), at 2238.

²⁶⁷ [CAR-OTP-2075-0670](#); [CAR-OTP-2001-5351](#). *See also* [CAR-OTP-2062-0666](#); [CAR-OTP-2057-0966](#), at 0968. *See* Annex F(3) (Bangui Map).

²⁶⁸ [CAR-OTP-2001-2883](#); [CAR-OTP-2001-2880](#), at 2880. *See also* [CAR-OTP-2001-6998](#), at 7004; [CAR-OTP-2001-7017](#), at 7103, para.399; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0243, para.85.

²⁶⁹ *See below*, paras.379, 417, 449-450, 541, 546-547, 589-590. On BOYALI and BOSSEMBELE, *see e.g.* [CAR-OTP-2001-2068](#), at 2068-2069. On BAORO, *see e.g.* [CAR-OTP-2001-2306](#), at 2306. *See also* [CAR-OTP-2001-7017](#), at 7104, para.404; [CAR-OTP-2001-4446](#), at 4447; [CAR-OTP-2001-2252](#), at 2254; [CAR-OTP-2001-5350](#); [CAR-OTP-2001-0463](#), at 0463. *See* Annex F(1) (CAR Overview Map).

²⁷⁰ On displacement from BANGUI, *see* **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0186, para.105. On displacement in general, *see* [CAR-OTP-2001-1057](#), at 1057, para.3; [CAR-OTP-2002-0504](#), at 0506; [CAR-OTP-2001-7017](#), at 7088, para.294; [CAR-OTP-2001-0379](#), at 0381; [CAR-OTP-2001-2306](#), at 2307; [CAR-OTP-2001-2197](#), at 2201; [CAR-OTP-2001-0409](#), at 0410, para.4; [CAR-OTP-2020-0019](#), at 0026, para.16.

espoused, and which its leadership defended.²⁷¹ The message to the Muslim population was clear: leave CAR or die.²⁷²

109. Thousands of Muslim civilians fled Anti-Balaka attacks. Some were evacuated in humanitarian convoys accompanied by United Nations agencies, MISCA, SANGARIS, Chadian, or other forces.²⁷³ Even then, the Anti-Balaka attacked protected convoys.²⁷⁴

110. Others fled through the bush to CAMEROON, CHAD, or other neighbouring countries. Many walked for weeks before reaching the border, all the while being hunted down by Anti-Balaka elements. More than 50 individuals interviewed by the UN Commission of Inquiry on the Central African Republic (“UNCOI”) reported the killing of fleeing Muslim civilians in the bush. These systematic attacks by Anti-Balaka elements occurred near BAORO and BAOUI (NANA-MAMBERE Prefecture), BODA and BOUGERE (LOBAYE Prefecture), BOSSANGO and BOUGUERA (OUHAM Prefecture), BOSSEMPTELE, TATTALE, BOHONG, BOCARANGA and NGOUTERE (OUHAM-PENDE Prefecture), BOSSEMBELE, DAMARA, GAGA, ZAWA and YALOKÉ (OMBELLA-M’POKO Prefecture), and CARNOT and GUEN (MAMBERE-KADEI Prefecture).²⁷⁵

111. March 2014 saw nearly all of BANGUI’s Muslim residents gone, and most of western CAR’s Muslim population as refugees in CAMEROON or CHAD.²⁷⁶ By March 2014, over 70,000 Muslim refugees had been received in CHAD.²⁷⁷ Between December 2013 and October 2014, CAMEROON received over 120,000 Muslim refugees.²⁷⁸ By

²⁷¹ See above, paras.90-91.

²⁷² [CAR-OTP-2001-2308](#), at 2338-2339; [CAR-OTP-2001-4429](#), at 4430. See also e.g. **P-1452**: [CAR-OTP-2048-0682-R01](#), at 0695, 0698, paras.98, 120-121.

²⁷³ [CAR-OTP-2055-1987](#), at 2150; [CAR-OTP-2001-2880](#), at 2881; [CAR-OTP-2001-2885](#), at 2885; [CAR-OTP-2018-0054](#), at 0054; [CAR-OTP-2002-0504](#), at 0504. See also e.g. **P-2205**: [CAR-OTP-2108-0465-R01](#), at 0494-0495, paras.170-175; [CAR-OTP-2101-4083](#), at 4084.

²⁷⁴ **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0186, para.106; [CAR-OTP-2001-7017](#), at 7099-7100, paras.370-381; [CAR-OTP-2001-2885](#), at 2885; [CAR-OTP-2066-1601](#), at 1702-1703.

²⁷⁵ [CAR-OTP-2001-7017](#), at 7097-7099, paras.355-368; [CAR-OTP-2017-0115](#), at 0122; [CAR-OTP-2001-2953](#), at 2985; [CAR-OTP-2078-0400](#), at 0404.

²⁷⁶ [CAR-OTP-2001-4429](#), at 4429; [CAR-OTP-2001-7145](#), at 7167; [CAR-OTP-2083-0437](#), at 0474; [CAR-OTP-2083-0433](#), at 0434; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0269, paras.229-230.

²⁷⁷ [CAR-OTP-2083-0429](#), at 0429.

²⁷⁸ [CAR-OTP-2001-7145](#), at 7167.

August 2014, some 20,000 displaced Muslims were confined in nine major enclaves in western and central CAR, aware that in leaving these sites they risked attack.²⁷⁹

112. In June 2014, the National Coordination recognised that around 10% of CAR's population, *i.e.* 480,000 individuals, had fled the violence.²⁸⁰

e) Recruitment and use of children in hostilities

113. During the Relevant Period, the Anti-Balaka recruited and used children in hostilities, including under the age of 15.²⁸¹ Several international organisations, NGOs, and the media have reported on the presence of children in CAR armed groups, including the Anti-Balaka.²⁸² Although the exact number is not available, the UN Secretary General reported at the end of December 2013 on the Anti-Balaka's widespread recruitment of children.²⁸³ Similarly, MINUSCA and UNICEF identified 1,114 children associated with Anti-Balaka groups, including in BANGUI, BOALI, YALOKÉ, and BODA in the summer of 2014.²⁸⁴ Children integrated with the Anti-Balaka, however, continued to be liberated in 2015 and 2016.²⁸⁵

114. The Anti-Balaka exploited children's social conditions, and their motivation for revenge for Seleka crimes against their relatives. Other children were recruited through the use of force and threats. They were trained. Some as young as age eight were used to carry out household tasks, carry water or equipment/supplies, spy on the enemy, man checkpoints, participate in combat, or act as human shields. Children were given drugs to be fearless, and subjected to mental and physical harm.²⁸⁶ Some were instructed to stab,

²⁷⁹ [CAR-OTP-2001-1057](#), at 1057, para.3; [CAR-OTP-2002-0511](#), from [00:02:06] to [00:05:04].

²⁸⁰ [CAR-OTP-2025-0396](#), at 0397.

²⁸¹ **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0264-0265, paras.206, 210; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0563, 0566, 0580, 0584, paras.45, 69, 163, 195-196.

²⁸² *See e.g.* [CAR-OTP-2001-7145](#), at 7158; [CAR-OTP-2001-2043](#), at 2052; [CAR-OTP-2001-0782](#), at 0284; [CAR-OTP-2005-0129](#), from [00:21:25] to [00:23:30]; **P-1815**: [CAR-OTP-2058-0581-R01](#), at 0594-0595, para.78.

²⁸³ [CAR-OTP-2001-0329](#), at 0337, para.42.

²⁸⁴ [CAR-OTP-2001-5386](#), at 5438, para.215; [CAR-OTP-2068-0568](#), at 0570.

²⁸⁵ [CAR-OTP-2072-1213](#), at 1214; [CAR-OTP-2072-1202](#), at 1202; [CAR-OTP-2072-1210](#), at 1210.

²⁸⁶ [CAR-OTP-2001-7017](#), at 7121-7123, paras.490-501; [CAR-OTP-2075-0602](#), at 0608. On the reasons why children joined the Anti-Balaka, *see* **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0265, para.208; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0208, para.229; [CAR-OTP-2066-5307](#), from [00:06:20] to [00:06:39] and from [00:20:42] to [00:21:26]; [CAR-OTP-2073-0871](#), at 0876, 0880-0081; [CAR-OTP-2055-1987](#), at 2210. On the conscription of child soldiers, *see also* **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0561-0563, paras.34-

beat, and injure captured Muslims, for example, by cutting off their ears in preparation for adults to “finish them off” and carry out the killings.²⁸⁷ Some children were subject to sexual violence.²⁸⁸

H. THE ARMED CONFLICT LASTED UNTIL AT LEAST THE END OF 2014

115. On 16 June 2014, **NGAISSONA** and Seleka representative Eric MASSI signed a mediation engagement to address the crises caused by both groups, under the auspices of the conflict resolution group PARETO (“PARETO Mediation”).²⁸⁹ On 23 July 2014, several senior Seleka commanders and the Anti-Balaka signed the 2014 peace agreement at the BRAZZAVILLE Summit, which was breached shortly thereafter.²⁹⁰

116. At the end of November 2014, **NGAISSONA** announced the conversion of the Anti-Balaka into a political party, the *Parti centrafricain pour l’unité et le développement* (“PCUD”).²⁹¹ Splitting off from MOKOM’s group,²⁹² **NGAISSONA** acknowledged and retained so-called “ex-Anti-Balaka” who had remained loyal to him.

117. Between December 2014 and April 2015, further peace discussions between the armed groups involved in the CAR crisis were held in NAIROBI (“NAIROBI

40, 46-47. On the training of child soldiers, *see also* [CAR-OTP-2066-5307](#), from [00:07:05] to [00:07:15]; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0565-0566, paras.59-66. On the tasks given to child soldiers, *see also* [CAR-OTP-2072-1202](#), at 1203; [CAR-OTP-2075-0602](#), at 0607; [CAR-OTP-2073-0871](#), at 0877, 0883; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0570, para.93. On the use of drugs by child soldiers, *see also* [CAR-OTP-2072-1202](#), at 1203; [CAR-OTP-2066-5307](#), from [00:07:15] to [00:07:30] and from [00:11:40] to [00:12:26]; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0563, 0566, 0572, 0574, 0575, paras.45, 48, 49, 109, 123, 124, 126. On the violence inflicted upon child soldiers, *see also* [CAR-OTP-2073-0871](#), at 0877; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0565, 0566, paras.62, 63, 66, 67, 68.

²⁸⁷ **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0569, 0572, 0575, paras.89, 91, 92, 111, 125, 128, 129, 132, 133.

²⁸⁸ [REDACTED].

²⁸⁹ [CAR-OTP-2001-5386](#), at 5445-5446. PARETO stands for “Paix, réconciliation et tolérance”.

²⁹⁰ [CAR-OTP-2001-1057](#), at 1063, para.32; [CAR-OTP-2001-3405](#), at 3405-3414. By then several senior Seleka commanders had formed the FPRC under DJOTODIA’s leadership: *see* [CAR-OTP-2027-1631](#), at 1645; [CAR-OTP-2091-0480](#), at 0480-0484; [CAR-OTP-2001-5055](#), at 5055. Other armed groups present included the *Front Démocratique du Peuple Centrafricain* (“FDPC”), the *Révolution et Justice* (“RJ”), the *Mouvement de Libération Centrafricaine pour la Justice* (“MLCJ”), the *Union des Forces Républicaines* (“UFR”), and the *Union des Forces Républicaines Fondamentales* (“UFRF”). On the breach of the peace agreement, *see* **P-0801**: [CAR-OTP-2074-2401-R01](#), at 2402-2403, l.11-47; [CAR-OTP-2001-5013](#).

²⁹¹ [CAR-OTP-2030-0255](#), at 0255-0262; [CAR-OTP-2023-2920](#), from [00:39:15] to [00:01:04] and its transcript [CAR-OTP-2107-1519](#); [CAR-OTP-2003-1654](#), at 1723.

²⁹² *See e.g.* [CAR-OTP-2062-0105-R01](#); [CAR-OTP-2032-0067](#).

Summit”).²⁹³ MOKOM’s new “apolitical”²⁹⁴ faction included Clement BAMA (“BAMA”),²⁹⁵ BEOROFEI, Chrysostome YAPELET (aka “Chiki-Chiki”) (“YAPELET”), and AZOUNOU.²⁹⁶

118. From 4 to 11 May 2015, the transition government held a national reconciliation conference in BANGUI (“BANGUI Forum”).²⁹⁷

IV. OVERVIEW OF THE CHARGED CRIMES

119. As described below,²⁹⁸ from late 2013 onwards and in furtherance of the *Strategic Common Plan*, the Anti-Balaka carried out indiscriminate acts of violence across the western parts of the CAR in which they targeted the Muslim population, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka. As a result, they committed diverse crimes, including:

- directing attacks against the civilian population (in BANGUI, BOEING, along the PK9 – MBAIKI axis, and the prefectures of LOBAYE, OUHAM, OMBELLA M’POKO, OUHAM PENDE, and MAMBERE-KADEI);
- persecution (in BANGUI, BOEING, along the PK9 – MBAIKI axis, and the prefectures of LOBAYE, OMBELLA M’POKO, OUHAM PENDE, and MAMBERE-KADEI);
- extermination (in the prefectures of OMBELLA M’POKO and MAMBERE-KADEI);

²⁹³ **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0259, paras.100-101; [CAR-OTP-2008-0615](#), 0615-0623; [CAR-OTP-2006-1453](#), at 1453; [CAR-OTP-2024-0012](#), at 0012; [CAR-OTP-2011-0196](#), at 0196. For a list of Anti-Balaka representatives at the NAIROBI Summit, see [CAR-OTP-2023-0032](#), at 0040.

²⁹⁴ See e.g. [CAR-OTP-2032-0067](#).

²⁹⁵ BAMA was also an Anti-Balaka ComZone in BOEING. See [CAR-OTP-2030-0232](#), at 0232.

²⁹⁶ [CAR-OTP-2062-0078](#), at 0078-0080.

²⁹⁷ [CAR-OTP-2008-0599](#), at 0599-0605; [CAR-OTP-2027-1686](#), at 1702, 1725-1726; [CAR-OTP-2051-0836](#), at 0959; [CAR-OTP-2055-1987](#), at 2110.

²⁹⁸ For a timeline including the below incidents, see also Annex D (Timeline of Major Events).

- murder and attempted murder (in BANGUI, BOEING, and the prefectures of LOBAYE, OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- rape and attempted rape of women (in BANGUI, and the prefectures of LOBAYE, OUHAM, OMBELLA M'POKO, and MAMBERE-KADEI);
- torture and other inhumane acts, and mutilation, cruel and/or degrading treatment (in BANGUI, BOEING, and the prefectures of LOBAYE, OMBELLA M'POKO, and MAMBERE-KADEI);
- unlawful imprisonment or other severe deprivation of physical liberty (in BANGUI, BOEING, and the prefectures of LOBAYE, OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- forcible transfer, deportation and enforced displacements (in BANGUI, BOEING, along the PK9 – MBAIKI axis, and the prefectures of LOBAYE, OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- directing attacks against buildings dedicated to religion, such as mosques (in BOEING and the prefectures of OUHAM and OUHAM PENDE);
- destruction of the property of the adverse party (in BANGUI, BOEING, and the prefectures of OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- pillaging (in the prefectures of OUHAM, OMBELLA M'POKO, OUHAM PENDE, and MAMBERE-KADEI);
- outrages upon personal dignity (in BANGUI and BOEING); and,
- in various circumstances, enlisting child soldiers under the age of 15 and using them to participate actively in hostilities.

V. INDIVIDUAL CRIMINAL RESPONSIBILITY OF NGAISSONA

A. OVERVIEW

120. **NGAISSONA**, through the acts and omissions described in this section, is individually criminally responsible for all of the Charged Crimes, pursuant to article 25(3)(a) for jointly committing them with others; article 25(3)(c) for assisting in their commission; and article 25(3)(d) for contributing in any other way to their commission by the Anti-Balaka acting with a common criminal purpose.²⁹⁹

B. ARTICLE 25(3)(A)

121. **NGAISSONA** committed the Charged Crimes in concert with others through his participation in, and essential contributions to, a common plan. From at least June 2013, and at all relevant times herein, **NGAISSONA**, **BOZIZE**, Bernard **MOKOM**, and **MOKOM** were, among others, members of the *Strategic Common Plan*. The plan was also joined in at different times by members of the Anti-Balaka leadership and National Coordination. Their objective was to claim and/or reclaim political power in CAR by using criminal means, in particular, by instrumentalising pre-existing ‘self-defence groups’ and others, later collectively known as the Anti-Balaka. The members of the *Strategic Common Plan* intended the Charged Crimes. They knew that mobilising and using Anti-Balaka groups fuelled by vengeance and hatred of Muslims because of atrocities committed by the Seleka, enhancing the capabilities of the Anti-Balaka groups, coordinating them, promoting their collective action, and transforming them into a formidable fighting force would, in the ordinary course of events, result in the violent targeting of the Muslim civilian population in western CAR and the commission of the Charged Crimes.

122. The Charged Crimes were within the scope of the *Strategic Common Plan* and committed by members of the Anti-Balaka as a result of its implementation.

²⁹⁹ “Commission” includes the “attempted commission” of the crimes set out in Counts 31, 32, 44, 45, 101, 102, 105 and 106.

123. **NGAISSONA** intended the Charged Crimes and/or was aware that implementing the *Strategic Common Plan* would, in the ordinary course of events, result in the Anti-Balaka's commission of these crimes. He was aware that the *Strategic Common Plan* involved an element of criminality. He was further aware of his essential role in the *Strategic Common Plan*, the essential nature of his contributions, including through conduct set out at paragraphs 127 to 169 below, and of his ability, jointly with other co-perpetrators, to control the commission of these crimes. He was further aware of the fundamental structural, organisational and ideological features of the Anti-Balaka which enabled him, jointly with the other co-perpetrators, to use the Anti-Balaka to commit the crimes and to control their commission.

C. ARTICLE 25(3)(C)

124. **NGAISSONA** assisted Anti-Balaka members in committing the Charged Crimes with the aim of facilitating their commission. He was also aware that elements of the Anti-Balaka would, in the ordinary course of events, commit these crimes.

D. ARTICLE 25(3)(D)

125. **NGAISSONA** intentionally contributed to the commission of the Charged Crimes by the Anti-Balaka acting pursuant to a common purpose to violently target the Muslim civilian population in western CAR, based on their religious, national or ethnic affiliation, and their perceived collective responsibility for, complicity with, and/or support of, the Seleka (the "*Common Purpose*"). The *Common Purpose* materialised at least contemporaneously with the membership or participation of the respective sub-groups and/or their leaders in the Anti-Balaka, or their subscription to its organisational policy. Each Anti-Balaka subgroup thus committed the crimes set out herein pursuant to the *Common Purpose* and in furtherance of their own related common plans.

126. **NGAISSONA's** contributions to the crimes committed pursuant to the *Common Purpose* were made with the aim of furthering the criminal activity or purpose of the Anti-Balaka or in the knowledge of their intention to commit such crimes.

E. NGAISSONA'S CONTRIBUTIONS

127. There are substantial grounds to believe that **NGAISSONA**, by virtue of his role and many acts and omissions detailed below, essentially contributed to the *Strategic Common Plan* and/or the Charged Crimes; assisted elements of the Anti-Balaka in their commission; and contributed to their commission by the Anti-Balaka acting pursuant to the *Common Purpose*.

128. **NGAISSONA**'s contributions, taken separately or jointly, were "essential". Without them the Charged Crimes would not have occurred, or would not have occurred in the same manner, giving rise to responsibility under article 25(3)(a). His contributions also suffice for the purposes of criminal responsibility under articles 25(3)(c) and 25(3)(d).

a) *NGAISSONA participated in developing the Strategic Common Plan and/or the Common Purpose and in the strategies to implement them*

129. **NGAISSONA** participated in developing the *Strategic Common Plan* and/or *Common Purpose* along with other members of **BOZIZE**'s inner circle. He also participated in developing strategies to implement the *Strategic Common Plan* and/or *Common Purpose*. He did this in the ways described above,³⁰⁰ that is, by playing a key role in the initial strategy to claim and/or reclaim power in CAR by, *inter alia*, organising FACA and PGs from CAMEROON to lead and develop Anti-Balaka groups in the knowledge that they would violently target the Muslim population in revenge for Seleka crimes.³⁰¹ In addition, **NGAISSONA** liaised and coordinated with **MOKOM** to attack **BANGUI** and **BOEING** from the DRC.³⁰²

³⁰⁰ See above, paras.34-49.

³⁰¹ See above, para.96.

³⁰² See above, paras.38-41.

b) *NGAISSONA participated in the formation, organisation, and development of the Anti-Balaka*

130. Even before his January 2014 designation as National General Coordinator, **NGAISSONA** held authority and influence over the Anti-Balaka, and was involved in organising the group's mobilisation and organisation from CAMEROON.

131. **NGAISSONA** was an influential figure in BOZIZE's inner circle. As noted, he was related to BOZIZE,³⁰³ had been the representative of NANA-BAKASSA in the KNK,³⁰⁴ and BOZIZE's Youth Minister.³⁰⁵

132. Given his longstanding presidency in the Central African Football Federation, **NGAISSONA** both had and used his considerable influence over Youth Coordinators in BANGUI and in the Provinces³⁰⁶ who, in turn, could mobilise the youth in their respective areas.³⁰⁷ After the Seleka gained substantial ground at the end of 2012, **NGAISSONA** created COCORA together with YAKITE, while YAMBETE created COAC.³⁰⁸ **NGAISSONA** used his connections with the youth to have checkpoints set up to identify Chadian or Sudanese Muslims.³⁰⁹

133. After the 24 March 2013 *Coup*, **NGAISSONA** followed BOZIZE to CAMEROON, regularly visiting him and Bernard MOKOM, and later residing with them in YAOUNDE.³¹⁰ As part of the strategy to bring BOZIZE back to power, **NGAISSONA** took steps to organise FACA elements loyal to BOZIZE and members of his PG in the border area of CAMEROON and in CAR. He provided them with money to travel there and to purchase weapons, and gave them attack orders.³¹¹ Under the coordination of MOKOM, who was liaising with Bernard MOKOM and **NGAISSONA**, FACA elements loyal to BOZIZE, members of his PG and other BOZIZE loyalists gathered in GOBERE

³⁰³ See above, para.12.

³⁰⁴ See above, para.13.

³⁰⁵ See above, para.14.

³⁰⁶ See above, para.13.

³⁰⁷ See above, paras.13, 14 and 26.

³⁰⁸ See above, para.26.

³⁰⁹ See above, para.14.

³¹⁰ See above, para.35. See, in particular, fn.57.

³¹¹ See above, para.37.

in mid-2013, where – through an initiation procedure – some received *gris-gris* fetishes to protect them in combat.³¹² From there, they launched attacks around BOSSANGO, BOZIZE’s stronghold³¹³ and NGAISSONA’s former constituency.³¹⁴

134. This integration — facilitated by NGAISSONA — fortified the group and made it better organised and coordinated.³¹⁵ The result was the ‘Anti-Balaka’: a force capable of destabilising and eventually toppling the Seleka regime, and inflicting the widespread damage, destruction, and sustained attacks against the Muslim civilian population of western CAR as the Charged Crimes allege.³¹⁶ Concretely, the integration of FACA members loyal to BOZIZE, his former PGs, and other BOZIZE loyalists into the Anti-Balaka was instrumental to the group’s capacity to carry out attacks on, and commit crimes in BANGUI, BOEING, and BOSSANGO on 5 December 2013, which required logistics, communications, planning, coordination, strategy, manpower, and firepower. Beyond this, it strengthened the Anti-Balaka’s capacity to mount attacks, affecting the gravity and scale of the Charged Crimes, as well as their pervasiveness. By integrating and reinforcing the Anti-Balaka, FACA members loyal to BOZIZE, former PGs, and other BOZIZE loyalists were materially involved in further Anti-Balaka attacks in and around BANGUI, BOEING, along the PK9 – MBAIKI axis, BOSSANGO, YALOKÉ, BOSSEMPTELE, BODA, CARNOT, BERBERATI, and GUEN.³¹⁷

c) *NGAISSONA coordinated, controlled, directed, and/or instructed the Anti-Balaka in at least five western Prefectures of CAR and in and around BANGUI, including by planning, monitoring, ensuring cooperation, issuing approvals, authorisations, and orders*

³¹² See above, para.41.

³¹³ See above, para.43.

³¹⁴ See above, para.13.

³¹⁵ [CAR-OTP-2001-0409](#), at 0410, para.5; [CAR-OTP-2001-0835](#), at 0845, para.28; [CAR-OTP-2001-2564](#), at 2578; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0134, paras.34, 45; **P-1951**: [CAR-OTP-2092-0089-R01](#), at 0092, 1.87-109, [CAR-OTP-2092-0169-R01](#), at 0183-0186, 1.490-592, [CAR-OTP-2092-0265-R01](#), at 0268-0269, 1.99-151.

³¹⁶ See above, para.43.

³¹⁷ See below, paras.335-373, 374-404, 405-440, 441-471, 472-509, 510-537, 538-574, 575-611.

i. Pre-January 2014

135. As explained, while **NGAISSONA**, Bernard **MOKOM** and other CAMEROON-based members of **BOZIZE**'s inner circle planned to regain **BANGUI** using **FACA** members loyal to **BOZIZE**, members of his **PG**, and other **BOZIZE** loyalists, both in the CAMEROON border area and in **CAR**, **MOKOM** joined in the plan from **ZONGO**.³¹⁸

136. As a result, from June 2013 onwards, under **MOKOM**'s coordination, **FACA** members and **PG** members, gathered and trained pre-existing and new self-defence groups at **GOBERE** (near **BOSSANGO**), organising them into a military-like structure.³¹⁹ In the months that followed, the Anti-Balaka's strength and capability grew, culminating in the 5 December 2013 attacks on **BANGUI**, **BOEING**, and **BOSSANGO**,³²⁰ and in the subsequent attacks in western **CAR**. As the *de facto* Anti-Balaka operations coordinator, **MOKOM** directed Anti-Balaka actions from **ZONGO**.³²¹ From there, he organised the distribution of weapons and money,³²² the movement of personnel,³²³ and instructed Anti-Balaka elements on when to attack specific towns and villages.³²⁴ He was in contact with **ComZones** in **BANGUI** and the provinces, who kept him informed of operations on the ground.³²⁵

137. Throughout this period, **MOKOM** was in frequent contact with his father Bernard **MOKOM** and **NGAISSONA** in CAMEROON, updating them on Anti-Balaka activities.³²⁶ As set out above, from CAMEROON, **NGAISSONA** provided money to **BOZIZE** loyalists to travel to the CAMEROON/**CAR** border and to purchase weapons, giving them orders and plans to attack.³²⁷

³¹⁸ See above, paras.38-43.

³¹⁹ See above, paras.41-42.

³²⁰ See above, section III.D.

³²¹ See above, para.40.

³²² See above, para.40.

³²³ See above, para.40.

³²⁴ See above, para.40.

³²⁵ See above, para.40.

³²⁶ See above, para.39.

³²⁷ See above, paras.37, 130-134.

ii. Post-January 2014

138. NGAISSONA's designation as the National General Coordinator³²⁸ made his leadership of the Anti-Balaka official.³²⁹ It acknowledged his recognition and influence in the movement before then.³³⁰ Within the Anti-Balaka, it was common knowledge that: "*Les chefs Anti-Balaka ont désigné NGAISSONA comme coordinateur Général. Il était aimé par les chefs, car il avait l'habitude de distribuer de l'argent aux gens, il était populaire*".³³¹ From this point, NGAISSONA placed his father's residence in BOY-RABE — an Anti-Balaka stronghold³³² — at their disposal to be used as the seat of the National Coordination.³³³ It was also sometimes used to detain Anti-Balaka prisoners³³⁴ and to store stolen vehicles to be ransomed.³³⁵

139. On his designation, NGAISSONA formalised the Anti-Balaka's until then *de facto* structure in BANGUI and CAR's western provinces. He did this by acknowledging and/or formally appointing chiefs of discrete Anti-Balaka groups and areas as ComZones,

³²⁸ [CAR-OTP-2101-4059](#), at 4059; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1565-1566, paras.198-199, 202; **P-0884**: [CAR-OTP-2072-1440-R01](#), at 1467-1474, 1.905-1155, [CAR-OTP-2072-1479-R01](#), at 1480-1482, 1.27-99; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0336, para.82; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0577, paras.99-100; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0241, paras.71-72; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2299, paras.54-56; **P-0405**: [CAR-OTP-2107-4580-R01](#), at 4608-4610, 4613-4614, 1.936-1027, 1.1121-1133.

³²⁹ **P-0627**: [CAR-OTP-2102-1348-R01](#), at 1386, 1.1308-1334; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0134, para.33; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0241, 0255, paras.75-76, 159; **P-0801**: [CAR-OTP-2074-2195-R01](#), at 2205, 1.341-344; **P-0884**: [CAR-OTP-2072-1479-R01](#), at 1507, 1.1021-1024; [CAR-OTP-2046-0630](#), at 0630; [CAR-OTP-2073-0870](#), from [00:04:35] to [00:05:10] and its transcript [CAR-OTP-2107-1561](#), at 1563, 1.60-67; **P-1048**: [CAR-OTP-2094-0555-R01](#), at 0569-0572, 1.547-649.

³³⁰ See above, paras.130-133.

³³¹ **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2299, paras.54-56. See also **P-0405**: [CAR-OTP-2107-4580-R01](#), at 4608-4610, 4613-4614, 1.936-1027, 1.1121-1133.

³³² **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0133, para.28.

³³³ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0577, para.102, [CAR-OTP-2100-2569-R01](#), at 2580, para.57; **P-0801**: [CAR-OTP-2074-2294-R01](#), at 2295, 1.32-34; **P-2050**: [CAR-OTP-2076-0911-R01](#), at 0930, para.101; **P-0884**: [CAR-OTP-2072-1479-R01](#), at 1490, 1.370-376. See also [CAR-OTP-2077-0141](#) at 0141; [CAR-OTP-2066-1601](#), at 1715, 1797; [CAR-OTP-2091-0339](#), at 0339; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0133, paras.29-30; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0270, para.239; **P-2251**: [CAR-OTP-2093-0045-R01](#), at 0062-0063, paras.111-113.

³³⁴ **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0186, 0193, paras.103, 148; **P-1048**: [CAR-OTP-2094-0734-R01](#), at 0755-0759, 1.735-915, [CAR-OTP-2094-0761-R01](#), at 0762-0765, 1.8-142; [CAR-OTP-2023-1597](#), from [00:00:00] to [00:04:33] and its transcript [CAR-OTP-2107-1499](#); **P-1921**: [CAR-OTP-2081-0072-R01](#), at 0082-0083, para.56.

³³⁵ **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0193, para.145; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2587-2588, paras.98-103; [CAR-OTP-2092-2450](#), at 2451-2452; [CAR-OTP-2023-1597](#), from [00:00:00] to [00:04:33] and its transcript [CAR-OTP-2107-1499](#).

including through appointment orders signed by him.³³⁶ He exercised authority over these Anti-Balaka groups in BANGUI and in the provinces.

140. *First*, **NGAISSONA** was recognised as the Anti-Balaka's General Coordinator and/or leader. He held himself out as such in private and public pronouncements,³³⁷ and signed statements and orders in this capacity.³³⁸ Official Anti-Balaka documents, such as project proposals and identity cards confirm **NGAISSONA**'s leadership and position.³³⁹

141. Anti-Balaka members, including in the National Coordination and provincial groups, identified and recognised **NGAISSONA** as the Anti-Balaka's National General Coordinator and leader,³⁴⁰ as did international and non-governmental organisations.³⁴¹

³³⁶ **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2301, para.69; **P-0884**: [CAR-OTP-2072-1739-R01](#), at 1752-1754, 1758, 1764-1765, 1.433-509, 642-657, 844-905, [CAR-OTP-2072-1881-R01](#), at 1906-1907, 1.893-919; **P-0876**: [CAR-OTP-2046-0324-R01](#), at 0325, 1.32-54; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0254, paras.72-73; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0031, para.120; [CAR-OTP-2068-0077](#), at 0077; [CAR-OTP-2001-5386](#), at 5466-5468; [CAR-OTP-2062-0074-R01](#), at 0074-0076; [CAR-OTP-2059-0034](#), at 0034.

³³⁷ See e.g. **P-0434**: [CAR-OTP-2014-0660-R01](#), at 0668, para.39; **P-0314**: [CAR-OTP-2008-1188-R01](#), at 1212, para.122; **P-0801**: [CAR-OTP-2074-2159-R01](#), at 2165, 1.183-188; [CAR-OTP-2023-2917](#), from [00:00:00] to [00:00:20] and its transcript [CAR-OTP-2107-1514](#), at 1515, 1.4-6; [CAR-OTP-2006-1210](#), at 1210-1213; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0241, para.76; [CAR-OTP-2042-0916](#), from [00:00:40] to [00:01:05] and its transcript and translation [CAR-OTP-2088-0646](#) and [CAR-OTP-2088-0649](#), at 0651, 1.3-9.

³³⁸ [CAR-OTP-2025-0356](#), at 0357-0361; [CAR-OTP-2025-0428](#), at 0428-0429; [CAR-OTP-2069-3548](#), at 3548; [CAR-OTP-2030-0241](#), at 0240-0241; [CAR-OTP-2029-0171](#), at 0171-0174; [CAR-OTP-2029-0175](#), at 0175; [CAR-OTP-2006-1208](#), at 1208-1209; [CAR-OTP-2030-0252](#), at 0252-0254; [CAR-OTP-2030-0265](#), at 0265-0266; [CAR-OTP-2030-0270](#), at 0270-0273; [CAR-OTP-2030-0245](#), at 0245-0247; [CAR-OTP-2084-0146](#), at 0146; [CAR-OTP-2084-0147](#), at 0147.

³³⁹ See e.g. [CAR-OTP-2025-0362](#), at 0363; [CAR-OTP-2039-0019](#), at 0019; [CAR-OTP-2025-0408](#), at 0408-0427; [CAR-OTP-2030-0230](#), at 0230; [CAR-OTP-2059-0024](#), at 0024-0025; [CAR-OTP-2059-0034](#), at 0034; [CAR-OTP-2059-0035](#), at 0035.

³⁴⁰ See e.g. **P-0446**: [CAR-OTP-2059-1468-R01](#), at 1474, 1.207-208; **P-0487**: [CAR-OTP-2076-0146-R01](#), at 0159-0160, 1.482-486; **P-0801**: [CAR-OTP-2074-2159-R01](#), at 2164, 1.151-154; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0337, para.87; **P-0876**: [CAR-OTP-2046-0324-R01](#), at 0329, 1.186-189; **P-0884**: [CAR-OTP-2072-1440-R01](#), at 1461, 1.721-726, [CAR-OTP-2072-1479-R01](#), at 1480, 1.33-38; **P-0888**: [CAR-OTP-2031-0217-R01](#), at 0223, para.40; **P-0889**: [CAR-OTP-2034-0463-R01](#), at 0473, para.55; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0183, para.69; **P-0965**: [CAR-OTP-2046-0108-R01](#), at 0114-0115, 1.219-255; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0246, para.29; **P-0974**: [CAR-OTP-2058-0165-R01](#), at 0177, para.77; **P-0975**: [CAR-OTP-2033-7885-R01](#), at 7893, para.55; **P-1193**: [CAR-OTP-2045-0048-R02](#), at 0051, 0054, paras.21, 37; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0750, para.65; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0615, para.71; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0664, para.68; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1552, para.113; **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0066, para.102; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0054, para.81; **P-1974**: [CAR-OTP-2068-0222-R02](#), at 0229, para.46; **P-2050**: [CAR-OTP-2076-0911-R01](#), at 0930, para.101; [CAR-OTP-2033-8065](#), at 8066; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2580, paras.58-59; [CAR-OTP-2001-3268](#) at 3286.

³⁴¹ See e.g. [CAR-OTP-2055-1987](#), at 2176; [CAR-OTP-2001-2707](#), at 2725; [CAR-OTP-2001-5739](#), at 5785; [CAR-OTP-2027-1686](#), at 1698; [CAR-OTP-2001-6437](#), at 6497. See also below, para.156.

142. *Second*, **NGAISSONA** had the power to appoint Anti-Balaka members to positions of authority within the national and provincial leaderships. He appointed ComZones who led and commanded elements in their areas of control,³⁴² and had the power to replace them when they did not perform their job properly or failed to comply.³⁴³ **NGAISSONA** gave “*mandats*” to these ComZones, who then returned to their areas of responsibility to set up their own local committees/coordinations.³⁴⁴ Some of these appointments were documented in orders signed by **NGAISSONA** and affixed with his *Coordonnateur Général* seal.³⁴⁵ **NGAISSONA** also appointed National Coordination Committee members, including its Deputy Coordinator,³⁴⁶ and other Anti-Balaka representatives.³⁴⁷

143. *Third*, **NGAISSONA** issued and disseminated orders to national or provincial Anti-Balaka leaders, and could make decisions and commitments concerning, as well as issue orders to, Anti-Balaka groups.³⁴⁸ This included orders on Anti-Balaka combat-related activities. For instance, **NGAISSONA** issued orders to execute missions and operations,³⁴⁹ to attack certain targets or locations,³⁵⁰ to erect and remove roadblocks,³⁵¹

³⁴² **P-0884**: [CAR-OTP-2072-1739-R01](#), at 1753-1765, 1.462-903, [CAR-OTP-2072-1881-R01](#), at 1906-1907, 1.863-919; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0253-0254, paras.71, 73; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0744, para.19; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0054, 0057, 0059, paras.81, 97, 109; [CAR-OTP-2001-5386](#), at 5466-5468; [CAR-OTP-2030-0445](#), at 0452-0453; [CAR-OTP-2059-0034](#), at 0034; [CAR-OTP-2059-0035](#), at 0035; [CAR-OTP-2003-1076](#), at 1140-1141; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0031, para.120; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1566, para.202.

³⁴³ See e.g. **P-0884**: [CAR-OTP-2072-1739-R01](#), at 1766, 1.917-943; **P-0801**: [CAR-OTP-2074-2369-R01](#), at 2380, 1.352-371; [CAR-OTP-2101-4166](#), at 4169.

³⁴⁴ **P-0884**: [CAR-OTP-2072-1739-R01](#), at 1760, 1.702-749. See also [REDACTED].

³⁴⁵ See, e.g. [CAR-OTP-2068-0077](#), at 0077; [CAR-OTP-2001-5386](#), at 5466-5467; [CAR-OTP-2062-0074-R01](#), at 0074-0076. See further **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0031, para.120.

³⁴⁶ [CAR-OTP-2001-5386](#), at 5470. See also [CAR-OTP-2001-3372](#), at 3372.

³⁴⁷ See e.g. **P-1193**: [CAR-OTP-2045-0048-R02](#), at 0051, para.21.

³⁴⁸ [CAR-OTP-2001-4818](#), at 4819; [CAR-OTP-2014-0749](#), from [00:01:11] to [00:01:37]; **P-0405**: [CAR-OTP-2107-4618-R01](#), at 4646, 1.933-937; **P-0801**: [CAR-OTP-2074-2369-R01](#), at 2375-2376, 1.196-224; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0025, para.86; **P-0446**: [CAR-OTP-2059-1602-R01](#), at 1618-1619, 1.609-615, 656-661; **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0068, para.109; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0257, paras.168-169; [CAR-OTP-2066-1601](#), at 1656; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0194, paras.150, 153.

³⁴⁹ See e.g. **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0336, 0338, paras.84, 93, [CAR-OTP-2093-0010-R01](#), at 0029-0030, paras.107-110; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0257, para.89; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0616, para.82; **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0068, para.112; [CAR-OTP-2039-0020](#), at 0020-0023; [CAR-OTP-2008-0805](#), at 0805; [CAR-OTP-2025-0356](#), at 0356-0360; [CAR-OTP-2029-0171](#), at 0171-0174; [CAR-OTP-2003-1076](#), at 1140-1141; [CAR-OTP-2012-0811](#), at 0821-0822, 0826; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0582, para.165; **P-1048**: [CAR-OTP-2094-0654-R01](#), at 0659-0661, 1.167-268; [CAR-OTP-2008-2379](#), at 2385; [CAR-OTP-2108-0050](#), at 0050-0051.

³⁵⁰ See e.g. **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0588, 0592, paras.207, 236; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0195, para.154; **P-0884**: [CAR-OTP-2072-1739-R01](#), at 1753-1757, 1.479-611. See also **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0615-0616, paras.77, 79-80.

³⁵¹ See e.g. **P-0884**: [CAR-OTP-2072-1814-R01](#), at 1818-1819, 1.126-180, [CAR-OTP-2072-1913-R01](#), at 1919-1921, 1.192-307; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0183-0184, paras.70-74; **P-0966**: [CAR-](#)

and to disturb the peace process or otherwise create “disorder”, including through organising strikes.³⁵² In addition, he could order the Anti-Balaka “to immediately cease all hostilities”,³⁵³ or to permit the free flow of people and goods in CAR in accordance with international humanitarian law.³⁵⁴ He ordered the Anti-Balaka to stop harassing or attacking Muslims in CAR during Ramadan, for example.³⁵⁵ NGAISSONA was also able to summon Anti-Balaka leaders, including ComZones from the provinces and National Coordination members, to attend regular meetings held at his BOY-RABE home or at the Hotel Azimut, during which he would discuss the security situation, including crimes committed by the Anti-Balaka, distribute money, and/or issue orders.³⁵⁶

[OTP-2031-0241-R01](#), at 0258-0259, para.99; **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0026, para.89, [CAR-OTP-2025-0324-R02](#), at 0339-0340, para.101; [CAR-OTP-2023-2447](#), from [00:03:08] to [00:03:24] and its transcript [CAR-OTP-2107-1511](#), at 1512, 1.31-33; **P-1048:** [CAR-OTP-2094-0593-R01](#), at 0599-0606, 1.154-496.

³⁵² See e.g. **P-0876:** [CAR-OTP-2046-0295-R01](#), at 0319, 1.851-859; **P-0884:** [CAR-OTP-2072-1814-R01](#), at 1818, 1.116-125, [CAR-OTP-2072-1913-R01](#), at 1919-1920, 1.215-235; **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0183, paras.70-71; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0258-0259, para.99; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0062, para.141; **P-1961:** [CAR-OTP-2090-0067-R01](#), at 0082, para.89; [CAR-OTP-2008-0805](#), at 0805.

³⁵³ See e.g. [CAR-OTP-2084-0146](#) at 0146; [CAR-OTP-2025-0428](#), at 0428; [CAR-OTP-2006-1215](#), at 1215; [CAR-OTP-2084-0150](#), at 0150; **P-1048:** [CAR-OTP-2094-0666-R01](#), at 0686-0688, 1.745-833; [CAR-OTP-2042-2467](#), from [00:25:01] to [00:28:05] and its transcript [CAR-OTP-2107-1489](#); [CAR-OTP-2023-2920](#), from [00:02:25] to [00:02:50] and its transcript [CAR-OTP-2107-1519](#), at 1520, 1.23-24; [CAR-OTP-2092-1173](#), at 1183; [CAR-OTP-2084-0155](#), at 0155-0156; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0256-0257, paras.160, 169; [CAR-OTP-2066-2102](#), at 2102; [CAR-OTP-2030-0245](#), at 0246; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0188, para.119.

³⁵⁴ [CAR-OTP-2030-0245](#), at 0245, 0247; **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0031-0032, paras.122-124.

³⁵⁵ See e.g. [CAR-OTP-2084-0157](#), at 0157; **P-0461:** [CAR-OTP-2031-0190-R01](#), at 0198, para.43; [CAR-OTP-2042-0916](#), from [00:18:16] to [00:20:57] and its transcript and translation [CAR-OTP-2088-0646](#) and [CAR-OTP-2088-0649](#), at 0656-0657, 1.235-270.

³⁵⁶ **P-0446:** [CAR-OTP-2059-1586-R01](#), at 1599-1601, 1.528-608, [CAR-OTP-2059-1602-R01](#), at 1603-1604, 1.18-40; **P-0487:** [CAR-OTP-2076-0146-R01](#), at 0159, 1.460-478, [CAR-OTP-2076-0288-R01](#), at 0290, 1.55-65; **P-0627:** [CAR-OTP-2102-1391-R01](#), at 1413-1414, 1.752-757, 800-807; **P-0884:** [CAR-OTP-2072-1440-R01](#), at 1473-1474, 1.1104-1148, [CAR-OTP-2072-1479-R01](#), at 1480-1481, 1490, 1494, 1.27-49, 370-376, 527-552, [CAR-OTP-2072-1582-R01](#), at 1599-1602, 1.591-697, [CAR-OTP-2072-1739-R01](#), at 1753, 1755-1758, 1.479-486, 541-641, [CAR-OTP-2072-1814-R01](#), at 1817, 1.92-95, [CAR-OTP-2072-1913-R01](#), at 1916-1919, 1.95-285; **P-0889:** [CAR-OTP-2034-0463-R01](#), at 0475, paras.64, 66; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0257-0258, paras.91, 97; **P-0974:** [CAR-OTP-2058-0165-R01](#), at 0177, para.77; **P-0975:** [CAR-OTP-2033-7885-R01](#), at 7892, para.54; **P-1193:** [CAR-OTP-2045-0048-R02](#), at 0056, para.46; **P-1337:** [CAR-OTP-2070-0596-R01](#), at 0616-0617, 1.716-729, [CAR-OTP-2070-0684-R01](#), at 0695-0696, 1.376-377, 413-419; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0755, 0759, paras.97-98, 120; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0058, para.118; [CAR-OTP-2023-2917](#), from [00:00:00] to [00:00:48] and its transcript [CAR-OTP-2107-1514](#); **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0574, 0577-0578, 0598, paras.86, 100, 103-104, 276, [CAR-OTP-2100-2569-R01](#), at 2573, para.15; **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0035, para.141; **P-1961:** [CAR-OTP-2090-0067-R01](#), at 0079, 0081, paras.68-69, 82-86; **P-2138:** [CAR-OTP-2092-4314-R01](#), at 4333-4234, 4336-4338, 1.700-726, 829-897; **P-1048:** [CAR-OTP-2094-0593-R01](#), at 0613, 1.755-776; **P-1062:** [CAR-OTP-2068-0037-R01](#), at 0058-0059, paras.102-108; **P-0801:** [CAR-OTP-2074-2294-R01](#), at 2296, 2302, 2309-2314, 2318-2324, 2332-2333, 1.43-45, 237-258, 498-665, 785-998, 1281-1339; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0614-0615, paras.71,75; **P-**

144. **NGAISSONA** used several means to disseminate his orders and instructions to ensure their receipt and implementation. He issued orders not only through direct contacts with the ComZones,³⁵⁷ but also transmitted them through other National Coordination members,³⁵⁸ including through written orders and press releases directed to the Anti-Balaka.³⁵⁹ To address Anti-Balaka concerns, he used radio, public airways,³⁶⁰ and electronic communication networks, such as a dedicated Anti-Balaka Yahoo! email account³⁶¹ and a related Facebook page.³⁶² **NGAISSONA** also directly issued orders to Anti-Balaka leaders in the course of regular meetings described above, at his BOY-RABE home or the Hotel Azimut.³⁶³

145. ComZones and National Coordination Committee members complied with **NGAISSONA**'s orders and reported to him.³⁶⁴ In April 2014, **NGAISSONA** stated:

1847: [CAR-OTP-2061-1534-R01](#), at 1565, para.198; [CAR-OTP-2035-0061](#), at 0061-0063; [CAR-OTP-2001-5386](#), at 5469. On the distribution of money, *see below*, para.151.

³⁵⁷ *See above*, para.143.

³⁵⁸ *See e.g.* [REDACTED]; **P-0975:** [CAR-OTP-2033-7885-R01](#), at 7893, para.55; [CAR-OTP-2039-0020](#), at 0020-0023; [REDACTED]; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1594, paras.151-152.

³⁵⁹ **P-0446:** [CAR-OTP-2059-1586-R01](#), at 1587-1588, 1597, 1.35-43, 461-464, [CAR-OTP-2059-1602-R01](#), at 1618, 1.620-622, [CAR-OTP-2059-1648-R01](#), at 1670-1671, 1.842-845; **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0031-0032, paras.122-124, 128; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0195, para.155.

³⁶⁰ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0183, para.71; **P-1193:** [CAR-OTP-2045-0048-R02](#), at 0056, para.46. *See also* [CAR-OTP-2042-2467](#), from [00:25:01] to [00:28:05] and its transcript [CAR-OTP-2107-1489](#); [CAR-OTP-2042-4615](#), from [00:12:05] to [00:12:48] and its transcript [CAR-OTP-2107-1491](#) at 1492, 1.19-27; [CAR-OTP-2030-0243](#), at 0243.

³⁶¹ [CAR-OTP-2056-0371](#), at 0371; [CAR-OTP-2030-0276](#), at 0276-0277; [CAR-OTP-2030-0255](#), at 0255-0262; [CAR-OTP-2093-0010-R01](#), at 0037, para.143.

³⁶² [CAR-OTP-2066-1510](#), at 1510-1539; [CAR-OTP-2008-2379](#), at 2383, 2385; [CAR-OTP-2030-0276](#), at 0276-0277; [CAR-OTP-2025-0324-R02](#) at 0337, para.90.

³⁶³ *See above*, para.143.

³⁶⁴ *See e.g.* **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0338, para.93, [CAR-OTP-2093-0010-R01](#), at 0029-0030, paras.105-106, 114; **P-0884:** [CAR-OTP-2072-1479-R01](#), at 1494, 1.527-552, [CAR-OTP-2072-1739-R01](#), at 1753, 1757-1758, 1.479-486, 601-641, [CAR-OTP-2072-1913-R01](#), at 1919-1921, 1.216-235, 269-285; **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0183, para.70; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0258-0259, para.99; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0750, para.65; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1556-1557, para.144; [CAR-OTP-2066-2466](#), at 2695; **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0580, 590, 592, paras.145, 219, 234, 236, [CAR-OTP-2100-2569-R01](#), at 2581-2582, 2584, paras.66-71, 82; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0178, paras.65-66; [CAR-OTP-2042-2926](#), from [00:03:30] to [00:04:40] and its transcript and translation at [CAR-OTP-2107-3003](#) and [CAR-OTP-2107-3005](#); **P-0405:** [CAR-OTP-2107-4618-R01](#), at 4646-4648, 1.933-1008; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0618, para.89; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0055, paras.85-87; **P-0801:** [CAR-OTP-2074-2369-R01](#), at 2375-2376, 1.196-224.

*“Les Anti-Balaka que je coordonne, c’est unique, c’est réparti sur toute l’étendue du territoire. Quand je donne l’ordre à ces enfants, je pense immédiatement ça suffit”.*³⁶⁵

146. Importantly, **NGAISSONA** held influence with the leaders of Anti-Balaka elements responsible for the Charged Crimes. **NGAISSONA** was in frequent contact with these leaders, including when crimes were being committed. For instance, he was in contact with key Anti-Balaka provincial leaders, including in BOSSANGO, ³⁶⁶ BOSSEMPTELE, ³⁶⁷ BODA, ³⁶⁸ YALOKÉ, ³⁶⁹ BANGUI, ³⁷⁰ and those along the PK9 – MBAIKI axis, including **YEKATOM**; ³⁷¹ he visited the leadership of provincial Anti-Balaka groups or sent missions there, including to BOSSANGO, ³⁷² YALOKÉ, ³⁷³ and BERBERATI; ³⁷⁴ and he summoned Anti-Balaka leaders in the provinces, including from YALOKÉ, ³⁷⁵ BERBERATI, ³⁷⁶ BOSSEMPTELE, ³⁷⁷ CARNOT, ³⁷⁸ and BODA ³⁷⁹ to the regular meetings described above at his home or at the Hotel Azimut during which he would discuss, among other things, the crimes committed by the Anti-Balaka. ³⁸⁰

147. **NGAISSONA** also issued orders to achieve political objectives or for personal gain. ³⁸¹ For example, he issued the April 2014 order “to immediately cease all hostilities”

³⁶⁵ [CAR-OTP-2014-0749](#), from [00:00:53] to [00:01:35]. See also [CAR-OTP-2023-1845](#), from [00:05:30] to [00:06:00], and its transcript [CAR-OTP-2107-1504](#), at 1506, 1.73-78. [Emphasis added].

³⁶⁶ See below, paras.393-395.

³⁶⁷ See below, para.459.

³⁶⁸ See below, para.497.

³⁶⁹ See below, paras.429-430.

³⁷⁰ CDR show that **NGAISSONA** was in contact with key leaders in BANGUI between February 2014 and until the end of 2014, such as BAMA, DENAMGANAI, KONATE, LEBENE, LEBENE's Secretary, MAKANDJI, MAZIMBELE, Basile MBOMON (“MBOMON”), MOMOKAMA, SAMY, TEYEMBE, YADJOUNGOU, YAGOUZOU, YOMBO, and ZILABO. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 4.5.

³⁷¹ See below, para.204.

³⁷² See below, para.400.

³⁷³ See below, para.435.

³⁷⁴ See below, paras.569-571.

³⁷⁵ See below, para.435.

³⁷⁶ See below, para.567.

³⁷⁷ See below, para.465.

³⁷⁸ See below, paras.525 and 528

³⁷⁹ See below, paras.498 and 504.

³⁸⁰ See above, para.143.

³⁸¹ See e.g. **P-0876**: [CAR-OTP-2046-0295-R01](#), at 0319, 1.851-859; **P-0884**: [CAR-OTP-2072-1814-R01](#), at 1818-1819, 1.126-180, [CAR-OTP-2072-1913-R01](#), at 1921, 1.269-285; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0183, para.70.

in an effort to forestall his imminent arrest.³⁸² In October 2014, he ordered the Anti-Balaka to set up barricades in BANGUI in response to statements by SAMBA-PANZA³⁸³ because of his desire to push for her resignation.³⁸⁴ NGAISSONA led actions to destabilise or influence the transition government in the Anti-Balaka's name.³⁸⁵

148. *Finally*, NGAISSONA had the authority to implement disciplinary measures.³⁸⁶ In his 18 April 2014 interrogation before the CAR judicial police, he stated:

*“J’ai demandé même aux Anti-Balakas de ne plus voler et de commettre des hostilités. Sans le mandat d’arrêt décerné à mon encontre que je me rendrais déjà dans les différentes bases pour ramener la discipline parmi mes troupes. Par contre certains Anti-Balakas interpellaient les faux et les mettaient à la disposition des unités de gendarmerie pour enquête”.*³⁸⁷

149. NGAISSONA could and did remove members of the Anti-Balaka leadership he deemed could no longer be part of, or represent the group.³⁸⁸ As noted, NGAISSONA established the Anti-Balaka PM³⁸⁹ and had the power to order the arrest of ‘criminal’ members of the group and to refer them to national or international authorities to ensure their arrest and prosecution.³⁹⁰ To implement his orders and directions, NGAISSONA

³⁸² [CAR-OTP-2003-1076](#), at 1149; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0258-0259, para.99; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0257, paras.168-169; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0188, para.119. *See also above*, para.143.

³⁸³ *See above*, para.143. *See also* **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2306, para.98; **P-0801**: [CAR-OTP-2074-2401-R01](#), at 2412-2419, 1.370-593, [CAR-OTP-2074-2294-R01](#), at 2309, 1.480-497; [CAR-OTP-2032-1364](#), at 1367.

³⁸⁴ [CAR-OTP-2092-1740](#), at 1740-1741; **P-0801**: [CAR-OTP-2074-2401-R01](#), at 2414, 2418, 1.430-450, 551-584; [CAR-OTP-2084-1025-R01](#), at 1025; [CAR-OTP-2084-1083-R01](#), at 1083; [CAR-OTP-2084-1020-R01](#), at 1020.

³⁸⁵ **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0270, para.239; [CAR-OTP-2092-1975](#), at 1975-1976. *See also* [CAR-OTP-2092-1074](#), at 1076; [CAR-OTP-2092-1173](#), at 1182.

³⁸⁶ **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1553, 1556, 1566, paras.126, 198, 202; **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0068, para.109.

³⁸⁷ [CAR-OTP-2003-1076](#), at 1104. [Emphasis Added].

³⁸⁸ *See e.g.* **P-0801**: [CAR-OTP-2074-2335-R01](#), at 2352, 2355-2356, 1.565-572, 656-687, [CAR-OTP-2074-2722-R01](#), at 2729, 1. 232-234; [CAR-OTP-2092-1732](#), at 1733; **P-0876**: [CAR-OTP-2046-0295-R01](#), at 0313-0314, 1.624-670, [CAR-OTP-2046-0473-R01](#), at 0477-0478, 1.143-174; **P-0889**: [CAR-OTP-2034-0463-R01](#), at 0475, 0478, 0480-0481, paras.64, 68, 84, 104; [CAR-OTP-2001-5386](#), at 5469; [CAR-OTP-2006-1214](#), at 1214; [CAR-OTP-2002-0716](#), at 0717-0718; [CAR-OTP-2030-0282](#), at 0283; [CAR-OTP-2009-5713](#), at 5715.

³⁸⁹ *See above*, para.78.

³⁹⁰ *See e.g.* **P-1048**: [CAR-OTP-2094-0734-R01](#), at 0755-0759, 1.735-915, [CAR-OTP-2094-0761-R01](#), at 0762-0765, 1.9-142; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0024-0025, 0033, paras.78, 129; **P-0446**: [CAR-OTP-2059-1586-R01](#), at 1597, 1599-1600, 1.434-451, 509-566, [CAR-OTP-2059-1602-R01](#), at 1603-

appointed individuals to oversee their execution.³⁹¹ Given his position, **NGAISSONA** also had the power to intervene and stop individuals from being killed by the Anti-Balaka.³⁹²

d) NGAISSONA provided the Anti-Balaka with means and/or money directly or indirectly, including for the preparation of attacks and purchase of weapons

150. A successful and wealthy businessman,³⁹³ **NGAISSONA** provided money to Anti-Balaka elements and leaders, including well before his return to BANGUI. While in CAMEROON, he and Bernard MOKOM gave FACA elements money, including for travel to the CAMEROON border area or to CAR, in order to prepare for an attack against the Seleka.³⁹⁴

151. Upon his return to BANGUI, **NGAISSONA** distributed money to Anti-Balaka members to enable them to carry out operations,³⁹⁵ and to allow them to purchase weapons.³⁹⁶ He distributed money to ComZones in BANGUI and in the provinces for their support, including to pay for food, accommodation, burial expenses and other expenditures.³⁹⁷ In addition, ComZones paid for the expenses of their groups, on **NGAISSONA** and MOKOM's promise that they would be reimbursed once the National

1604, 1.18-68; [CAR-OTP-2042-1873](#), from [00:17:15] to [00:19:18] and its transcript [CAR-OTP-2107-1477](#); [CAR-OTP-2042-0916](#), from [00:12:00] to [00:16:00] and its transcript and translation [CAR-OTP-2088-0646](#) and [CAR-OTP-2088-0649](#), at 0654-0655, 1.164-187; [CAR-OTP-2023-2919](#), from [00:04:55] to [00:09:58] and its transcript [CAR-OTP-2107-1516](#), at 1517-1518, 35-88; [CAR-OTP-2023-2447](#), from [00:04:02] to [00:05:06], and its transcript [CAR-OTP-2107-1511](#), at 1512-1513, 1.40-59; [CAR-OTP-2023-2920](#), from [00:00:00] to [00:03:41] and its transcript [CAR-OTP-2107-1519](#).

³⁹¹ See e.g. **P-0888**: [CAR-OTP-2031-0217-R01](#), at 0226, para.59; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0616, para.82; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0054, para.92; [CAR-OTP-2039-0020](#), at 0020-0023; [CAR-OTP-2029-0175](#), at 0175; [CAR-OTP-2062-0074-R01](#), at 0074-0076.

³⁹² See e.g. [REDACTED].

³⁹³ See above, para.12.

³⁹⁴ See above, para.37.

³⁹⁵ **P-1193**: [CAR-OTP-2045-0048-R02](#), at 0056, para.51; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0615, para.74; **P-0291**: [CAR-OTP-2024-0036-R02](#), at 0055, para.118; **P-0801**: [CAR-OTP-2074-2335-R01](#), at 2361, 1.862-880, [CAR-OTP-2074-2369-R01](#), at 2382, 1.439-445, [CAR-OTP-2074-2643-R01](#), at 2680-2681, 1.1236-1239, 1.278-1287; [CAR-OTP-2024-0062](#), at 0062; [CAR-OTP-2033-8065](#), at 8068; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0018, 0023, paras.42-44, 71; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0256, paras.161-162; [CAR-OTP-2101-0348](#), at 0349; **P-0884**: [CAR-OTP-2072-1715-R01](#), at 1730-1733, 1.535-624, [CAR-OTP-2072-1739-R01](#), at 1740-1743, 1745-1751, 1.19-138, 176-420, [CAR-OTP-2072-1814-R01](#), at 1816-1818, 1820, 1.52-114, 1.184-199.

³⁹⁶ **P-0884**: [CAR-OTP-2072-1739-R01](#), at 1749-1750; **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1551; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0583, paras.168-169.

³⁹⁷ **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0189, para.106; **P-0965**: [CAR-OTP-2046-0150-R01](#), at 0157-0158, 0161, 1.243-256, 379-413; **P-1193**: [CAR-OTP-2045-0048-R02](#), at 0056, para.51; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0577, 0579-0580, 0582, 0592-0593, paras.101, 136, 142, 146, 160-163, 236; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0257, para.91; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0023, para.71.

Coordination took power, and that they (the ComZones) would benefit from this with things such as positions in the military or in the government.³⁹⁸ In financing the Anti-Balaka in this way, **NGAISSONA** was able to influence its members and secure their loyalty.³⁹⁹

e) NGAISSONA procured, stored, and/or otherwise made ammunition available to the Anti-Balaka through its personnel or structures, including the National Coordination, or in other ways

152. Along with MOKOM and Bernard MOKOM, **NGAISSONA** bought weapons to provide to the Anti-Balaka in the field.⁴⁰⁰ He also placed orders for ammunition in CAMEROON.⁴⁰¹

153. **NGAISSONA** coordinated the supply of ammunition between different ComZones.⁴⁰²

f) NGAISSONA assisted in formulating, supporting, encouraging, and promoting the Anti-Balaka's national policies, objectives, and agendas including by disseminating propaganda to the Anti-Balaka and others to achieve the criminal objectives of the Strategic Common Plan and/or Common Purpose that promoted an atmosphere of fear and hatred towards CAR Muslims

154. **NGAISSONA** gave the Anti-Balaka a voice, encouraged them, and promoted their policies, objectives, and agendas.

155. *First*, he organised and put in place an administrative structure, including a headquarters in BOY-RABE where the group could formulate, coordinate, and disseminate propaganda nationally.⁴⁰³ From there, the National Coordination issued press-

³⁹⁸ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2586-2587, 2591-2592, paras.95-96, 132.

³⁹⁹ **P-0889**: [CAR-OTP-2034-0463-R01](#), at 0473; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0257, para.91; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0023, para.71.

⁴⁰⁰ **P-0884**: [CAR-OTP-2072-1715-R01](#), at 1729, 1.468-504.

⁴⁰¹ **P-2328**: [CAR-OTP-2099-0165-R01](#), at 1087-1088, paras.114, 116; [CAR-OTP-2099-0251](#), at 0252.

⁴⁰² **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2584-2585, paras.83-86.

⁴⁰³ [REDACTED].

communiqués, organised radio-interviews, or otherwise broadcasted information publicly, or to particular interest-groups.⁴⁰⁴

156. *Second*, **NGAISSONA** represented the Anti-Balaka in meetings with the transition President and government, and MISCA.⁴⁰⁵ He gave the Anti-Balaka a voice at peace negotiations such as the BRAZZAVILLE Summit,⁴⁰⁶ and undertook formal commitments on the group's behalf.⁴⁰⁷ He also acted as a mediator, both between different sections of the Anti-Balaka, and with external entities or authorities.⁴⁰⁸

157. *Third*, **NGAISSONA** reiterated the Christian community's victimisation by the Seleka at every opportunity, while praising the Anti-Balaka's bravery and sacrifice as liberators.⁴⁰⁹ By portraying and promoting the Anti-Balaka as national heroes, **NGAISSONA** encouraged the conduct which brought that recognition — the fight against the Seleka, *and* the violent targeting of Muslims.⁴¹⁰

⁴⁰⁴ See above, para.144.

⁴⁰⁵ **P-0884**: [CAR-OTP-2072-1479-R01](#), at 1482-1483, 1.109-125; **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0333, paras.61, 63.

⁴⁰⁶ [CAR-OTP-2030-0267](#), at 0267-0268; [CAR-OTP-2001-6924](#), at 6926; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0261-0262, paras.190, 193.

⁴⁰⁷ [CAR-OTP-2001-3405](#), at 3405-3414; [CAR-OTP-2025-0428](#), at 0428-0429; [CAR-OTP-2008-0599](#), at 0599-0605.

⁴⁰⁸ [CAR-OTP-2092-1126](#), at 1126; [REDACTED].

⁴⁰⁹ [CAR-OTP-2003-1076](#), at 1085-1087, 1092, 1093; [CAR-OTP-2084-0148](#), at 0148-0149; [CAR-OTP-2025-0372](#), at 0374; [CAR-OTP-2025-0362](#), at 0364; [CAR-OTP-2025-0380](#), at 0380-0381. See also [CAR-OTP-2006-1210](#), at 1210; [CAR-OTP-2001-4818](#), at 4818; [CAR-OTP-2025-0396](#), at 0399; [CAR-OTP-2030-0255](#), at 0256.

⁴¹⁰ See above, paras.96-97.

g) *NGAISSONA falsely denied, justified, and/or provided misleading information about Anti-Balaka crimes against Muslim civilians to the international community, the CAR government, the media and the public*

158. When informed of Anti-Balaka crimes, **NGAISSONA** dismissed or disregarded the information,⁴¹¹ tacitly justified them by doing nothing,⁴¹² or actively denied the Anti-Balaka's responsibility.⁴¹³

159. Instead of condemning the commission of crimes, or effectively addressing the Anti-Balaka's behaviour, **NGAISSONA** simply claimed that it was not "real" Anti-Balaka, but local people and/or "fake" Anti-Balaka killing Muslims.⁴¹⁴

h) *NGAISSONA permitted, condoned, ratified, or encouraged the Anti-Balaka's use or threatened use of force, coercion, and/or intimidation to unlawfully create, maintain or contribute to the persistence of enclaves in western CAR and the unconscionable living conditions of Muslim civilians within them, and to restrict or interfere with their access to, or the provision of, humanitarian aid and assistance*

160. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslim civilians enclaved in different areas in western CAR, and made to endure their lasting existence because of Anti-Balaka threats, intimidation, and violence.

161. Despite knowledge of the crimes committed by the Anti-Balaka in these areas, **NGAISSONA** did not condemn the participation of the Anti-Balaka leaders or their groups, did not act to end the continued subjugation of Muslims by them and other Anti-Balaka ComZones, and did nothing to end their siege of the Muslim community or to stop their contribution to the perpetuation of their enslavement.

⁴¹¹ [CAR-OTP-2042-2641](#), from [00:18:38] to [00:23:10] and its transcript and translation [CAR-OTP-2107-2997](#) and [CAR-OTP-2107-2999](#), at 3001-3002, 1.3-54; [CAR-OTP-2073-0870](#), from [00:06:04] to [00:06:30] and its transcript [CAR-OTP-2107-1561](#), at 1563, 1.81-86.

⁴¹² **P-1719**; [CAR-OTP-2062-0039-R01](#), at 0056, para.108.

⁴¹³ [CAR-OTP-2042-1873](#), from [00:17:15] to [00:19:18] and its transcript [CAR-OTP-2107-1477](#); [CAR-OTP-2003-1076](#), at 1087, 1092-1093; [CAR-OTP-2006-1210](#), at 1210-1213; [CAR-OTP-2030-0255](#), at 0256-0257; [CAR-OTP-2032-0071](#), at 0071-0072; [CAR-OTP-2042-4071](#), from [00:00:00] to [00:01:44] and its transcript [CAR-OTP-2107-1528](#); [CAR-OTP-2084-0147](#), at 0147.

⁴¹⁴ See above, para.80.

162. Instead, **NGAISSONA** validated the actions of the Anti-Balaka leaders. He accepted their continued membership in the group, including by issuing Anti-Balaka ID badges; inviting them to National Coordination meetings; designating them to represent the Anti-Balaka at the July 2014 BRAZZAVILLE Summit; or later officially recognising them as Anti-Balaka Coordinators.⁴¹⁵

i) NGAISSONA tolerated, accepted, recognised, and/or promoted members of the Anti-Balaka who harboured anti-Muslim animus or had committed, or intended to, commit violent acts against Muslim civilians

163. Knowing that Anti-Balaka elements were committing rampant violence against Muslim civilians, including displacement, murder, rape, torture and cruel treatment, and the destruction and plunder of private and religious properties,⁴¹⁶ **NGAISSONA** used his position and influence to support, validate, legitimise, and justify their conduct, contributing to their further commission.

164. **NGAISSONA** appointed, acknowledged, and/or tolerated leaders in the Anti-Balaka who he knew commanded elements involved in the commission of the crimes, including the Charged Crimes. As mentioned above, he expressly and publicly recognised the Anti-Balaka leaders from the western CAR provinces as members of the group.⁴¹⁷

165. In BANGUI, **NGAISSONA** allowed Anti-Balaka leaders notorious for their crimes, such as ANDJILO and LEBENE,⁴¹⁸ to use his BOY-RABE home as a base.⁴¹⁹ In addition, **NGAISSONA** promoted other Anti-Balaka leaders – who had publicly expressed hatred or intolerance towards the Muslim population, including ANDJILO, but also YAGOUZOU, HOURONTI, [REDACTED], and **YEKATOM**, to key-positions within the Anti-Balaka.⁴²⁰

⁴¹⁵ See below, paras.267, 294, 315, 334, 358, 373, 403, 439-440, 470-471, 508-509, 536-537, 573-574 and 611.

⁴¹⁶ See below, paras.170-184.

⁴¹⁷ See above, para.139.

⁴¹⁸ On ANDJILO and LEBENE's criminal character: see above, para.80.

⁴¹⁹ [REDACTED].

⁴²⁰ See above, paras.92-93.

166. Further, when well-known members of the group were brought to justice by the CAR authorities, **NGAISSONA** actively sought to prevent their arrests and to otherwise free them.⁴²¹

167. **NGAISSONA**'s implicit and explicit endorsement of Anti-Balaka misconduct encouraged and promoted the serious crimes and abuses perpetrated by Anti-Balaka elements, including the Charged Crimes. His justification of the Anti-Balaka's unlawful acts, tolerance of their misconduct, legitimisation of the ComZones' command, and promotion and defence of the group's objectives and the means through which they sought to achieve them, allowed Anti-Balaka elements to feel justified and supported in their crimes and contributed to their perpetuation.⁴²² As such, **NGAISSONA**'s acts also perpetuated the threatening and intimidating environment, which prevented displaced Muslims from returning home.

j) NGAISSONA deployed, assigned, and/or maintained members of the Anti-Balaka in or around Muslim civilian areas and locations, who were undisciplined, harboured anti-Muslim animus, or intended to commit violent acts against Muslims

168. As indicated below, despite knowledge of crimes committed by the Anti-Balaka in or around various Muslim civilian areas and locations, **NGAISSONA** assigned, and/or maintained members of the Anti-Balaka in these areas and locations, doing nothing to stop their participation in the commission of the crimes.⁴²³

k) NGAISSONA failed to take action within his ability to impede, obstruct, or frustrate the Anti-Balaka's commission of crimes against Muslim civilians

169. **NGAISSONA** intentionally failed to take any meaningful action within his ability to render assistance to and/or protect Muslim civilians imperilled by the Anti-Balaka,

⁴²¹ See e.g. **P-0801**: [CAR-OTP-2074-2335-R01](#), at 2350, 1.580-584; **P-0884**: [CAR-OTP-2072-1814-R01](#), at 1818-1819, 1.126-180; **P-0975**: [CAR-OTP-2033-7885-R01](#), at 7892, para.53; **P-1961**: [CAR-OTP-2090-0067-R01](#), at 0079, para.70; [CAR-OTP-2042-2467](#), from [00:25:01] to [00:28:05] and its transcript [CAR-OTP-2107-1489](#); [CAR-OTP-2082-0646](#), from [00:06:30] to [00:07:05]; [CAR-OTP-2023-2935](#), from [00:00:00] to [00:07:55] and its transcript [CAR-OTP-2107-1521](#); [CAR-OTP-2066-1601](#), at 1738.

⁴²² See above, paras.154-163. See also **P-0487**: [CAR-OTP-2076-0146-R01](#), at 0159, 1.454-458.

⁴²³ See below, paras.266, 294, 315, 334, 357, 403, 439-440, 470-471, 508-509, 536-537, 573-574 and 611.

despite a legal duty to do so under CAR criminal law.⁴²⁴ By choosing not to use his influence and authority over the Anti-Balaka to combat or mitigate their crimes against Muslim civilians, including to impede, obstruct, or frustrate their commission, **NGAISSONA** failed to discharge a personal duty, which applies regardless of whether he had effective control over the perpetrators.⁴²⁵ In failing to render assistance to and/or protect Muslim civilians whom he knew were in peril, particularly at the hands of the Anti-Balaka, **NGAISSONA** aided and abetted or committed the crimes.⁴²⁶ Conversely, in failing to protect or assist Muslim civilians who he knew were endangered by the Anti-

⁴²⁴ Article 84, CAR Code pénal (« *Sera puni d'un emprisonnement de trois mois à cinq ans et d'une amende de 100.002 à 500.000 francs, quiconque s'abstient volontairement de porter à une personne en péril l'assistance que, sans risque pour lui ni pour les tiers, il pouvait lui prêter soit par son action personnelle, soit en provoquant un secours* »); *Prosecutor v. Nyiramasuhuko et al*, Judgement and Sentence, ICTR-98-42-T, 24 June 2011, para.5893 (basing on article 256 of Rwanda's Penal Code, which like article 84 of CAR's Code pénal, imposed a duty on every person to intervene regardless of position of authority); *Prosecutor v. Nyiramasuhuko et al*, Judgment, ICTR-98-42-A, 14 December 2015, para.2194 (Appeals Chamber upheld the Trial Chamber's reliance on article 256 of Rwanda's Penal Code). For culpability based on a failure to discharge a legal duty when an accused has material ability to act, see generally: *Prosecutor v. Orić*, IT-03-68-A, 3 July 2008, Judgment, para.43; *Prosecutor v. Blaškić*, Judgment, IT-95-14-A, 29 July 2004, para.663; *Prosecutor v. Ntagerura et al*, Judgment, ICTR-99-46-A, 7 July 2006, para.334. But see *Prosecutor v. Stanišić and Župljanin*, Judgment, IT-08-91-A, 30 June 2016, paras.109-112 (finding that liability for contributing to a joint criminal enterprise does not require the existence of a legal duty to act deriving from the rule of criminal law because in that context the nature of the accused's duty and the extent of his liability are simply questions of evidence). A legal duty is thus not necessary where a person is charged for contributing to a common criminal purpose under article 25 of the Statute.

⁴²⁵ See *Prosecutor v. Mrkšić and Šljivančanin*, IT-95-13/1-A, 5 May 2009, paras.93, 134, 135 (noting that "the omission to act where there is a legal duty to act can lead to individual criminal responsibility under article 7(1) of the Statute" – and thus, independent of command responsibility). See also *Prosecutor v. Orić*, IT-03-68-A, 3 July 2008, Judgment, para.43; *Prosecutor v. Blaškić*, Judgment, IT-95-14-A, 29 July 2004, para.663; *Prosecutor v. Ntagerura et al*, Judgment, ICTR-99-46-A, 7 July 2006, para.334.

⁴²⁶ See e.g., *Prosecutor v. Popović*, Judgment, IT-05-88-A, 30 January 2015, para.1741 (noting that "aiding and abetting by omission has been interpreted to mean that had the accused acted the commission of the crime would have been substantially less likely"); see also, *Prosecutor v. Blaškić*, Judgment, IT-95-14-A, 29 July 2004, para.668; and *Prosecutor v. Bagilishema*, Judgment, ICTR-95-1A-T, 7 June 2001, para.681 (both judgements finding culpability for omission more broadly without restricting it to aiding and abetting). Article 25 culpability based on omission forms part of modes of liability specifically provided for in article 25 of the Statute and thus does not offend articles 21 and 22 of the Statute. Different Chambers at this Court have already found that article 25 modes of liability and crimes within the Statute may be perpetrated by either actions or omissions. See e.g., ICC-01/04-02/06-309, para.145 (ordering may be based on acts or omissions); ICC-01/05-01/13-1989-Red, para.89 (abetting may be based on moral or psychological assistance, whether explicit or implicit, such as by silent spectator); para.82 (soliciting or inducing may be based on actions or omission); ICC-01/09-02/11-382-Red, para.46 ("[t]here is nothing in the Statute that can be interpreted to exclude acts by omission from the purview of the Court"); ICC-01/05-01/08-424, para.132 (murder may be committed by action or omission); ICC-01/04-01/07-717, para.287 (wilful killing may be committed by action or omission). See also Saland, "International criminal law principles," in Lee, *The International Criminal Court – the Making of the Rome Statute: Issues, Negotiations, Results* (The Hague: Kluwer, 1999), p.213 (the question of whether the Statute would cover omission liability was intentionally left to the Court).

Balaka, **NGAISSONA** tacitly approved of, encouraged, and aided and abetted their further and continued harming by the group.⁴²⁷

Specifically, he failed to:

- i. Halt Anti-Balaka military operations and actions, and withdraw elements from deployments in western CAR, including BANGUI, BOEING, along the PK9-MBAIKI axis, BOSSANGO, BOSSEMPTELE, YALOKÉ, BODA, CARNOT, GUEN, and BERBERATI, and the Muslim enclaves;
- ii. Protect Muslim civilians within the custody or control of the Anti-Balaka, while under a legal duty to do so, including by ensuring the humane treatment of detainees;
- iii. Disband the Anti-Balaka, the *de facto* Coordination, or the National Coordination;
- iv. Ban or expel members of the Anti-Balaka leadership, *de facto* Coordination, National Coordination, ComZones, and/or other Anti-Balaka members harbouring an Anti-Muslim animus and/or who had previously committed, led, or assisted in the commission of crimes against Muslim civilians;⁴²⁸
- v. Express public disapproval and criticism of criminal conduct by Anti-Balaka members;⁴²⁹
- vi. Report crimes by members of the Anti-Balaka to international forces, such as SANGARIS, MISCA, MINUSCA, BINUCA, etc., and/or domestic authorities for investigation and prosecution;

⁴²⁷ *Prosecutor v. Šainović, et al*, IT-05-87-A, 23 January 2014, para.1677; *Prosecutor v. Nyiramasuhuko et al*, Judgement and Sentence, ICTR-98-42-T, 24 June 2011, para.5893; *Prosecutor v. Nyiramasuhuko et al*, Judgment, ICTR-98-42-A, 14 December 2015, para.2194.

⁴²⁸ **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0043-0044, 0056-0057, paras.28, 30, 108, 111; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0025, para.80.

⁴²⁹ **P-0884**: [CAR-OTP-2072-1773-R02](#), at 1810-1811, 1.1259-1310.

- vii. Establish an effective military police to arrest Anti-Balaka perpetrators for crimes against Muslim civilians, particularly those motivated by anti-Muslim animus.
- viii. Provide for effective training in International Humanitarian Law and in respect of the Anti-Balaka's engagement with civilians, especially Muslim civilians, during military operations;
- ix. Create, promulgate, and enforce a code of conduct for the Anti-Balaka, reflecting the rules of International Humanitarian Law;⁴³⁰
- x. Issue clear orders, directions, or instructions to the Anti-Balaka to refrain from harming, attacking, or targeting civilians, particularly Muslim civilians, including interfering with convoys of persons or goods, access to humanitarian aid, medicine, and personal property, and to comply with International Humanitarian Law;
- xi. Refrain from using, espousing and/or tolerating violent and inflammatory rhetoric against CAR's Muslim population by members of the Anti-Balaka;
- xii. Discipline and punish members of the Anti-Balaka involved in the commission of crimes, particularly against Muslim civilians, and/or who themselves failed to punish the commission of such crimes by their subordinates;⁴³¹
- xiii. Issue such orders, directives, or instructions as necessary and reasonable to prohibit or stop the commission of crimes by members of the Anti-Balaka, particularly against Muslim civilians.⁴³²

⁴³⁰ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0257, paras.91, 93.

⁴³¹ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0181, para.58; **P-1858:** [CAR-OTP-2063-0050-R01](#), at 0068, paras.109-110; [CAR-OTP-2003-1076](#), at 1093; **P-0876:** [CAR-OTP-2046-0473-R01](#), at 0485, l.435-446.

⁴³² **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1568, para.216.

F. NGAISSONA HAD THE REQUIRED KNOWLEDGE AND INTENT

170. NGAISSONA, in concert with the Anti-Balaka, committed the Charged Crimes in violently targeting the Muslim civilian population in western CAR, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka, on religious, racial, national, ethnic and/or cultural grounds.

171. NGAISSONA intended the crimes or was aware that implementing the *Strategic Common Plan* would, in the ordinary course of events, result in the Anti-Balaka's commission of the Charged Crimes. Through its instrumentalisation of the Anti-Balaka, the *Strategic Common Plan* inherently entailed the commission of violent crimes against the Muslim population, among other crimes. NGAISSONA knew this as a member of BOZIZE's inner circle involved in the plan, and was fully aware that its implementation meant, with certainty, that the Anti-Balaka would commit the Charged Crimes.

172. Not only were the Charged Crimes foreseeable from the outset, but NGAISSONA had actual knowledge that the Anti-Balaka were committing them as the *Strategic Common Plan* materialised and continued to be implemented throughout the Relevant Period.

173. Given his involvement in the Anti-Balaka movement from its inception and his position in it,⁴³³ NGAISSONA knew of the group's propensity for violence and motivation to exact revenge against the Muslim population for Seleka crimes. In addition, NGAISSONA received direct information about events on the ground from Anti-Balaka members such as MOKOM,⁴³⁴ and members of BOZIZE's inner circle, of which he was a part.⁴³⁵ In this respect, NGAISSONA knew that the Anti-Balaka elements were committing and intended to commit the Charged Crimes, and that the Anti-Balaka itself was an unlawful armed group.⁴³⁶

⁴³³ P-2232: [CAR-OTP-2100-2569-R01](#), at 2574, para.21.

⁴³⁴ P-2232: [CAR-OTP-2100-2569-R01](#), at 2573, 2579-2580, 2587, paras.19-20, 55, 97.

⁴³⁵ See above, para.35.

⁴³⁶ P-2232: [CAR-OTP-2090-0561-R02](#), at 0596, paras.269-270; P-0808: [CAR-OTP-2093-0010-R01](#), at 0030, para.114; P-1847: [CAR-OTP-2061-1534-R01](#), at 1553, 1568-1569, paras.126, 216-220; P-0884: [CAR-OTP-2072-1913-R01](#), at 1929-1932, 1.566-659.

174. **NGAISSONA** knew that Anti-Balaka elements were committing, and intended to commit, the Charged Crimes before his designation as National General Coordinator and throughout the Relevant Period, throughout which his contributions were made. Anti-Balaka crimes increased in frequency following the 5 December 2013 attacks, and particularly following DJOTODIA's resignation.⁴³⁷ **NGAISSONA** also knew of the fundamental structural and organizational features of the Anti-Balaka, which allowed him (together with other co-perpetrators) to use the Anti-Balaka to commit the crimes and to control the commission of the crimes charged.⁴³⁸

175. From as early as 21 January 2014, **NGAISSONA** claimed the Anti-Balaka's preparedness to cease all hostilities.⁴³⁹ He later acknowledged that hostilities were ongoing and that crimes were being committed, including in a 1 February 2014 press release indicating his awareness of the presence of persons having joined the group for 'wrongful motives' or 'easy gain'.⁴⁴⁰ Although **NGAISSONA** recognised that investigations would need to be conducted within the Anti-Balaka ranks to determine the perpetrators of possible crimes, no such investigations were ever done.⁴⁴¹

176. **NGAISSONA** also knew that Anti-Balaka crimes were serious and warned elements to be 'careful' as one day they might be prosecuted before the International Criminal Court among others.⁴⁴²

177. Likewise, **NGAISSONA** acknowledged that:

“Aussi, la population, victime des exactions des SELEKA à travers la Centrafrique depuis le 10 décembre 2012, a regagné les rangs des Antibalaka avec un esprit de vengeance envers les ex-Séléka est [sic] les sujets musulmans qui ont soutenu les Séléka durant leur occupation de la RCA. Avec la généralisation du mouvement “Anti-Balaka” à cette frange de la population centrafricaine victime des Séléka, les dérapages sont constatés dans les rangs

⁴³⁷ See above, para.100. See also [CAR-OTP-2055-1987](#), at 2003.

⁴³⁸ See above, paras.129-135.

⁴³⁹ [CAR-OTP-2084-0146](#), at 0146.

⁴⁴⁰ [CAR-OTP-2084-0147](#), at 0147.

⁴⁴¹ [CAR-OTP-2025-0380](#), at 0381, 0383; [CAR-OTP-2006-1210](#), at 1211-1212.

⁴⁴² **P-1042**: [CAR-OTP-2107-0297-R01](#), at 0328, l.1048-1064.

des Antibalaka en sachant que beaucoup de délinquants et de déviants ont grossi les rangs du Mouvement”.⁴⁴³

178. **NGAISSONA** repeated the same throughout his tenure as the National Coordinator,⁴⁴⁴ including in a June 2014 memorandum conceding that in the provinces the Anti-Balaka’s conduct was counter-productive: “*dans certaines localités de provinces, des comportements contre-productifs sont encore relevés dans les rangs des Antibalaka*”.⁴⁴⁵

179. **NGAISSONA** was also regularly and personally notified of continuing Anti-Balaka crimes by CAR authorities⁴⁴⁶ and residents,⁴⁴⁷ MINUSCA,⁴⁴⁸ SANGARIS,⁴⁴⁹ the media,⁴⁵⁰ and the group’s members.⁴⁵¹ He was aware of Anti-Balaka crimes, as they provided the basis for his attempted arrest, and the arrest of some ten other National Coordination members in February 2014.⁴⁵² They also founded a warrant issued against him by CAR authorities around 8 April 2014.⁴⁵³ Moreover, **NGAISSONA** knew of Anti-Balaka crimes throughout western CAR, including those committed by **YEKATOM** and his group. He sent a PM mission to **LOBAYE**⁴⁵⁴ aware that **YEKATOM**’s Group was committing crimes

⁴⁴³ [CAR-OTP-2025-0372](#), at 0374. **NGAISSONA** used the same language in [CAR-OTP-2025-0362](#), at 0364. [Emphasis added].

⁴⁴⁴ [CAR-OTP-2084-0148](#), at 0148-0149; [CAR-OTP-2006-1210](#), at 1210-1213; [CAR-OTP-2092-1735](#), at 1735-1736.

⁴⁴⁵ [CAR-OTP-2025-0396](#), at 0399.

⁴⁴⁶ See e.g. **P-0801**: [CAR-OTP-2074-2195-R01](#), at 2210-2215, 1.486-670; [CAR-OTP-2003-1076](#), at 1087, 1092-1093.

⁴⁴⁷ See e.g. [CAR-OTP-2066-2466](#), at 2694; [CAR-OTP-2066-1510](#), at 1534; [REDACTED].

⁴⁴⁸ See e.g. **P-0801**: [CAR-OTP-2074-2195-R01](#), at 2210-2211, 1.486-538, [CAR-OTP-2074-2294-R01](#), at 2326, 1.1066-1091, [CAR-OTP-2074-2335-R01](#), at 2343, 1.242-256.

⁴⁴⁹ [CAR-OTP-2090-0408](#), from [00:00:00] to [00:00:33] and its transcript [CAR-OTP-2107-1598](#); [CAR-OTP-2042-2641](#), from [00:18:38] to [00:23:10] and its transcript and translation [CAR-OTP-2107-2997](#), [CAR-OTP-2107-2999](#).

⁴⁵⁰ See e.g. [CAR-OTP-2001-4818](#), at 4819; [CAR-OTP-2014-0749](#), from [00:00:00] to [00:04:34].

⁴⁵¹ See e.g. **P-0801**: [CAR-OTP-2074-2335-R01](#), at 2350, 1.489-504; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0056, para.108; **P-0884**: [CAR-OTP-2072-1582-R01](#), at 1600-1602, 1611-1612, 1.605-697, 1022-1060; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0033-0034, para.130.

⁴⁵² See arrest warrant for **NGAISSONA** dated 11 February 2014 ([CAR-OTP-0080-0685](#), at 0685), and the reaction of the Anti-Balaka on 14 February 2014 condemning the attempt ([CAR-OTP-2025-0380](#), at 0382). See also the same document, with **NGAISSONA**’s name added at the end, as published on the Anti-Balaka Facebook account: [CAR-OTP-2006-1210](#), at 1211-1212.

⁴⁵³ See also [CAR-OTP-0080-0718](#), at 0718-0720; [CAR-OTP-2002-0481](#), at 0481.

⁴⁵⁴ [CAR-OTP-2025-0356](#), at 0356.

against the ‘population’ there.⁴⁵⁵ **NGAISSONA** also learned of crimes through individuals he sent to Anti-Balaka groups in the western provinces to report back on “problems”.⁴⁵⁶

180. *Finally*, Anti-Balaka crimes were widely reported in the national and international media,⁴⁵⁷ by non-governmental organisations⁴⁵⁸ and by UN agencies⁴⁵⁹ by the time of **NGAISSONA**’s formal designation, and during his tenure as National General Coordinator. From September 2013, Anti-Balaka crimes, including deportation and forcible transfer, murder, torture and cruel treatment, the severe deprivation of liberty, the destruction of homes and mosques, and pillaging, committed against Muslims and others perceived as supporting the Seleka were common knowledge.⁴⁶⁰ **NGAISSONA**’s knowledge of the Charged Crimes is detailed for each of the incidents below in section VII.⁴⁶¹

181. **NGAISSONA** made statements and/or signed documents acknowledging that the Anti-Balaka were committing crimes.⁴⁶² His acknowledgement that he would be responsible for their crimes if they continued because of his position⁴⁶³ demonstrates his

⁴⁵⁵ **P-0446**: [CAR-OTP-2059-1626-R01](#), at 1634-1636, 1.306-367.

⁴⁵⁶ See e.g. **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0068, para.114.

⁴⁵⁷ See e.g. [CAR-OTP-2042-1873](#), from [00:01:40] to [00:07:00]; [CAR-OTP-2057-0963](#), at 0963-0964; [CAR-OTP-2029-0629](#), at 0629-0633; [CAR-OTP-2010-0078](#), at 0078-0079; [CAR-OTP-2001-4426](#), at 4426-4427; [CAR-OTP-2001-4603](#), at 4603-4606; [CAR-OTP-2001-4441](#), at 4441-4443; [CAR-OTP-2023-1863](#), from [00:07:50] to [00:12:24]; [CAR-OTP-2042-4615](#), from [00:09:45] to [00:12:45] and its transcript [CAR-OTP-2107-1491](#); [CAR-OTP-2082-0787](#), at 0787-0788; [CAR-OTP-2082-0793](#), at 0794-0795, 0801; [CAR-OTP-2088-2398](#), at 2399, 2401; [CAR-OTP-2092-0990](#), from [00:00:00] to [00:01:12]; [CAR-OTP-2092-0996](#) from [00:00:30] to [00:03:26]; [CAR-OTP-2001-6752](#), at 6753; [CAR-OTP-2001-4623](#), at 4623. See also **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2574, para.27.

⁴⁵⁸ [CAR-OTP-2001-2707](#), at 2707-2768; [CAR-OTP-2001-2874](#), at 2874-2879; [CAR-OTP-2001-6115](#), at 6115-6210; [CAR-OTP-2001-2769](#), at 2769-2860; [CAR-OTP-2001-2861](#), at 2861-2867; [CAR-OTP-2001-2564](#), at 2564-2590; [CAR-OTP-2001-2516](#), at 2516-2517.

⁴⁵⁹ See e.g. [CAR-OTP-2001-7017](#), at 7017-7144; [CAR-OTP-2001-5386](#), at 5386-5591; [CAR-OTP-2092-1015](#), at 1015-1016; [CAR-OTP-2092-1017](#), from [00:13:04] to [00:13:45].

⁴⁶⁰ **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0251, para.130.

⁴⁶¹ See below, paras.262-268, 284-294, 311-316, 328-336, 353-360, 366-374, 396-405, 432-441, 461-472, 499-510, 529-539, 563-575 and 605-612.

⁴⁶² See e.g. [CAR-OTP-2001-3405](#), at 3405-3414; [CAR-OTP-2001-5386](#), at 5445-5446; [CAR-OTP-2042-0916](#), from [00:06:00] to [00:08:00], and from [00:12:00] to [00:14:08], and its transcript and translation [CAR-OTP-2088-0646](#) and [CAR-OTP-2088-0649](#), at 0652-0654, 1.71-94, 152-175; [CAR-OTP-2023-2936](#), from [00:00:00] to [00:04:58] and its transcript [CAR-OTP-2107-1524](#); **P-0801**: [CAR-OTP-2074-2159-R01](#), at 2187, 2910, 1.949-959, 1041-1061, [CAR-OTP-2074-2294-R01](#), at 2326, 2333, 1.1080-1092, 1315-1339; [CAR-OTP-2099-1360](#), from [00:00:28] to [00:00:52] and its transcript [CAR-OTP-2107-1600](#), at 1601, 1.20-24.

⁴⁶³ **P-0801**: [CAR-OTP-2074-2335-R01](#), at 2341-2343, l. 181-256.

knowledge of the Anti-Balaka's and its constituent groups' intention to commit such crimes, including the Charged Crimes.

182. **NGAISSONA** was further aware of his essential role in the *Strategic Common Plan*, of his essential contributions to it, including through the conduct set out at Section V.E. In particular, his role in its founding and implementation, including as the Anti-Balaka's National General Coordinator, was so significant that he obviously knew it was essential.⁴⁶⁴ For the same reason, **NGAISSONA** was also aware of his ability, jointly and with his co-perpetrators, to control the commission of the crimes.

183. As the incidents described below demonstrate, there are substantial grounds to believe that, regarding the charged article 7(1) crimes, **NGAISSONA** knew and/or intended that the conduct was part of a widespread or systematic attack directed against a civilian population. Further, **NGAISSONA** was aware of the following factual circumstances: (i) the lawful presence of Muslim civilians in the relevant locations from which they were forcibly transferred, deported or displaced, and that such displacement was not justified by security or military necessity, or other legally permissible grounds; (ii) the gravity of the conduct underlying the imprisonment and severe deprivation of liberty of enclaved and/or detained persons in the relevant locations, and the character thereof; (iii) that the acts amounting to 'torture' did not arise from, and were not inherent in or incidental to, any lawful sanction; and (iv) the character of the acts amounting to 'inhumane acts'.

184. Further, as the incidents described below demonstrate, substantial grounds exist to believe that, regarding the charged articles 8(2)(c) and (e) crimes, **NGAISSONA** was aware, *inter alia*, of the following factual circumstances: (i) the existence of an armed conflict; (ii) the intended objects of attack in the relevant locations included the Muslim civilian population as such, individual civilians, and persons *hors de combat*; Muslim houses, shops and mosques which were not military objectives; and NGOs and persons intending to provide humanitarian aid to the Muslim civilian population; (iii) that persons killed, mutilated, displaced, raped, subject to cruel treatment, torture, and/or outrages upon personal dignity, were civilians taking no active part in hostilities, or persons *hors*

⁴⁶⁴ P-2012: [CAR-OTP-2091-0127-R01](#), at 0134, para.33.

de combat; (iv) that children under age 15 were enlisted by the Anti-Balaka and used in hostilities, alternatively, such circumstances should have been known; and (v) that property of the adversary was protected under international law and its destruction was not justified by military necessity.

VI. INDIVIDUAL CRIMINAL RESPONSIBILITY OF YEKATOM

A. Overview

185. **YEKATOM**, through the acts and omissions described below, is individually criminally responsible for Counts 1-8, 11-17, and 24-29, pursuant to article 25(3)(a) for committing them personally or jointly with others; article 25(3)(b) for ordering, soliciting and/or inducing their commission;⁴⁶⁵ article 25(3)(c) for assisting in their commission; article 25(3)(d) for contributing in any other way to their commission by YEKATOM's Group acting with a common criminal purpose; and under article 28(a) as a military commander, or person effectively acting as a military commander, for failing to prevent or punish their commission.

B. Article 25(3)(a)

186. **YEKATOM** committed the crimes charged in Counts 1-8, 11-17, and 24-29 personally or in concert with others through his participation in, and essential contributions to, a common plan. By December 2013, and at all relevant times herein, **YEKATOM**, members of YEKATOM's Group including members of his command, such as deputies OUANDJIO and Habib BEINA, and other FACA members participated in a common plan. Their objective was to violently target the Muslim civilian population of western CAR, including through committing Counts 1-8, 11-17, and 24-29, and specifically that population in BANGUI (including CATTIN), BOEING and areas in south-western CAR, such as along the PK9 – MBAIKI axis — who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka (i.e., the *Operational Common Plan*).

⁴⁶⁵ As detailed in the Schedule of Charges, YEKATOM is charged under article 25(3)(b) for ordering, soliciting, and/or inducing the crimes in Counts 1-8, 11-17, and 29, but not Counts 24-28.

187. The crimes charged in Counts 1-8, 11-17, and 24-29 were within the scope of the *Operational Common Plan* and committed by members of YEKATOM's Group as a result of its implementation.

188. **YEKATOM** intended the crimes charged in Counts 1-8, 11-17, and 24-29 and/or was aware that implementing the *Operational Common Plan* would, in the ordinary course of events, result in his group's commission of these crimes. **YEKATOM** was aware that the *Operational Common Plan* involved an element of criminality. He was also aware of his essential role in the *Operational Common Plan*, the essential nature of his contributions, including through conduct set out at paragraphs 200 *et seq.* below, and of his ability, jointly with the other co-perpetrators, to control the commission of these crimes. **YEKATOM** was further aware of the fundamental structural, organisational and ideological features of his Anti-Balaka group, which enabled him, jointly with the other co-perpetrators, to use group to commit the crimes and to control the commission of the crimes charged.

189. As detailed further below, like other Anti-Balaka leaders, **YEKATOM** and his elements harboured an anti-Muslim animus. They openly expressed hostility toward Muslims and their intention to exact vengeance against them.⁴⁶⁶ Additionally, the crimes committed by **YEKATOM** and his elements mirrored the pattern of killings, torture, sexual offences, destruction of homes and religious buildings and forced displacement – committed by Anti-Balaka groups throughout western CAR as the tools of the *Strategic Common Plan* and in furtherance of its criminal purpose (*i.e.*, the *Common Purpose*), as their crimes detailed below show.

C. Article 25(3)(b)

190. **YEKATOM** ordered his group to commit the crimes charged in Counts 1-8, 11-17, and 29, or to perform other acts or omissions through which the crimes were committed.

⁴⁶⁶ See below, paras.219-221.

191. **YEKATOM** was aware that elements of his group would, in the ordinary course of events, commit the crimes charged in Counts 1-8, 11-17, and 29, and that his orders contributed to their commission.

D. Article 25(3)(c)

192. **YEKATOM** assisted elements of his group in committing the crimes charged in Counts 1-8, 11-17, and 24-29 with the aim of facilitating their commission.

193. **YEKATOM** was also aware that elements of his group would, in the ordinary course of events, commit these crimes.

E. Article 25(3)(d)

194. **YEKATOM** intentionally contributed to the commission of the crimes charged in Counts 1-8, 11-17, and 24-29 by elements of his group acting pursuant to the *Common Purpose*, in violently targeting the Muslim civilian population in BANGUI (including CATTIN) and BOEING, and areas in south-western CAR, such as along the PK9 – MBAIKI axis, based on their religious, national or ethnic affiliation, and their perception as collectively responsible for, complicit with, and/or supportive of, the Seleka, including through the commission of the crimes charged in Counts 1-8, 11-17, and 24-29.

195. **YEKATOM**'s contributions to the crimes committed pursuant to the *Common Purpose* were made with the aim of furthering the criminal activity or purpose of his Group, or in the knowledge of their intention to commit such crimes.

F. Article 28

196. **YEKATOM** was, at all times during the Relevant Period, an Anti-Balaka military commander or acting as such, with effective command and/or authority, and control over his group.

197. **YEKATOM** knew or should have known that elements of his group had committed, were committing, or were about to commit the crimes charged in Counts 1-8, 11-17, and 24-29 in BANGUI (including CATTIN) and BOEING, and areas in south-western CAR,

such as along the PK9 – MBAIKI axis, and the PISSA – MONGOUMBA axis, through various sources, including his:

- a. Involvement in their preparation, design, and/or execution;
- b. Receipt of information from elements of YEKATOM's Group, the international community, the media, and/or other persons; and/or
- c. Personal observation of evidence of their commission.

198. **YEKATOM** had the material ability to prevent or repress the commission of crimes by elements in his group or to submit such matters to the competent authorities for investigation and prosecution, and failed to take all necessary and reasonable measures within his effective power. **YEKATOM** further failed to take action within his ability to prevent, impede, obstruct, frustrate and/or punish the commission of crimes by elements in his group, including against Muslim civilians. The concrete actions that **YEKATOM** failed to take are set out below.⁴⁶⁷

199. Although article 28 does not include any element of causation, **YEKATOM**'s failure to take all necessary and reasonable measures within his power establishes his failure to exercise control properly over elements of **YEKATOM**'s Anti-Balaka Group and causally contributed to the commission of the crimes charged.

G. YEKATOM'S CONTRIBUTIONS

200. **YEKATOM**'s contributions, taken separately or jointly, were "essential." Without them, the Charged Crimes would not have occurred, or would not have occurred in the same manner. **YEKATOM** essentially contributed to the *Operational Common Plan* and/or the crimes charged in Counts 1-8, 11-17, and 24-29; instructed or assisted elements of YEKATOM's Group in the commission of these crimes; and contributed to their commission by YEKATOM's Group acting pursuant to the *Common Purpose*, in the following ways:

⁴⁶⁷ See below, paras.230-233.

a) *YEKATOM participated in developing the Operational Common Plan and the Common Purpose and strategies to implement them*

201. **YEKATOM** helped develop the *Operational Common Plan* and the *Common Purpose* both before and during the Relevant Period.

i. The Common Purpose

202. As mentioned, MOKOM and **YEKATOM** knew each other well, from their time as “*ex-libérateurs*” in the 2003 Rebellion.⁴⁶⁸ On fleeing to ZONGO after the 24 March 2013 Coup, **YEKATOM**, with deputies OUANDJIO and Habib BEINA, regularly met with MOKOM.⁴⁶⁹

203. As **YEKATOM** later related, the Anti-Balaka movement began in ZONGO,⁴⁷⁰ and once **YEKATOM** moved to KALANGOI, he contacted military classmates to join in preparing for the 5 December 2013 Attack.⁴⁷¹ He liaised with MOKOM in preparation for the offensive,⁴⁷² in which **YEKATOM**’s Group played an integral role.⁴⁷³

204. After the 5 December 2013 Attack, **YEKATOM** regularly met, communicated or coordinated, with the National Coordination and senior Anti-Balaka leaders. These included **NGAISSONA**, **WENEZOU**, **MOKOM**, **KAMEZOLAI**, **FEISSONA**, **NGREMANGO**, and other Anti-Balaka commanders.⁴⁷⁴

⁴⁶⁸ See above, para.44.

⁴⁶⁹ See above, para.44.

⁴⁷⁰ See above, para.44.

⁴⁷¹ See above, para.45.

⁴⁷² See above, para.47.

⁴⁷³ See below, paras.257-266.

⁴⁷⁴ **P-0487**: [CAR-OTP-2076-0146-R01](#), at 0158-0159, 0162-0163, 1.427-448, 1.479-481 1.585-588, 1.614-631; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0746, 0747, 0750, 0753-0755, paras.36, 42, 64, 65, 82, 90, 100; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0176-0179, paras.35-47; **P-0876**: [CAR-OTP-2046-0267-R01](#), at 0275-0276, 1.311-325; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0028, para.102; [CAR-OTP-2065-4880](#), from [00:00:00] to [00:05:15] and its transcript [CAR-OTP-2107-1551](#), at 1552-1553, 1.1-66, at 1555, 1.107-111; [CAR-OTP-2055-2610](#), from [00:01:17] to [00:03:04] and its transcript and translation, [CAR-OTP-2107-6906](#), at 6909-6910, 1.39-99, and [CAR-OTP-2107-7037](#), at 7041-7042, 1.39-99; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0616, paras.78-79; **P-0405**: [CAR-OTP-2107-4653-R01](#), at 4676, 4678, 1.756-778, 1.832-851; **P-1819**: [CAR-OTP-2065-0003-R01](#), at 0012; [CAR-OTP-2032-0074](#). CDR show that after 5 December 2013 and throughout 2014, **YEKATOM** communicated with Anti-Balaka National Coordination and senior Anti Balaka members such as: **MOKOM**, **NGAISSONA**, **NGREMANGO**, **KAMEZOLAI**, **BEOROFEI**, **Vivien BEINA**, **WENEZOU**, **BARA**, **YAGOUZOU**, **LEBENE**, **LEBENE**’s Secretary,

205. Members of the National Coordination also visited **YEKATOM**'s area of control and reported back to the Coordination.⁴⁷⁵

206. YEKATOM's Group fell within the structure of the *de facto* Coordination and later National Coordination.⁴⁷⁶ **YEKATOM** and his group subscribed to and acted pursuant to the *Common Purpose* — in violently targeting the Muslim civilian population in western CAR, based on their religious, national or ethnic affiliation, and their perceived collective responsibility for, complicity with, and/or support of, the Seleka,⁴⁷⁷ as their crimes described below show.

ii. The Operational Common Plan

207. As mentioned, by June 2013, **YEKATOM** had gathered well-over 1,000 elements in KALANGOI.⁴⁷⁸ By 5 December 2013 or shortly thereafter, **YEKATOM** had around 3,000 under his control.⁴⁷⁹

208. YEKATOM's Group was organised in a military-like hierarchy.⁴⁸⁰ His command, who shared in the *Operational Common Plan*,⁴⁸¹ included FACA members OUANDJIO (killed during the BODA Attack),⁴⁸² his replacement Habib BEINA, and others, such as

KOKATE, Judicael OROFEI, FEISSONA, KONATE, NAMSIO, BEJOUANE and NGAYA. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 5.3. CDR also show that after 5 December 2013 and throughout 2014, YEKATOM communicated with Anti-Balaka commanders and leaders such as: BAYO, DAWILI, DENAMGANAI, DONOH, GANAZOUI, GOTHIAS, GOUGA, KEANSSEM, KOTTE, MBOMON, MOKPEM, MOMOKAMA, NAMGUENDE, NGANABEAM, Jean OROFEI, Patrick OROFEI, SAMY, SOUSSOU, TOUABOYE, TRIBUNAL, YAORE, YOMBO, and ZILABO. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 5.4.

⁴⁷⁵ **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0028, para.102.

⁴⁷⁶ [CAR-OTP-2032-0074](#). See also **P-0487**: [CAR-OTP-2076-0146-R01](#), at 0159, 0162, 1.479-481, 585-588; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0747, 0750, 0755, paras.42, 65, 97-98, 100.

⁴⁷⁷ See above, paras.90-94.

⁴⁷⁸ See above, para.45.

⁴⁷⁹ See above, para.45.

⁴⁸⁰ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0750, paras.60, 63; **P-2034**: [CAR-OTP-2073-0824-R01](#), at 0827, para.27. See also [CAR-OTP-2039-0063](#), at 0063-0066; [CAR-OTP-2039-0050](#), at 0050-0062; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0568, 0573, paras.82, 115.

⁴⁸¹ See for example in respect of the 5 December 2013 Attack: **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0568-0572 paras.86-89, 96-97, 102, 110.

⁴⁸² See below, para.475. See also **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0047, para.43; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2576-2577, para.39.

caporal-chef Rodrigue MOMOKAMA (“MOMOKAMA”), *caporal* Aristide BEINA, and *caporal* Devy LAKO-TOEMA.⁴⁸³

209. **YEKATOM** organised and trained his elements in KALANGOI for over three months, including on weapons use, such as machetes, knives, guns, and AK47 Kalashnikov-type rifles (“Kalashnikov”). OUANDJIO and Habib BEINA also trained elements. **YEKATOM** told at least one element that the purpose of the training was “so [they] could kill Muslims *and* Selekas.”⁴⁸⁴

b) *YEKATOM participated in the formation and organisation of YEKATOM’s Group*

210. After the 5 December 2013 Attack, **YEKATOM** established a base at the YAMWARA School in BOEING (“YAMWARA School Base”),⁴⁸⁵ where he organised training for his elements.⁴⁸⁶ **YEKATOM** also permitted outsiders to provide training to some of his elements on international humanitarian law.⁴⁸⁷ He later set up other bases,

⁴⁸³ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0746, para.36; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0185, para.80; [CAR-OTP-2039-0063](#), at 0063-0064; **P-1819**: [CAR-OTP-2065-0003-R01](#), at 0011-0012, paras.39, 48; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2581, para.65.

⁴⁸⁴ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0746, para.39. [Emphasis added].

⁴⁸⁵ [CAR-OTP-2065-4880](#), from [00:00:00] to [00:05:15] and its transcript [CAR-OTP-2107-1551](#), at 1552-1553, 1555, 1.1-66, 107-111; **P-1839**: [CAR-OTP-2072-0789-R01](#), at 0814, 1.880-913; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0658, para.28; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0176-0177, para.36; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0753, para.85; **P-1819**: [CAR-OTP-2065-0003-R01](#), at 0012, para.45; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0572-0573, paras.111-117.

⁴⁸⁶ **P-1819**: [CAR-OTP-2065-0003-R01](#), at 0029, para.146; [CAR-OTP-2065-4053](#), from [00:00:00] to [00:02:14] and its transcript and translation at [CAR-OTP-2107-3089](#) and [CAR-OTP-2107-3091](#); [CAR-OTP-2065-4057](#), from [00:00:00] to [00:00:34] and its transcript and translation at [CAR-OTP-2107-3094](#) and [CAR-OTP-2107-3096](#), at 0398, 1.1-11; [CAR-OTP-2065-5498](#), from [00:00:00] to [00:02:32]; [CAR-OTP-2065-0951](#), at [00:01:17] to [00:01:59] and its transcript and translation at [CAR-OTP-2107-6928](#), at 6929, 1.13-25, and [CAR-OTP-2107-7063](#), at 7065, 1.13-24; [CAR-OTP-2065-0999](#), from [00:00:52] to [00:01:23] and its transcript [CAR-OTP-2107-1543](#), at 1544, 1.1-16; [CAR-OTP-2065-3917](#), from [00:00:00] to [00:00:21]; [CAR-OTP-2065-3921](#), from [00:00:00] to [00:02:06]; [CAR-OTP-2065-3953](#), from [00:00:00] to [00:00:41]; [CAR-OTP-2065-3969](#), from [00:00:00] to [00:00:50] and its transcript and translation [CAR-OTP-2107-3084](#), at 3085, 1.1-13, and [CAR-OTP-2107-3086](#), at 3088, 1.1-17; [CAR-OTP-2065-3973](#), from [00:00:00] to [00:00:26]; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0658-0659, paras.31, 33; **P-1839**: [CAR-OTP-2072-0644-R01](#), at 0659-0661, 0669-0671, 1.543-549, 562-565, 594-599, 903-914, 936-953; [CAR-OTP-2005-0129](#), from [00:20:50] to [00:24:40]; **P-1815**: [CAR-OTP-2058-0581-R01](#), at 0595, para.79.

⁴⁸⁷ **P-0487**: [CAR-OTP-2076-0130-R01](#), at 0138, 1.279-292; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0658-0659, para.33.

including at PK9, BOEING, and SEKIA.⁴⁸⁸ Around October 2014, **YEKATOM** set up the “*Etas-Unis*” training camp around 25 km from BIMON.⁴⁸⁹

c) *YEKATOM coordinated, commanded and controlled YEKATOM’s Group in and around BANGUI and areas in south-western CAR, by planning, monitoring, issuing approvals, authorisations and orders*

211. **YEKATOM** systematically presented himself as the leader of his group and was recognised as such by his subordinates, by the Anti-Balaka Coordination, the CAR authorities, and the international community.⁴⁹⁰

212. **YEKATOM** coordinated, commanded and controlled his group, and deployed them in the southwest of BANGUI (including CATTIN) and BOEING. Following DJOTODIA’s 10 January 2014 resignation, they were deployed in the LOBAYE Prefecture along the PK9 – MBAIKI and PISSA - MONGOUMBA axes.⁴⁹¹

⁴⁸⁸ **P-0446**: [CAR-OTP-2059-1546-R02](#), at 1557, 1.381; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0753, 0756, paras.86, 107; **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0056, 0063, paras.39, 79, 83; [CAR-OTP-2041-0779-R02](#); [CAR-OTP-2055-2610](#), from [00:01:17] to [00:03:04] and its transcript and translation [CAR-OTP-2107-6906](#), at 6909-6910, 1.39-99, and [CAR-OTP-2107-7037](#), at 7041-7042, 1.39-99; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0176-0177, 0186, paras.36, 89.

⁴⁸⁹ Intelligence Report of CAR Administrative Police Services, [CAR-OTP-2003-1654](#), at 1819.

⁴⁹⁰ [CAR-OTP-2032-0059](#), at 0059; [CAR-OTP-2032-0074](#), at 0074; [CAR-OTP-2055-2610](#), from [00:02:12] to [00:02:57] and its transcript and translation [CAR-OTP-2107-6906](#), at 6910, 1.80-95, and [CAR-OTP-2107-7037](#), at 7042, 1.80-95; **P-1815**: [CAR-OTP-2058-0581-R01](#), at 0595, para.81; [CAR-OTP-2030-0232](#), at 0233; [CAR-OTP-2033-8065](#), at 8074; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0028, paras.101-102, [CAR-OTP-2025-0324-R02](#), at 0332-0333, para.56; **P-0801**: [CAR-OTP-2074-2234-R01](#), at 2255, 1.726-737; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0181-0182, para.61; [CAR-OTP-2039-0020](#), at 0020; **P-1193**: [CAR-OTP-2045-0048-R02](#), at 0053, para.33; [CAR-OTP-2005-0129](#), from [00:22:01] to [00:22:45]. On the recognition of YEKATOM’s authority by the CAR authorities and the international community, *see e.g.* [CAR-OTP-0080-0840](#), at 0842; [CAR-OTP-0080-0821](#), at 0823; [CAR-OTP-2051-0743](#), at 0745; [CAR-OTP-2051-0479](#), at 0504; [CAR-OTP-2001-5739](#), at 5785; [CAR-OTP-2030-0521](#), at 0525, 0530, 0534.

⁴⁹¹ **P-0646**: [CAR-OTP-2029-0399-R01](#), at 0424, para.166; **P-0976**: [CAR-OTP-2056-0031-R01](#), at 0044, para.70; **P-1839**: [CAR-OTP-2072-1101-R02](#), at 1103-1108, 1.48-239 and annex M ([CAR-OTP-2066-1467](#), at 1467); **P-1193**: [CAR-OTP-2045-0048-R02](#), at 0053, 0058, paras.33, 63; **P-1452**: [CAR-OTP-2048-0682-R01](#), at 0700, para.135; **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0060, 0063-0064, 0068, paras.60, 83-85, 112; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0177, 0183, paras.62, 95, 97; **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0142, para.69; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0181-0182, 0184-0185, paras.61, 79; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0240, paras.69-70; [CAR-OTP-2101-0340](#), at 0340; **P-0287**: [CAR-OTP-2115-0239-R01](#), at 0257, para.82; **P-1813**: [CAR-OTP-2069-0035-R01](#), at 0041, para.40; **P-1921**: [CAR-OTP-2081-0072-R01](#), at 0084-0085, para.66; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0618, para.91; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0660, para.39; **P-1528**: [CAR-OTP-2048-0757-R01](#), at 0766, para.51; **P-1503**: [CAR-OTP-2046-0571-R01](#), at 0579, paras.57-58; **P-0487**: [CAR-OTP-2076-0130-R01](#), at 0138, 1.272-273, [CAR-OTP-2076-0253-R01](#), at 0265, 0268, 1.430-431, 538-541, [CAR-OTP-2076-0212-R01](#), at 0225, 1.470-473; [CAR-OTP-2014-0729-R01](#), at 0740; [CAR-OTP-2039-0020](#), 0020; [CAR-OTP-2001-3811](#), at 3817; [CAR-OTP-0080-0821](#), at 0823; [CAR-OTP-2084-1303](#), from [00:00:15] to [00:00:42]

213. **YEKATOM** set up roadblocks and checkpoints at strategic locations throughout LOBAYE Prefecture and near BANGUI to regulate the flow of individuals and exact illegal “tolls” from passing vehicles, including cash and supplies,⁴⁹² part of which **YEKATOM** personally collected.⁴⁹³ **YEKATOM** was also regularly present in, and travelled to and from, areas under his control, including when his elements were committing crimes.⁴⁹⁴

214. **YEKATOM** issued orders to his subordinates, including to commit crimes.⁴⁹⁵ He also issued administrative orders relating to his group’s organisation, authorisations to pass through checkpoints, missions, and the appointment and replacement of subordinate leaders.⁴⁹⁶

215. **YEKATOM** was in charge of the discipline of his Group.⁴⁹⁷ His “orders were [to be] obeyed without question”,⁴⁹⁸ and disobedience was severely punished.⁴⁹⁹

and its transcript and translation at [CAR-OTP-2107-6982](#), at 6983, 1.7-13, and [CAR-OTP-2107-7128](#), at 7130, 1.7-13; [CAR-OTP-2045-0525](#), at 0525; [CAR-OTP-2053-0567](#), at 0567.

⁴⁹² See below, para.343. See also [CAR-OTP-2001-6251](#) at 6294, 6329; [CAR-OTP-2001-5642](#) at 5643, 5645; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0187, para.112; **P-1813**: [CAR-OTP-2069-0035-R01](#), at 0046, para.74.

⁴⁹³ **P-0974**: [CAR-OTP-2058-0165-R01](#), at 0179, para.95; **P-1838**: [CAR-OTP-2100-0252-R01](#), at 0272, para.109; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0581, para.172; [CAR-OTP-2001-0835](#), at 0884; [CAR-OTP-2001-5739](#), at 5798; [CAR-OTP-2074-3246](#), at 3247.

⁴⁹⁴ See below, paras.247-249. See also e.g. **P-1528**: [CAR-OTP-2048-0757-R01](#), at 0766, paras.50-51; **P-1839**: [CAR-OTP-2072-1068-R01](#), at 1071-1072, 1.75-142; **P-1503**: [CAR-OTP-2046-0571-R01](#), at 0579; [CAR-OTP-2001-0835](#), at 0876; [CAR-OTP-2053-0576](#), at 0576-0577.

⁴⁹⁵ See below, paras.227-228; See also [CAR-OTP-2065-2017](#), from [00:00:00] to [00:01:23] (for summary translation of video/audio in Sango, see Annex G).

⁴⁹⁶ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0750, para.59; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0662, para.51; **P-1839**: [CAR-OTP-2072-0822-R01](#), at 0838, 1.566-584; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0178, para.67.

⁴⁹⁷ **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0660, para.40; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0565-0566, paras.59-68.

⁴⁹⁸ **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0063, para.82; See also **P-0801**: [CAR-OTP-2074-2234-R01](#), at 2253, 1.645-648; **P-1503**: [CAR-OTP-2046-0571-R01](#), at 0579, para.59; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0028, para.102.

⁴⁹⁹ **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0185-0186, paras.83-88; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0749, para.54; **P-1839**: [CAR-OTP-2072-0521-R01](#), at 0529, 1.308-327, [CAR-OTP-2072-0851-R02](#), at 0859, 1.262-291, [CAR-OTP-2072-0946-R02](#), at 0955-0957, 1.320-378, [CAR-OTP-2072-1101-R02](#), at 1119-1120, 1.641-655.

d) *YEKATOM provided YEKATOM's Group with weapons and training in their use, and with means and money directly or indirectly, including to purchase weapons, fuel, and obtain medical treatment*

216. **YEKATOM** provided his elements with the means to commit the crimes. **YEKATOM** purchased weapons and ammunition and personally distributed them amongst his elements.⁵⁰⁰ He provided his elements with money to buy weapons.⁵⁰¹ Others were acquired through FACA members who joined the group, taken from the Seleka, or pillaged from the *gendarmerie*.⁵⁰² Accordingly, YEKATOM's Group had a variety of weapons at its disposal, including machine guns, rocket-propelled grenades, hand grenades, Kalashnikov and hunting rifles and machetes.⁵⁰³

217. As many elements in YEKATOM's Group lacked combat discipline and experience, **YEKATOM** had them trained, including on how to use guns, Kalashnikovs, machetes, and knives, enabling them to carry out their crimes more effectively.⁵⁰⁴

218. In addition, **YEKATOM** provided his elements with money taken at checkpoints to pay for their fuel, food, or medical treatment.⁵⁰⁵

e) *YEKATOM disseminated, encouraged, and/or facilitated the dissemination of propaganda to YEKATOM's Group and others to achieve the criminal objectives of the*

⁵⁰⁰ **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0747, para.43; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0665, paras.81, 83; **P-1792:** [CAR-OTP-2115-0216](#), at 0218, para.16; [CAR-OTP-2039-0072](#), at 0073.

⁵⁰¹ [REDACTED].

⁵⁰² **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0184, para.78; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0746-0747, paras.37-39, 41-43; [CAR-OTP-2001-5642](#), at 5643; [CAR-OTP-2065-0396](#), from [00:01:15] to [00:01:40] and its transcript and translation [CAR-OTP-2107-6918](#), at 6919, 1.27-34, and [CAR-OTP-2107-7050](#), at 7052, 1.27-34.

⁵⁰³ **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0748, 0751, paras.46, 68; **P-1819:** [CAR-OTP-2065-0003-R01](#), at 0009-0010, 0018, paras.33-35, 79; [CAR-OTP-2055-2610](#), from [00:01:17] to [00:03:04] and its transcript and translation, [CAR-OTP-2107-6906](#), at 6909-6910, 1.39-99, and [CAR-OTP-2107-7037](#), at 7041-7042, 1.39-99.

⁵⁰⁴ See above, paras.45-46, 210; **P-0487:** [CAR-OTP-2076-0272-R01](#), at 0282, 1.345-361, [CAR-OTP-2076-0130-R01](#), at 0138, 1.279-292; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0658-0659, para.33.

⁵⁰⁵ See e.g. **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0665, para.79.

Operational Common Plan and/or Common Purpose, including by promoting an atmosphere of fear and hatred towards CAR Muslims

219. **YEKATOM** unequivocally and repeatedly espoused hateful and violent rhetoric against CAR's Muslim population. He told his elements that the enemy – the subject of his violent acts – were not just members of the Seleka, but also Muslims and “foreigners” to be ‘slaughtered’, ‘exterminated’, or at the least, ‘had to leave’, including women and children.⁵⁰⁶

220. In **YEKATOM**'s presence, members of his group publicly expressed hostility toward Muslim civilians and their intention to commit violent acts against them. For example, at the YAMWARA School Base, ranking members of YEKATOM's Group, including deputy Habib BEINA and MOMOKAMA, openly voiced their intention to ‘slaughter’ the Muslim population including pregnant women and babies.⁵⁰⁷

⁵⁰⁶ **P-0646:** [CAR-OTP-2029-0399-R01](#), at 0425, para.172; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0748-0749, 0751, paras.51-57, 68; **P-1584:** [CAR-OTP-2056-0447-R01](#), at 0467, para.130; **P-1616:** [CAR-OTP-2054-1038-R01](#), at 1049, para.58; **P-1704:** [CAR-OTP-2054-1136-R01](#), at 1143, para.35; **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0053, para.101; **P-1823:** [CAR-OTP-2063-0369-R01](#), at 0374, para.29; **P-1839:** [CAR-OTP-2072-0946-R02](#), at, 0948, 0952-0953, 0965-0970, 1.41-73, 211-254, 687-866, [CAR-OTP-2072-1039-R01](#), at 1060-1061, 1.748-767; [CAR-OTP-2072-0521-R01](#), at 0528, 1.292-296; [CAR-OTP-2065-0400](#), from [00:00:00] to [00:01:45] and its transcript and translation at [CAR-OTP-2107-6921](#), at 6922, 1.1-37, and [CAR-OTP-2107-7054](#), at 7056, 1.1-37; [CAR-OTP-2002-0039-R01](#), at 0080; **P-1819:** [CAR-OTP-2065-0003-R01](#), at 0017, para.75; [CAR-OTP-2065-1953](#), from [00:00:00] to [00:02:26] and its transcript and translation at [CAR-OTP-2107-3046](#), at 3047-3048, 1.1-49, and [CAR-OTP-2107-3049](#), at 3051-3052, 1.1-67; **P-1921:** [CAR-OTP-2081-0072-R01](#), at 0085, para.71; *see also* [CAR-OTP-2065-3228](#) from [00:00:08] to [00:00:26] and its transcript and translation at [CAR-OTP-2107-0010](#), at 0011, 1.1-28, and [CAR-OTP-2107-0016](#), at 0018, 1.1-33.

⁵⁰⁷ **P-1819:** [CAR-OTP-2065-0003-R01](#), at 0011-0031, paras.39-45, 49-164 ([REDACTED]); *See, e.g.* [CAR-OTP-2065-0436](#), from [00:00:00] to [00:00:57] and its transcript [CAR-OTP-2107-1539](#), at 1540, 1.1-18; [CAR-OTP-2065-3188](#), from [00:00:00] to [00:01:02] and its transcript [CAR-OTP-2107-1547](#), at 1548, 1.1-20; [CAR-OTP-2065-3172](#), from [00:00:00] to [00:01:35] and its transcript and translation [CAR-OTP-2107-3053](#), at 3054, 1.1-35, and [CAR-OTP-2107-3056](#), at 3058-3059, 1.1-38; [CAR-OTP-2065-4930](#), from [00:00:00] to [00:01:27] and its transcript [CAR-OTP-2107-1557](#), at 1558, 1.1-35; [CAR-OTP-2065-5404](#), from [00:00:00] to [00:00:45] and its transcript and translation [CAR-OTP-2107-3143](#), at 3144, 1.1-15, and [CAR-OTP-2107-3145](#), at 3147, 1.1-18; [CAR-OTP-2065-3776](#), from [00:00:18] to [00:00:56] and its transcript and translation [CAR-OTP-2107-6930](#) at 6931, 1.1-28, and [CAR-OTP-2107-7066](#), at 7068, 1.1-28; [CAR-OTP-2065-4918](#), from [00:00:00] to [00:00:36] and its transcript and translation [CAR-OTP-2107-3116](#), at 3117, 1.1-23, and [CAR-OTP-2107-3118](#), at 3120, 1.1-23; [CAR-OTP-2065-5392](#), from [00:00:00] to [00:03:16] and its transcript and translation [CAR-OTP-2107-3135](#) and [CAR-OTP-2107-3138](#), at 3140-3142, 1.1-91; [CAR-OTP-2065-0802](#), from [00:00:30] to [00:01:41] and its transcript and translation [CAR-OTP-2107-3039](#), at 0340-0341, 1.16-66 and [CAR-OTP-2107-3042](#), at 3044-3045, 1.17-68; [CAR-OTP-2065-3452](#), from [00:00:00] to [00:01:27]; [CAR-OTP-2065-3560](#), from [00:00:00] to [00:01:13] and its transcript and translation [CAR-OTP-2107-3060](#) at 3061-3062, 1.1-23, and [CAR-OTP-2107-3063](#), at 3065, 1.1-26; [CAR-OTP-2065-5140](#), from [00:00:00] to [00:00:25] and its transcript [CAR-OTP-2107-3364](#), at 3365, 1.1-12.

221. Despite his knowledge of their anti-Muslim animus, which he also shared, **YEKATOM** encouraged such members of his group and promoted their objectives. He organised and implemented an administrative structure and assigned a secretary to maintain the group's official records, including members' registrations, orders, and weapons distribution.⁵⁰⁸

222. **YEKATOM** issued press releases⁵⁰⁹ and presented his group before the French press as early as 7 December 2013.⁵¹⁰ He represented the Anti-Balaka at high-level meetings and negotiations including, for example, with the transition President SAMBA-PANZA in January 2014,⁵¹¹ and at the BRAZZAVILLE Summit.⁵¹²

f) *YEKATOM tolerated, accepted, recognised, and/or promoted members of YEKATOM's Group who harboured anti-Muslim animus or had, or intended to, commit violent acts against Muslim civilians*

223. **YEKATOM** accepted or placed individuals in, or promoted them to, positions of authority within his group, through which they committed crimes, including: OUANDJIO, Habib BEINA, MOMOKAMA, Aristide BEINA, and other members of his command.⁵¹³ **YEKATOM** placed and kept them in key positions despite their animus towards Muslims which they sometimes expressed in his presence.⁵¹⁴

On the identification of MOMOKAMA: P-1819: [CAR-OTP-2065-0003-R01](#), at 0011, 0027, paras.39, 135, where he is described as wearing a beige coat and a hat. See also P-1339: [CAR-OTP-2041-0741-R01](#), at 0757, para.111. On the identification of Habib BEINA: P-1792: [CAR-OTP-2115-0216](#), at 0226, para.62. On the identification of OUANDJIO: P-1704: [CAR-OTP-2054-1136-R01](#), at 1147, paras.62, 68; P-1339: [CAR-OTP-2041-0741-R01](#), at 0757, para.111.

⁵⁰⁸ [REDACTED].

⁵⁰⁹ [CAR-OTP-2032-0074](#).

⁵¹⁰ [CAR-OTP-2065-0396](#), from [00:00:00] to [00:01:40] and its transcript and translation [CAR-OTP-2107-6918](#), at 6919, 1.1-35, and [CAR-OTP-2107-7050](#), at 7052, 1.1-35.

⁵¹¹ **P-0801:** [CAR-OTP-2074-2195-R01](#), at 2202-2205, 1.242-344; **P-0952:** [CAR-OTP-2014-0755](#), from [07:37:00] to [08:07:00]; **P-0952:** [CAR-OTP-2107-0784-R01](#), at 0796-0797, 1.408-457 and Annex 8 ([CAR-OTP-2087-9027](#)).

⁵¹² [CAR-OTP-2030-0267](#), at 0267; [CAR-OTP-2001-6924](#); **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0028, para.101-102; [CAR-OTP-2099-1360](#), from [00:00:00] to [00:01:55] and its transcript [CAR-OTP-2107-1600](#), at 1601-1602, 1.1-50.

⁵¹³ **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2581, para.65; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0662, para.51; **P-1839:** [CAR-OTP-2072-0879-R01](#), at 0892-0898, 1.471-676; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0746, para.36; **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0185, para.80; [CAR-OTP-2039-0063](#), at 0063-0064. Habib BEINA also became an Anti-Balaka ComZone: [CAR-OTP-2030-0232](#), at 0235.

⁵¹⁴ See above, para.220.

g) *YEKATOM deployed, assigned, and/or maintained members of YEKATOM's Group in or around Muslim civilian areas and locations, who were undisciplined, harboured anti-Muslim animus, or intended to commit violent acts against Muslims*

224. **YEKATOM** provided his elements with the opportunity to commit the crimes. Cognizant of their anti-Muslim animus,⁵¹⁵ he deployed his group to the southwest of BANGUI (including CATTIN) and BOEING, in the LOBAYE Prefecture along the PK9 – MBAIKI axis,⁵¹⁶ and the PISSA – MONGOUMBA axis.⁵¹⁷ He thus put them in a position to commit crimes in these towns and villages.⁵¹⁸

h) *YEKATOM committed crimes and issued unlawful orders, and instructed elements of YEKATOM's Group to commit crimes or perform other acts through which the crimes were committed*

225. **YEKATOM** led operations that he ordered, including attacks on Muslim civilians.⁵¹⁹

226. **YEKATOM** also personally committed indiscriminate acts of violence and brutality, which implicitly promoted such conduct within his group. He was notorious for killing both Muslims and his own men when they opposed him.⁵²⁰ For example, he once slit an element's throat for having a cell-phone against his instructions,⁵²¹ and reportedly

⁵¹⁵ See above, para.220.

⁵¹⁶ See above, para.212.

⁵¹⁷ **P-1974**: [CAR-OTP-2068-0222-R02](#), at 0226, paras.25-26.

⁵¹⁸ See below, paras.257-260, 336-337. See also, [CAR-OTP-2039-0020](#); [CAR-OTP-0080-0840](#), at 0842; [CAR-OTP-2001-3268](#), at 3286.

⁵¹⁹ **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0568-0572, paras.86-89, 96-97, 102, 110; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0751, para.71; **P-2125**: [CAR-OTP-2082-0299-R01](#), at 0321-0322, paras.126-131.

⁵²⁰ **P-0487**: [CAR-OTP-2076-0146-R01](#), at 0153-0154, 0156, 0160, 1.256-279, 348-363, 487-502, [CAR-OTP-2076-0272-R01](#), at 0282, 1.345-361; **P-0876**: [CAR-OTP-2046-0267-R01](#), at 0274, 1.244-257; [CAR-OTP-2046-0324-R01](#), at 0342, 1.634-660; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0181, 0185-0186, paras.56, 83-88; **P-0974**: [CAR-OTP-2058-0165-R01](#), at 0179, para.94; **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0662, para.53; **P-1839**: [CAR-OTP-2072-0521-R01](#), at 0529, 1.308-327, [CAR-OTP-2072-0851-R02](#), at 0859, 1.262-291, [CAR-OTP-2072-0946-R02](#), at 0955-0957, 1.320-378, [CAR-OTP-2072-1101-R02](#), at 1119-1120, 1.641-655; **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0065, para.94; [CAR-OTP-2001-2707](#), at 2728.

⁵²¹ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0749, para.54; on the prohibition to carry a phone, see: **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0570, para.96.

killed a Peuhl baby by bashing it against a tree to avenge the death of a Christian one.⁵²² He also killed three of his own *aides de camp*.⁵²³

227. In addition, **YEKATOM** ordered his elements to commit many of the crimes charged.⁵²⁴ He ordered the torture and killing of Muslims, and even directed violence against those within his Group he suspected of disloyalty. He ordered such brutality as cutting throats, cutting ears off, execution, or burying people alive.⁵²⁵

228. **YEKATOM** also ordered his elements to pillage and destroy Muslim homes and mosques, “so they will go back to their country”.⁵²⁶

229. Finally, as further described below, **YEKATOM**’s Group enlisted children under age 15, some of whom were also used in hostilities such as the 5 December 2013 Attack.⁵²⁷ **YEKATOM** was fully aware of this.⁵²⁸

i) YEKATOM failed (i) to take action within his ability to impede, obstruct, or frustrate his Group’s commission of crimes against Muslim civilians; and (ii) to take all necessary and reasonable measures within his power to prevent or repress their commission of crimes or to submit the matter to the competent authorities for investigation

230. As mentioned, elements of **YEKATOM**’s Group voiced their intention to violently attack the Muslim population, including in his presence.⁵²⁹ **YEKATOM** failed to take action regarding his subordinates’ crimes and behaviour despite his awareness of them.⁵³⁰

⁵²² **P-1839**: [CAR-OTP-2072-0946-R02](#), at 0955-0957, 1.320-378.

⁵²³ **P-0974**: [CAR-OTP-2058-0165-R01](#), at 0179, para.94; **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0186, para.87.

⁵²⁴ See *below*, paras.258-260, 305, 350, 363.

⁵²⁵ See *below*, para.305. See also **P-0954**: [CAR-OTP-2048-0171-R01](#), at 0185-0186, paras.81-88; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0746-0749, 0751, 0754, 0759, paras.39-52, 54, 57, 68, 94, 118; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0570-0571, 0578, paras.98-101, 149; **P-1839**: [CAR-OTP-2072-0521-R01](#), at 0528, 1.251-269; **P-1839**: [CAR-OTP-2072-0946-R02](#), at 0962, 1.555-591.

⁵²⁶ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0748-0749, paras.51-52, 54; see also: **P-1921**: [CAR-OTP-2081-0072-R01](#), at 0085, para.71.

⁵²⁷ See *e.g.* **P-1792**:[CAR-OTP-2115-0216](#), at 0222, para.38; **P-2013**: [CAR-OTP-2075-1751-R01](#), at 1760, para.36; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0562, 0564, 0568-0569, 0573, paras.40, 56, 82-89, 115.

⁵²⁸ See *below*, paras.361-364.

⁵²⁹ See *above*, para.220.

⁵³⁰ See *e.g.* **P-1839**: [CAR-OTP-2072-0946-R02](#), at 0963-0964, 1.623-645, [CAR-OTP-2072-1068-R01](#), at 1073-1075, 1.160-214; **P-0888**: [CAR-OTP-2031-0217-R01](#), at 0222, para.36.

He requested and received updates regarding the situation on the ground,⁵³¹ and was present when his men committed certain crimes.⁵³²

231. **YEKATOM** – who conversely committed crimes in his subordinates’ presence⁵³³ – also did not prevent or punish their crimes, but tolerated them within the ranks of his group. He not only “didn’t care”,⁵³⁴ but readily redeployed them to areas where they committed similar crimes.

232. Despite his awareness of their conduct and crimes, **YEKATOM** took no action. As a FACA officer, **YEKATOM** was under a legal duty under international law, *inter alia*, to take steps to prevent the Anti-Balaka from harming Muslim civilians, and particularly prisoners within his custody or control or that of his elements.⁵³⁵ **YEKATOM** had the material ability to protect civilians and prisoners, and failed to act. He instead endorsed the actions of his group explicitly and implicitly. Through his positive contributions outlined above and his omissions outlined below, **YEKATOM** tacitly approved of and encouraged his group’s commission of crimes, as well as created a climate of impunity within his ranks which further encouraged and enabled their commission. By failing to discharge his legal duty, **YEKATOM** is also criminally responsible for omission, or for the *commission* of the crimes charged by omission.

233. **YEKATOM** failed to act in the following ways despite his legal duty as a FACA officer having custody or control of civilians and prisoners, and his role vis-à-vis the conduct of his subordinates as a military commander:

- i. Halting the military operations or actions of YEKATOM’s Group, and withdrawing them from deployments in BANGUI (including CATTIN),

⁵³¹ **P-1647**: [CAR-OTP-2050-0654-R01](#), at 0662, para.51; **P-1839**: [CAR-OTP-2072-0822-R01](#), at 0838, 1.571-583.

⁵³² See *below*, para.305.

⁵³³ See *above*, para.226.

⁵³⁴ **P-1839**: [CAR-OTP-2072-0946-R02](#), at 0963-0964, 1.623-645.

⁵³⁵ See *e.g.*, *Prosecutor v. Mrksic and Sljivancanin*, IT-95-13/1-A Appeal Judgement, paras.72-73 (recognising that international law imposes a duty on an agent of a detaining power (i.e., an official of the State, such as military personnel) to protect prisoners); **P-1019**: [CAR-OTP-2094-1475-R01](#), at 1516, 1518, 1.1397-1412, 1454-1479 (confirming that civil servants and military retained their status and ranks through DJOTODIA’s tenure).

BOEING, and areas in south-western CAR, such as along the PK9 – MBAIKI axis, and BATALIMO;⁵³⁶

- ii. Protecting Muslim civilians within the custody or control of YEKATOM's Group while under a duty to do so as a FACA officer, among other, including by ensuring the humane treatment of detainees;⁵³⁷
- iii. Disbanding YEKATOM's Group;⁵³⁸
- iv. Banning or expelling members of YEKATOM's Group harbouring Anti-Muslim animus and/or who had previously committed, led, or assisted in the commission of crimes against Muslim civilians;⁵³⁹
- v. Expressing public disapproval and criticism of criminal conduct by members of YEKATOM's Group;
- vi. Reporting crimes by members of YEKATOM's Group and/or other members of the Anti-Balaka to international forces, such as SANGARIS, MISCA, MINUSCA, BINUCA, etc., and/or domestic authorities for investigation and prosecution;
- vii. Establishing an effective military police or similar unit to arrest perpetrators within YEKATOM's Group for crimes against Muslim civilians, particularly those motivated by anti-Muslim animus;
- viii. Providing members of YEKATOM's Group with effective training in International Humanitarian Law and in the proper engagement with civilians during military operations;

⁵³⁶ See above, paras.212-213.

⁵³⁷ See below, para.305.

⁵³⁸ See above, para.210.

⁵³⁹ See above, para.223.

- ix. Creating, promulgating, and enforcing a code of conduct for YEKATOM's Group, reflecting the rules of International Humanitarian Law;⁵⁴⁰
- x. Issuing clear orders, directions, or instructions to members of YEKATOM's Group to refrain from harming, attacking, or targeting civilians, particularly Muslim civilians, including interfering with convoys of persons or goods, access to humanitarian aid, medicine, and personal property, and to comply with International Humanitarian Law;
- xi. Refraining from using, espousing and/or tolerating violent and inflammatory rhetoric against CAR's Muslim population by members of YEKATOM's Group;⁵⁴¹
- xii. Disciplining and punishing members of YEKATOM's Group involved in the commission of crimes, particularly against Muslim civilians, and/or who failed themselves to punish the commission of such crimes by their subordinates;⁵⁴²
- xiii. Issuing necessary and reasonable directives or instructions to prohibit or stop the commission of crimes by members of YEKATOM's Group, particularly against Muslim civilians;⁵⁴³
- xiv. Properly exercising control over YEKATOM's Group;
- xv. Refraining from enlisting children under age fifteen into YEKATOM's Group, and using such children in hostilities; and issuing clear orders, directions, or instructions to members of his group to prohibit their enlistment and use.⁵⁴⁴

⁵⁴⁰ *See above*, para.210.

⁵⁴¹ *See above*, para.219.

⁵⁴² To the contrary, YEKATOM ordered their commission: *see below*, paras.258-260, 305, 350, 363.

⁵⁴³ To the contrary, YEKATOM ordered their commission: *see below*, paras.258-260, 305, 350, 363.

⁵⁴⁴ To the contrary, YEKATOM himself used children under the age of 15 in combat activities, *see below*, paras.361-364.

H. YEKATOM HAD THE REQUIRED KNOWLEDGE AND INTENT

234. **YEKATOM**, in concert with YEKATOM's Group, committed the crimes charged in Counts 1-8, 11-17, and 24-29 pursuant to the *Operational Common Plan* - the violent targeting of the Muslim civilian population in BANGUI (including CATTIN), BOEING, and areas in south-western CAR, such as along the PK9 – MBAIKI axis, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka, on religious, racial, national, ethnic and/or cultural grounds.

235. **YEKATOM** intended the crimes charged in Counts 1-8, 11-17, and 24-29 and/or was aware that implementing the *Operational Common Plan* would, in the ordinary course of events, result in his group's commission of these crimes. Being a plan to violently target the Muslim civilian population in his area of control, the *Operational Common Plan* inherently entailed the commission of such crimes. As his group's leader, **YEKATOM** knew that implementing the plan would, with certainty, result their commission of crimes, including Counts 1-8, 11-17, and 24-29. He was also fully aware and intended that these crimes would be committed in furtherance of the *Common Purpose* and the Anti-Balaka policy.

236. **YEKATOM**'s intent to commit the crimes charged is shown by his participation, including his planning, ordering and personally leading the attacks against Muslim civilians in BANGUI (including CATTIN⁵⁴⁵), BOEING, and areas in south-western CAR, such as along the PK9-MBAIKI axis,⁵⁴⁶ as well as his ordering the crimes, including with regard to the beating and torture of persons detained at the YAMWARA School Base in his presence.⁵⁴⁷

237. **YEKATOM**'s intent regarding the enlistment and use of children under age 15 in hostilities in his group is demonstrated by his ordering at least some to participate in operations, including the 5 December 2013 Attack, his stationing them at the YAMWARA School Base, and his demobilisation of some 153 children in his group – which included

⁵⁴⁵ See below, paras.257-260.

⁵⁴⁶ See below, paras.348-351.

⁵⁴⁷ See below, paras.303-306.

several under age 15 in August 2014 – and further negotiated undertaking to refrain from *re-recruiting* them.⁵⁴⁸

238. **YEKATOM**'s persecutory intent is shown by the explicit and violent anti-Muslim language he used,⁵⁴⁹ as well as that which his subordinates used in his presence.⁵⁵⁰

239. **YEKATOM**'s knowledge of his crimes and those of his and other Anti-Balaka elements is further demonstrated by the documents informing him of these crimes, including the February 2014 warrant for his arrest by the domestic authorities in CAR, which resulted in the arrest of 10 members of the National Coordination in February 2014.⁵⁵¹

240. As the incidents described below demonstrate, there are substantial grounds to believe that, regarding the charged article 7(1) crimes, **YEKATOM** knew and/or intended that the conduct was part of a widespread or systematic attack directed against a civilian population. Further, **YEKATOM** was aware of the following factual circumstances: (i) the lawful presence of Muslim civilians in the relevant locations from which they were forcibly transferred, deported or displaced, and that their displacement was not justified by security or military necessity, or other legally permissible grounds; (ii) the gravity of the conduct underlying imprisonment and severe deprivation of liberty of detained persons in his areas of control, and the character thereof; (iii) that the acts amounting to 'torture' did not arise from, and were not inherent or incidental to, any lawful sanction; and (iv) the character of the acts amounting to 'inhumane acts'.

241. As the incidents described below demonstrate, substantial grounds exist to believe that, regarding the charged article 8(2)(c) and (e) crimes, **YEKATOM** was aware, *inter alia*, of the following factual circumstances: (i) the existence of an armed conflict; (ii) the intended objects of attack in his areas of control included the Muslim civilian population as such, individual civilians, persons *hors de combat*, and mosques which were not military objectives; and NGOs and persons intending to provide humanitarian aid to the

⁵⁴⁸ See below, paras.361-364.

⁵⁴⁹ See above, para.219.

⁵⁵⁰ See above, para.220.

⁵⁵¹ [CAR-OTP-0080-0685](#), at 0686; [CAR-OTP-2025-0380](#), at 0382; see also [CAR-OTP-2006-1210](#), at 1211-1212.

Muslim civilian population; (iii) that persons killed, mutilated, displaced, subject to cruel treatment, torture, and/or outrages upon personal dignity, were civilians taking no active part in hostilities, or persons *hors de combat*; (iv) that children under age 15 were enlisted in YEKATOM's Group and used in hostilities, alternatively, such circumstances should have been known; and (v) that property of the adversary was protected under international law and its destruction was not justified by military necessity.

VII. CRIMES COMMITTED BY THE ANTI-BALAKA

242. The Charged Crimes were committed pursuant to an Anti-Balaka policy which entailed the targeting of the Muslim population in western CAR, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka. The crimes were also committed in the implementation of the *Strategic Common Plan* and pursuant to the *Common Purpose*, as described above.⁵⁵²

243. From September 2013 onwards, the Anti-Balaka expelled, hunted down, killed, and injured members of the Muslim population and others perceived to have supported the Seleka.

244. Substantial grounds exist to believe that **YEKATOM** and **NGAISSONA** are criminally responsible for Anti-Balaka crimes committed in western CAR, as specified herein:

A. BANGUI (including CATTIN) and BOEING

a) *General*

245. BANGUI is the capital of CAR. It is situated on the OUBANGUI River, just across from ZONGO, DRC. In 2011, its population stood at 740,000.⁵⁵³ Before the conflict, approximately 130,000 Muslims resided in the city's⁵⁵⁴ neighbourhoods and 8

⁵⁵² See above, paras.121-126, 186-195.

⁵⁵³ [CAR-OTP-2001-3319](#), at 3321.

⁵⁵⁴ [CAR-OTP-2001-4429](#), at 4429.

arrondissements, including CATTIN (located in the 3^e *arrondissement*).⁵⁵⁵ BOEING is located within BIMBO, adjacent to BANGUI.⁵⁵⁶

b) *Crimes committed*

Count 1 – Attack directed against the civilian population (article 8(2)(e)(i))

246. As mentioned above, in the early morning hours of 5 December 2013, the Anti-Balaka mounted a coordinated attack on BANGUI and BOEING (*i.e.*, 5 December 2013 Attack).⁵⁵⁷

247. **YEKATOM**, who had agreed with MOKOM to participate in the attack,⁵⁵⁸ moved his troops from KALANGOI *via* PROJET to attack BOEING.⁵⁵⁹ Thereafter, **YEKATOM** and his elements moved on to attack CATTIN,⁵⁶⁰ killing at least four Muslims. While retreating from CATTIN back to BOEING, members of YEKATOM’s Group shouted that they would first kill DJOTODIA, and then return to kill *all* Muslims.⁵⁶¹

248. There was no indication that any of the victims were Seleka, armed, or otherwise engaged in combat.⁵⁶²

249. The following submissions under Counts 2-3 (murder), Counts 4-5 (forcible transfer), Count 6 (attacks against buildings dedicated to religion), Count 7 (destruction

⁵⁵⁵ [CAR-OTP-2001-4493](#), at 4493; [CAR-OTP-2020-0019](#), at 0029; [CAR-OTP-0080-0840](#), at 0842.

⁵⁵⁶ [CAR-OTP-2101-1231](#), at 1231; [CAR-OTP-2092-2981](#), at 2983. *See* Annex F(3) (Bangui Map).

⁵⁵⁷ *See above*, paras.53-59.

⁵⁵⁸ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2576, 2578, paras.38, 45. CDR show that both during and immediately prior to the 5 December 2013 attack, YEKATOM communicated with other leading members of the Anti-Balaka, including MOKOM, KAMEZOLAI, NGREMANGOU and Vivien BEINA. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 5.5.

⁵⁵⁹ **P-2125**: [CAR-OTP-2082-0299-R01](#), at 0321, paras.126-131; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0751, paras.67-71; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0571, 0572, paras.102-108.

⁵⁶⁰ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0752, para.77; **P-1819**: [CAR-OTP-2065-0003-R01](#), at 0022; [CAR-OTP-2101-0340](#), at 0340; [CAR-OTP-2012-0523](#), from [00:18:00] to [00:18:14], and its transcript [CAR-OTP-2072-0558](#) at 0572, 1,441-449; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0182, paras.87-88; **P-1528**: [CAR-OTP-2048-0757-R01](#), at 0762, para.30.

⁵⁶¹ **P-1528**: [CAR-OTP-2048-0757-R01](#), at 0762, para.30.

⁵⁶² **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0752, para.77; **P-1528**: [CAR-OTP-2048-0757-R01](#), at 0762-0763, para.31; [CAR-OTP-2101-0340](#), at 0340.

of the adversary's property), and Count 8 (persecution) qualify as the underlying conduct of the war crime of attack directed against the civilian population.

Count 2 – Murder (article 7(1)(a))

Count 3 – Murder (article 8(2)(c)(i))

250. During the attack on BOEING, **YEKATOM**'s elements killed at least six Muslim civilians (including traders at the BOEING Market⁵⁶³). Among the victims were Nina PASCAL, and Hassan MAHAMAT and his family members.⁵⁶⁴

251. During the attack on CATTIN, elements of **YEKATOM**'s Group killed at least another four Muslims.⁵⁶⁵

Count 4 – Forcible transfer, deportation (article 7(1)(d))

Count 5 – Displacement (article 8(2)(e)(viii))

252. In response to Anti-Balaka attacks, from 5 December 2013 onwards the Muslim residents of CATTIN and BOEING were forced to flee their homes and communities to the predominantly Muslim neighbourhood of PK5, to other parts of CAR, or to neighbouring countries fearing for their safety.⁵⁶⁶

253. The 5 December 2013 Attack and its aftermath caused the number of internally displaced people in the *3^e arrondissement* to increase by 100,000 in the first month thereafter alone, before being dropped to 20,000 in early March,⁵⁶⁷ as people fled BANGUI and BOEING. The attack on BOEING and CATTIN by **YEKATOM** and his group contributed to the Muslim exodus in western CAR. In 2014, approximately 99% of the city's Muslim population was gone.⁵⁶⁸ Many of those remaining were confined to PK5

⁵⁶³ **P-1528**: [CAR-OTP-2048-0757-R01](#), at 0762, para.27; **P-1416**: [CAR-OTP-2045-0150-R01](#), at 0159; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0572, paras.106, 108, 111.

⁵⁶⁴ **P-1437**: [CAR-OTP-2047-0257-R01](#), at 0263, paras.45-46; **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0751-0752, paras.71-72; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0572, paras.106, 108, 111; **P-1452**: [CAR-OTP-2048-0682-R01](#), at 0693; **P-2125**: [CAR-OTP-2082-0299-R01](#), at 0321-0322, paras.127-129; **P-1588**: [CAR-OTP-2056-0412-R01](#), at 0421-0422.

⁵⁶⁵ See above, paras.247-248.

⁵⁶⁶ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0752, para.74; **P-1528**: [CAR-OTP-2048-0757-R01](#), at 0764, 0765, paras.39, 49; **P-1839**: [CAR-OTP-2072-0578-R01](#), at 0584, l.183-218; [CAR-OTP-2101-0340](#), at 0340.

⁵⁶⁷ [CAR-OTP-2110-0460](#), at 0460.

⁵⁶⁸ [CAR-OTP-2083-0437](#), at 0474.

unable to leave it without risking death (“PK5 Enclave”).⁵⁶⁹ They were forced to endure the lack of adequate food, shelter, and sanitation.⁵⁷⁰

Count 6 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))

Count 7 – Destruction of the adversary’s property (article 8(2)(e)(xii))

254. By 20 December 2013 at the latest, **YEKATOM** ordered the destruction of the BOEING mosque — members of YEKATOM’s Group carried out the order, using rockets and grenades to destroy the Mosque’s walls and then burned it down.⁵⁷¹ OUANDJIO, Habib BEINA, Junior KEMPES (“KEMPES”), YEKATOM’s brother Junior SARAGBA (“SARAGBA”), and “NAMKOISSE” participated in the crime.⁵⁷²

Count 8 – Persecution (article 7(1)(h))

255. The crimes and acts described above were committed by **YEKATOM**, YEKATOM’s Group, and other Anti-Balaka elements, in a coordinated effort to cleanse BOEING and CATTIN of their Muslim populations, if not all of BANGUI. That effort demonstrates a common plan or purpose involving YEKATOM’s Group, its leadership, and other elements under the *de facto* Coordination, to violently target the Muslim civilian population in BOEING and CATTIN, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.⁵⁷³

256. The Anti-Balaka’s attack on, and murder of, Muslim civilians in BOEING and CATTIN; their expulsion; the destruction of their place of worship; and the commission of violent crimes and acts, all severely deprived Muslims in BOEING and CATTIN of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

⁵⁶⁹ [CAR-OTP-2053-0538](#), at 0538-0539; **P-1394**: [CAR-OTP-2073-0775-R01](#), at 0781, para.34; **P-2328**: [CAR-OTP-2099-0165-R01](#) at 0781, para.174; **P-1921**: [CAR-OTP-2081-0072-R01](#), at 0077, 0080, paras.30, 42-43.

⁵⁷⁰ **P-1394**: [CAR-OTP-2073-0775-R01](#), at 0781, para.34.

⁵⁷¹ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0749, paras.53-54; **P-1437**: [CAR-OTP-2047-0257-R01](#), at 0267, para.73; **P-2125**: [CAR-OTP-2082-0299-R01](#), at 0317, paras.102-104.

⁵⁷² **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0749, 0750, paras.53, 63.

⁵⁷³ *See above*, paras.186-189, 194-195.

c) *Direct perpetrators of the crimes*

257. **YEKATOM** and elements of his group committed the attack on BOEING and CATTIN and the constituent crimes.

258. *First*, before its execution, **YEKATOM** instructed his elements on the plan, telling them that they would attack Muslims *and* Seleka at the BOEING Market.⁵⁷⁴

259. *Second*, **YEKATOM** led his troops during the attack on BOEING⁵⁷⁵ and CATTIN⁵⁷⁶ and took active part in the hostilities.⁵⁷⁷ As previously stated, deputies OUANDJIO and Habib BEINA, and members KEMPES, SARAGBA, and NAMKOISSE participated in the commission of the crimes.⁵⁷⁸

260. *Third*, **YEKATOM** ordered the commission of crimes during and following the attack. He gave specific instructions to his elements to “shoot the Muslims” at the BOEING Market⁵⁷⁹ and ordered them to destroy the BOEING Mosque.⁵⁸⁰

d) *Knowledge and intent of YEKATOM*

261. **YEKATOM**'s knowledge and intent is demonstrated by the crimes he led, ordered and committed together with members of his group and other Anti-Balaka groups under the *de facto* Coordination during the 5 December 2013 Attack.

e) *Knowledge and intent of NGAISSONA*

262. **NGAISSONA** knew of and intended the crimes committed by **YEKATOM** and his elements in BOEING and CATTIN during the course of the 5 December 2013 Attack

⁵⁷⁴ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0751, paras.67-68; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0571, 0572, paras.102-108.

⁵⁷⁵ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0751, paras.67-71; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0568-0569, 0570, 0572 paras.86-89, 96-97, 102, 110; **P-2125**: [CAR-OTP-2082-0299-R01](#), at 0321, paras.126-131.

⁵⁷⁶ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0752, para.77; **P-1819**: [CAR-OTP-2065-0003-R01](#), at 0022; [CAR-OTP-2101-0340](#), at 0340; [CAR-OTP-2012-0523](#), from [00:18:00] to [00:18:14] and its transcript [CAR-OTP-2072-0558](#) at 0572, 1.441-449; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0182, paras.87-88.

⁵⁷⁷ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0751-0752, para.71.

⁵⁷⁸ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0749-0752, paras.53, 63 and 71.

⁵⁷⁹ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0751-0752, para.71.

⁵⁸⁰ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0749-0750, paras.53, 63.

acting pursuant to the *Operational Common Plan* and *Common Purpose*. These crimes were also committed in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population in western CAR, including in BOEING and CATTIN.

i. NGAISSONA knew about the situation in BOEING and CATTIN

263. **NGAISSONA** knew about the situation in BOEING and CATTIN. As a part of the *de facto* Coordination, he was fully aware of the situation in BANGUI and its surroundings on 5 December 2013.

264. The participation of **YEKATOM's** Group in the 5 December 2013 Attack was planned together with the *de facto* Coordination.⁵⁸¹ **YEKATOM** liaised and coordinated with **MOKOM** and other key members of the *de facto* Coordination to prepare for, and participate in, the 5 December 2013 Attack. Immediately before and also after the 5 December 2013 Attack, **YEKATOM** was in contact with **MOKOM** and other key Anti-Balaka leaders, including **WENEZOU**, **KAMEZOLAI** and **NGREMANGOU**.⁵⁸²

265. Moreover, as a key-member of **FROCCA**, which vindicated and supported the attack — with its Coordinator **BANOUEKA** commenting on it as it took place,⁵⁸³ **NGAISSONA** would have known about it as well. Further, the attack itself and the crimes committed as it was carried out by the Anti-Balaka were heavily (if not contemporaneously) reported in the media.⁵⁸⁴

266. After the 5 December 2013 Attack, **YEKATOM** continued to meet and coordinate with senior Anti-Balaka leaders, including **NGAISSONA**, **WENEZOU**, **MOKOM**, **KAMEZOLAI**, **FEISSONA**, **NGREMANGOU**, and other Anti-Balaka commanders.⁵⁸⁵

⁵⁸¹ See above, paras.53-59.

⁵⁸² See above, para.47, 204-206.

⁵⁸³ See above, paras.48-49.

⁵⁸⁴ See e.g.: [CAR-OTP-2001-4091](#); [CAR-OTP-2001-2035](#); [CAR-OTP-2042-5124](#); [CAR-OTP-2042-5290](#); [CAR-OTP-2051-1036](#); [CAR-OTP-2088-0039](#); [CAR-OTP-2012-0523](#), from [00:01:28] to [00:02:19] and its transcript [CAR-OTP-2072-0558](#) at 0560-0561, 1.20-51 – see commentary provided by **P-1819**: [CAR-OTP-2065-0003-R01](#), at 0013, paras.51-53; [CAR-OTP-2094-1895](#).

⁵⁸⁵ See above, paras.204-206.

ii. NGAISSONA intended and endorsed the situation in BOEING and CATTIN

267. NGAISSONA was aware of the crimes committed by YEKATOM and his group. Despite this knowledge, NGAISSONA did not condemn the commission of crimes, and did not act to end them. Instead, he validated YEKATOM's actions, by accepting YEKATOM's continued membership in the group, recognising him as a key member of the Anti-Balaka,⁵⁸⁶ and by inviting him to represent the Anti-Balaka at high-level meetings and negotiations, such as his assignment to represent the group in meetings with SAMBA-PANZA in January 2014, and at the July 2014 BRAZZAVILLE Summit.⁵⁸⁷

B. BOEING Muslim Cemetery

a) General

268. BOEING's Muslim cemetery⁵⁸⁸ is located west of M'Poko Airport and the PK5 Enclave.⁵⁸⁹

b) Crimes committed

Count 9 – Outrage upon personal dignity (article 8(2)(c)(ii))

269. Beginning on 5 December 2013, the Anti-Balaka blocked Muslims in PK5 from accessing the Muslim cemetery.⁵⁹⁰ Muslims in the PK5 Enclave dared not access the cemetery for fear that the Anti-Balaka would kill those who tried.⁵⁹¹

270. In the early part of December 2013, Anti-Balaka *lieutenant* Yvon DONOH's ("DONOH") group took control over the area surrounding the Muslim cemetery. They

⁵⁸⁶ See above, paras.204 -211.

⁵⁸⁷ See above, para.222.

⁵⁸⁸ Also referred to as the Muslim cemetery in BOEING 3. See e.g.: [CAR-OTP-2101-1231](#), at 1231.

⁵⁸⁹ See Annex F(2) (Bangui PK5 Map). For GPS coordinates see [CAR-OTP-2043-0196-R01](#), at 0197.

⁵⁹⁰ **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1563, para.182; **P-2050**: [CAR-OTP-2076-0911-R01](#), at 0916, para.29; **P-0475**: [CAR-OTP-2104-0116-R01](#), at 0132, 0137 paras.127, 169; [CAR-OTP-2092-2033](#), at 2038; [CAR-OTP-2101-1779-R01](#), at 1780; [CAR-OTP-2092-1584-R01](#), at 1585; [CAR-OTP-2053-0538](#), at 0541-0542; [CAR-OTP-2001-4505](#), at 4505.

⁵⁹¹ [CAR-OTP-2100-1914](#), from [00:01:12] to [00:01:37]; [CAR-OTP-2053-0538](#), at 0541-0542.

considered every Muslim in PK5 a part of the Seleka⁵⁹² — a widely held view among the Anti-Balaka⁵⁹³ and reflecting the group’s policy which entailed targeting Muslim civilians, including through violence.⁵⁹⁴

271. In August 2014, when the Seleka announced an intention to try to open access to the Muslim cemetery, multiple companies of the Anti-Balaka were sent to reinforce the blockade,⁵⁹⁵ which lasted until a non-aggression pact was signed in February 2016.⁵⁹⁶

272. As Muslims were blocked from using the cemetery, in many instances, bodies decomposed for lack of a place to bury them.⁵⁹⁷ Some had to be given over to the Red Cross for burial⁵⁹⁸ without regard to religious rites.⁵⁹⁹ Others had to be interred in inappropriate burial places, such as on the grounds of a Christian church in BANGUI⁶⁰⁰ or on family compounds.⁶⁰¹

Count 10 – Persecution (article 7(1)(h))

273. The crime and acts described above were committed as part of a coordinated effort to target the Muslim population, including in the 3^e *arrondissement*. The crime demonstrates a common plan or purpose involving the *de facto* Coordination and National Coordination, to target the Muslim population who, based on their religious, national or

⁵⁹² **P-1402:** [CAR-OTP-2070-0518-R01](#), at 0522, l.120-130.

⁵⁹³ [CAR-OTP-2072-1204](#), at 1205-1206; [CAR-OTP-2025-0372](#), at 0374; NGAISSONA used the same language in [CAR-OTP-2025-0362](#) at 0364. *See also* **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0252, paras.63-64; [CAR-OTP-2066-5308](#), from [00:01:50] to [00:03:31] and its transcript and translation [CAR-OTP-2107-6935](#), at 6937-6938, l.63-108, and [CAR-OTP-2107-7073](#), at 7076-7077, l.63-110; [CAR-OTP-2088-0977](#) and its transcript [CAR-OTP-2089-0323](#), at 0328, l.97-98; **P-1042:** [CAR-OTP-2107-0202-R01](#), at 0233-0234, l.1053-1069; **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0298, paras.56-57; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0247-0248, paras.158-162; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2401, para.63.

⁵⁹⁴ *See above*, paras.90-91.

⁵⁹⁵ **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0614, para.70.

⁵⁹⁶ [CAR-OTP-2101-1231](#), at 1231-1232; **P-1394:** [CAR-OTP-2073-0775-R01](#), at 0785, paras.61, 66.

⁵⁹⁷ [CAR-OTP-2053-0538](#), at 0541-0542; [CAR-OTP-2100-1914](#), from [00:00:00] to [00:02:39]; **P-2050:** [CAR-OTP-2076-1291](#), at 1291.

⁵⁹⁸ [CAR-OTP-2053-0538](#), at 0541-0542; **P-1676:** [CAR-OTP-2066-0105-R01](#), at 0117, paras.70-71; **P-1577:** [CAR-OTP-2085-9715](#), at 9715.

⁵⁹⁹ [CAR-OTP-2053-0538](#), at 0541-0542.

⁶⁰⁰ **P-0475:** [CAR-OTP-2104-0116-R01](#), at 0136, para.159.

⁶⁰¹ [CAR-OTP-2092-1584-R01](#), at 1585; [CAR-OTP-2001-4505](#), at 4505; **P-0475:** [CAR-OTP-2104-0116-R01](#), at 0136, para.159; **P-0589:** [CAR-OTP-2029-0014-R01](#), at 0022, para.54; **P-1676:** [CAR-OTP-2066-0105-R01](#), at 0117, para.72.

ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

274. Moreover, in blocking access to the Muslim cemetery and preventing Muslim civilians in and around the 3^e *arrondissement* and the PK5 Enclave in particular, from burying their dead according to Islamic principles,⁶⁰² which require, *inter alia*, a swift burial, the Anti-Balaka forced them to forego the observance of religious rites and access to appropriate burial places. This deprived Muslim civilians of fundamental rights, including to liberty, association, mental integrity, dignity, and religious freedom.

c) *Direct perpetrators of the crimes*

275. The area around the Muslim cemetery was controlled, and its access blocked, by various Anti-Balaka groups under the *de facto* Coordination and later, the National Coordination, during the Relevant Period.

276. As noted, between 5 and 10 December 2013, DONOH led an Anti-Balaka group in taking control over the area around the Muslim cemetery, blocking access.⁶⁰³ During this period, YEKATOM's Group was also briefly deployed near the cemetery at PROJET.⁶⁰⁴ They remained there until around early/mid-December, before being deployed to the YAMWARA School Base.⁶⁰⁵

277. Beyond this, the Anti-Balaka controlled BOEING and access to the Muslim cemetery over the long-term, as demonstrated by the involvement of key leadership figures in the matter, such as WENEZOU,⁶⁰⁶ NAMSIO,⁶⁰⁷ and NGREMANGOU.⁶⁰⁸

⁶⁰² P-0475: [CAR-OTP-2104-0116-R01](#), at 0136, paras.157-158; [CAR-OTP-2053-0538](#), at 0541-0542.

⁶⁰³ P-1074: [CAR-OTP-2094-0228-R01](#), at 0259, para.178; [CAR-OTP-2065-3228](#) and its transcript [CAR-OTP-2107-0016](#), at 0018.

⁶⁰⁴ P-0884: [CAR-OTP-2072-1814-R01](#), at 1834, 1.693-705.

⁶⁰⁵ See above, para.210.

⁶⁰⁶ [CAR-OTP-2014-0750](#), from [00:00:00] to [00:01:07] and its transcript and translation [CAR-OTP-2107-6891](#), at 6892, 1.1-38, [CAR-OTP-2107-7016](#), at 7018 1.1-38; P-0446: [CAR-OTP-2059-1523-R01](#), at 1543, 1.734-738; P-0446: [CAR-OTP-2059-1546-R02](#), at 1557, 1.376-381; P-1847: [CAR-OTP-2061-1534-R01](#), at 1563, para.182.

⁶⁰⁷ P-1074: [CAR-OTP-2094-0228-R01](#), at 0273-0274, paras.261-262.

⁶⁰⁸ P-0446: [CAR-OTP-2059-1672-R01](#), at 1691, 1.696-699 and [CAR-OTP-2059-1546-R02](#), at 1557, 1.376-381.

d) *The de facto Coordination and later the National Coordination were involved*

i. From December 2013, the direct perpetrators were in contact with the *de facto* Coordination and later the National Coordination

278. From the outset, the direct perpetrators were in contact with members of the *de facto* Coordination and later the National Coordination.

279. *First*, DONOH was in contact with MOKOM, who directed his participation in the 5 December 2013 Attack and the attack in BOEING.⁶⁰⁹ DONOH remained a ComZone in BOEING⁶¹⁰ and MOKOM also assigned him other leadership roles in the Anti-Balaka.⁶¹¹

280. *Second*, WENEZOU, a spokesman and key member of the Anti-Balaka leadership and later National Coordination, was stationed at BOEING.⁶¹²

281. *Third*, NAMSIO – who MOKOM proposed as an Anti-Balaka Coordinator in BANGUI in January 2014⁶¹³ and was later designated its spokesman in February 2014⁶¹⁴ – was directly involved in negotiating access. [REDACTED].⁶¹⁵

282. *Fourth*, NGREMANGOU, a key Anti-Balaka leader⁶¹⁶ in control of elements in BOEING,⁶¹⁷ was in contact with NGAISSONA, frequenting his house constantly.⁶¹⁸

ii. DONOH, NAMSIO, and WENEZOU received instructions and directions from the National Coordination

⁶⁰⁹ P-2232: [CAR-OTP-2090-0561-R02](#), at 0573, paras.78-79.

⁶¹⁰ [CAR-OTP-2030-0232](#), at 0232.

⁶¹¹ P-2232: [CAR-OTP-2090-0561-R02](#), at 0573, para.76.

⁶¹² [CAR-OTP-2014-0750](#), from [00:00:00] to [00:01:07] and its transcript and translation, [CAR-OTP-2107-6891](#), at 6892, l.1-38, [CAR-OTP-2107-7016](#), at 7018, l.1-38.

⁶¹³ [CAR-OTP-2030-0280](#), at 0280.

⁶¹⁴ [CAR-OTP-2025-0380](#), at 0384; [CAR-OTP-2006-1210](#) at 1213; [CAR-OTP-2035-0061](#), at 0061; P-1394: [CAR-OTP-2073-0775-R01](#), at 0783, para.48.

⁶¹⁵ P-1074: [CAR-OTP-2094-0228-R01](#), at 0273-0274, paras.261-262.

⁶¹⁶ [CAR-OTP-2030-0280](#), at 0281; [CAR-OTP-2101-2000](#), at 2001.

⁶¹⁷ P-0446: [CAR-OTP-2059-1672-R01](#), at 1691, l.696-699.

⁶¹⁸ P-0801: [CAR-OTP-2074-2159-R01](#), at 2187, l.968.

283. As members of the Anti-Balaka Coordinating Committee, DONOH, NAMSIO, and WENEZOU were subordinate and held allegiance to **NGAISSONA** as an Anti-Balaka leader and the group's National General Coordinator.⁶¹⁹

e) Knowledge and intent of NGAISSONA

284. **NGAISSONA** knew of and intended the blockade of the Muslim cemetery in BOEING by the Anti-Balaka acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. As explained above, **NGAISSONA** accepted that the implementation of the *Strategic Common Plan* would result in the violent targeting of the Muslim population in western CAR, including in BANGUI's 3^e *arrondissement* comprising PK5, and BOEING.

i. NGAISSONA knew about the blockade

285. **NGAISSONA** knew about the Anti-Balaka's blocking of access to the Muslim cemetery directly or through members of the National Coordination from its inception and throughout its duration until 2016.

286. *First*, the Anti-Balaka perpetrators were members of the *de facto* Coordination, National Coordination,⁶²⁰ or linked to them.

287. *Second*, **NGAISSONA** would have been made aware of the blockade by Anti-Balaka commanders or ComZones, MOKOM, or international forces: by 25 December 2013, Muslims in PK5 requested MINUSCA/MISCA escorts to the Muslim cemetery, as bodies started rotting.⁶²¹ MINUSCA/MISCA was in constant contact with **NGAISSONA** and informed him regularly of problems concerning the Anti-Balaka's activities.⁶²²

288. *Third*, **NGAISSONA** would have been made aware of the blockade by the CAR transition government, as the Muslim community repeatedly requested that the Anti-

⁶¹⁹ [CAR-OTP-2025-0380](#), at 0382-0384; [CAR-OTP-2006-1210](#) at 1213; [CAR-OTP-2101-4059](#), at 4059-4060.

⁶²⁰ *See above*, para.283.

⁶²¹ [CAR-OTP-2100-1914](#), from [00:00:00] to [00:00:18].

⁶²² **P-0801**: [CAR-OTP-2074-2335-R01](#), at 2347-2348, 1.397-404, 438-441.

Balaka be made to open access to the Muslim cemetery, and insisted that they be allowed dignified burials.⁶²³ The matter was discussed at meetings of the *Conseil des ministres* in July 2014⁶²⁴ and a solution sought by SAMBA-PANZA⁶²⁵ and NZAPAYEKE.⁶²⁶ Both were in contact with **NGAISSONA** about security-related issues during the Relevant Period.⁶²⁷ SAMBA-PANZA was regularly in contact with the Anti-Balaka to calm tensions.⁶²⁸

289. *Fourth*, **NGAISSONA** would have been aware of the blockade from media reports, and given his proximity and personal familiarity with the area. **NGAISSONA** grew up in nearby PK5⁶²⁹ and operated a business there.⁶³⁰ He also lived in BOY-RABE during the period of the blockade.⁶³¹ He knew that Muslim civilians confined to the PK5 Enclave due, in large part, to the actions of the Anti-Balaka, were being denied access to the Muslim cemetery.

ii. **NGAISSONA** intended and endorsed the situation

290. As noted, **NGAISSONA** was aware not only of the deplorable circumstances affecting the displaced Muslims forced into the PK5 Enclave, but the Anti-Balaka's blockade of their access to the BOEING Muslim cemetery.

291. *First*, **NGAISSONA**'s statements about the PK5 Enclave in April and May of 2014 concerned its disarming.⁶³² His public rhetoric referred to the Muslims confined there as

⁶²³ [CAR-OTP-2101-1779-R01](#), at 1780; [CAR-OTP-2092-1518-R01](#), at 1522; [CAR-OTP-2092-1584-R01](#), at 1585; [CAR-OTP-2053-0538](#), at 0541-0542; [CAR-OTP-2101-4083](#), at 4086.

⁶²⁴ [CAR-OTP-2092-2976](#), at 2977; [CAR-OTP-2092-2981](#), at 2983.

⁶²⁵ [CAR-OTP-2092-2976](#), at 2977.

⁶²⁶ [CAR-OTP-2092-2976](#), at 2977.

⁶²⁷ **P-0884**: [CAR-OTP-2072-1479-R01](#), at 1483, 1.124-148; **P-0801**: [CAR-OTP-2074-2195-R01](#), at 2199, 1.126-132.

⁶²⁸ **P-0884**: [CAR-OTP-2072-1440-R01](#), at 1459, 1.635-654.

⁶²⁹ **P-0589**: [CAR-OTP-2029-0014-R01](#), at 0024, para.68.

⁶³⁰ [CAR-OTP-2077-0128](#), at 0128; [CAR-OTP-2077-0125](#), at 0125; [CAR-OTP-2077-0126](#), at 0126; [CAR-OTP-2077-0124](#), at 0124.

⁶³¹ **P-2012**: [CAR-OTP-2091-0127-R01](#), at 0133, paras.28-30; **P-2012**: [CAR-OTP-2091-0339](#), at 0339; **P-0801**: [CAR-OTP-2074-2294-R01](#), at 2295, 1.32-34; **P-2050**: [CAR-OTP-2076-0911-R01](#), at 0930, para.101; *See also* [CAR-OTP-2077-0141](#); **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0577, para.102; [CAR-OTP-2066-1601](#), at 1715, 1797.

⁶³² [CAR-OTP-2014-0749](#), from [00:02:09] to [00:02:41]; [CAR-OTP-2006-1208](#), at 1209.

“*malfrats*”,⁶³³ to justify their situation; but never to the thousands of Muslim civilians trapped within the enclave under threat by the Anti-Balaka.

292. *Second*, when WENEZOUÏ first held meetings with Muslim representatives to secure their access to the cemetery in and around August – September 2014, he was considered a traitor by the movement,⁶³⁴ and publically disciplined by **NGAISSONA** for not respecting the hierarchy.⁶³⁵

293. *Third*, as noted below, **NGAISSONA** and **MOKOM** participated in negotiations regarding cemetery access in mid-2015. However, Anti-Balaka ComZones only committed to allowing access some six months later.⁶³⁶ [REDACTED].⁶³⁷ [REDACTED].⁶³⁸ At another meeting again around mid-2015, the Muslims were escorted to the meeting in **SANGARIS** forces’ military vehicles. **NGAISSONA**, **MOKOM**, and **NAMSIO** represented the Anti-Balaka. In this meeting, the Muslim community again explained problems related to the PK5 Enclave, including the continued lack of access to the Muslim cemetery. This meeting too, led to no specific resolution.⁶³⁹

294. Despite his clear knowledge of the blockade, instead of condemning the participation of the Anti-Balaka, or acting to withdraw Anti-Balaka forces and ensure the Muslims’ access, **NGAISSONA** validated their conduct. For example, he sanctioned **DONOH**’s continued membership in the group by affirming his position as a ComZone in **BANGUI** in December 2014.⁶⁴⁰ Moreover, he and other members of the National Coordination

⁶³³ [CAR-OTP-2006-1208](#), at 1209.

⁶³⁴ **P-1193**: [CAR-OTP-2045-0048-R02](#), at 0054, paras.36-37; **P-0888**: [CAR-OTP-2108-0333-R01](#), at 0341, para.83 and [CAR-OTP-2031-0217-R01](#), at 0225, para.49.

⁶³⁵ [CAR-OTP-2101-4166](#), at 4169; [CAR-OTP-2092-1732](#), at 1733; [CAR-OTP-2030-0521](#), at 0521.

⁶³⁶ [CAR-OTP-2092-2968](#), at 2968; *See also* [CAR-OTP-2092-2981](#), at 2983; **P-1394**: [CAR-OTP-2073-0775-R01](#), at 0783, para.45; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0273-0274, paras.261-262.

⁶³⁷ **P-1394**: [CAR-OTP-2073-0775-R01](#), at 0783, para.46.

⁶³⁸ **P-1394**: [CAR-OTP-2073-0775-R01](#), at 0783-0784, paras.48, 50-53.

⁶³⁹ **P-1394**: [CAR-OTP-2073-0775-R01](#), at 0784,0785, paras.54-56 and 60.

⁶⁴⁰ [CAR-OTP-2030-0445](#), at 0449.

allowed the Anti-Balaka's protracted blockade of the Muslim cemetery and the participation of the group's members in it, which continued for years.

C. YAMWARA School Base (BOEING)

a) General

295. As noted above, **YEKATOM** established the YAMWARA School Base after the 5 December 2013 Attack.⁶⁴¹

b) Crimes committed

Count 11 – Inhumane acts (article 7(1)(k))

Count 12 – Torture (article 7(1)(f))

Count 13 – Mutilation, cruel treatment and torture (article 8(2)(c)(i))

Count 14 – Imprisonment and other forms of severe deprivation of physical liberty (article 7(1)(e))

Count 15 – Murder (article 7(1)(a))

Count 16 – Murder (article 8(2)(c)(i))

296. On or about [REDACTED] December 2013, **YEKATOM**'s elements kidnapped [REDACTED] people [REDACTED] and brought them to the YAMWARA School Base.⁶⁴²

297. **YEKATOM** and his subordinates subjected the abductees to severe physical and mental injury. **YEKATOM**'s subordinate told them that they would die, a threat **YEKATOM** agreed with.⁶⁴³ **YEKATOM** accused the abductees of being traitors, adding that "traitors deserve to die".⁶⁴⁴

⁶⁴¹ See above, para.210.

⁶⁴² **P-1705**: [CAR-OTP-2053-0086-R01](#), at 0089-0090, paras.18-26; **P-1704**: [CAR-OTP-2054-1136-R01](#), at 1140-1142, paras.25-31, 35; **P-1811**: [CAR-OTP-2058-0003-R01](#), at 0007, paras.23-28; [CAR-OTP-2050-0737-R01](#). See Annex F(3) (Bangui Map).

⁶⁴³ **P-1705**: [CAR-OTP-2053-0086-R01](#), at 0090-0091, paras.27, 29-31.

⁶⁴⁴ **P-1704**: [CAR-OTP-2054-1136-R01](#), at 1143, para.35.

298. **YEKATOM** ordered his subordinates to tie up one of the abductees, [REDACTED], and to cut off his ear.⁶⁴⁵ [REDACTED] was tied up, beaten with vehicle brake cables and wooden clubs, had his ear cut off, and was stabbed by deputy OUANDJIO.⁶⁴⁶

299. Three other abductees were beaten with wooden clubs on **YEKATOM**'s orders.⁶⁴⁷

300. While [REDACTED] abductees were eventually released on or around [REDACTED] December 2013,⁶⁴⁸ [REDACTED] was never seen again and is presumed dead.⁶⁴⁹

Count 17 – Persecution (article 7(1)(h))

301. The crimes and acts described above were committed by **YEKATOM**, **YEKATOM**'s Group, and other Anti-Balaka elements, in a coordinated effort to target the Muslim population. That effort demonstrates a common plan or purpose involving **YEKATOM**'s Group, its leadership, and other elements under the *de facto* Coordination, to violently attack Muslim civilians, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.⁶⁵⁰

302. The attack on, beating, torture, and murder of civilians on the basis of their association with Muslims severely deprived the victims of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

⁶⁴⁵ P-1704: [CAR-OTP-2054-1136-R01](#), at 1143, paras.37-38.

⁶⁴⁶ P-1704: [CAR-OTP-2054-1136-R01](#), at 1143, paras.37-38; P-1705: [CAR-OTP-2053-0086-R01](#), at 0090-0091, paras.27, 29-39; P-1654: [CAR-OTP-2053-0112-R01](#), at 0116-0117, paras.31-35; P-1811: [CAR-OTP-2058-0003-R01](#), at 0009, paras.35-39.

⁶⁴⁷ P-1704: [CAR-OTP-2054-1136-R01](#), at 1143-1144, paras.37-43; P-1705: [CAR-OTP-2053-0086-R01](#), at 0091, para.38; P-1654: [CAR-OTP-2053-0112-R01](#), at 0116-0117, paras.31-35.

⁶⁴⁸ P-1704: [CAR-OTP-2054-1136-R01](#), at 1147, para.60.

⁶⁴⁹ P-1704: [CAR-OTP-2054-1136-R01](#), at 1143, para.38; P-1705: [CAR-OTP-2053-0086-R01](#), at 0091-0092, paras.37, 47; P-1654: [CAR-OTP-2053-0112-R01](#), at 0118, para.48; P-1811: [CAR-OTP-2058-0003-R01](#), at 0009, para.37.

⁶⁵⁰ See above, paras.186-189, 194-195.

c) *Direct perpetrators of the crimes*

303. **YEKATOM** and his elements committed the crimes against [REDACTED] and the other abductees.

304. *First*, the charged crimes took place at the YAMWARA School Base.⁶⁵¹

305. *Second*, **YEKATOM** ordered the commission of the crimes. As stated above, **YEKATOM** ordered his subordinates to tie up [REDACTED] and to cut off his ear. He also ordered the beating of three other abductees.⁶⁵²

306. *Third*, **YEKATOM** was present and personally witnessed the charged crimes being executed by his subordinates, including OUANDJIO.⁶⁵³ **YEKATOM** threatened the abductees personally.⁶⁵⁴

d) *Knowledge and intent of YEKATOM*

307. **YEKATOM**'s knowledge and intent is shown by his ordering, endorsement of, and presence during the commission of the crimes.

e) *The de facto Coordination and later the National Coordination were involved*

i. From December 2013, the direct perpetrators were in contact with the de facto Coordination and later the National Coordination

308. From the outset, the direct perpetrators were in contact with members of the *de facto* Coordination and later the National Coordination. OUANDJIO personally confirmed to [REDACTED] that they were abducted by **YEKATOM**'s Group,⁶⁵⁵ while Zone Coordinator YAGOUZOU [REDACTED] involved in informing the government and the then BANGUI Mayor SAMBA-PANZA of the abduction and the handover of

⁶⁵¹ See above, paras.210, 296.

⁶⁵² See above, para.298.

⁶⁵³ See above, para.298.

⁶⁵⁴ See above, para.297.

⁶⁵⁵ [REDACTED].

[REDACTED] abductees to SANGARIS forces on or around [REDACTED] December 2013.⁶⁵⁶

309. Moreover, about 26 Anti-Balaka leaders met at the YAMWARA School Base, on or around the same day. Participants included **YEKATOM**, [REDACTED], among others.⁶⁵⁷

ii. [REDACTED], YAGOUZOU and [REDACTED] received instructions and directions from the National Coordination

310. As members of the National Coordination, [REDACTED], YAGOUZOU and [REDACTED] were subordinate and held allegiance to **NGAISSONA** as an Anti-Balaka leader and the group's National General Coordinator.⁶⁵⁸

f) Knowledge and intent of NGAISSONA

311. **NGAISSONA** knew of and intended the crimes committed by **YEKATOM** and his elements at the YAMWARA School Base pursuant to the *Operational Common Plan* and the *Common Purpose*. These crimes were also committed in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed, together with others. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population in western CAR, including in BOEING.

i. NGAISSONA knew about the situation at the YAMWARA School Base

312. As explained above, key members of the *de facto* Coordination were directly involved in the release of the hostages from **YEKATOM**'s base. In addition, the government and SAMBA-PANZA were also well aware of the situation at the time.⁶⁵⁹

⁶⁵⁶ [REDACTED].

⁶⁵⁷ [REDACTED].

⁶⁵⁸ [CAR-OTP-2025-0380](#), at 0382-0384; [CAR-OTP-2006-1210](#), at 1213; [CAR-OTP-2101-4059](#), at 4059-4061. KONATE was also a former member of BOZIZE's PG, and Anti-Balaka Chief of Staff in PK12 (BANGUI). [CAR-OTP-2062-0039-R01](#), at 0060, para.132; [CAR-OTP-2001-5365](#), at 1.5.

⁶⁵⁹ See above, para.308.

NGAISSONA would have known about the abduction of the hostages and the crimes committed against them by **YEKATOM** and his group as well.

313. Furthermore, **YEKATOM**'s Group operated under the *de facto* Coordination and, after its formal establishment in January 2014, the National Coordination, reporting to and/or coordinating with the Anti-Balaka leadership, including **NGAISSONA**.⁶⁶⁰

314. After the 5 December 2013 Attack, **YEKATOM** continued to meet and coordinate with senior Anti-Balaka leaders, including **NGAISSONA**, **WENEZOU**, **MOKOM**, **KAMEZOLAI**, **FEISSONA**, **NGREMANGOU**, and other Anti-Balaka commanders,⁶⁶¹ including at the **YAMWARA** School Base on or around the day of the hostages' release.⁶⁶²

ii. **NGAISSONA intended and endorsed the situation at the YAMWARA School Base**

315. **NGAISSONA** was aware of the crimes committed by **YEKATOM** and his group. Despite this, **NGAISSONA** did not condemn their commission or act to end them. Instead, he validated **YEKATOM**'s actions by accepting **YEKATOM**'s continued membership in the group, recognising him as a key member of the Anti-Balaka,⁶⁶³ and by designating him to represent the Anti-Balaka at high-level meetings and negotiations, such as meetings with **SAMBA-PANZA** in January 2014, and the July 2014 **BRAZZAVILLE** Summit.⁶⁶⁴

D. **BOY-RABE** Base

a) *General*

316. Upon his return from **CAMEROON**, **NGAISSONA** placed his father's residence in **BOY-RABE** at the disposal of the Anti-Balaka, to be used as the seat of the National Coordination.⁶⁶⁵

⁶⁶⁰ See above, para.206.

⁶⁶¹ See above, paras.204-206.

⁶⁶² See above, para.309.

⁶⁶³ See above, paras.203-206, 211.

⁶⁶⁴ See above, para.222.

⁶⁶⁵ See above, para.138.

b) *Crimes committed*

Count 18 – Imprisonment and other forms of severe deprivation of physical liberty (article 7(1)(e))

Count 19 – Cruel treatment (article 7(1)(f))

Count 20 – Cruel treatment (article 8(2)(c)(i))

Count 21 – Rape (article 7(1)(g))

Count 22 – Rape (article 8(2)(e)(vi))

317. In [REDACTED] 2014, Anti-Balaka elements under LEBENE abducted and severely beat [REDACTED.] The same day, they raped [REDACTED.]

318. [REDACTED] Anti-Balaka elements came to [REDACTED] on LEBENE's instruction [REDACTED.]⁶⁶⁶

319. The elements took [REDACTED] to LEBENE at a house, which he was told belonged to a former Minister⁶⁶⁷ – likely NGAISSONA's house, which LEBENE used as a base.⁶⁶⁸ There [REDACTED.]⁶⁶⁹

320. Later [REDACTED] LEBENE's men, one of whom [REDACTED.] [REDACTED] they raped [REDACTED.]⁶⁷⁰

321. [REDACTED] from LEBENE's base, and the family then immediately fled BANGUI.⁶⁷¹ Both [REDACTED] recognised several of the Anti-Balaka who had come to their house that day.⁶⁷²

Count 23 – Persecution (article 7(1)(h))

⁶⁶⁶ **P-0833:** [CAR-OTP-2053-0241-R01](#) at 0243 and 0247, paras.12, 43; **P-0877:** [CAR-OTP-2054-0904-R01](#) at 0909-0910, 0912, paras.26-27, 31-32 and 41-42.

⁶⁶⁷ **P-0877:** [CAR-OTP-2054-0904-R01](#) at 0912, para.42.

⁶⁶⁸ See para.165.

⁶⁶⁹ **P-0833:** [CAR-OTP-2053-0241-R01](#) at 0247, 0249, 0250, paras.57, 62; **P-0877:** [CAR-OTP-2054-0904-R01](#) at 0910-0911, paras.33, 35-36.

⁶⁷⁰ **P-0833:** [CAR-OTP-2053-0241-R01](#) at 0248, paras.49-54.

⁶⁷¹ **P-0877:** [CAR-OTP-2054-0904-R01](#) at 0912, para.43; **P-0833:** [CAR-OTP-2053-0241-R01](#) at 0251, para.64.

⁶⁷² **P-0877:** [CAR-OTP-2054-0904-R01](#) at 0909, para.27; **P-0833:** [CAR-OTP-2053-0241-R01](#) at 0247, para.43.

322. The crimes and acts described above were committed by LEBENE and his elements, in a coordinated effort to target the Muslim population. That effort demonstrates a common plan or purpose involving LEBENE and his elements who fell under the National Coordination, to violently attack Muslim civilians, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.⁶⁷³

323. The attack on, beating, and rape of civilians on the basis of their association with Muslims severely deprived the victims of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) *Direct perpetrators of the crimes*

324. Anti-Balaka elements under LEBENE committed the crimes.

325. *First*, the perpetrators identified themselves as LEBENE's men under orders to [REDACTED] to the base.⁶⁷⁴

326. *Second*, [REDACTED] LEBENE's base, where [REDACTED].⁶⁷⁵

327. *Third*, the victims both recognised several elements.⁶⁷⁶ The first Anti-Balaka element who [REDACTED].⁶⁷⁷

d) *Knowledge and intent of NGAISSONA*

328. NGAISSONA knew of and intended the crimes committed by LEBENE and his elements in BANGUI acting pursuant to the *Common Purpose*, in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. NGAISSONA knew and accepted that the implementation of the *Strategic Common Plan*

⁶⁷³ See above, paras.317-321.

⁶⁷⁴ See above, para.318.

⁶⁷⁵ See above, para.319.

⁶⁷⁶ See above, para.321.

⁶⁷⁷ P-0833: [CAR-OTP-2053-0241-R01](#) at 0248, para.51.

would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including BANGUI.

i. NGAISSONA knew about the crimes committed by LEBENE and Anti-Balaka elements stationed at his house in BOY-RABE

329. **NGAISSONA** knew about the crimes committed by LEBENE and Anti-Balaka elements stationed at what was likely his house in BOY-RABE.

330. *First*, the crimes were committed partially at what was likely **NGAISSONA**'s house in BOY-RABE, which he allowed LEBENE to use as his base.⁶⁷⁸

331. *Second*, LEBENE was a high-level Anti-Balaka ComZone⁶⁷⁹ and reported to **NGAISSONA**.⁶⁸⁰ From its inception, LEBENE played a prominent role in the Anti-Balaka: he was among the GOBERE leadership,⁶⁸¹ and participated in the aftermath of the 5 December 2013 Attack.⁶⁸² LEBENE was a notoriously violent and feared Anti-Balaka leader.⁶⁸³

332. *Third*, LEBENE was close to **NGAISSONA**,⁶⁸⁴ attended meetings with **NGAISSONA**;⁶⁸⁵ and would seek **NGAISSONA**'s advice.⁶⁸⁶

333. *Finally*, LEBENE was also in regular contact with members of the National Coordination, including **NGAISSONA**, **MOKOM**, and **YEKATOM**, around the period

⁶⁷⁸ See above, para.165.

⁶⁷⁹ Regarding the prominent role of LEBENE in the Anti-Balaka, see for example [CAR-OTP-2025-0372](#) at 0376 (LEBENE is listed as Comzone); [CAR-OTP-2025-0362](#) at 0366 (LEBENE is listed as Comzone); [CAR-OTP-2025-0380](#) at 0384 (LEBENE is listed as Comzone); [CAR-OTP-2006-1210](#) at 1213 (LEBENE is listed as Comzone); [CAR-OTP-2101-4059](#) at 4060, 4061 (LEBENE is listed as Comzone); [CAR-OTP-2035-0061](#) at 0062 (LEBENE is listed as Comzone); [CAR-OTP-2008-0747](#) (LEBENE going to BRAZZAVILLE).

⁶⁸⁰ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 2582, para.67; **P-0287**: [CAR-OTP-2115-0239-R01](#), at 0256, paras.78; **P-1048**: [CAR-OTP-2094-0734-R01](#), at 0755-0759, 1.735-915 and [CAR-OTP-2094-0761-R01](#), at 0762-0765, 1.8-142; [CAR-OTP-2001-4441](#), at 4442.

⁶⁸¹ See above, paras.38-42.

⁶⁸² See above, paras.53-59; **P-2251**: [CAR-OTP-2093-0045-R01](#), at 0062, para.109; **P-1521**: [CAR-OTP-2046-0603-R01](#), at 0612, para.56.

⁶⁸³ See above, para.80.

⁶⁸⁴ **P-1961**: [CAR-OTP-2090-0067-R01](#), at 0087, para.124.

⁶⁸⁵ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0577-0578, paras.102-115; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0057-0058, paras.99-103.

⁶⁸⁶ **P-1048**: [CAR-OTP-2094-0573-R01](#), at 0579-0580, 1.211-263.

that the crimes were committed.⁶⁸⁷ CDR show more specifically that LEBENE was in telephone contact with NGAISSONA in the month of and preceding the crimes.⁶⁸⁸

ii. NGAISSONA intended and endorsed the crimes committed by LEBENE and Anti-Balaka elements stationed at his house in BOY-RABE

334. NGAISSONA was aware of the crimes committed by LEBENE and his Anti-Balaka elements. Despite this, NGAISSONA did not condemn the commission of crimes or act to end them. Instead, he validated LEBENE's actions, by accepting LEBENE's continued membership in the group, recognising him as a key member of the Anti-Balaka,⁶⁸⁹ and by inviting him to represent the Anti-Balaka at high-level meetings and negotiations, such as his assignment to represent the group in meetings with SAMBA-PANZA in January 2014,⁶⁹⁰ and at the July 2014 BRAZZAVILLE Summit.⁶⁹¹

E. PK9 – MBAIKI AXIS (LOBAYE PREFECTURE)

a) General

335. The LOBAYE Prefecture is one of 16 in CAR.⁶⁹² Located in the southwest part of the country, it borders the Republic of the Congo (“CONGO BRAZZAVILLE”) and the DRC.⁶⁹³ Its capital is MBAIKI.⁶⁹⁴

⁶⁸⁷ CDR show that from 16 January to 30 April 2014, LEBENE communicated with NGAISSONA. For Call Sequence Tables, see Annex J, section 13.1. CDR show that on 10 February 2014, 6 and 9 April 2014, LEBENE communicated with YEKATOM. For Call Sequence Tables, see Annex J, section 13.2. CDR show that from 1 December 2013 to 24 April 2014, LEBENE communicated with MOKOM. For Call Sequence Tables, see Annex J, section 13.3. CDR show that from 1 December 2013 to 30 April 2014, LEBENE communicated with members of the National Coordination and other Anti Balaka leaders such as AZOUNOU, BARA, BEJOUANE, BEOROFEL, FEISSONA, KAMEZOLAI, KONATE, LEBENE's Secretary, MOKPEM, NAMSIO, Junior NGAISSONA, SAMY, SOMBET, TOUNGOUMA, YAGOUZOU, YOMBO, DANGBA and MAZIMBELE. For Call Sequence Tables, see Annex J, section 13.4. For attributions, see Annex I.

⁶⁸⁸ CDR show that from 16 January to 30 April 2014, LEBENE communicated with NGAISSONA. For Call Sequence Tables, see Annex J, section 13.1. For attributions, see Annex I.

⁶⁸⁹ See above, para.331.

⁶⁹⁰ P-0952: [CAR-OTP-2107-0784-R01](#), at 0796-0797, 1.408-457; P-0952: [CAR-OTP-2087-9027](#).

⁶⁹¹ See above, para.156.

⁶⁹² [CAR-OTP-2048-0025](#), at 0029.

⁶⁹³ [CAR-OTP-2070-0274](#), at 0274.

⁶⁹⁴ [CAR-OTP-2017-0115](#), at 0122.

336. On or about 10 January 2014, **YEKATOM** ordered the takeover of the approximately 110 km stretch of road in the LOBAYE Prefecture to gain control over the villages along the PK9 – MBAIKI axis.⁶⁹⁵ On or about 11 January 2014, YEKATOM's Group advanced to the PK9 Bridge,⁶⁹⁶ the entry point to the main road to MBAIKI.⁶⁹⁷

337. As they advanced toward MBAIKI, YEKATOM's Group took over the following villages:

- SEKIA - strategically located about 6 km west of the PK9 Bridge at the intersection of CAR's central road between BANGUI and MBAIKI and the road between BANGUI and MONGOUMBA.⁶⁹⁸
- NDANGALA - located about 5 km west of SEKIA.⁶⁹⁹
- BIMON - located about 12 km west of NDANGALA.⁷⁰⁰
- KAPOU - located about 3 km southwest of BIMON.⁷⁰¹
- BOSSONGO - located about 1 km southwest of KAPOU.⁷⁰²

⁶⁹⁵ **P-0446:** [CAR-OTP-2059-1672-R01](#), at 1690-1692, 1.659-764; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0756, para.107; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.38; **P-1666:** [CAR-OTP-2059-0361-R01](#), at 0367, para.32; **P-1839:** [CAR-OTP-2072-0521-R01](#), at 0528, 1.253-294 and [CAR-OTP-2072-1068-R01](#), at 1085, 1.597-612; **P-1858:** [CAR-OTP-2063-0050-R01](#), at 0063; **P-2328:** [CAR-OTP-2099-0255](#). See Annex F(10) (Mbaiki Map).

⁶⁹⁶ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0180 and 0186, paras.52 and 89; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0659, para.37; [CAR-OTP-2055-2610](#), from [00:01:14] to [00:03:04] and its transcript and translation, [CAR-OTP-2107-6906](#), at 6909-6910, 1.39-99, and [CAR-OTP-2107-7037](#), at 7041-7042, 1.39-99; [CAR-OTP-2065-3412](#), from [00:00:00] to [00:02:51].

⁶⁹⁷ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0177, para.40; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1564, para.190.

⁶⁹⁸ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0184-0185, para.79; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0659-0660, paras.37-39; **P-1839:** [CAR-OTP-2072-0521-R01](#), at 0528, 1.272-297; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0578, para.151.

⁶⁹⁹ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0184-0185, para.79; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.39.

⁷⁰⁰ **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.39; [CAR-OTP-2053-0567](#); [CAR-OTP-2045-0525](#).

⁷⁰¹ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0184-0185, para.79; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.39.

⁷⁰² **P-1839:** [CAR-OTP-2072-1068-R01](#), at 1077-1079, 1.298-357; See also [CAR-OTP-2014-0729-R01](#), at 0740.

- PISSA - located about 14 km southwest of BOSSONGO.⁷⁰³

338. As the Seleka had withdrawn by the time YEKATOM's Group arrived, each village was taken over without resistance.⁷⁰⁴

339. On or about 30 January 2014, **YEKATOM** and his elements entered MBAIKI, located approximately 50 kilometres southwest of PISSA.⁷⁰⁵ Again, by the time **YEKATOM** and his elements arrived, the Seleka had fled.⁷⁰⁶

b) Crimes committed

Count 24 – Forcible transfer, deportation (article 7(1)(d))

Count 25 – Displacement (article 8(2)(e)(viii))

340. YEKATOM's Group's advance from PK9 to MBAIKI through the LOBAYE Prefecture forced Muslim civilians to flee their towns and villages in fear of an imminent attack.⁷⁰⁷ Many sought refuge in MBAIKI, significantly swelling MBAIKI's Muslim population.⁷⁰⁸

341. When YEKATOM's Group reached MBAIKI, elements of YEKATOM's Group threatened Muslims, telling them to leave and gesturing, running their fingers across their

⁷⁰³ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0184, para.78; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.39; **P-1666:** [CAR-OTP-2059-0361-R01](#), at 0367, para.32; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0578, para.151.

⁷⁰⁴ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0184-0185, para.79; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0659-0660, paras.37-39.

⁷⁰⁵ **P-1588:** [CAR-OTP-2056-0412-R01](#), at 0432, para.121; [CAR-OTP-2053-0576](#), at 0576. CDR show that YEKATOM connected from the Cell Site in MBAIKI on 30 January 2014. [REDACTED:] [REDACTED:] [CAR-OTP-2082-1026-R01](#), at 1030. [REDACTED.] For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 5.1.

⁷⁰⁶ **P-1813:** [CAR-OTP-2069-0035-R01](#), at 0042-0043, para.49.

⁷⁰⁷ **P-1838:** [CAR-OTP-2100-0252-R01](#), at 0263, para.56; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0578, para.149; **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0187, para.95.

⁷⁰⁸ **P-1666:** [CAR-OTP-2059-0361-R01](#), at 0363, 0374 and 0376-0377, paras.13, 69, 80; **P-1823:** [CAR-OTP-2063-0369-R01](#), at 0375, para.33; **P-1813:** [CAR-OTP-2069-0035-R01](#), at 0040-0041, paras.34, 37; [CAR-OTP-2048-0129](#), at 0129; [CAR-OTP-2053-0576](#), at 0576; [CAR-OTP-2008-0923](#).

throats.⁷⁰⁹ They also attacked a *gendarme* patrol designated to protect the population of MBAIKI, taking their weapons and vehicle.⁷¹⁰

342. The increasingly hostile environment towards Muslims that YEKATOM's Group perpetuated and heightened caused MBAIKI's Muslim population to flee MBAIKI *en masse*, from about 6 February 2014 onwards. Chadian forces evacuated Muslims to CHAD, while others were displaced to other parts of CAR.⁷¹¹ Within two weeks, MBAIKI's entire Muslim population had been removed, except its second Deputy Mayor Djido SALEH ("SALEH") and his family, who refused to leave their hometown.⁷¹²

343. YEKATOM's Group established checkpoints at PK9,⁷¹³ SEKIA,⁷¹⁴ BIMON,⁷¹⁵ BOSSONGO,⁷¹⁶ and PISSA⁷¹⁷ in their advance towards MBAIKI. Armed elements⁷¹⁸

⁷⁰⁹ **P-1666:** [CAR-OTP-2059-0361-R01](#), at 0368, para.37 and at 0370, para.44; **P-1823:** [CAR-OTP-2063-0369-R01](#), at 0375, para.32; **P-1839:** [CAR-OTP-2072-1039-R01](#), at 1057-1060, 1.613-743; [CAR-OTP-2055-1987](#), at 2159; [CAR-OTP-2017-0115](#), at 0128; [CAR-OTP-2001-2308](#), at 2343-2344.

⁷¹⁰ [REDACTED.]

⁷¹¹ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0187, para.95; **P-1588:** [CAR-OTP-2056-0412-R01](#), at 0433; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0661, para.48; **P-1666:** [CAR-OTP-2059-0361-R01](#), at 0374-0376, paras.69-76; **P-1823:** [CAR-OTP-2063-0369-R01](#), at 0375, para.33; **P-1839:** [CAR-OTP-2072-1039-R01](#), at 1057-1060, 1.613-743; **P-1813:** [CAR-OTP-2069-0035-R01](#), at 0043-0044, paras.53, 59; [CAR-OTP-2001-2248](#), at 2249; [CAR-OTP-2048-0129](#), at 0129; [CAR-OTP-2053-0576](#), at 0576; [CAR-OTP-2055-1938](#); [CAR-OTP-2049-0462](#), at 0497; [CAR-OTP-2001-2308](#), at 2344; [CAR-OTP-2055-1987](#), at 2159; [CAR-OTP-2019-3120](#); [CAR-OTP-2001-0409](#), at 0411; [CAR-OTP-2023-2049](#), from [00:25:49] to [00:27:22].

⁷¹² **P-1813:** [CAR-OTP-2069-0035-R01](#), at 0044, para.59; [CAR-OTP-2001-2707](#), at 2728, para.22; [CAR-OTP-2001-2248](#), at 2249; [CAR-OTP-2001-2308](#), at 2316, 2344; [CAR-OTP-2055-1987](#), at 2159; [CAR-OTP-2019-3120](#); [CAR-OTP-2001-4422](#), at 4422.

⁷¹³ **P-0954:** [CAR-OTP-2048-0171-R01](#), at 0183, para.74 and at 0186, para.89; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.44; **P-1824:** [CAR-OTP-2094-1803-R01](#), at 1807, paras.25-26, 28; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0578, para.151; [CAR-OTP-2055-2610](#) [00:07:27] to [00:08:44] and its transcript and translation [CAR-OTP-2107-6906](#), at 6913-6914, 1.193-233, and [CAR-OTP-2107-7037](#), at 7045-7046, 1.193-236; [CAR-OTP-2001-6251](#), at 6294.

⁷¹⁴ **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.44; **P-1858:** [CAR-OTP-2063-0050-R01](#), at 0058, para.50; **P-1839:** [CAR-OTP-2072-0822-R01](#), at 0824, 0829, 0832, 1.43-68, 227-255, 353-370; **P-0487:** [CAR-OTP-2076-0495-R01](#), at 0511-0513 1.570-573, 577, 611-614 and at [CAR-OTP-2076-0516-R01](#), at 0523-0525, 1.227-231, 265-269, 286-299; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0578, para.151; [CAR-OTP-2001-0835](#), at 0884.

⁷¹⁵ **P-1839:** [CAR-OTP-2072-0914-R01](#), at 0929, 1.534-535 and [CAR-OTP-2072-1068-R01](#), at 1077, 1.288-293.

⁷¹⁶ **P-1839:** [CAR-OTP-2072-1068-R01](#), at 1077-1078, 1.298-357; *See also* [CAR-OTP-2014-0729-R01](#), at 0740.

⁷¹⁷ **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0660, para.44; **P-1839:** [CAR-OTP-2072-0914-R01](#), at 0932, 1.612-635; **P-0487:** [CAR-OTP-2076-0495-R01](#), at 0503, 0512, 1.263-268, 591; **P-1813:** [CAR-OTP-2069-0035-R01](#), at 0046, paras.74; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0578, para.151. *See also* [CAR-OTP-2064-0846](#); [CAR-OTP-2064-0838-R01](#); [CAR-OTP-2007-0925](#), at 0996; [CAR-OTP-2001-0835](#), at 0876 and 0884; [CAR-OTP-2001-5739](#), at 5798.

⁷¹⁸ **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0579, 0581, paras.156, 158, 171, 172; [CAR-OTP-2007-0925](#), at 0996; [CAR-OTP-2074-3246](#), at 3247.

regulated movements with the aim of preventing Muslims from returning.⁷¹⁹ They also confiscated cattle and goods, and exacted illegal “tolls”⁷²⁰ part of which **YEKATOM** personally collected.⁷²¹

Count 26 – Murder (article 7(1)(a))

Count 27 – Murder (article 8(2)(c)(i))

344. On 28 February 2014, elements of YEKATOM’s Group participated in the killing of Deputy Mayor SALEH in MBAIKI. SALEH and his family were the last remaining Muslims in the town.⁷²² SALEH was threatened by Anti-Balaka elements in the days leading up to his murder.⁷²³ On 28 February his house was attacked. While SALEH attempted to defend his home, his family managed to flee to safety. Taking flight in fear for his life, SALEH was caught within metres of the local *gendarmerie* and brutally killed.⁷²⁴

345. Subsequently, on or about 2 March 2014 at a meeting with the *gendarmerie* and MISCA regarding SALEH’s killing, **YEKATOM** stated that he knew who was responsible for the killing and had sanctioned them,⁷²⁵ indicating the substantial involvement and responsibility of his elements in the crime.

Count 28 – Persecution (article 7(1)(h))

346. The crimes and acts described above were committed by **YEKATOM**, YEKATOM’s Group, and other Anti-Balaka elements, in a coordinated effort to cleanse

⁷¹⁹ **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0579, para.156.

⁷²⁰ **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0750, para.59; **P-1647:** [CAR-OTP-2050-0654-R01](#), at 0665, para.79; **P-1824:** [CAR-OTP-2094-1803-R01](#), at 1807, para.26; **P-1838:** [CAR-OTP-2100-0252-R01](#), at 0272, paras.108-109; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0579, 0581, paras.156, 158, 171, 172; [CAR-OTP-2001-6251](#), at 6294; [CAR-OTP-2074-3246](#), at 3247.

⁷²¹ **P-1838:** [CAR-OTP-2100-0252-R01](#), at 0272, para.109; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0581, para.172; [CAR-OTP-2001-0835](#), at 0884; [CAR-OTP-2001-5739](#), at 5798; [CAR-OTP-2074-3246](#), at 3247.

⁷²² **P-1813:** [CAR-OTP-2069-0035-R01](#), at 0044, para.59; [CAR-OTP-2001-2707](#), at 2728, para.22; [CAR-OTP-2001-2248](#), at 2249.

⁷²³ [REDACTED;] [CAR-OTP-2053-0576](#), at 0576.

⁷²⁴ **P-1838:** [CAR-OTP-2100-0252-R01](#), at 0270-0271, paras.98-106; **P-1813:** [CAR-OTP-2069-0035-R01](#), at 0044-0045, paras.59, 63-69; **P-1595:** [CAR-OTP-2104-0274-R01](#), at 0292-0293, paras.95-99; [CAR-OTP-2059-0384](#), from [00:00:00] to [00:14:37] and its transcript and translation [CAR-OTP-2107-3014](#) and [CAR-OTP-2107-3026](#); [CAR-OTP-2058-0573](#), from [00:29:50] to [00:31:32]; [CAR-OTP-2001-2308](#), at 2316; [CAR-OTP-2048-0129](#), at 0129-0130.

⁷²⁵ [CAR-OTP-2053-0576](#), at 0577.

the towns and villages along the PK9 – MBAIKI axis of their Muslim population. That effort demonstrates a common plan or purpose involving YEKATOM’s Group, its leadership, and other elements under the Anti-Balaka leadership or National Coordination, to violently target the Muslim population along this axis who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.

347. **YEKATOM**’s and his group’s attack on Muslim civilians; their expulsion; the murder of a prominent Muslim leader; and the commission of violent crimes and acts,⁷²⁶ all severely deprived the Muslim inhabitants of the towns and villages along the PK9 – MBAIKI axis of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

348. **YEKATOM** and his elements executed the charged crimes committed during their take-over of the PK9 – MBAIKI axis.

349. *First*, the charged crimes were committed in the area under **YEKATOM**’s control. As previously stated, **YEKATOM** controlled distinct territory in south-western CAR and established bases there, including along the PK9 – MBAIKI axis.⁷²⁷

350. *Second*, **YEKATOM** ordered the operations and deployed his elements to the towns and villages in which they committed crimes.⁷²⁸ He ordered the erection of checkpoints to extort money and goods from those trying to pass through.⁷²⁹

351. *Third*, **YEKATOM** was regularly present in, and travelled to and from, areas under his control, including during the period when his elements were committing crimes.⁷³⁰ In relation specifically to the murder of SALEH, **YEKATOM**’s admission that he knew who

⁷²⁶ See above, paras.335-345.

⁷²⁷ See above, para.212 .

⁷²⁸ [CAR-OTP-0080-0840](#), at 0842.

⁷²⁹ **P-1339**: [CAR-OTP-2041-0741-R01](#), at 0750, para.59; **P-1824**: [CAR-OTP-2094-1803-R01](#), at 1807, para.26; **P-1838**: [CAR-OTP-2100-0252-R01](#), at 0272, para.109; [CAR-OTP-2074-3246](#), at 3247.

⁷³⁰ PISSA: **P-1503**: [CAR-OTP-2046-0571-R01](#), at 0579; [CAR-OTP-2001-0835](#), at 0876; MBAIKI: [CAR-OTP-2053-0576](#), at 0576-0577.

was responsible for the killing shows the substantial involvement and responsibility of his elements in the crime, as stated above.⁷³¹

d) Knowledge and intent of YEKATOM

352. The intent and knowledge of **YEKATOM** is shown by the fact that he ordered, endorsed, and/or was present when the crimes were committed by his elements in the LOBAYE Prefecture.

e) Knowledge and intent of NGAISSONA

353. **NGAISSONA** knew of and intended the crimes committed by **YEKATOM** and his elements along PK9 – MBAIKI axis acting pursuant to the *Operational Common Plan* and the *Common Purpose*. These crimes were also committed in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka’s violent targeting of the Muslim population and its perceived supporters in western CAR, including along the PK9 – MBAIKI axis.

i. NGAISSONA knew about the situation in the LOBAYE Prefecture

354. **NGAISSONA** was aware of the situation in the LOBAYE Prefecture and personally took part in missions to dismantle roadblocks along the PK9 – MBAIKI axis pursuant to the BRAZZAVILLE agreement.⁷³² Key Anti-Balaka figures, including Leopold BARA (“BARA”), KOKATE, and KAMEZOLAI also visited the LOBAYE Prefecture.⁷³³

⁷³¹ See above, paras.344-345.

⁷³² [CAR-OTP-2030-0243](#); **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0032, para.125.

⁷³³ **P-1962**: [CAR-OTP-2068-0037-R01](#) at 0061-0062, paras.117, 120-121; **P-0487**: [CAR-OTP-2076-0402-R01](#), at 0404-0406, 1.36-139; [CAR-OTP-2076-0441-R01](#), at 0464-0466, 1.858-897; [CAR-OTP-2076-0467-R01](#), at 0468-0476, 1.16-327; [CAR-OTP-2100-1699](#), at 1699; **P-0801**: [CAR-OTP-2074-2234-R01](#), at 2241-2250, 2362-2363, 2365-2367, 1.210-541, 916-965, 1017-1080; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0245, paras.94-95, at 0246, paras.99-100.

355. Moreover, the situation and crimes committed by YEKATOM's Group in the LOBAYE Prefecture were also widely and contemporaneously reported in the media.⁷³⁴

356. As previously stated, YEKATOM and his group operated under the *de facto* Coordination and, after its formal establishment in January 2014, the National Coordination, reporting to and/or coordinating with the Anti-Balaka leadership, including NGAISSONA.⁷³⁵

357. After the 5 December 2013 Attack, YEKATOM continued to meet and coordinate with senior Anti-Balaka leaders, including NGAISSONA, WENEZOU, MOKOM, KAMEZOLAI, FEISSONA, NGREMANGOU, and other Anti-Balaka commanders.⁷³⁶

ii. NGAISSONA intended and endorsed the situation in the LOBAYE Prefecture

358. NGAISSONA was aware of the crimes committed by YEKATOM and his group. Despite this knowledge, NGAISSONA did not condemn the commission of crimes, and did not act to end them. Instead, he validated YEKATOM's actions, by accepting YEKATOM's continued membership in the group, recognising him as a key member of the Anti-Balaka,⁷³⁷ and by inviting him to represent the Anti-Balaka at high-level meetings and negotiations, such as his assignment to represent the group in meetings with SAMBA-PANZA in January 2014, and at the July 2014 BRAZZAVILLE Summit.⁷³⁸

F. Child Soldiers

a) Crimes committed

Count 29 – Enlistment and use of children in hostilities (article 8(2)(e)(vii))

⁷³⁴ [CAR-OTP-2001-2248](#), at 2249; [CAR-OTP-2008-0923](#); [CAR-OTP-2001-0409](#), at 0411; [CAR-OTP-2001-2308](#), at 2343-2344; [CAR-OTP-2055-1938](#).

⁷³⁵ See above, para.206.

⁷³⁶ See above, paras.204, 206.

⁷³⁷ See above, paras.203-206, 211.

⁷³⁸ See above, para.222.

359. From at least December 2013 through August 2014, children under age 15 and were stationed at the YAMWARA School Base⁷³⁹ and other bases and checkpoints controlled by YEKATOM,⁷⁴⁰ including in BOEING,⁷⁴¹ along the PK9 – MBAIKI axis in SEKIA⁷⁴² and PISSA,⁷⁴³ and along the PISSA – MONGOUMBA axis,⁷⁴⁴ including in BATALIMO.⁷⁴⁵ These children carried out a variety of tasks such as manning the checkpoints and participating in hostilities, including the 5 December 2013 Attack.⁷⁴⁶

360. On 4 August 2014, pursuant to a negotiation with [REDACTED] UNICEF, YEKATOM agreed to (i) demobilise 153 children in his group; and (ii) refrain from re-recruiting them.⁷⁴⁷ Those children, between ages 9 and 18,⁷⁴⁸ comprised at least 14 under age 15 enlisted among YEKATOM's Group at his [REDACTED] base, where he was also present.⁷⁴⁹ Some of the children enlisted within YEKATOM's Group were subject to sexual abuse by his elements.⁷⁵⁰

⁷³⁹ **P-1792:** [CAR-OTP-2115-0216](#), at 0222, para.37; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0568, 0572 – 0578, paras.82-83, 111-149.

⁷⁴⁰ **P-1974:** [CAR-OTP-2068-0222-R02](#), at 0225-0227, paras.20-31; **P-2018:** [CAR-OTP-2071-0308](#); **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0568, 0569, 0573, and 0579 paras.82, 83, 86, 115, and 162.

⁷⁴¹ **P-1921:** [CAR-OTP-2081-0072-R01](#), at 0090, para.94; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0561, 0566, 0571 and 0572, paras.34, 69, and 102-110.

⁷⁴² **P-1792:** [CAR-OTP-2115-0216](#), at 0223, para.42; **P-1813:** [CAR-OTP-2083-0279-R01](#), at 0283, paras.21-23; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0578-0581, paras.149-159, 165-174; **P-2013:** [CAR-OTP-2075-1751-R01](#), at 1759.

⁷⁴³ **P-2013:** [CAR-OTP-2075-1751-R01](#), at 1759-1760, paras.33-35; **P-1813:** [CAR-OTP-2083-0279-R01](#), at 0283, paras.21-23; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0579, para.157; [CAR-OTP-2068-0558](#), at 0559, 0562 and 0564.

⁷⁴⁴ **P-1974:** [CAR-OTP-2068-0222-R02](#), at 0226, para.26; [CAR-OTP-2068-0558](#), at 0559, 0562 and 0564; **P-2442:** [CAR-OTP-2105-0940-R01](#), at 0945, 0947-0948, paras.34, and 46-56; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0583, para.184.

⁷⁴⁵ [CAR-OTP-2068-0558](#), at 0559, 0562 and 0564; **P-2442:** [CAR-OTP-2105-0940-R01](#), at 0945, 0947-0948, paras.33-34, and 46-56.

⁷⁴⁶ **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0568-0569, 0574, 0581, paras.84-89, 118, 172.

⁷⁴⁷ **P-1974:** [CAR-OTP-2068-0222-R02](#), at 0228-0229, paras.37-46; **P-2018:** [CAR-OTP-2071-0259-R01](#), at 0267, 0269; [CAR-OTP-2068-0586](#), from [00:00:00] to [00:06:48] and its transcript and translation [CAR-OTP-2107-3148](#) and [CAR-OTP-2107-3152](#); [CAR-OTP-2068-0558](#), at 0559-0560; **P-1813:** [CAR-OTP-2083-0279-R01](#), at 0281-0283, paras.11-17; **P-2475:** [CAR-OTP-2110-0556-R01](#), at 0582-0583, and 0585, paras.177-180, 184 and 195-198.

⁷⁴⁸ **P-1974:** [CAR-OTP-2068-0222-R02](#), at 0231, para.61; [CAR-OTP-2068-0558](#), at 0562 and 0564; **P-2442:** [CAR-OTP-2105-0940-R01](#), at 0959, para.125.

⁷⁴⁹ **P-1974:** [CAR-OTP-2068-0222-R02](#), at 0231, para.61; **P-2013:** [CAR-OTP-2075-1751-R01](#), at 1760-1761, paras.38-41; **P-2018:** [CAR-OTP-2071-0259-R01](#), at 0267, 0269, 0272-0274; **P-2018:** [CAR-OTP-2071-0279-R01](#); [CAR-OTP-2071-0285](#), at 0291; [CAR-OTP-2071-0302-R01](#), at 0303-0306; [CAR-OTP-2071-0308](#). CDR show that YEKATOM connected from the Cell Site in PISSA on 4 August 2014. For Call Sequence Tables, see Annex J, section 5.2. For attributions, see Annex I.

⁷⁵⁰ [REDACTED.]

b) *Direct perpetrators of the crimes*

361. **YEKATOM** and his group enlisted children under the age of 15 into YEKATOM's Group and used them for a variety of tasks, including taking active part in hostilities.

362. *First*, **YEKATOM** was personally introduced to and saw children under the age of 15 in his Group.⁷⁵¹ Moreover, children below the age of 15 took part in guarding **YEKATOM**'s house.⁷⁵²

363. *Second*, **YEKATOM** gave orders to the children in his Group, including ordering them to participate in the 5 December 2013 Attack.⁷⁵³

364. *Third*, **YEKATOM** was directly involved in negotiations [REDACTED] for the demobilisation of the children and participated in the ceremony to release them from his group. As explained above, on 4 August 2014 **YEKATOM** signed an agreement to (i) demobilise children, including those under the age of 15; and (ii) refrain from re-recruiting them.⁷⁵⁴

c) *Knowledge and intent of YEKATOM*

365. **YEKATOM**'s knowledge and intent is shown by the facts above and his direct participation in the crime. They demonstrate that he was well-aware that children under the age of 15 were part of his Group and intended their enlistment and participation in hostilities.

d) *Knowledge and intent of NGAISSONA*

366. **NGAISSONA** knew of and intended the recruitment and use of children under the age of 15 in hostilities within the Anti-Balaka, including within YEKATOM's Group acting pursuant to the *Operational Common Plan* and the *Common Purpose*. These crimes were also committed in the implementation of the *Strategic Common Plan*, in

⁷⁵¹ **P-1792**: [CAR-OTP-2115-0216](#), at 0222, para.38; **P-2013**: [CAR-OTP-2075-1751-R01](#), at 1760, para.36; **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0562, para.40.

⁷⁵² [REDACTED].

⁷⁵³ **P-2475**: [CAR-OTP-2110-0556-R01](#), at 0568, para.84, at 0579, para.156.

⁷⁵⁴ See above, para.360.

which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in such crimes.

i. NGAISSONA knew about the situation

367. **NGAISSONA** was aware that children below the age of 15 were present within Anti-Balaka ranks.

368. *First*, [REDACTED]⁷⁵⁵

369. *Second*, **YEKATOM** was in direct contact with **NGAISSONA** in June 2014.⁷⁵⁶

370. *Third*, the presence of child soldiers in the Anti-Balaka was widely reported.⁷⁵⁷

371. As previously stated, **YEKATOM** and his group also operated under the *de facto* Coordination and, after its formal establishment in January 2014, the National Coordination, reporting to and/or coordinating with the Anti-Balaka leadership, including **NGAISSONA**.⁷⁵⁸

372. After the 5 December 2013 Attack, **YEKATOM** continued to meet and coordinate with senior Anti-Balaka leaders, including **NGAISSONA**, **WENEZOU**, **MOKOM**, **KAMEZOLAI**, **FEISSONA**, **NGREMANGO**, and other Anti-Balaka commanders.⁷⁵⁹

ii. NGAISSONA intended and endorsed the situation

373. **NGAISSONA** was aware of the crimes committed by **YEKATOM** and his group. Despite this knowledge, **NGAISSONA** did not condemn the commission of crimes, and did not act to end them. Instead, he validated **YEKATOM**'s actions, by accepting

⁷⁵⁵ [REDACTED].

⁷⁵⁶ CDR show that **YEKATOM** and **NGAISSONA** communicated in June 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 4.6.

⁷⁵⁷ See e.g. [CAR-OTP-2001-7145](#), at 7158; [CAR-OTP-2001-0782](#), at 0284; **P-1815**: [CAR-OTP-2058-0581-R01](#), at 0594-0595, para.78; [CAR-OTP-2001-0329](#), at 0337, para.42; [CAR-OTP-2001-5386](#), at 5438, para.215; **P-1974**: [CAR-OTP-2068-0568](#), at 0570; [CAR-OTP-2001-0987](#), at 0995, para.38.

⁷⁵⁸ See above, para.206.

⁷⁵⁹ See above, paras.204-206.

YEKATOM's continued membership in the group, recognising him as a key member of the Anti-Balaka,⁷⁶⁰ and by inviting him to represent the Anti-Balaka at high-level meetings and negotiations, such as his assignment to represent the group in meetings with SAMBA-PANZA in January 2014, and at the July 2014 BRAZZAVILLE Summit.⁷⁶¹

G. BOSSANGOA (OUHAM PREFECTURE)

a) General

374. BOSSANGOA is the capital of the OUHAM Prefecture, located around 300 km north of BANGUI and 200 km south of the Chadian border.⁷⁶² Its 2003 population comprised around 36,000 inhabitants, including 8,000 Muslims.⁷⁶³

375. After terrorising the Muslim population around BOSSANGOA for months,⁷⁶⁴ and attempting an attack on 17 September 2013,⁷⁶⁵ the Anti-Balaka conducted a second attack on then Seleka-controlled BOSSANGOA. The attack, described below, was led by FACA *Caporal* KEMA and his deputies Alexis MANDAGO (aka "Sol-Sol") ("MANDAGO") and DANGBA and involved other local Anti-Balaka elements ("BOSSANGOA Group").⁷⁶⁶ It took place in the afternoon of 5 December 2013,⁷⁶⁷ only a few hours after the 5 December Attack in BANGUI and BOEING.⁷⁶⁸

⁷⁶⁰ See above, paras.203-206, 211.

⁷⁶¹ See above, para.222.

⁷⁶² [CAR-OTP-2108-0537](#), at 0546. See Annex F(6) (Bossangoa Map).

⁷⁶³ See [CAR-OTP-2079-0678](#).

⁷⁶⁴ **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2151-2152, paras.27-28; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2179-2182, paras.34-49; **P-0519:** [CAR-OTP-2016-0652-R01](#), at 0668, para.76; **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0420-0425, paras.27-46. See also [CAR-OTP-2001-3302](#), at 3304; [CAR-OTP-2049-0462](#), at 0501; [CAR-OTP-2001-6437](#), at 6454; [CAR-OTP-2079-0622](#), at 0632; [CAR-OTP-2001-0391](#), at 0394.

⁷⁶⁵ **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2151-2153, paras.29-38; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2183-2185, paras.54-61; **P-0567:** [CAR-OTP-2059-0084-R01](#), at 0096, para.76; **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0426, paras.49-51; **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0457-0459, paras.27-34.

⁷⁶⁶ The "BOSSANGOA Group" includes any subgroup or plurality of members/elements thereof, whether or not formally organised or constituted. The BOSSANGOA Group is a sub-group of 'Anti-Balaka'.

⁷⁶⁷ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0251-0252, paras.59-61; **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2155, para.44; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2187-2188, paras.75-77, 79; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0785, 0790; [CAR-OTP-2085-6486](#), from [00:00:00] to [00:04:48] and its transcript and translation [CAR-OTP-2107-6999](#) and [CAR-OTP-2107-7148](#); **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0428-0430, paras.61-68; **P-2269:** [CAR-OTP-2111-0336-R01](#), at 0344, para.58.

⁷⁶⁸ See above, para.53.

b) *Crimes committed*

Count 30 – Attack directed against the civilian population (article 8(2)(e)(i))

376. After having defeated the Seleka, fuelled with vengeance and hatred of Muslims, the Anti-Balaka went on to attack the town’s Muslim civilian population in residential areas,⁷⁶⁹ killing and injuring several.⁷⁷⁰ In an effort to cleanse the town, the Anti-Balaka made no distinction between Seleka forces and Muslims in their attack: “in BOSSANGO, whoever was a Muslim was a Seleka”, and no quarter was given.⁷⁷¹ As KEMA later confirmed - the objective of the BOSSANGO Group was to chase not just the Seleka, but all Muslims out of OUHAM Prefecture altogether.⁷⁷²

377. The following submissions under Counts 31-32 (murder and attempted murder), Count 33 (destruction of the adversary’s property), Count 35 (attacks against buildings dedicated to religion), Count 37 (forcible transfer), Count 39 (severe deprivation of liberty), Counts 40-41 (rape), and Count 42 (persecution) qualify as the underlying conduct of the war crime of attack directed against the civilian population.

Count 31 – Murder and attempted murder (article 7(1)(a))

Count 32 – Murder and attempted murder (article 8(2)(c)(i))

378. In the course of the attack, the BOSSANGO Group killed at least 18 Muslim civilians who were fleeing, including Khadidja Adjaro and her sons-in-law Adaye and Atahir; Koursi Abdulrahim Mahamat; Atahir Djime; a taxi driver nicknamed “C-17”; Oumar Abacar and his mother, a Peuhl wounded earlier by the Anti-Balaka; Amadou

⁷⁶⁹ **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2188, paras.77-78; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0785; **P-1577:** [CAR-OTP-2085-6486](#), from [00:00:00] to [00:04:48] and its transcript and translation [CAR-OTP-2107-6999](#) and [CAR-OTP-2107-7148](#); **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0429, paras.65-66; **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0460-0461, paras.41-44.

⁷⁷⁰ **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2155, para.46; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2190, paras.91-92; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0787; **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0464, para.59.

⁷⁷¹ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0252, para.64.

⁷⁷² **P-0287:** [CAR-OTP-2115-0239-R01](#), at 0265, para.131.

Bouba; Halima Hisseini; Abakar; and a certain Ismael and Salamatou.⁷⁷³ They also attempted to kill at least one individual at BOSSANGO 2 during the attack, shooting and leaving him for dead in his home where he fell unconscious. They set his house alight, but on regaining consciousness, he managed to escape.⁷⁷⁴ There was no indication that any of the victims were Seleka, armed, or otherwise engaged in combat.⁷⁷⁵

Count 33 – Destruction of the adversary’s property (article 8(2)(e)(xii))

Count 34 – Pillaging (article 8(2)(e)(v))

379. After taking control of BOSSANGO, the BOSSANGO Group established checkpoints throughout the town, to racketeer money from the population.⁷⁷⁶ They pillaged everything they could from Muslim houses and shops, including the roofs, doors, and windows. In the days after the attack, Muslim houses were systematically set on fire or otherwise destroyed, especially in the predominantly Muslim neighbourhoods of BORO, ARABE, and FULBE.⁷⁷⁷ The words “Anti-Balaka” were written on destroyed Muslim houses, leaving no doubt as to the perpetrators of the attacks.⁷⁷⁸ Meanwhile, predominantly Christian neighbourhoods remained intact.⁷⁷⁹ By the end of January 2014, the Anti-Balaka had destroyed an estimated 1,500 Muslim houses.⁷⁸⁰

Count 35 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))

⁷⁷³ **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2155-2157, paras.45-59; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2189-2190, paras.81-90; **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0429-0430, paras.66-68; **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0463-0464, paras.55-57; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0788-0790, *see* pictures [CAR-OTP-2085-3982](#); [CAR-OTP-2085-3892](#); [CAR-OTP-2085-3822](#); [CAR-OTP-2085-3632](#); [CAR-OTP-2085-3572](#); [CAR-OTP-2088-2207](#); [CAR-OTP-2001-2043](#), at 2055-2056; [CAR-OTP-2032-0028](#), at 0031; [CAR-OTP-2079-1147](#), at 1147.

⁷⁷⁴ **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0787-0788; *see* picture [CAR-OTP-2085-3092](#).

⁷⁷⁵ *See e.g.*, **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0460-0461, paras.43-44; **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0429, para.66.

⁷⁷⁶ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0252, para.65; [CAR-OTP-2101-3653](#), at 3657; [CAR-OTP-2042-2930](#), from [00:15:00] to [00:19:17] and its transcript and translation at [CAR-OTP-2107-3008](#) and [CAR-OTP-2107-3010](#).

⁷⁷⁷ **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2158, paras.64-65; **P-0314:** [CAR-OTP-2008-1188-R01](#), at 1208, para.99; **P-0287:** [CAR-OTP-2115-0239-R01](#), at 0263-0264, paras.118-119.

⁷⁷⁸ [CAR-OTP-2001-0835](#), at 0886-0889.

⁷⁷⁹ **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0432, para.81;

⁷⁸⁰ [CAR-OTP-2088-2204](#), from [00:00:00] to [00:12:50]; [CAR-OTP-2001-2308](#), at 2332; [CAR-OTP-2085-3122](#); [CAR-OTP-2001-5350](#); [CAR-OTP-2079-0667](#); **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2190-2191, paras.95-97, at 2195, para.123 (referencing video [CAR-OTP-2088-2204](#)); **P-2133:** [CAR-OTP-2093-0267-R01](#), at 0280, para.97; **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0466-0467, para.73; *see also* **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0433-0434, paras.83-84, 86-89 (referencing video [CAR-OTP-2088-2204](#)); [CAR-OTP-2005-0197](#), at 0197, 0199; [CAR-OTP-2079-0668](#), at 0669; [CAR-OTP-2079-1147](#); [CAR-OTP-2085-3122](#); [CAR-OTP-2079-1151](#); [CAR-OTP-2079-1153](#).

Count 36 – Destruction of the adversary’s property (article 8(2)(e)(xii))

380. In the week following the attack, elements of the BOSSANGO Group dismantled and destroyed several mosques, including the central mosque of BOSSANGO, leaving Muslims with no place of worship.⁷⁸¹

Count 37 – Forcible transfer, deportation (article 7(1)(d))

Count 38 – Displacement (article 8(2)(e)(viii))

381. BOSSANGO’s Muslim inhabitants fled the attack and sought refuge at the *École de la Liberté*, a school turned into a refugee camp⁷⁸² where Muslims from the surrounding villages fleeing the violence by the Anti-Balaka had already settled in the previous weeks.⁷⁸³

382. In the days after the attack, the number of displaced Muslims rose to thousands. By the end of December 2013, the *École de la Liberté* sheltered over 7,000 displaced persons, mostly women and children from the Muslim neighbourhood of BORO.⁷⁸⁴ Some of them had been forcibly taken by the Anti-Balaka from their homes to the *École de la Liberté* site so that they could be removed from the town by international forces, which they later were.⁷⁸⁵

383. By April 2014, virtually the entire Muslim population remaining in BOSSANGO was evacuated, mainly to CHAD.⁷⁸⁶

⁷⁸¹ **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2158, para.67; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2191, para.99; at 2195, para.123 (referencing video [CAR-OTP-2088-2204](#), from [00 :03:42] to [00 :04:30]); **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0432, 0433, paras.82, 85 (referencing video [CAR-OTP-2088-2204](#) at [04:18:00]); **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0467, para.74.

⁷⁸² **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2155, 2158, paras.44, 64; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2188, paras.77-78; [CAR-OTP-2088-0731](#); **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0460, para.42; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0787 (referencing [CAR-OTP-2085-5082](#), [CAR-OTP-2085-5092](#)).

⁷⁸³ **P-1576:** [CAR-OTP-2060-0280-R01](#), at 0282, para.15; **P-0314:** [CAR-OTP-2008-1188-R01](#), at 1206, paras.85-86; **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0425, para.48; **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0456, para.23; [CAR-OTP-2005-0197](#), at 0205.

⁷⁸⁴ **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2193, para.111; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0791 (referencing [CAR-OTP-2085-4492](#), [CAR-OTP-2085-4502](#), [CAR-OTP-2085-4512](#), [CAR-OTP-2085-4552](#), [CAR-OTP-2085-4562](#), [CAR-OTP-2085-4572](#)); **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0468, para.82; [CAR-OTP-2079-1141](#), at 1141; [CAR-OTP-2006-1218](#), at 1220; [CAR-OTP-2049-0261](#), at 0262; [CAR-OTP-2079-1163](#), at 1163; [CAR-OTP-2079-0677](#), from [00:00:51] to [00:01:16].

⁷⁸⁵ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0252, para.63.

⁷⁸⁶ **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2160, paras.76-80; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2194, paras.115-116; **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0468-0469, paras.83-85; **P-2453:** [CAR-OTP-2111-](#)

Count 39 – Severe deprivation of physical liberty (article 7(1)(e))

384. While the Muslims were protected by international forces inside the makeshift camp for internally displaced persons (“IDP”) at the *École de la Liberté*, they could not leave it for fear of being killed by the Anti-Balaka. For instance, some weeks after the attack, the body of displaced Muslim Yaya MAKONZI was found hacked by a machete some two days after he left the camp to check on his house.⁷⁸⁷ Even from within the camp there was insecurity, as the Anti-Balaka would sometimes pass by the school shouting threats towards the families inside.⁷⁸⁸

Count 40 – Rape (article 7(1)(g))

Count 41 – Rape (article 8(2)(e)(vi))

385. Elements of the BOSSANGO Group raped at least two women during the course of the attack. A [REDACTED] Muslim woman was [REDACTED] while attempting to flee the attack to the Imam’s compound. [REDACTED]⁷⁸⁹ [REDACTED]⁷⁹⁰ [REDACTED]⁷⁹¹

386. A second victim raped by Anti-Balaka elements during the 5 December 2013 attack on BOSSANGO also reported the crime.⁷⁹²

Count 42 – Persecution (article 7(1)(h))

[0415-R01](#), at 0435, paras.95-99; **P-0287**: [CAR-OTP-2115-0239-R01](#), at 0264, para.120; **P-0567**: [CAR-OTP-2059-0084-R01](#), at 0096, para.76; [CAR-OTP-2001-2885](#), at 2885; [CAR-OTP-2079-1144](#), at 1144; **P-1231**: [CAR-OTP-2031-0157](#), at 0158; [CAR-OTP-2079-1154](#), at 1154; [CAR-OTP-2001-1057](#), at 1059, para.10; [CAR-OTP-2001-4383](#), at 4383; **P-2133**: [CAR-OTP-2093-0267-R01](#), at 0280-0281, paras.98-99; **P-0314**: [CAR-OTP-2008-1188-R01](#), at 1207-1208, paras.93-98; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0254, para.154; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0207, para.226; [CAR-OTP-2101-1682](#); [CAR-OTP-2101-4056](#), at 4056.

⁷⁸⁷ **P-2200**: [CAR-OTP-2088-2146-R01](#), at 2159, para.72-73; **P-2049**: [CAR-OTP-2088-2173-R01](#), at 2193, para.112; **P-2462**: [CAR-OTP-2111-0452-R01](#), at 0465, paras.61-62; **P-2453**: [CAR-OTP-2111-0415-R01](#), at 0434, paras.93-94; **P-1577**: [CAR-OTP-2081-0769-R01](#), at 0791; [CAR-OTP-2079-1141](#); [CAR-OTP-2079-1159](#); [CAR-OTP-2079-1158](#), at 1158; [CAR-OTP-2001-2885](#), at 2885.

⁷⁸⁸ [CAR-OTP-2079-1170](#), at 1170.

⁷⁸⁹ **P-2462**: [CAR-OTP-2111-0452-R01](#), at 0461, para.45.

⁷⁹⁰ **P-2462**: [CAR-OTP-2111-0452-R01](#), at 0461-0462, paras.47-48.

⁷⁹¹ **P-2462**: [CAR-OTP-2111-0452-R01](#), at 0462-0463, paras.51-52.

⁷⁹² **P-2462**: [CAR-OTP-2111-0452-R01](#), at 0463, para.53.

387. The crimes and acts described above were committed by the BOSSANGO Group and other Anti-Balaka elements in a coordinated effort to cleanse BOSSANGO of its Muslim population. That effort demonstrates the common plan or purpose involving the BOSSANGO Group, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim civilian population in BOSSANGO, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.⁷⁹³

388. The Anti-Balaka's attack on thousands of Muslim civilians; pillaging and destruction of their property, communities, and places of worship; their expulsion; restriction of liberty; and the commission of numerous violent crimes and acts, including sexual violence,⁷⁹⁴ all severely deprived BOSSANGO's Muslims of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) *Direct perpetrators of the crimes*

389. As mentioned, the BOSSANGO attack was executed by a group of Anti-Balaka under the leadership of the ComZone FACA *Caporal* KEMA,⁷⁹⁵ and his deputies DANGBA, and MANDAGO.⁷⁹⁶ All three were present in BOSSANGO during the attack,

⁷⁹³ See above, para.90.

⁷⁹⁴ See above, paras.376-386.

⁷⁹⁵ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0251-0252, paras.59, 61, 63, 65; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0609, para.35; [CAR-OTP-2046-0631](#), at 0631; **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1558, para.151; [CAR-OTP-2001-5365](#); [CAR-OTP-2019-1383](#), at 1386; **P-0314:** [CAR-OTP-2008-1188-R01](#), at 1208-1209, paras.100-101; **P-2232:** [CAR-OTP-2090-0561-R02](#), at 0574, para.84; **P-0884:** [CAR-OTP-2080-1678-R01](#), at 1703, 1.854-872; **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0431, para.75; **P-0287:** [CAR-OTP-2115-0239-R01](#), at 0264-0265, paras.125, 127; **P-2269:** [CAR-OTP-2111-0336-R01](#), at 0354, para.135.

⁷⁹⁶ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0247, 0251-0252, paras.36, 61; [CAR-OTP-2001-5365](#); **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2192, para.103; [CAR-OTP-2001-0835](#), at 0886; [CAR-OTP-2030-0232](#), at 0234, 0238; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0609, para.35; **P-0314:** [CAR-OTP-2008-1188-R01](#), at 1209, para.103.

as CDR confirm.⁷⁹⁷ The BOSSANGO Group also included several other members of BOZIZE's PG such as 'Charlie'.⁷⁹⁸

390. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made.⁷⁹⁹ Their crimes were committed in furtherance of the BOSSANGO Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to *the Common Purpose*.

d) *The de facto Coordination was involved with the BOSSANGO Group*

i. From September 2013 (at the latest) the BOSSANGO Group was in contact with the *de facto* Coordination

391. The BOSSANGO Group was engaged with the *de facto* Coordination.

392. *First*, CDR established that KEMA was in contact with MOKOM on numerous occasions during earlier Anti-Balaka attacks around BOSSANGO in September 2013.⁸⁰⁰ Witnesses confirm contacts between MOKOM and KEMA, DANGBA, and MANDAGO, while MOKOM was in ZONGO⁸⁰¹ (*i.e.* before 6 February 2014).⁸⁰² CDR further

⁷⁹⁷ CDR shows that KEMA, DANGBA, and MANDAGO communicated from the Cell Site in BOSSANGO on 5 December 2013, *see* Call Sequence Tables in Annex J, sections 6.1, 6.2 and 6.3. For attributions, *see* Annex I. [REDACTED:] [CAR-OTP-2082-1026-R01](#), at 1030. [REDACTED]

⁷⁹⁸ **P-2200:** [CAR-OTP-2088-2146-R01](#), at 2162-2163, para.88; **P-0314:** [CAR-OTP-2008-1188-R01](#), at 1209, para.101; **P-2049:** [CAR-OTP-2088-2173-R01](#), at 2192, para.102; **P-2462:** [CAR-OTP-2111-0452-R01](#), at 0467, para.77; **P-2453:** [CAR-OTP-2111-0415-R01](#), at 0420, 0426-0427, 0430-0431, paras.26, 52, 73-74.

⁷⁹⁹ **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0252, para.64; **P-0287:** [CAR-OTP-2115-0239-R01](#), at 0265, para.131. *See also* [CAR-OTP-2066-5308](#), from [00:01:50] to [00:03:31] and its transcript and translation [CAR-OTP-2107-6935](#), at 6937-6938, 1.63-108, and [CAR-OTP-2107-7073](#), at 7076-7077, 1.63-110; [CAR-OTP-2085-2953](#), from [00:06:50] to [00:12:00] and its transcript and translation [CAR-OTP-2107-6989](#), at 6995-6997, 1.173-243, and [CAR-OTP-2107-7137](#), at 7144-7146, 1.173-243.

⁸⁰⁰ CDR show that KEMA communicated with MOKOM in September 2013. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 6.4.1. Regarding the attacks around BOSSANGO in September 2013: *see above*, para.375.

⁸⁰¹ **P-1172:** [CAR-OTP-2082-1058-R02](#), at 1064, para.33; **P-0884:** [CAR-OTP-2072-1541-R01](#), at 1559-1560, 1.613-652; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0610, para.43; **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2295, para.34.

⁸⁰² *See above*, para.70.

established that KEMA maintained contact with MOKOM between October 2013 and March 2014.⁸⁰³

393. *Second*, CDR show several contacts between KEMA and **NGAISSONA** on 17 January 2014 (*i.e.* only three days after **NGAISSONA**'s return to BANGUI)⁸⁰⁴. They also show additional contact between the two throughout 2014.⁸⁰⁵

394. *Third*, CDR reflects several contacts between **NGAISSONA**, DANGBA, and MANDAGO from January to June 2014.⁸⁰⁶

ii. KEMA received instructions and directions from the *de facto* Coordination

395. KEMA was close to MOKOM,⁸⁰⁷ who not only strategised the 5 December 2013 BOSSANGO attack with local Anti-Balaka leaders, but also then sent money and ammunition to carry it out.⁸⁰⁸ A member of the BOSSANGO Group explicitly said that the attack was launched a day earlier (on Thursday 5 December 2013 instead of Friday) than planned, after being informed by their "chiefs, in Bangui" of the attack on BANGUI.⁸⁰⁹ Likewise, later on, KEMA openly acknowledged falling under **NGAISSONA**'s authority,⁸¹⁰ from whom he received instructions.⁸¹¹

e) Knowledge and intent of **NGAISSONA**

396. **NGAISSONA** knew of and intended the crimes committed by the BOSSANGO Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the

⁸⁰³ CDR show that KEMA communicated with MOKOM from 4 October 2013 to 30 March 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 6.4.2.

⁸⁰⁴ On 14 January 2014: **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0336, para.82; [CAR-OTP-2003-1076](#), at 1086.

⁸⁰⁵ CDR show that **NGAISSONA** communicated with KEMA in January, February, September and October 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 6.5.1.

⁸⁰⁶ CDR show that **NGAISSONA** communicated with DANGBA and MANDAGO between March and November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 6.5.2.

⁸⁰⁷ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0574, para.84.

⁸⁰⁸ **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0571, 0575, paras.68, 70, 89-90; **P-2269**: [CAR-OTP-2111-0336-R01](#), at 0345, paras.68-69.

⁸⁰⁹ **P-2462**: [CAR-OTP-2111-0452-R01](#) at 0467, para.77.

⁸¹⁰ **P-0287**: [CAR-OTP-2115-0239-R01](#), at 0265, para.130.

⁸¹¹ **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1552-1553, 1558, paras.118, 121, 152.

Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including in BOSSANGO, yet endorsed its leadership who were among the direct perpetrators.

i. NGAISSONA knew about the situation in BOSSANGO

397. **NGAISSONA** knew about the situation in BOSSANGO. Members of the *de facto* Coordination were apprised of the crisis from the initial attack on 5 December 2013 and throughout the existence of the Muslim enclave until at least April 2014.

398. **NGAISSONA** was further aware of the deplorable circumstances affecting the displaced Muslims, first having been forced into the enclave, and then made to endure its lasting existence because of the unlawful conduct of the BOSSANGO Group and other Anti-Balaka elements.

399. *First*, in addition to the frequent telephone contacts between the BOSSANGO Group and the *de facto* Coordination, CDR further establish KEMA's contact with MOKOM in the period around the attack — from 1 to 10 December 2013. On 5 December 2013, KEMA and MOKOM were in contact several times. These contacts, clustered around 12h00 and 18h00,⁸¹² correspond to the 13h00 to 17h00 timing of the attack estimated by an Anti-Balaka participant.⁸¹³ CDR also put KEMA and DANGBA in contact between 13h00 and 14h20, at the beginning of the attack.⁸¹⁴

400. *Second*, **NGAISSONA** knew about the prevailing situation in BOSSANGO through other means: both he and MOKOM sent missions there to keep apprised of the events, and also visited the area themselves.⁸¹⁵

⁸¹² CDR show MOKOM's contacts with KEMA on 5 December 2013 clustered around 12h00 and 18h00. For attributions, *see* Annex I. *See also* [CAR-OTP-2054-1480](#); [CAR-OTP-2046-0722](#); [CAR-OTP-2068-0033](#).

⁸¹³ **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0251, para.60.

⁸¹⁴ CDR show that KEMA communicated with DANGBA on 5 December 2013 between 13:50 and 14:20. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 6.3.1.

⁸¹⁵ **P-1858**: [CAR-OTP-2063-0050-R01](#), at 0067-0068, paras.105, 112; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0026, paras.87-90; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0193-0194, para.149.

401. *Third*, KEMA and DANGBA attended meetings at the National Coordination in BANGUI.⁸¹⁶

402. *Fourth*, **NGAISSONA** and MOKOM were directly informed by people present in BOSSANGOYA about events.⁸¹⁷ In addition, the Anti-Balaka violence in BOSSANGOYA was also heavily covered by national and international media since September 2013,⁸¹⁸ and the taking of the city later posted on the Anti-Balaka's Facebook account in January 2014,⁸¹⁹ confirms the National Coordination's knowledge of Anti-Balaka activities on the ground throughout western CAR, including in BOSSANGOYA.

ii. **NGAISSONA intended and endorsed the situation in BOSSANGOYA**

403. Despite clear knowledge of the crimes committed by the BOSSANGOYA Group, and instead of condemning their conduct, acting to end the continued subjugation of Muslims in the town by elements under KEMA, or end the Anti-Balaka's siege of the Muslim community and desist from contributing to the perpetuation of the enclave, **NGAISSONA** validated and accepted KEMA's conduct and continued membership in the group, inviting him to participate in the July 2014 BRAZZAVILLE Summit as an Anti-Balaka representative.⁸²⁰ KEMA was also recognised by **NGAISSONA** as the Anti-Balaka ComZone for BOSSANGOYA in December 2014 and later on as Regional coordinator of OUHAM province.⁸²¹

⁸¹⁶ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2588-2589, paras.108-111, 113; **P-0405**: [CAR-OTP-2107-4580-R01](#), at 4610-4611, 1.1010-1049; **P-1042**: [CAR-OTP-2107-0591-R01](#), at 0608, 1.546-577.

⁸¹⁷ **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1552-1553, paras.118, 121; **P-1172**: [CAR-OTP-2082-1058-R02](#), at 1063, para.29; **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0256, para.88; **P-0627**: [CAR-OTP-2102-1506-R01](#), at 1519-1520, 1.443-463.

⁸¹⁸ **P-0405**: [CAR-OTP-2107-4759-R01](#), at 4779, 1.667-675; [CAR-OTP-2079-1940](#); [CAR-OTP-2082-0787](#); [CAR-OTP-2079-0622](#); [CAR-OTP-2082-0793](#); [CAR-OTP-2079-1163](#); [CAR-OTP-2001-4550](#); [CAR-OTP-2001-4082](#); [CAR-OTP-2042-5196](#); [CAR-OTP-2079-1166](#); [CAR-OTP-2079-1147](#); [CAR-OTP-2079-1144](#); [CAR-OTP-2079-0677](#), from [00:00:00] to [00:01:29]; [CAR-OTP-2079-0668](#).

⁸¹⁹ [CAR-OTP-2066-5201](#), at 5206.

⁸²⁰ [CAR-OTP-2001-6924](#), at 6926; **P-0314**: [CAR-OTP-2008-1188-R01](#), at 1209, para.104; **P-1048**: [CAR-OTP-2094-0593-R01](#), at 0622, 0624-0626, 1.1079-1097, 1168-1230; **P-2269**: [CAR-OTP-2111-0336-R01](#), at 0356-0357, para.154. See also **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0028, paras.103-104.

⁸²¹ [CAR-OTP-2030-0445](#), at 0447; **P-0287**: [CAR-OTP-2115-0239-R01](#), at 0265, paras.130-131.

404. MOKOM similarly promoted the Anti-Balaka's actions in BOSSANGO, validating KEMA's leadership with whom he met and communicated; and whom he proposed and accepted as the BOSSANGO Group's ComZone in January 2014.⁸²²

H. YALOKE, GAGA, ZAWA (OMBELLA M'POKO PREFECTURE)

a) *General*

405. YALOKE is a major gold trading centre in the OMBELLA-M'POKO Prefecture. Its pre-conflict population of around 56,000 included between 20,000-30,000 Muslims.⁸²³ The town is located some 250 km north-west of BANGUI.⁸²⁴ GAGA is a mining village about 25-35 km northwest of YALOKE in the direction of BOSSEMPTELE.⁸²⁵ ZAWA is around 15-20 km south of GAGA and about 15 km west of YALOKE.⁸²⁶

406. In the months leading up to the January 2014 attacks on GAGA, ZAWA and YALOKE described below, the Anti-Balaka repeatedly attacked the Muslim civilian population in and around the area, causing the terrified Muslims to seek refuge in YALOKE.⁸²⁷

b) *Crimes committed*

Count 43 – Attack directed against the civilian population (article 8(2)(e)(i))

⁸²² **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2299, para.54 (referencing [CAR-OTP-2030-0280](#), at 0280).

⁸²³ **CAR-OTP-2001-2237**, at 2237; **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0760, para.5; **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1619-1620, para.12; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0430, para.14.

⁸²⁴ [CAR-OTP-2023-0376](#), from [00:03:55] to [00:04:20]; [CAR-OTP-2001-2707](#), at 2727; [CAR-OTP-2101-3623](#), at 3623. *See* Annex F(11) (Yaloke Map).

⁸²⁵ **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1619; [CAR-OTP-2001-4059](#), at 4059; [CAR-OTP-2055-1987](#), at 2125; **P-0884:** [CAR-OTP-2072-1881-R01](#), at 1908, 1.946-948; [CAR-OTP-2102-1656](#); **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0772, para.64; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0582, para.13; [CAR-OTP-2106-0625-R01](#); **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0439, para.48. *See* Annex F(11) (Yaloke Map).

⁸²⁶ **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0777, para.98; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0439, para.47; [CAR-OTP-2088-1327](#), at 1344. *See* Annex F(11) (Yaloke Map).

⁸²⁷ [CAR-OTP-2053-0645](#), at 0645; [CAR-OTP-2075-1114](#), at 1115; [CAR-OTP-2075-1127](#), at 1128; [CAR-OTP-2001-4059](#), at 4059; [CAR-OTP-2042-1890](#); **P-1019:** [CAR-OTP-2094-1648-R01](#), at 1681, 1.1101-1121; **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1626-1627, 1631, paras.26-28, 38; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0439, 0442-0443, paras.47, 58-59; [CAR-OTP-2001-7017](#), at 7093; [CAR-OTP-2001-2707](#), at 2727.

407. Fuelled by vengeance and hatred toward Muslims, Séverin NDOGUIA (aka “Le Bleu”) (“NDOGUIA”) and Richard BOZANDO (aka “Colonel Richard”) (“BOZANDO”),⁸²⁸ who was an Anti-Balaka ComZone in YALOKÉ,⁸²⁹ led Anti-Balaka elements (“YALOKÉ Group”)⁸³⁰ in an attack on GAGA on or about 17 January 2014. The attack claimed the lives of several Muslim civilians.⁸³¹

408. Shortly after attacking GAGA, on or about 20 January 2014, the YALOKÉ Group attacked ZAWA. They killed Muslim civilians and forced the survivors to flee to neighbouring towns.⁸³² They then moved on to YALOKÉ, erecting roadblocks throughout the town, preventing Muslim civilians from leaving.⁸³³ Aware of the imminent Anti-Balaka attack, Christian inhabitants progressively left the mixed neighbourhoods in YALOKÉ’s city centre to move to all-Christian neighbourhoods.⁸³⁴

409. To calm heightened tensions and avoid the planned attack, SANGARIS forces organised reconciliation meetings with representatives of the Muslim community and the Anti-Balaka starting around 21 January 2014.⁸³⁵

⁸²⁸ **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0594, 0597-0598, paras.39-40, 48, 51-52; [CAR-OTP-2088-1375](#), at 1380; [CAR-OTP-2053-0645](#), at 0645; [CAR-OTP-2001-7017](#), at 7093; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0442, 0459, paras.57, 145; [CAR-OTP-2088-1179](#), at 1193; **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1627, para.28; **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2578, 2590, paras.47-48, 119.

⁸²⁹ [CAR-OTP-2030-0232](#), at 0234.

⁸³⁰ The “YALOKÉ Group” includes any subgroup or plurality of members/elements thereof, whether or not formally organised or constituted. The YALOKÉ Group is a sub-group of ‘Anti-Balaka’.

⁸³¹ [CAR-OTP-2055-1987](#), at 2157.

⁸³² **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0599, para.54; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0448, para.75; [CAR-OTP-2088-1375](#), at 1381; [CAR-OTP-2001-7017](#), at 7093; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0507, para.52.

⁸³³ **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0088, para.60; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0602, para.60; **P-2454:** [CAR-OTP-2106-0426-R01](#), 0442, para.57; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0505, para.46; **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0778, para.102; **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1635, paras.50-51.

⁸³⁴ **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0441-0442, para.55; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0600, para.56; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0502, para.36.

⁸³⁵ **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0506-0508, 0510, paras.50-51 53-55, 61; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0604-0608, paras.64, 67-70, 73-75; **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1634-1637, paras.47-48, 50-53, 57; [CAR-OTP-2106-0139](#), from [00:00:00] to [00:00:56], and its transcript [CAR-OTP-2106-0139](#); **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0449, paras.77-78.

410. However, the meetings were to no avail. With the Seleka already gone,⁸³⁶ immediately after the SANGARIS forces left YALOKÉ,⁸³⁷ the YALOKÉ Group launched a first major attack against the Muslim civilian population on or about 22 January 2014.⁸³⁸ Days later, on or about 26 January 2014, the Muslim civilian population in YALOKÉ was the subject of a second major attack.⁸³⁹

411. The YALOKÉ Group's intention to attack the Muslim population was clear. In the presence of his elements, NDOGUIA pronounced that they had to take revenge on the "Arabs" who killed their families.⁸⁴⁰ The attack comprised numerous violent crimes and acts as described below.

412. The following submissions under Counts 44-45 (murder and attempted murder), Count 46 (forcible transfer), Counts 48-49 (destruction of the adversary's property and pillaging), Count 50 (severe deprivation of physical liberty), Count 51 (inhumane acts and extermination), Counts 54-55 (rape) and Count 56 (persecution) qualify as the underlying conduct of the war crime of attack directed against the civilian population.

Count 44 – Murder and attempted murder (article 7(1)(a))

Count 45 – Murder and attempted murder (article 8(2)(c)(i))

413. Over the course of the two attacks in YALOKÉ and in the following days, the YALOKÉ Group killed several Muslim civilians, including the President of the Islam

⁸³⁶ **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1631, 1633-1634, paras.39, 46; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0814; [CAR-OTP-2088-1423](#), at 1427; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0498, 0504, paras.25, 45; **P-2282:** [CAR-OTP-2106-0759-R01](#) (interview notes), at 0784, para.137.

⁸³⁷ **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0452, 0455, paras.82-83, 93.

⁸³⁸ **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0508, para.55; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0607-0609, 0611, paras.73, 78-79, 86-87; **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0795, para.202 (referencing [CAR-OTP-2106-0684](#), from [00:00:00] to [00:04:47]); **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0452, 0454, 0468-0469, paras.82-83, 88, 90, 144; **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1627-1628, 1634-1635, 1638, paras.28, 49, 62; [CAR-OTP-2088-1179](#), at 1193; [CAR-OTP-2001-7017](#), at 7096, para.346.

⁸³⁹ **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0612-0613, paras.92-94; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0458, para.105; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0512-0513, paras.67-69; **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1631, 1640, paras.38, 69; [CAR-OTP-2055-1987](#), at 2157; [CAR-OTP-2001-7017](#), at 7096, para.347.

⁸⁴⁰ **P-1576:** [CAR-OTP-2060-0280-R01](#), at 0286, para.40 (referencing [CAR-OTP-2075-0074](#), at 0379); **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0606, para.69; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0462-0464, paras.119-125; **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0778, para.103; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0500-0501, 0533-0536, paras.32-33, 117, 119, 121, 123 (referencing [CAR-OTP-2106-0685](#), from [00:00:00] to [00:11:55]); **P-2416:** [CAR-OTP-2106-0759-R01](#), at 0795, para.202 (referencing [CAR-OTP-2106-0684](#), from [00:00:00] to [00:04:47]).

Community Hadjoro IBRAHIM, Imam Djibrilla SALEH, Mahamat ADDOK, Mamadou OUMAROU, Mohamat AZARACK, a certain TELLA, SAADOU, and AMADOU.⁸⁴¹ There was no indication that any of the victims were Seleka, armed, or otherwise engaged in combat.⁸⁴²

414. In addition, the YALOKÉ Group shot several civilians during the YALOKÉ attacks, including Saleh RAKISS, Laminou AMADJIDA, Djibrila BAKARI NAOA, Aboubakar DJINGUI, and a certain ADAMOU nicknamed ‘Tailleur’.⁸⁴³

Count 46 – Forcible transfer, deportation (article 7(1)(d))

Count 47 – Displacement (article 8(2)(e)(viii))

415. The attacks perpetrated in and around YALOKÉ and the injunctions issued by the Anti-Balaka forced the vast majority of Muslim civilians present to flee and seek refuge in safe areas, such as the central mosque protected by the SANGARIS contingent, or the compound of the *Chef de Groupe ZIZIWA*.⁸⁴⁴

416. Following the YALOKÉ Group’s renewed ultimatums,⁸⁴⁵ MISCA and the Chadian military evacuated the Muslim population mainly to CAMEROON and CHAD in several convoys. Around 2,000 Muslim civilians were evacuated on or about 2 February 2014. Another 1,600 were evacuated on or about 4 February 2014. After further Anti-Balaka

⁸⁴¹ [CAR-OTP-2001-7017](#), at 7096, para.347; [CAR-OTP-2088-1230-R01](#), at 1321; **P-2411**: [CAR-OTP-2106-0578-R01](#), at 0609, 0612-0613, paras.81-82, 90, 97; **P-2454**: [CAR-OTP-2106-0426-R01](#), at 0454-0457, paras.88, 91-93, 96, 101; **P-2416**: [CAR-OTP-2106-0489-R01](#), at 0508-0509, 0513, paras.56-58, 69-71; **P-1668**: [CAR-OTP-2102-1616-R01](#), at 1621, 1635, 1640, paras.15, 49, 51, 69.

⁸⁴² **P-1668**: [CAR-OTP-2102-1616-R01](#), at 1631, 1633-1634, paras.39, 46; **P-1577**: [CAR-OTP-2081-0769-R01](#), at 0814; [CAR-OTP-2088-1423](#), at 1427; **P-2416**: [CAR-OTP-2106-0489-R01](#), at 0498, 0504, paras.25, 45; **P-2282**: [CAR-OTP-2106-0759-R01](#) (interview notes), at 0784, para.137; **P-2411**: [CAR-OTP-2106-0578-R01](#), at 0607, paras.73-74; **P-2454**: [CAR-OTP-2106-0426-R01](#), at 0449, para.78.

⁸⁴³ **P-2411**: [CAR-OTP-2106-0578-R01](#), at 0610, paras.83-84; **P-2454**: [CAR-OTP-2106-0426-R01](#), at 0455, para.94; **P-2416**: [CAR-OTP-2106-0489-R01](#), 0509, 0513, paras.58-59, 71.

⁸⁴⁴ **P-2416**: [CAR-OTP-2106-0489-R01](#), at 0513-0514, 0516, 0523, 0538, paras.70-71, 73, 79, 101-102, 126; **P-2411**: [CAR-OTP-2106-0578-R01](#), at 0604, 0612, 618, paras.63, 91, 114 (referencing [CAR-OTP-2106-0624-R01](#), [CAR-OTP-2106-0633-R01](#)); [CAR-OTP-2023-0376](#), from [00:10:32] to [00:12:10]; **P-1668**: [CAR-OTP-2102-1616-R01](#), at 1633, 1638, paras.44-45, 61; **P-2282**: [CAR-OTP-2106-0759-R01](#), at 0784, paras.139-140; [CAR-OTP-2007-0925](#) at 1004; [CAR-OTP-2001-7017](#), at 7096.

⁸⁴⁵ [CAR-OTP-2084-0291](#), at 0297; **P-1577**: [CAR-OTP-2081-0769-R01](#), at 0817, 0823-0824, para.61.

threats, on or about 22 February 2014 the last convoy emptied YALOKÉ of its Muslim population.⁸⁴⁶ The Anti-Balaka attacked the convoys *en route*.⁸⁴⁷

Count 48 – Destruction of the adversary’s property (article 8(2)(e)(xii))
Count 49 – Pillaging (article 8(2)(e)(v))

417. Shortly after the first two convoys departed YALOKÉ, the YALOKÉ Group systematically went from house to house, breaking the doors and windows of houses belonging to Muslim civilians, pillaging and burning any property left behind by the fleeing Muslims.⁸⁴⁸ They methodically destroyed numerous Muslim houses and shops, especially in the *quartier* ARABE.⁸⁴⁹

Count 50 – Severe deprivation of physical liberty (article 7(1)(e))

418. After the expulsion of the Muslim civilians from YALOKÉ, in or about April 2014, the YALOKÉ Group intercepted a large number of Peuhls fleeing Anti-Balaka attacks in the LOBAYE Prefecture. In exchange for money, NDOGUIA promised them safe passage. But instead, they were ambushed by elements of the YALOKÉ Group who attacked the Peuhls in the bush, killing several men and leaving some 500-600 of them, mostly elderly,

⁸⁴⁶ [CAR-OTP-2084-0291](#) at 0296, 0298; [CAR-OTP-2001-2308](#), at 2339; **P-2416**: [CAR-OTP-2106-0489-R01](#), at 0514-0515, 0521-0524, paras.74-75-77, 95-104; [CAR-OTP-2106-0138](#), from [00:00:00] to [00:01:33]; **P-2411**: [CAR-OTP-2106-0578-R01](#), at 0614-0616, paras.98-99, 108, 109; **P-2454**: [CAR-OTP-2106-0426-R01](#), at 0465-0468, paras.132-137, 141; **P-1668**: [CAR-OTP-2102-1616-R01](#), at 1620, 1642, paras.12, 77; **P-2282**: [CAR-OTP-2106-0759-R01](#), at 0774, 0782, 0785, paras.73, 126-127, 141; [CAR-OTP-2055-1938](#), at 1939; [CAR-OTP-2001-0409](#), at 0411, para.11; [CAR-OTP-2001-7017](#), at 7096, para.348; [CAR-OTP-2001-0463](#), at 0463; [CAR-OTP-2069-0150](#), at 0150; [CAR-OTP-2069-0152](#), at 0152; [CAR-OTP-2001-2707](#), at 2727.

⁸⁴⁷ **P-2411**: [CAR-OTP-2106-0578-R01](#), at 0614-0616, paras.100, 107-108; **P-2282**: [CAR-OTP-2106-0759-R01](#), at 0785, para.144.

⁸⁴⁸ **P-1577**: [CAR-OTP-2081-0769-R01](#), at 0813-0814 (referencing [CAR-OTP-2085-8235](#); [CAR-OTP-2085-8275](#); [CAR-OTP-2085-8285](#); [CAR-OTP-2085-8345](#)); [CAR-OTP-2001-7017](#), at 7104; **P-2416**: [CAR-OTP-2106-0489-R01](#), at 0517-0519, 0540, paras.83-84, 86-89, 91, 129 (referencing [CAR-OTP-2106-0569-R01](#)); **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1569, para.222; **P-2282**: [CAR-OTP-2106-0759-R01](#), at 0773, para.70; [CAR-OTP-2053-0645](#), at 0645.

⁸⁴⁹ **P-2416**: [CAR-OTP-2106-0489-R01](#), at 0518, 0529, 0533, paras.85, 106, 115-116 (referencing [CAR-OTP-2106-0138](#), from [00:00:00] to [00:01:07]); **P-1577**: [CAR-OTP-2081-0769-R01](#), at 0817, para.61 (referencing [CAR-OTP-2081-0923-R01](#), at 0945); [CAR-OTP-2085-7665](#); [CAR-OTP-2085-7685](#); [CAR-OTP-2085-7755](#); [CAR-OTP-2085-8745](#); [CAR-OTP-2085-8415](#); [CAR-OTP-2085-8025](#); [CAR-OTP-2085-8625](#); **P-1668**: [CAR-OTP-2102-1616-R01](#), at 1646-1647, para.84 (referencing [CAR-OTP-2102-1668](#); [CAR-OTP-2102-1669](#); [CAR-OTP-2102-1670](#); [CAR-OTP-2102-1671](#)); [CAR-OTP-2023-0376](#), from [00:10:32] to [00:12:10].

women, and children, who they eventually took to an enclave in the *quartier sous-manguier* in YALOKE. The trapped Peuhls remained there for months.⁸⁵⁰

419. Throughout 2014 and into 2015, the displaced Peuhls were confined to the YALOKE enclave: any attempt to leave the enclave would almost certainly result in death. They had no choice but to remain in the enclave and endure dreadful living conditions, described by some as an “open air prison.”⁸⁵¹ Their protection was ensured only by the presence of international forces. Still, the Anti-Balaka systematically insulted the Peuhls and threatened to kill anyone attempting to leave the site.⁸⁵²

Count 51 – Inhumane acts (article 7(1)(k))

Count 52 – Degrading treatment (article 8(2)(c)(ii))

Count 53 – Extermination (article 7(1)(b))

420. The YALOKE enclave was known as one of the worst in western CAR: displaced Peuhls were subject to dire conditions, with limited shelter and access to food, sanitation, healthcare, and other primary resources. The conditions were so severe that over 40 people died of malnourishment and pulmonary and other infections over a few months.⁸⁵³ By

⁸⁵⁰ **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1644, paras.81, 84 (referencing [CAR-OTP-2087-4282](#), [CAR-OTP-2102-1660](#), [CAR-OTP-2102-1674](#)); **P-0884:** [CAR-OTP-2072-1881-R01](#), at 1908, 1,935-961; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0531, para.109; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0617-1618, para.113; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2403, para.69; **P-1739:** [CAR-OTP-2054-1089-R01](#), at 1099; [CAR-OTP-2049-0462](#), at 0497-0498; [CAR-OTP-2092-1998](#), at 1998; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0823 (referencing [CAR-OTP-2088-0735](#), at 0735); **P-1576:** [CAR-OTP-2060-0280-R01](#), at 0286, para.40; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0199, 0203-204, paras.185, 201, 212; [CAR-OTP-2016-0972](#), from [00:00:00] to [00:04:29]; [CAR-OTP-2016-0970](#), from [00:00:00] to [00:06:32]; [CAR-OTP-2016-0976](#), from [00:00:00] to [00:05:47]; [CAR-OTP-2016-0996](#), from [00:00:00] to [00:06:03]; [CAR-OTP-2101-3040](#), at 3040; [CAR-OTP-2101-3623](#), at 3623; [CAR-OTP-2001-1057](#), at 1057-1058, para.3; [CAR-OTP-2001-5305](#), at 5321-5325.

⁸⁵¹ [CAR-OTP-2066-0430](#), at 0430-0431.

⁸⁵² **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1644-1645, para.82; **P-0952:** [CAR-OTP-2107-1108-R01](#), at 1135-1136, 1,900-965; **P-0434:** [CAR-OTP-2014-0660-R01](#), at 0676, para.93; [CAR-OTP-2001-0797](#), at 0798; [CAR-OTP-2011-0133](#), at 0180; [CAR-OTP-2002-0504](#), at 0505, 0507; [CAR-OTP-2055-1987](#), at 2109, 2150; [CAR-OTP-2016-0968](#), at 0969; [CAR-OTP-2092-1998](#), at 1998; [CAR-OTP-2065-0169](#), at 0169; [CAR-OTP-2055-1987](#), at 2158; [CAR-OTP-2020-0019](#), at 0034, para.54; [CAR-OTP-2084-0305](#), at 0310, paras.31; [CAR-OTP-2092-2891](#), at 2895; [CAR-OTP-2092-1953](#), at 1955; [CAR-OTP-2069-0241](#), at 0241-0242.

⁸⁵³ **P-0952:** [CAR-OTP-2107-0819-R01](#), at 0823, 1,126-159; **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1644-1645, para.82; [CAR-OTP-2101-3623](#), at 3623; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0823-0824 (referencing [CAR-OTP-2087-4282](#); [CAR-OTP-2087-4342](#); [CAR-OTP-2087-4252](#); [CAR-OTP-2087-4362](#)); [CAR-OTP-2075-0074](#), at 0374, 0378, 0383; [CAR-OTP-2001-0789](#), at 0793; [CAR-OTP-2023-2771](#), from [00:28:39] to [00:32:32], and its transcript [CAR-OTP-2107-1470](#), at 1470-1472, 1,1-51; [CAR-OTP-2049-0462](#), at 0498; **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0792-0793 paras.185-186, 190-191; [CAR-OTP-2002-0504](#), at 0508; [CAR-OTP-2002-0511](#), from [00:01:36] to [00:03:59]; [CAR-OTP-2069-0241](#), at 0242, 0244; [CAR-OTP-2079-0893](#), at 0893, 0901; [CAR-OTP-2020-0019](#), at 0034-0035, para.57.

targeting the most vulnerable members of the community (women, children and the elderly), corralling them into an enclave, and leaving them to starve and die of preventable diseases, the YALOKÉ Group purposefully created conditions of life that were bound to destroy this group.

Count 54 – Rape (article 7(1)(g))

Count 55 – Rape (article 8(2)(e)(vi))

421. Approximately two weeks after the attacks on YALOKÉ elements of the YALOKÉ Group raped a Muslim girl.

422. The victim and her family had fled YALOKÉ as a result of the attack and sought refuge [REDACTED]⁸⁵⁴

423. [REDACTED] [REDACTED] The Anti-Balaka [REDACTED] spoke about leaders including “Le Bleu, RICHARD, SIMPLICE, and LAMPETY”.⁸⁵⁵

424. [REDACTED]⁸⁵⁶ The Anti-Balaka elements then raped and beat the victim, about age 10 or 11 at the time.⁸⁵⁷

Count 56 – Persecution (article 7(1)(h))

425. The crimes and acts described above were committed by the YALOKÉ Group and other Anti-Balaka elements in a coordinated effort to cleanse YALOKÉ, GAGA, and ZAWA of their Muslim populations. That effort demonstrates a common plan or purpose involving the YALOKÉ Group, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in YALOKÉ, GAGA, and ZAWA who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.⁸⁵⁸

⁸⁵⁴ P-2422: [CAR-OTP-2110-0801-R01](#), at 0816-0818, paras.51, 53, 57-58.

⁸⁵⁵ P-2422: [CAR-OTP-2110-0801-R01](#), at 0819, 0821, 0823-0824, paras.62, 68, 75.

⁸⁵⁶ P-2422: [CAR-OTP-2110-0801-R01](#), at 0831, para.93.

⁸⁵⁷ P-2422: [CAR-OTP-2110-0801-R01](#), at 0831-0832, paras.93, 96-97.

⁸⁵⁸ See above, para.90.

426. The Anti-Balaka's attack on thousands of Muslim civilians; the brutal murder of Muslim civilians and community leaders; their expulsion; the pillaging and destruction of their property and communities; their restriction of liberty; being forced to endure inhumane conditions; extermination; and the commission of numerous violent crimes and acts, including sexual violence,⁸⁵⁹ all severely deprived the Muslims of GAGA, ZAWA, and YALOKÉ of fundamental rights. These include the rights to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

427. The YALOKÉ Group committed the attacks and underlying crimes in GAGA, ZAWA, and YALOKÉ, which they subsequently controlled.⁸⁶⁰ NDOGUIA and BOZANDO were assisted by other Anti-Balaka leaders, including Emmanuel BOUYEMBE (aka "Chief Lampeti") ("BOUYEMBE"),⁸⁶¹ and Thierry TITE.⁸⁶²

428. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made.⁸⁶³ Their crimes were committed in furtherance of the YALOKÉ Group's leaders' common plan to violently attack the Muslim population in ZAWA, GAGA, and YALOKÉ in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

⁸⁵⁹ See above, paras.407-424.

⁸⁶⁰ **P-1847:** [CAR-OTP-2061-1534-R01](#), at 1569, para.222; **P-0884:** [CAR-OTP-2072-1881-R01](#), at 1905-1906, 1.856-978; **P-0446:** [CAR-OTP-2105-0376-R01](#), at 0393-0394, 1.562-610; **P-0446:** [CAR-OTP-2105-0462-R01](#), at 0484, 1.755-778; **P-0405:** [CAR-OTP-2107-4653-R01](#), at 4661-4662, 1.264-292; **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0768, 0776-0777, paras.41-42, 91, 99; [CAR-OTP-2053-0645](#), at 0645; [CAR-OTP-2001-5305](#), at 5323-5325; [CAR-OTP-2030-0232](#), at 0234; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0503, 0509, paras.41, 58; **P-0958:** [CAR-OTP-2101-0013-R01](#), at 0047-0048, paras.218-220; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0593-0594, 0597, 0611, paras.38-40, 48, 86.

⁸⁶¹ **P-1668:** [CAR-OTP-2102-1616-R01](#), at 1650, para.87; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0619-0620, para.116; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0541, para.130; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0472, para.152; [CAR-OTP-2001-2707](#), at 2727; [CAR-OTP-2088-1230-R01](#), at 1320; **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0780-0781, 0783, paras.113, 118, 130; [CAR-OTP-2001-5386](#), at 5421.

⁸⁶² **P-2282:** [CAR-OTP-2106-0759-R01](#), at 0780, para.113; **P-2454:** [CAR-OTP-2106-0426-R01](#), at 0462, para.119; **P-2416:** [CAR-OTP-2106-0489-R01](#), at 0511, paras.64-65; **P-2411:** [CAR-OTP-2106-0578-R01](#), at 0606, para.69.

⁸⁶³ See above, para.411.

d) *The National Coordination was involved with the YALOKE Group*

i. From January 2014, the YALOKE Group was in contact with the National Coordination

429. The National Coordination was involved with the leadership of the YALOKE Group. CDR reflect that NDOGUIA and BOZANDO were in contact with National Coordination members and key Anti-Balaka leaders in the days immediately preceding the attacks on GAGA, ZAWA, and YALOKE, as well as during, and shortly thereafter:

- NDOGUIA was in contact with Richard KOTAOKO (“KOTAOKO”) on 17 January 2014;⁸⁶⁴
- NDOGUIA was in contact with LEBENE’s secretary on 21 January 2014;⁸⁶⁵
- BOZANDO was in contact with MOKOM on 14 and 16 January 2014, and between 11 and 28 February 2014;⁸⁶⁶
- BOZANDO was in contact with NGAISSONA on 21 and 22 January 2014;⁸⁶⁷
- BOZANDO was in regular contact with KONATE between 14 January 2014 and 17 February 2014;⁸⁶⁸

⁸⁶⁴ CDR show that NDOGUIA communicated with KOTAOKO on the day of the attack on Gaga (17 January 2014). For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.1.1. KOTAOKO was a member of the *Bureau Exécutif des Anti-Balaka*, *see* [CAR-OTP-2079-0050](#), at 0053. He was later on listed as one of the ComZone’s of BANGUI, *see* [CAR-OTP-2030-0445](#), at 0449; [CAR-OTP-2030-0232](#), at 0234; and as the ComZone of YALOKE in a list of commanders loyal to MOKOM, *see* [CAR-OTP-2023-0032](#), at 0171-0172.

⁸⁶⁵ CDR show that NDOGUIA communicated with LEBENE’s secretary on 21 January 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.1.2.

⁸⁶⁶ CDR show that MOKOM communicated with BOZANDO on 14 and 16 January 2014 and between 11 - 28 February 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.1.3.

⁸⁶⁷ CDR show that NGAISSONA communicated with BOZANDO on 21 and 22 January 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.1.4.

⁸⁶⁸ CDR show that BOZANDO communicated with KONATE between 14 January 2014 and 17 February 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.1.5.

- BOZANDO was in contact with LEBENE on 16 January 2014;⁸⁶⁹ and
- BOZANDO was in contact with LEBENE's secretary on numerous occasions between 14 and 28 January 2014 (including over 20 times on 20 January 2014).⁸⁷⁰

430. The contacts between the leadership of the YALOKÉ Group and members of the National Coordination and/or high-level Anti-Balaka ComZones continued in 2014 throughout the existence of the Muslim enclave: CDR show that NDOGUIA and BOZANDO were in contact with MOKOM, and that NDOGUIA was in contact with NGAISSONA.⁸⁷¹ Further, CDR reflects NDOGUIA's contact with KOTAOKO,⁸⁷² LEBENE,⁸⁷³ LEBENE's Secretary,⁸⁷⁴ KONATE,⁸⁷⁵ Judicael OROFEI,⁸⁷⁶ BEOROFEI,⁸⁷⁷ Dieudonné NDOMATE ("NDOMATE"),⁸⁷⁸ and WENEZOU.⁸⁷⁹ CDR also reflects

⁸⁶⁹ CDR show that BOZANDO communicated with LEBENE on 16 and 20 January 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.1.6.

⁸⁷⁰ CDR show that BOZANDO communicated with LEBENE's secretary between 14 and 29 January 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.1.7.

⁸⁷¹ CDR show that MOKOM communicated with NDOGUIA on 23 April 2014, 23 to 25 June 2014 and on 23 September 2014. For Call Sequence Tables, *see* Annex J, section 7.2.1. CDR show that MOKOM communicated with BOZANDO from 14 January 2014 to 11 November 2014. For Call Sequence Tables, *see* Annex J, section 7.2.11. CDR show that NGAISSONA communicated with NDOGUIA on 12 April 2014 and 4 November 2014. For Call Sequence Tables, *see* Annex J, section 7.2.2. For attributions, *see* Annex I.

⁸⁷² CDR show that NDOGUIA communicated with KOTAOKO from 17 January 2014 to 29 December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.3.

⁸⁷³ CDR show that NDOGUIA communicated with LEBENE on 4 November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.4.

⁸⁷⁴ CDR show that NDOGUIA communicated with LEBENE's Secretary in January and July 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.5.

⁸⁷⁵ CDR show that NDOGUIA communicated with KONATE between January and March 2014 and on 30 November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.6.

⁸⁷⁶ CDR show that NDOGUIA communicated with Judicael OROFEI in March, April, May and November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.7. Judicael OROFEI was the Secretary General of the Anti-Balaka, *see* **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0338, para.94.

⁸⁷⁷ CDR show that NDOGUIA communicated with BEOROFEI in March and May 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.8. Sylvain BEOROFEI was a member of the National Coordination and one of the *chefs de bataillon*, *see* [CAR-OTP-2025-0380](#), at 0384; [CAR-OTP-2006-1210](#) at 1213.

⁸⁷⁸ CDR show that NDOGUIA communicated with NDOMATE on 21 April 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.9. Dieudonné NDOMATE became MOKOM's deputy after YAGOUZOU died, *see* **P-1524**: [CAR-OTP-2046-0603-R01](#), at 0616, para.78.

⁸⁷⁹ CDR show that NDOGUIA communicated with WENEZOU on 30 October 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.10.

BOZANDO's contact with YAGOUZOU,⁸⁸⁰ KONATE,⁸⁸¹ ANDJILO,⁸⁸² and BEOROFEI.⁸⁸³ CDR additionally reflects BOUYEMBE's contact with NAMSIO, DENAMGANAI, and GANAZOUI.⁸⁸⁴

ii. NDOGUIA and BOZANDO received instructions and directions from the National Coordination

431. The National Coordination officially recognised NDOGUIA and BOZANDO as Anti-Balaka ComZones for YALOKE.⁸⁸⁵ NDOGUIA reported to Bernard MOKOM and NGAISSONA,⁸⁸⁶ while BOZANDO reported to MOKOM.⁸⁸⁷

e) Knowledge and intent of NGAISSONA

432. NGAISSONA knew of and intended the crimes committed by the YALOKE Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. NGAISSONA knew and accepted that the implementation of the *Strategic Common Plan* would result in the violent targeting of the Muslim population and its perceived supporters in western CAR, including in YALOKE, GAGA, and ZAWA.

i. NGAISSONA knew about the situation in YALOKE, GAGA, and ZAWA

⁸⁸⁰ CDR show that BOZANDO communicated with YAGOUZOU on 22 December 2013, between January to March 2014 and on 10 July 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.12.

⁸⁸¹ CDR show that BOZANDO communicated with KONATE in January, February, June and August 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.13.

⁸⁸² CDR show that BOZANDO communicated with ANDJILO from 15 January 2014 to 18 February 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.14.

⁸⁸³ CDR show that BOZANDO communicated with BEOROFEI on 8 March 2014: [CAR-OTP-2068-0034](#). For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.15.

⁸⁸⁴ CDR show that BOUYEMBE ("LAMPETI") communicated with NAMSIO in March 2014; with DENAMGANAI in March, July and August 2014; with TOUABOYE in December 2013; and with GANAZOUI in July and August 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 7.2.19.

⁸⁸⁵ **P-0884**: [CAR-OTP-2072-1881-R01](#), at 1905-1907, 1.856-919; [CAR-OTP-2030-0232](#), at 0234; [CAR-OTP-2030-0445](#), at 0446. BOZANDO was also recognised as ComZone for GOBONGO (BANGUI). [CAR-OTP-2025-0362](#), at 0367; [CAR-OTP-2035-0061](#), at 0062.

⁸⁸⁶ **P-1847**: [CAR-OTP-2061-1534-R01](#), at 1569, para.223.

⁸⁸⁷ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2594, para.140.

433. **NGAISSONA** knew either directly or through members of the National Coordination about the situation in GAGA, ZAWA, and YALOKÉ from the initial attack throughout the duration of the YALOKÉ enclave, which remained in place until at least mid-2015.

434. *First*, there were numerous telephone contacts between the YALOKÉ Group and the National Coordination as early as January 2014.⁸⁸⁸ In addition, MOKOM was informed contemporaneously that NDOGUIA had successfully attacked YALOKÉ and the town was now in Anti-Balaka hands.⁸⁸⁹

435. *Second*, members of the National Coordination, such as Deputy Chief of Staff AZOUNOU, visited NDOGUIA in YALOKÉ at least in March and May 2014.⁸⁹⁰ Both before and after the July 2014 BRAZZAVILLE Summit, key Anti-Balaka ComZones, including LEBENE, conducted official missions to YALOKÉ.⁸⁹¹ Conversely, NDOGUIA and BOZANDO attended meetings organised by the National Coordination, including a meeting organised in BOY-RABE by **NGAISSONA** in June 2014.⁸⁹²

436. *Third*, a National Coordination Facebook account establishes their awareness of the situation in YALOKÉ. For instance, a 25 March 2014 entry confirms the Anti-Balaka having “chased away” Peuhls in the areas of YALOKÉ-SIBUT-GAGA-BOSSEMPTELE-BOZOOM; a 26 March 2014 entry further indicates the Anti-Balaka’s confinement of the remaining Peuhls in YALOKÉ.⁸⁹³

⁸⁸⁸ See above, paras.429-430.

⁸⁸⁹ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2578, para.48.

⁸⁹⁰ CDR show that AZOUNOU communicated from the Cell Site of YALOKÉ on 20-24 March 2014, on 29 March 2014 and on 27 May 2014. For Call Sequence Tables, see Annex J, section 7.2.16. CDR show that NDOGUIA communicated from the Cell Site of YALOKÉ on 24 March 2014 with Judicael OROFEI. For Call Sequence Tables, see Annex J, section 7.2.17. CDR show that while in YALOKÉ, in March and May 2014, AZOUNOU communicated with Judicael OROFEI in BANGUI, who in turn, communicated with NDOGUIA. For Call Sequence Tables, see Annex J, section 7.2.18. For attributions, see Annex I. See also **P-0966**: [CAR-OTP-2031-0241-R01](#), at 0257, para.90; [CAR-OTP-2092-1018](#), at 1018; **P-2282**: [CAR-OTP-2106-0759-R01](#), at 0780-0781, paras.114-119 (referencing [CAR-OTP-2092-1018](#)).

⁸⁹¹ **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0026, paras.89-90; **P-2251**: [CAR-OTP-2093-0045-R01](#), at 0074, para.190.

⁸⁹² **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0057-0058, paras.99, 103-104; **P-0884**: [CAR-OTP-2072-1881-R01](#), at 1905-1907, 1.856-919; [CAR-OTP-2072-1739-R01](#), at 1756-1758, 1.558-634; **P-2232**: [CAR-OTP-2090-0561-R02](#), at 0574, paras.85-86; **P-1961**: [CAR-OTP-2090-0067-R01](#), at 0082, para.86.

⁸⁹³ [CAR-OTP-2066-1601](#), at 1622, 1673, 1698, 1778, 1790.

437. *Finally*, the situation in YALOKÉ was extensively covered by national and international media, in particular the perpetuation of the enclave and the dire conditions facing the Muslim population trapped within it.⁸⁹⁴

ii. NGAISSONA intended and endorsed the situation in YALOKÉ, GAGA, and ZAWA

438. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Peuhls, first forced into the enclave by Anti-Balaka violence, and then made to endure its lasting existence as a result of the unlawful conduct of YALOKÉ Group.

439. Despite knowledge of the crimes committed by the Anti-Balaka, **NGAISSONA** did not condemn the participation of the YALOKÉ Group or its leadership, including NDOGUIA and BOZANDO, in the attacks on YALOKÉ, GAGA, and ZAWA, did not act to end the continued subjugation of Muslims in the town by the YALOKÉ Group and other Anti-Balaka ComZones and did nothing to end the Anti-Balaka's siege of the Muslim community and to desist from contributing to the perpetuation of the enclave.

440. Instead, **NGAISSONA** validated the YALOKÉ Group's actions and accepted NDOGUIA's and BOZANDO's continued membership in the Anti-Balaka by officially recognising them within the group's ranks and by inviting them to Anti-Balaka meetings.⁸⁹⁵ In addition, **NGAISSONA** validated and accepted BOZANDO's conduct by recognising him as an Anti-Balaka ComZone for YALOKÉ in December 2014.⁸⁹⁶

⁸⁹⁴ See e.g. [CAR-OTP-2066-0430](#), at 0431; [CAR-OTP-2016-0968](#), at 0969; [CAR-OTP-2031-0157](#), at 0157-0158; [CAR-OTP-2042-4620](#), from [00:27:30] to [00:35:44]; [CAR-OTP-2023-2771](#), from [00:28:39] to [00:32:32], and its transcript [CAR-OTP-2107-1470](#), at 1470-1472, l.1-51; [CAR-OTP-2079-0784](#); [CAR-OTP-2079-0789](#).

⁸⁹⁵ See above, paras.431, 435.

⁸⁹⁶ [CAR-OTP-2030-0445](#), at 0446.

I. BOSSEMPTELE (OUHAM PENDE PREFECTURE)

a) General

441. BOSSEMPTELE is located in the OUHAM-PENDE Prefecture about 369 km northwest of BANGUI and 87 km south of BOZOUM. Bordering the OMBELLA-M'POKO and NANA-MAMBERE prefectures, the city serves as the capital of the BOSSEMPTELE Sub-Prefecture. The Sub-prefecture's 2003 population was around 18,000.⁸⁹⁷ In 2013, there were between 6,000 and 8,000 inhabitants of the city, of which around 35% were Muslim.⁸⁹⁸

442. When rumours of an imminent Anti-Balaka attack reached BOSSEMPTELE, a large part of its civilian Muslim population fled. By the beginning of January 2014, only around 1,000 Muslims remained.⁸⁹⁹

443. Fearing an attack, BOSSEMPTELE's religious leaders tried for weeks to negotiate with, and dissuade the Anti-Balaka from attacking BOSSEMPTELE.⁹⁰⁰ Anti-Balaka leaders Noel TENGUEDE (aka "NDOUROU"), ("NDOUROU") and his Secretary and second Deputy Rodrigue BANAFEI (aka "GBANAFIN", "BABAFEI") ("RODRIGUE") publicly expressed their intention to cleanse BOSSEMPTELE of its Muslim population.⁹⁰¹

b) Crimes committed

Count 57 – Attack against the civilian population (article 8(2)(e)(i))

⁸⁹⁷ [CAR-OTP-2115-0054](#), at 0056 (shows population of sub-prefecture as 18,004). See Annex F(7) (Bossemptele Map).

⁸⁹⁸ **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0785, para.17; **P-0811**: [CAR-OTP-2025-0003-R01](#), at 0006-0007, paras.19, 29; **P-2205**: [CAR-OTP-2108-0465-R01](#), at 0470-0471, paras.34, 38.

⁸⁹⁹ **P-0811**: [CAR-OTP-2025-0003-R01](#), at 0010-0011, 0015, paras.47-50, 52, 72; **P-2444**: [CAR-OTP-2108-0422-R01](#), at 0432, para.64; [CAR-OTP-2088-0833](#), at 0833; [CAR-OTP-2048-0109](#), at 0109.

⁹⁰⁰ **P-2205**: [CAR-OTP-2108-0465-R01](#), at 0478, para.80; [CAR-OTP-2088-0977](#), its transcript [CAR-OTP-2089-0323](#), see commentaries provided by **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0788-0790, paras.34, 38-47; [CAR-OTP-2093-0002-R01](#), at 0004-0006, paras.15-18; **P-0811**: [CAR-OTP-2025-0003-R01](#), at 0011, para.51; [CAR-OTP-2082-0646](#), from [00:02:35] to [00:03:25]; [CAR-OTP-2088-0663](#), from [00:03:30] to [00:07:30].

⁹⁰¹ [CAR-OTP-2088-0977](#) and its transcript [CAR-OTP-2089-0323](#), at 0327, 0328, 0330-0331, 1.49-56, 97-98, 201-210.

444. Only hours after the last round of negotiations failed, the Seleka left BOSSEMPTELE on 17 January 2014. The next day, NDOUROU and Deputy Gervain YAPENDE (aka “GERVAIN”, “Gervais 12 puissances”, “Gervais YAPENDE”, “Gervais POUTHIA MANGELE”, “Gervain LA GUERRE”) (“GERVAIN”) and second Deputy RODRIGUE led hundreds⁹⁰² of Anti-Balaka elements armed with machetes, bows, and hunting rifles⁹⁰³ in the attack on the town, proceeding from three directions (“BOSSEMPTELE Group”).⁹⁰⁴

445. Fuelled by vengeance and hatred toward Muslims, the BOSSEMPTELE Group attacked the town’s Muslim population, particularly in the ARABE and BALA neighbourhoods,⁹⁰⁵ committing numerous violent crimes and acts as described below.

⁹⁰² **P-2192:** [CAR-OTP-2088-0782-R01](#) at 0794, para.68 (“*J’estime qu’il y avait environ 1000 Anti-Balaka dans les villages autour de BOSSEMPTELE [REDACTED] donc j’estime que c’est ce nombre qui est rentré dans la ville. J’ai fait cette estimation plus tard, lorsque j’étais sorti en ville après l’attaque.*”)

⁹⁰³ **P-2192:** [CAR-OTP-2088-0782-R01](#) at 0794, para.67 (“*Ils avaient des arcs, des machettes et des armes de chasse*”); [CAR-OTP-2045-0505](#) (“*Ils portaient des armes traditionnelles*”); [CAR-OTP-2045-0287](#) at 0287 (“*les anti balaka avaient des fusils et des machettes*”); [CAR-OTP-2045-0563](#) at 0563 (“*ils étaient beaucoup habillés en civil avec machettes et armes traditionnelles*”); **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0431 para.51 (“The Anti-Balaka carried traditional handmade guns called *yalinga*. Others carried knives, machetes or bows and arrows.”)

⁹⁰⁴ The “BOSSEMPTELE Group” includes any subgroup or plurality of members/elements thereof, whether or not formally organised or constituted. The BOSSEMPTELE Group is a sub-group of ‘Anti-Balaka’. **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0789, 0793-0794, paras.39, 64-67; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0428-0432, 0440, 0442, paras.35-49, 56, 58-61, 106, 112; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0480-0483, 0489, 0501, paras.94-102, 105-108, 143, 203; **P-0811:** [CAR-OTP-2025-0003-R01](#), at 0013-0014, paras.59, 63-64, 67. On the departure of the Seleka on 17 January 2014, *see also:* [CAR-OTP-2025-0044](#), from [00:06:01] to [00:09:24] and its transcript and translation [CAR-OTP-2107-2977](#); [CAR-OTP-2107-2983](#), at 2986-2990, 1.65-178; [CAR-OTP-2001-7017](#), at 7092, para.316 (“The Seleka left the town on 17 January 2014”); [CAR-OTP-2045-0287](#); [CAR-OTP-2045-0561](#), at 0561-0562; [CAR-OTP-2045-0563](#); [CAR-OTP-2048-0109](#), at 0109-0110; [CAR-OTP-2088-0663](#), from [00:06:35] to [00:09:15]. On the failed negotiations and on the attack by the Anti-Balaka, *see:* [CAR-OTP-2045-0561](#), at 0561-0562; [CAR-OTP-2001-7017](#), at 7092, paras.316, 320; [CAR-OTP-2045-0559](#), at 0559.

⁹⁰⁵ **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0425-0426, 0432, 0434-0438, paras.18, 24, 64, 77-79, 82-83, 90-92; [CAR-OTP-2082-0607](#), from [00:01:29] to [00:04:02]; **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0785, para.16; [CAR-OTP-2088-0857](#), and its transcript and translation [CAR-OTP-2107-3176](#), and [CAR-OTP-2107-3180](#); [CAR-OTP-2088-0858](#); [CAR-OTP-2088-0862](#); [CAR-OTP-2088-0863](#); [CAR-OTP-2088-0864](#); [CAR-OTP-2088-0865](#); [CAR-OTP-2088-0866](#); [CAR-OTP-2088-0867](#); [CAR-OTP-2088-0870](#); [CAR-OTP-2088-0871](#); [CAR-OTP-2088-0872](#); [CAR-OTP-2088-0873](#); [CAR-OTP-2088-0874](#); [CAR-OTP-2088-0875](#); [CAR-OTP-2088-0876](#); [CAR-OTP-2088-0877](#); [CAR-OTP-2088-0878](#); [CAR-OTP-2088-0879](#) – *see* commentary of **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0810-0811; [CAR-OTP-2045-0561](#); [CAR-OTP-2048-0109](#), at 0109; [CAR-OTP-2045-0581](#), at 0581.

446. After the attack, they took control over the town and established a base in the building previously used by the Seleka.⁹⁰⁶

447. The following submissions under Counts 58-59 (murder), Count 60 (destruction of the adversary's property), Count 62 (attacks against buildings dedicated to religion), Count 63 (forcible transfer), Count 65 (severe deprivation of physical liberty), and Count 66 (persecution) qualify as the underlying conduct of the war crime of attack directed against the civilian population.

Count 58 – Murder (article 7(1)(a))

Count 59 – Murder (article 8(2)(c)(i))

448. During the attack and in the following days, the BOSSEMPTELE Group killed at least 22 Muslim civilians, including a certain Laminou and two Peuhl women.⁹⁰⁷ They mounted a manhunt around BOSSEMPTELE, killing Muslims in the bush and leaving their bodies to decompose in the heat, or calling up religious leaders to come collect and bury the bodies.⁹⁰⁸ They killed many Muslim civilians, including Houreratou DJIBRILLA's four children aged 10 to 17, Yaouba IDRISSE, Abdouraoufou IDRISSE,

⁹⁰⁶ **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0489, para.140; **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0798, para.94; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0439, para.99.

⁹⁰⁷ [CAR-OTP-2025-0021-R01](#), numbers.44-45 – see commentary provided by **P-0811:** [CAR-OTP-2025-0003-R01](#), at 0018, para.95; **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0796-0797 paras.79, 82, 87; [CAR-OTP-2088-0833](#), at 0835; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0483, paras.111-112; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0436-0437, paras.86-89, 92; [CAR-OTP-2088-0841](#), from [00:00:22] to [00:00:27], from [00:00:44] to [00:00:50], and its transcript and translation [CAR-OTP-2107-3158](#) and [CAR-OTP-2107-3162](#); [CAR-OTP-2088-0842](#), from [00:04:08] to [00:04:24], and its transcript and translation [CAR-OTP-2107-3167](#) and [CAR-OTP-2107-3171](#), at 3175, 1.71-72; [CAR-OTP-2088-0893](#); [CAR-OTP-2088-0918](#); [CAR-OTP-2088-0922](#); [CAR-OTP-2088-0925](#); [CAR-OTP-2088-0928](#); [CAR-OTP-2088-0931](#); [CAR-OTP-2088-0951](#); [CAR-OTP-2088-0953](#); [CAR-OTP-2088-1083](#); [CAR-OTP-2088-1103](#); [CAR-OTP-2088-1107](#); [CAR-OTP-2088-1149](#); [CAR-OTP-2083-1725](#); [CAR-OTP-2083-1765](#); [CAR-OTP-2083-1773](#); [CAR-OTP-2083-1781](#); [CAR-OTP-2083-1785](#); [CAR-OTP-2088-1129](#); [CAR-OTP-2083-1841](#); [CAR-OTP-2088-0934](#); [CAR-OTP-2088-0935](#); [CAR-OTP-2088-0936](#); [CAR-OTP-2088-0937](#); [CAR-OTP-2088-0938](#); [CAR-OTP-2088-1086](#); [CAR-OTP-2088-1087](#); [CAR-OTP-2088-1088](#); [CAR-OTP-2088-1089](#); [CAR-OTP-2088-1090](#); [CAR-OTP-2001-5305](#), at 5320-5321; [CAR-OTP-2082-0646](#), from [00:02:35] to [00:04:52]; **P-0811:** [CAR-OTP-2025-0003-R01](#), at 0015, para.72; [CAR-OTP-2025-0021-R01](#) – see commentary provided by **P-0811:** [CAR-OTP-2025-0003-R01](#), at 0018; [CAR-OTP-2060-0358](#), at 0359; [CAR-OTP-2025-0044](#), from [00:06:00] to [00:07:07] and its transcript and translation [CAR-OTP-2107-2977](#); [CAR-OTP-2107-2983](#), at 2986-2988, 1.65-118; [CAR-OTP-2001-7017](#), at 7092, para.321; [CAR-OTP-2045-0536](#); [CAR-OTP-2045-0559](#); [CAR-OTP-2045-0561](#); [CAR-OTP-2055-1987](#), at 2163; [CAR-OTP-2001-2203](#), at 2206, 2211; [CAR-OTP-2079-0815](#), from [00:10:50] to [00:11:40]; [CAR-OTP-2001-7017](#), 7092, para.317; [CAR-OTP-2045-0287](#); [CAR-OTP-2001-2203](#), at 2212.

⁹⁰⁸ **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0486, paras.128-129; [CAR-OTP-2001-5305](#), at 5320-5321; [CAR-OTP-2048-0109](#), at 0109-0110; [CAR-OTP-2045-0561](#); [CAR-OTP-2055-1987](#), at 2165; [CAR-OTP-2001-2203](#), at 2213.

Oumarou IDRISSE and Hamidou IDRISSE; and Aissatou DJIBIRLLA's three children aged 12 to 18, Adamou SALI, Abdoukarim MAMOUDOU, and Souleymanou MAMOUDOU, who were hacked to death in front of them.⁹⁰⁹ There was no indication that any of the victims (many of whom were children, elderly or invalid)⁹¹⁰ were Seleka, armed, or otherwise engaged in combat.⁹¹¹

Count 60 – Destruction of the adversary's property (article 8(2)(e)(xii))

Count 61 – Pillaging (article 8(2)(e)(v))

449. During the attack, the Anti-Balaka systematically pillaged Muslim shops in the main market, taking chairs, suitcases, and mattresses among other items, and also merchandise such as sugar, salt and soap. They went on to destroy shops, including one belonging to ADJI and ALADJI YOUNOUSSA.⁹¹²

450. They also systematically burnt down and destroyed Muslim houses, including the houses of Imam NOUR and of trader Hamadou [LNU], especially in the Muslims neighbourhoods ARABE and BALA.⁹¹³

⁹⁰⁹ [CAR-OTP-2045-0573](#); [CAR-OTP-2045-0575](#); [CAR-OTP-2025-0021-R01](#), pts.1-7 (lists the following names: Yaouba, Soulemane, Abdourarou, Oumarou, Aminou, Abdoukarim, Adamou – same names as the children killed)– see commentary provided by **P-0811**: [CAR-OTP-2025-0003-R01](#), at 0018.

⁹¹⁰ [CAR-OTP-2082-0646](#), from [00:02:35] to [00:04:52]; [CAR-OTP-2045-0561](#).

⁹¹¹ [CAR-OTP-2055-1987](#), at 2163.

⁹¹² **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0797, paras.88-89; **P-0811**: [CAR-OTP-2025-0003-R01](#), at 0015-0016, paras.74, 77; **P-1576**: [CAR-OTP-2075-0074](#), at 0256, 0257, 0258; see commentary by **P-1576**: [CAR-OTP-2060-0280-R01](#), at 0285, para.30; **P-2444**: [CAR-OTP-2108-0422-R01](#), at 0433, paras.68-70; [CAR-OTP-2088-0841](#), from [00:00:00] to [00:03:04], and its transcript and translation [CAR-OTP-2107-3158](#) and [CAR-OTP-2107-3162](#); see commentary provided by **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0808, 0809, CIMG5364; [CAR-OTP-2088-0842](#), from [00:00:00] to [00:04:08] and its transcript and translation [CAR-OTP-2107-3167](#) and [CAR-OTP-2107-3171](#), at 3173-3175, 1.5-72; see commentary provided by **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0809, CIMG5364; [CAR-OTP-2088-0846](#); [CAR-OTP-2088-0890](#); [CAR-OTP-2088-0891](#); [CAR-OTP-2088-0892](#); see commentary provided by **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0809, 0812, CIMG5368, CIMG5412, CIMG5413, CIMG5414; [CAR-OTP-2025-0044](#), from [00:00:00] to [00:05:50] and its transcript and translation [CAR-OTP-2107-2977](#), [CAR-OTP-2107-2983](#), at 2985-2986, 1.1-63; see commentary provided by **P-0811**: [CAR-OTP-2025-0003-R01](#), at 0017, paras.87-89.

⁹¹³ **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0797-0798, paras.88, 96; **P-2192**: [CAR-OTP-2088-0833](#), at 0835; **P-0811**: [CAR-OTP-2025-0003-R01](#), at 0015-0016, paras.74, 77; [CAR-OTP-2088-0857](#), from [00:00:00] to [00:03:53], and its transcript and translation [CAR-OTP-2107-3176](#), and [CAR-OTP-2107-3180](#); see commentary provided by **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0810, CIMG5379; **P-2444**: [CAR-OTP-2108-0422-R01](#), at 0435, 0437-0438, paras.82, 90-92; [CAR-OTP-2026-0777](#), at 0777; [CAR-OTP-2048-0109](#), at 0109; [CAR-OTP-2045-0561](#) at 0561; [CAR-OTP-2045-0536](#) at 0536; [CAR-OTP-2045-0581](#) at 0581; [CAR-OTP-2055-1987](#), at 2163; [CAR-OTP-2088-0864](#); [CAR-OTP-2088-0865](#); [CAR-OTP-2088-0866](#); [CAR-OTP-2088-0877](#); [CAR-OTP-2088-0878](#); [CAR-OTP-2088-0879](#); [CAR-OTP-2088-0883](#); [CAR-OTP-2088-0884](#); see commentary provided by **P-2192**: [CAR-OTP-2088-0782-R01](#), at 0797, 0811, para.90,

Count 62 – Attack against buildings dedicated to religion (article 8(2)(e)(iv))

451. The BOSSEMPTELE Group destroyed at least two mosques, including the Central Mosque and the Chadian Mosque in the ARABE and BALA neighbourhoods. They were set on fire, or had their roofs and doors removed, or brick walls destroyed.⁹¹⁴

Count 63 – Forcible transfer, deportation (article 7(1)(d))

Count 64 – Displacement (article 8(2)(e)(viii))

452. Muslims fled the attack *en masse* to neighbouring villages or to CAMEROON.⁹¹⁵ Over 1,000 displaced Muslims, including from neighbouring villages, sought refuge at the “*Sainte-Thérèse*” Catholic Mission.⁹¹⁶ For their protection, they were hidden in the poultry pen, classrooms, surgery hall, and hospitalisation rooms of the medical facility on the premises, or with the staff.⁹¹⁷ By the end of January 2014, the Mission sheltered some 1,500 Muslim civilians.⁹¹⁸

453. From February 2014 onwards, Father Bernard KINVI (“KINVI”), who ran the “*Sainte-Thérèse*” Catholic Mission and its hospital, managed to negotiate the evacuation of some Muslim civilians to CAMEROON, starting with the women and children.⁹¹⁹ The evacuation was fully in line with the Anti-Balaka’s explicit objective: to empty

CIMG5386-CIMG5388, CIMG5399-5401, CIMG5405-5406; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0485, 0487 paras.122, 134.

⁹¹⁴ **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0785, 0798, paras.16, 91; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0437, para.90; [CAR-OTP-2025-0044](#), from [00:05:13] to [00:05:24] and its transcript and translation [CAR-OTP-2107-2977](#), [CAR-OTP-2107-2983](#); see commentary provided by **P-0811:** [CAR-OTP-2025-0003-R01](#), at 0017, para.92; [CAR-OTP-2045-0561](#); [CAR-OTP-2045-0581](#); [CAR-OTP-2055-1987](#), at 2163.

⁹¹⁵ [CAR-OTP-2025-0026-R01](#) – see commentary provided by **P-0811:** [CAR-OTP-2025-0003-R01](#), at 0019, para.95 (referencing Annex D); [CAR-OTP-2048-0109](#), at 0109-0110; [CAR-OTP-2045-0561](#); [CAR-OTP-2015-0493](#), at 0494, 0496-0497; [CAR-OTP-2001-2308](#), at 2330; [CAR-OTP-2001-7145](#), at 7168.

⁹¹⁶ **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0803, paras.123-125; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0492-0493, para.164; [CAR-OTP-2001-5305](#), at 5319-5320; [CAR-OTP-2001-2203](#), at 2213; [CAR-OTP-2045-0563](#); [CAR-OTP-2045-0581](#); [CAR-OTP-2045-0569](#); [CAR-OTP-2001-5305](#), at 5315; [CAR-OTP-2001-2308](#), at 2315-2316; [CAR-OTP-0083-1246](#), at 1272, 1274; [CAR-OTP-2001-2252](#); [CAR-OTP-2001-7145](#), at 7164-7165; [CAR-OTP-2079-0815](#), from [00:02:05] to [00:03:15]; [CAR-OTP-2083-0428](#), from [00:01:28] to [00:03:00].

⁹¹⁷ **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0485-0486, 0492-0493, paras.124-126, 127, 164; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0432, para.63.

⁹¹⁸ **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0492-0493, para.164; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0435, 0439, paras.82-83, 100.

⁹¹⁹ **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0492-0495, paras.164, 170-177; **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0805-0806, para.135, 141; [CAR-OTP-2001-5305](#), at 5327; [CAR-OTP-2079-0815](#), from [00:14:20] to [00:15:35]; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0440, para.103.

BOSSEMPTELE of its Muslim population.⁹²⁰ Later, on orders from BANGUI not to kill Muslims anymore, RODRIGUE allowed some men to leave.⁹²¹ By July 2014, all Muslim refugees had been evacuated except those with disabilities, those too physically ill or weak to climb onto the trucks, and those whose families could not be identified.⁹²² The last Muslims were still present in the enclave in January 2015.⁹²³

Count 65 – Severe deprivation of physical liberty (article 7(1)(e))

454. Until peacekeeping troops established a presence in BOSSEMPTELE, Muslim civilians were under constant threat of attack by the BOSSEMPTELE Group, who controlled the town.⁹²⁴ In addition to threatening to attack, they captured several Muslims to ransom and kept some hostage.⁹²⁵

Count 66 – Persecution (article 7(1)(h))

455. The crimes and acts described above were committed by the BOSSEMPTELE Group and other Anti-Balaka elements in a coordinated effort to cleanse BOSSEMPTELE of its Muslim population. That effort demonstrates a common plan or purpose involving the BOSSEMPTELE Group, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in BOSSEMPTELE, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.⁹²⁶

⁹²⁰ [CAR-OTP-2088-0977](#), from [00:00:00] to [00:18:54] and its transcript [CAR-OTP-2089-0323](#);

⁹²¹ **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0489-0490, 0496, 0499-0500 paras.146, 180-181, 192-194, 199-200; [CAR-OTP-2079-0815](#) from [00:16:45] to [00:17:10]; [CAR-OTP-2082-0605](#), from [00:05:28] to [00:06:10].

⁹²² **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0804, para.131; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0497, para.184; [CAR-OTP-2001-5305](#), at 5328. [CAR-OTP-2001-2308](#), at 2330; [CAR-OTP-0083-1246](#), at 1274.

⁹²³ **P-1577:** [CAR-OTP-2087-4322](#); [CAR-OTP-2087-4332](#); – see commentary provided by **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0824-0825.

⁹²⁴ **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0488, 0494, paras.139, 170 [CAR-OTP-2001-2203](#), at 2211-2213; [CAR-OTP-2001-0317](#), at 0317; [CAR-OTP-2001-4393](#); [CAR-OTP-2088-0663](#), from [00:08:00] to [00:09:15]; **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0803-0804, paras.126-129; [CAR-OTP-2088-1144](#) – see commentary provided by **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0487, 0495, paras.135, 176; [CAR-OTP-2001-5305](#), at 5326-5327.

⁹²⁵ **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0803-0804, para.126; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0487-0488, 0491, 0500 paras.133, 139, 154, 201; [CAR-OTP-2079-0815](#), from [00:14:23] to [00:17:10]; [CAR-OTP-2088-0663](#), from [00:08:00] to [00:09:15].

⁹²⁶ See above, para.90.

456. The Anti-Balaka's attack on over a thousand Muslim civilians; their brutal murder including the killing of children and elderly people; pillaging and destruction of their property, communities, and places of worship; their expulsion; restriction of liberty; forced enslavement; and the commission of numerous violent acts,⁹²⁷ all severely deprived BOSSEMPTELE's Muslims of fundamental rights. These include the right to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) *Direct perpetrators of the crimes*

457. The BOSSEMPTELE attack was executed, and the underlying crimes committed by the BOSSEMPTELE Group, led by NDOUROU, first deputy GERVAIN, secretary and second deputy RODRIGUE.⁹²⁸ Following the attack, they became the Anti-Balaka leaders in BOSSEMPTELE and claimed authority over the town.⁹²⁹ They were later joined by 'Nono' ("NONO").⁹³⁰ All were seen carrying Kalashnikovs and grenades.⁹³¹

458. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made.⁹³² Their crimes were committed in furtherance of the BOSSEMPTELE Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

⁹²⁷ See above, paras.444-454.

⁹²⁸ **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0478, 0489, paras.81, 141, 143; **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0789-0790, paras.39-42; **P-0811:** [CAR-OTP-2025-0003-R01](#), at 0013, para.59; [CAR-OTP-2088-0977](#), from [00:00:00] to [00:18:54] and its transcript [CAR-OTP-2089-0323](#); see [CAR-OTP-2030-0232](#), at 0237 – see commentary provided by **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2306, para.100; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0261, para.114; **P-0589:** [CAR-OTP-2029-0014-R01](#), at 0026, para.77; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0441, para.106; see also [CAR-OTP-2023-0032](#), at 0172; [CAR-OTP-2030-0445](#), at 0447.

⁹²⁹ See above, para.446.

⁹³⁰ **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0799, paras.100-101; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0501, para.204; **P-2444:** [CAR-OTP-2108-0422-R01](#), at 0440-0441, para.106.

⁹³¹ **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0800, para.102; [CAR-OTP-2088-0977](#), from [00:00:00] to [00:18:54] and its transcript [CAR-OTP-2089-0323](#); – see also commentary provided by **P-2192:** [CAR-OTP-2088-0782-R01](#), at 0789-0790, para.41; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0489, para.143.

⁹³² See above, para.445.

d) *The National Coordination was involved with the BOSSEMPTELE Group*

i. **From the end of December 2013, the BOSSEMPTELE Group was in contact with the *de facto* Coordination and later the National Coordination**

459. CDR show that GERVAIN and NONO were in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones. GERVAIN was in contact with NGAISSONA in March 2014.⁹³³ Between May and December 2014, he was in contact with NDOMATE,⁹³⁴ WENEZOU, ⁹³⁵ NAMSIO,⁹³⁶ LEBENE's Secretary,⁹³⁷ and LEBENE.⁹³⁸ CDR also shows that NONO was in contact with ANDJILO on 25 December 2013, before the attack on BOSSEMPTELE, on 29 January 2014, as well as later on.⁹³⁹

ii. **The BOSSEMPTELE Anti-Balaka leadership received instructions and directions from the National Coordination**

460. The leaders of the BOSSEMPTELE Group publicly acknowledged receiving instructions from, and their subordination to, the National Coordination. For example, in or around March 2014, [REDACTED] to evacuate Muslim civilians on an order from BANGUI to stop killing Muslims.⁹⁴⁰

e) *Knowledge and intent of NGAISSONA*

461. NGAISSONA knew of and intended the crimes committed by the BOSSEMPTELE Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic*

⁹³³ CDR show that NGAISSONA communicated with GERVAIN on 4 and 5 March 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 8.1.1.

⁹³⁴ CDR show that GERVAIN communicated with NDOMATE on 21 May 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 8.1.2.

⁹³⁵ CDR show that GERVAIN communicated with WENEZOU in July 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 8.1.3.

⁹³⁶ CDR show that GERVAIN communicated with NAMSIO on 4 July 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 8.1.4. NAMSIO was the spokesperson of the Anti-Balaka: **P-0446: [CAR-OTP-2059-1586-R01](#)**, at 1594, 1.318-321.

⁹³⁷ CDR show that GERVAIN communicated with LEBENE's Secretary on 21 May 2014 and on 7 August 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 8.1.5.

⁹³⁸ CDR show that GERVAIN communicated with LEBENE in July 2014, in November 2014 and on 1 December 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 8.1.6.

⁹³⁹ CDRs show that NONO communicated with ANDJILO on 25 December 2013 and on 29 January 2014, 5 March 2014, 17 October 2014, and 26 December 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 8.1.7.

⁹⁴⁰ [REDACTED] [CAR-OTP-2001-5305](#), at 5321.

Common Plan, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including in BOSSEMPTELE.

i. NGAISSONA knew about the situation in BOSSEMPTELE

462. **NGAISSONA** knew about the situation in BOSSEMPTELE, either directly or through members of the National Coordination from the initial attacks throughout the duration of the enclave which remained in place until July 2014.

463. *First*, the attack on BOSSEMPTELE was coordinated by MOKOM from ZONGO. While a faction of the Anti-Balaka elements in GOBERE marched on BANGUI, the rest remained north, with some coming down to BOSSEMPTELE through BOZOOM.⁹⁴¹

464. *Second*, as mentioned, there were numerous telephone contacts between the leadership of the BOSSEMPTELE Group and the *de facto* Coordination, as early as the end of December 2013.⁹⁴²

465. *Third*, on 6 February 2014 (two weeks after the initial attack), GERVAIN attended a National Coordination meeting at **NGAISSONA**'s BOY-RABE house.⁹⁴³ The leadership for the BOSSEMPTELE Group participated in several National Coordination meetings after that date, including GERVAIN, whose CDR confirm his presence in BANGUI on 25 June 2014, the date a National Coordination Meeting was held.⁹⁴⁴ NONO was known to the National Coordination.⁹⁴⁵

⁹⁴¹ **P-1042**: [CAR-OTP-2107-0202-R01](#), at 0216-0220, 1.446-610; [CAR-OTP-2107-0330-R01](#), at 0339-0341, 1.299-354; [CAR-OTP-2093-0045-R01](#), at 0050, paras.33-34; **P-2027**: [CAR-OTP-2078-0059-R01](#), at 0077, para.105; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0050, para.67; [CAR-OTP-2001-0835](#), at 0875, para.1; *See also*, para.42.

⁹⁴² *See above*, para.459.

⁹⁴³ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2590, para.122.

⁹⁴⁴ CDR show that between 22 and 30 June 2014, GERVAIN connected from Cell Sites within BANGUI. For Call Sequence Tables, *see* Annex J, section 8.1.8. *See also* [CAR-OTP-2006-1216](#); **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0057-0058, paras.99, 103; **P-1961**: [CAR-OTP-2090-0067-R01](#), at 0082, para.86.

⁹⁴⁵ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2590, para.123.

466. *Fourth*, GERVAIN acted on the National Coordination’s behalf, preparing official Anti-Balaka badges for Anti-Balaka elements in the BOSSEMPTELE area.⁹⁴⁶

467. *Fifth*, a 25 March 2014 National Coordination Facebook account entry confirms the group as having “chased away” Peuhls in the area of YALOKE-SIBUT-GAGA-BOSSEMPTELE-BOZOUM.⁹⁴⁷

468. *Sixth*, on 10 February 2014, **NGAISSONA** claimed to be in contact with Anti-Balaka leaders in every municipality,⁹⁴⁸ and on 6 May 2014, he proposed to the CAR authorities that they invite the Anti-Balaka from the Provinces to BANGUI to discuss the situation of the IDPs.⁹⁴⁹

ii. **NGAISSONA intended and endorsed the situation in BOSSEMPTELE**

469. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslims, first forced into the enclave and then made to endure its lasting existence as a result of the unlawful conduct of BOSSEMPTELE Anti-Balaka elements.

470. Despite his knowledge of the crimes committed by the BOSSEMPTELE Group, **NGAISSONA** did not condemn their participation of the in the attack, he did not act to end their continued subjugation of Muslims in the town under GERVAIN, RODRIGUE and other Anti-Balaka ComZones’ command, and did nothing to end the Anti-Balaka’s siege of the Muslim community and to desist from contributing to the perpetuation of the enclave.

471. Instead, **NGAISSONA** validated the Anti-Balaka’s actions and accepted GERVAIN’s and RODRIGUE’s continued membership in the group, later officially recognising GERVAIN and RODRIGUE as the ComZones for BOSSEMPTELE.⁹⁵⁰ Similarly, MOKOM later independently recognised them as such in June 2015.⁹⁵¹

⁹⁴⁶ **P-2173**: [CAR-OTP-2099-1010-R01](#), at 1029-1031, 1.655-750; [CAR-OTP-2099-1069-R01](#), at 1091-1092, 1.776-807.

⁹⁴⁷ [CAR-OTP-2066-1601](#), at 1698; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2303, para.82.

⁹⁴⁸ [CAR-OTP-2105-0086](#).

⁹⁴⁹ [CAR-OTP-2101-4138](#), at 4141-4142, 4145; *see also* [CAR-OTP-2092-1735](#).

⁹⁵⁰ [CAR-OTP-2030-0445](#), at 0447.

⁹⁵¹ [CAR-OTP-2023-0032](#), at 0172.

J. BODA (LOBAYE PREFECTURE)

a) General

472. BODA is a town in the LOBAYE Prefecture approximately 160 km west of BANGUI. Around February 2014, there were approximately 45,000 inhabitants in the town and its surrounding villages. Some 12,000 Muslims and 30,000 non-Muslims resided in BODA alone.⁹⁵²

b) Crimes committed

Count 67 – Attack against the civilian population (article 8(2)(e)(i))

473. Fuelled by vengeance and hatred towards Muslims, immediately after the Seleka withdrew from BODA, Hippolyte YAMINI (“YAMINI”) led Anti-Balaka elements in an attack on the town’s Muslim civilian population on or around 28 January 2014.⁹⁵³ The attack lasted several days.⁹⁵⁴

474. A few days into the attack, on or around 3 February 2014, FACA *caporal* Habib SOUSSOU (“SOUSSOU”) gathered FACA elements armed with light weapons in BANGUI and brought them to BODA to reinforce the local Anti-Balaka.⁹⁵⁵ These FACA members included former BOZIZE *aide de camp* Roddy MBOSSE (“MBOSSE”),⁹⁵⁶ Moris Regis SENDE (“SENDE”), and Isao (aka “Isaie”) TEMOUNGUE (“TEMOUNGUE”).⁹⁵⁷

⁹⁵² [CAR-OTP-2001-0835](#) at 0954, para.4. See Annex F(5) (Boda Map).

⁹⁵³ **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0068-0069, paras.31-33; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0042-0043, paras.15-16, 19-21; [CAR-OTP-2001-0835](#), at 0954; [CAR-OTP-2064-1013](#), at 1013; [CAR-OTP-2065-0167](#), at 0167; **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0046, para.59; **P-1452:** [CAR-OTP-2048-0682-R01](#), at 0696, paras.103-105; **P-0884:** [CAR-OTP-2072-1881-R01](#), at 1898, 1.599-617; [CAR-OTP-2071-0093](#), at 0146; [CAR-OTP-2060-0795](#), from [00:00:00] to [00:00:50].

⁹⁵⁴ **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0046, para.60; **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0073, paras.55-56; [CAR-OTP-2001-0356](#); [CAR-OTP-2084-0291](#), at 0295; [CAR-OTP-2001-2308](#), at 2343.

⁹⁵⁵ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0041, 0043, paras.10-12, 26; **P-0884:** [CAR-OTP-2072-1739-R01](#), at 1762-1763, 1.798-831, and 1766-1767, 1.923-950; [CAR-OTP-2072-1814-R01](#), at 1822, 1.251-281; [CAR-OTP-2072-1881-R01](#), at 1904-1905, 1.820-853.

⁹⁵⁶ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0057, para.99.

⁹⁵⁷ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0043, para.26.

475. *En route*, several members of YEKATOM’s Group also joined the group, including Deputy OUANDJIO (who died during the attack).⁹⁵⁸

476. On arrival, SOUSSOU and OUANDJIO met with YAMINI, who had gathered the local Anti-Balaka at BODA’s Catholic Mission. They strategised about the attack: from the Catholic Mission they would split into three groups, each led by a FACA member: one by MBOSSSE; another by TEMOUNGUE and Songolet WILLIKONDI (“WILLIKONDI”); SOUSSOU and OUANDJIO were to lead the third. The group incorporated both FACA and Anti-Balaka youth (“BODA Group”).⁹⁵⁹

477. In the early morning on or about 5 February 2014, the BODA Group carried out the planned coordinated attack, which ended with the arrival of SANGARIS forces.⁹⁶⁰ Later that day, on TEMOUNGUE’s request for help,⁹⁶¹ the BODA Group was reinforced by a group of Anti-Balaka who arrived in BODA led by WITTE and his deputy Firmin DOPANI (“DOPANI”).⁹⁶²

478. From the outset, the BODA Group’s attack was aimed at cleansing BODA of any Muslim presence, perceiving them as having been complicit with the Seleka.⁹⁶³ In the

⁹⁵⁸ **P-2138:** [CAR-OTP-2092-3976-R01](#), at 4000-4001, 1.904-932; [CAR-OTP-2092-4004-R01](#), at 4033, 1.1047-1062; [CAR-OTP-2092-4143-R01](#), at 4155-4157, 1.428-433, 458-502, 675-685; **P-0976:** [CAR-OTP-2056-0031-R01](#), at 0036, para.31; **P-0801:** [CAR-OTP-2074-2234-R01](#), at 2238-2239, 1.125-158, and 2248-2250, 1.461-552; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0812; [CAR-OTP-2088-0734](#); [CAR-OTP-2084-0291](#), at 0294; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0044, paras.27-32; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0750, para.59; **P-1792:** [CAR-OTP-2115-0216](#), at 0221, para.31.

⁹⁵⁹ The “BODA Group” includes any subgroup or plurality of members/elements thereof, whether or not formally organised or constituted. The BODA Group is a sub-group of ‘Anti-Balaka’. **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0042-0043, 0045-0046, paras.20-21, 25-26, 36-37, 39-40; **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0047, para.65.

⁹⁶⁰ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0047, paras.43, 45; **P-0976:** [CAR-OTP-2056-0031-R01](#), at 0036, para.32; **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0089, paras.67-69; **P-2138:** [CAR-OTP-2092-4004-R01](#), at 4006-4007, 1.68-109.

⁹⁶¹ **P-2138:** [CAR-OTP-2092-4143-R01](#), at 4153-4154, 1.373-386.

⁹⁶² **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2591, paras.129-130; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0042, 0048-0049, paras.19, 49-53, 56, 57; **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0067, para.26; [CAR-OTP-2001-0835](#), at 0955, para.10; **P-2138:** [CAR-OTP-2092-3976-R01](#), at 3994-3995, 3999, 1.692-695,853-870; [CAR-OTP-2092-4143-R01](#), at 4151-4152, 1.274-313; [CAR-OTP-2092-4221-R01](#), at 4224, 1.82-91.

⁹⁶³ **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0817, para.60; [CAR-OTP-2085-7605](#); [CAR-OTP-2081-0923-R01](#) at 0942; [CAR-OTP-2088-0733](#); **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0070, 0073, paras.37, 56; **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0053, para.101; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0043, 0045, 0047, 0062, paras.25, 33, 42, 123-124; [CAR-OTP-2071-0093](#), at 0146-0147; [CAR-OTP-2071-0003-R01](#), at 0008, para.33; **P-2138:** [CAR-OTP-2092-4004-R01](#), at 4006-4007, 1.68-77; [CAR-OTP-2092-4143-R01](#), at 4158-4160, 1.544-646; **P-0487:** [CAR-OTP-2076-0467-R01](#), at 0477, 0483-0484, 1.377-401, 579-620; **P-0801:** [CAR-OTP-2074-2195-R01](#), at 2211-2213, 1.553-608; [CAR-OTP-2074-2335-R01](#), at 2364, 1.967-

course of the attack, at least 20 Muslim civilians were killed, including children.⁹⁶⁴ Anti-Balaka elements celebrated the killing of Muslims.⁹⁶⁵

479. The town's Muslim market was burned down, as were hundreds of Muslim houses and businesses.⁹⁶⁶ Anti-Balaka elements, including under WITTE, raided Muslim houses at night, unlawfully appropriating goods and property for their own use.⁹⁶⁷

Count 68 – Severe deprivation of physical liberty (article 7(1)(e))

480. The attack forced BODA's Muslim civilians to flee to safe places (the enclave) which comprised a handful of central neighbourhoods, including ALI, ARAB, BAGUIRA and BINDOO.⁹⁶⁸ They were bounded by a virtual 'red line' which, if crossed, carried the threat of death by the Anti-Balaka.⁹⁶⁹ For their survival, Muslim civilians were fully

982; **P-1019:** [CAR-OTP-2094-1648-R01](#), at 1672-1673, 1.807-834; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0244, 0247, paras.91-92, 107-108; [CAR-OTP-2001-2769](#), at 2791; [CAR-OTP-2001-4633](#), at 4633; [CAR-OTP-2055-1968](#), at 1973-1974; [CAR-OTP-2042-3463](#), from [00:00:00] to [00:01:37] and its transcript [CAR-OTP-2107-1526](#); [CAR-OTP-2058-0573](#), from [00:27:52] to [00:29:05]; [CAR-OTP-2060-0799](#), at 0799; [CAR-OTP-2080-1470](#); [CAR-OTP-2060-0795](#), from [00:01:27] to [00:02:11]; [CAR-OTP-2074-0789](#), from [00:03:32] to [00:04:37]; [CAR-OTP-2058-0573](#), from [00:27:52] to [00:29:05]; [CAR-OTP-2101-2916](#), at 2917; [CAR-OTP-2092-1902](#), at 1907; [CAR-OTP-2060-0804](#), at 0804; [CAR-OTP-2065-0167](#), at 0168; [CAR-OTP-2001-5138](#), at 5141; [CAR-OTP-2066-5312](#), from [00:00:00] to [00:01:12]; [CAR-OTP-2087-9680](#), from [00:04:00] to [00:07:00].

⁹⁶⁴ **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0070, paras.38-42, at 0071, para.45; **P-1452:** [CAR-OTP-2048-0682-R01](#), at 0696, para.103, at 0697, para.111; **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0046, para.60; [CAR-OTP-2001-0835](#), at 0955; [CAR-OTP-2001-2308](#), at 2343; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0047, para.45; **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0089, paras.67-69.

⁹⁶⁵ **P-1962:** [CAR-OTP-2071-0003-R01](#), at 0007-0008, paras.29-30.

⁹⁶⁶ **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0758, paras.112-113; **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0047, para.65; **P-1576:** [CAR-OTP-2060-0280-R01](#), at 0286, para.35; [CAR-OTP-2075-0074](#), at 0332, 0333, 0334; **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0080, para.98; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0811; [CAR-OTP-2085-6725](#); [CAR-OTP-2085-6755](#); **P-1452:** [CAR-OTP-2048-0682-R01](#), at 0696-0697, paras.103, 109, 113-115; [CAR-OTP-2055-1987](#), at 2159; [CAR-OTP-2001-0835](#), at 0955, 0956, paras.9, 15; [CAR-OTP-2001-2564](#), at 2580.

⁹⁶⁷ **P-1962:** [CAR-OTP-2068-0037-R01](#) at 0050, 0053, 0055, paras.60, 76, 90.

⁹⁶⁸ **P-1962:** [CAR-OTP-2068-0037-R01](#) at 0056, para.94; [CAR-OTP-2071-0093](#), at 0146-0147; [CAR-OTP-2068-0073](#); [CAR-OTP-2060-0795](#), from [00:00:00] to [00:00:50]; [CAR-OTP-2080-1472](#), from [00:00:00] to [00:01:25]; [CAR-OTP-2080-1476](#), at 1476; **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0089-0090, paras.70-72; [CAR-OTP-2061-0097](#).

⁹⁶⁹ **P-0952:** [CAR-OTP-2107-0819-R01](#), at 0821, 1.51-60; **P-1577:** [CAR-OTP-2081-0769-R01](#), at 0811; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0055, para.101; [CAR-OTP-2055-1987](#), at 2160; [CAR-OTP-2001-0463](#), at 0463; [CAR-OTP-2064-1013](#), at 1013; [CAR-OTP-2066-5312](#), from [00:00:00] to [00:00:45]; [CAR-OTP-2001-4633](#), at 4633; [CAR-OTP-2001-5138](#), at 5141; [CAR-OTP-2001-5386](#), at 5566; [CAR-OTP-2092-2033](#), at 2037; [CAR-OTP-2058-0573](#), from [00:26:04] to [00:26:35].

dependent on the protection of international forces.⁹⁷⁰ Within weeks the enclave more than doubled in size, swelling from 6,000 to 11,000, then to at least 14,000 Muslims.⁹⁷¹

481. Muslim civilians, who tried to leave the enclave in search of food or firewood, including women and children, were hunted down by the Anti-Balaka.⁹⁷²

Count 69 – Inhumane acts (article 7(1)(k) and 8(2)(c)(ii))

Count 70 – Degrading treatment (article 8(2)(c)(ii))

482. Throughout 2014, continuing Anti-Balaka violence and threats forced BODA's decimated Muslim community to endure deplorable circumstances within the enclave, with limited access to the most essential facilities and commodities, including basic health care, food, and water.⁹⁷³ Shortages of medicine and access to medical treatment combined with unsanitary conditions led to many deaths.⁹⁷⁴ Access to fresh water was limited and poor water quality led to the proliferation of sickness and disease.⁹⁷⁵ Muslims had to rely on external sources for food, sometimes going days without,⁹⁷⁶ and Anti-Balaka elements further threatened merchants to prevent their selling food to Muslims.⁹⁷⁷ The Anti-Balaka

⁹⁷⁰ **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0090, 0091, paras.76-77, 96-100; **P-0801:** [CAR-OTP-2074-2722-R01](#), at 2745, 1.771-779; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0203, para.203; [CAR-OTP-2092-1218](#), at 1220; [CAR-OTP-2001-7012](#), from [00:00:00] to [00:03:48].

⁹⁷¹ **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0888-0889, paras.20, 24-25; [CAR-OTP-2001-1057](#), at 1057; **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0071-0072, 0073-0074, paras.48-49, 59-61; [CAR-OTP-2001-4429](#); [CAR-OTP-2060-0801](#), at 0801; **P-1576:** [CAR-OTP-2060-0280-R01](#), at 0285, para.35; [CAR-OTP-2075-0074](#), at 0326, 0328, 0330, 0331; [CAR-OTP-2067-1289](#), at 1289; [CAR-OTP-2003-1654](#), at 1842; [CAR-OTP-2074-0789](#), from [00:01:32] to [00:03:17]; [CAR-OTP-2001-2885](#), at 2885; [CAR-OTP-2023-1978](#), from [09:40:00] to [00:10:00]; [CAR-OTP-2023-2049](#), from [00:06:52] to [00:07:24]; [CAR-OTP-2076-0809](#), from [00:00:00] to [00:01:16].

⁹⁷² **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0048, para.73; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0050, 0053, paras.61, 76; **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0091-0092, paras.85-86, 91-94; **P-2138:** [CAR-OTP-2092-4221-R01](#), at 4242-4245, 1.792-890; [CAR-OTP-2003-1654](#), at 1785.

⁹⁷³ **P-0952:** [CAR-OTP-2107-0819-R01](#), at 0821, 1.54-58; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0055, para.101; [CAR-OTP-2075-0074](#), at 0335, 0337, 0338, 0340, 0341, 0344; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0199, 0200, paras.181, 188; **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0091-0092, paras.80, 83-84, 89; **P-0884:** [CAR-OTP-2072-1881-R01](#), at 1898, 1.599-642; **P-1921:** [CAR-OTP-2081-0072-R01](#), at 0086, paras.72-73; [CAR-OTP-2060-0795](#), from [00:00:00] to [00:01:13]; [CAR-OTP-2066-5312](#), from [00:00:00] to [00:01:12]; [CAR-OTP-2087-9680](#), from [00:03:25] to [00:03:48].

⁹⁷⁴ **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0091, para.81; [CAR-OTP-2092-2455](#), at 2457.

⁹⁷⁵ **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0092, para.87.

⁹⁷⁶ **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0091, para.83; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0063, para.125, at 0065-0066, para.149.

⁹⁷⁷ [CAR-OTP-2001-0835](#), at 0956; **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0074, para.64; **P-1728:** [CAR-OTP-2061-0080-R01](#), at 0090, para.73, at 0092, para.95; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0051-0052, paras.68-70; [CAR-OTP-2071-0093](#), at 0104; [CAR-OTP-2076-0809](#), from [00:00:00] to [00:01:10]; [CAR-OTP-2001-0437](#), at 0438; [CAR-OTP-2001-0446](#), at 0447; [CAR-OTP-2076-0802](#), at [00:00:00] to [00:01:32].

moreover attacked NGOs providing food and other supplies to Muslims causing further and severe humanitarian shortages.⁹⁷⁸

483. Muslims also faced severe conditions of overcrowding, with reports of up to 50 people sleeping in one room for lack of accommodation.⁹⁷⁹ To some, life in the enclave felt simply like waiting for one's turn to die.⁹⁸⁰ In addition, Muslims were denied the right to bury their dead with dignity, as they could not access Muslim burial sites beyond the enclave's perimeter without armed escort, for fear of Anti-Balaka attacks.⁹⁸¹

Count 71 – Forcible transfer, deportation (article 7(1)(d))

Count 72 – Displacement (article 8(2)(e)(viii))

484. As noted, the attack on Muslim civilians forced them to flee their homes to safe places in BODA's centre, where many remained enclaved.⁹⁸² To escape continuing Anti-Balaka threats and violence, many Muslim civilians fled further by their own means when possible, or through evacuation by SANGARIS or other international forces mainly to BANGUI, CHAD and CAMEROON.⁹⁸³

Count 73 – Rape (article 7(1)(g))

Count 74 – Rape (article 8(2)(e)(vi))

Count 75 – Cruel treatment (article 8(2)(c)(i))

Count 76 – Murder (article 7(1)(a))

Count 77 – Murder (article 8(2)(c)(i))

⁹⁷⁸ [CAR-OTP-2001-0835](#), at 0954; [CAR-OTP-2001-5386](#), at 5435, 5544; **P-1576**: [CAR-OTP-2060-0280-R01](#), at 0285, para.35; **P-2138**: [CAR-OTP-2092-4221-R01](#), at 4239, 1.635-661; [CAR-OTP-2045-0622](#), at 0627.

⁹⁷⁹ **P-1728**: [CAR-OTP-2061-0080-R01](#), at 0092, para.88.

⁹⁸⁰ **P-1728**: [CAR-OTP-2061-0080-R01](#), at 0091, para.80.

⁹⁸¹ **P-1921**: [CAR-OTP-2081-0072-R01](#), at 0086, paras.72-73; **P-1728**: [CAR-OTP-2061-0080-R01](#), at 0091, paras.81-82.

⁹⁸² **P-1728**: [CAR-OTP-2061-0080-R01](#), at 0089-0090, paras.70-72; [CAR-OTP-2061-0097](#); [CAR-OTP-2080-1472](#), from [00:00:00] to [00:01:25]; [CAR-OTP-2080-1476](#), at 1476; [CAR-OTP-2001-5386](#), at 5566.

⁹⁸³ **P-1727**: [CAR-OTP-2064-0036-R01](#), at 0048, para.71; **P-1452**: [CAR-OTP-2048-0682-R01](#), at 0698, para.121; **P-1074**: [CAR-OTP-2094-0228-R01](#), at 0263, para.201; **P-1871**: [CAR-OTP-2064-0884-R01](#), at 0889, paras.25-28; [CAR-OTP-2101-2916](#), at 2916; [CAR-OTP-2001-4434](#).

485. In the weeks and months following the attack, elements of the BODA Group raped several Muslim women and girls, as well as Christian women accused of helping Muslims.⁹⁸⁴

486. For example, one victim was raped by [REDACTED] Anti-Balaka elements [REDACTED] while trying to flee BODA with her family after the January 2014 attack.⁹⁸⁵ [REDACTED]⁹⁸⁶

487. Another victim was raped by [REDACTED] Anti-Balaka elements [REDACTED] in BODA in February 2014, and lost consciousness.⁹⁸⁷ Both were stopped by [REDACTED] armed Anti-Balaka wearing *gris-gris* and carrying machetes and guns.⁹⁸⁸ Both had their clothes forcibly removed [REDACTED]⁹⁸⁹

488. [REDACTED]⁹⁹⁰ The victims were threatened with death before, during and after the rapes, but were spared because [REDACTED]⁹⁹¹ Both suffered injury and required medical treatment.⁹⁹²

Count 78 – Persecution (article 7(1)(h))

489. The crimes and acts described above were committed by the BODA Group and other Anti-Balaka elements in a coordinated effort to cleanse BODA of its Muslim population. That effort demonstrates a common plan or purpose involving the BODA Group, the local Coordination, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in BODA, who, based on their religious, national

⁹⁸⁴ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0051, paras.63-67; **P-2138:** [CAR-OTP-2092-4221-R01](#), at 4246-4249, 1.927-987; **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0890-0891, paras.32-38; [CAR-OTP-2061-1592](#), at 1.652, 1.654, 1.680-1.683.

⁹⁸⁵ **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0887, 0891, paras.19, 36-37.

⁹⁸⁶ **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0888, 0893, paras.21, 46.

⁹⁸⁷ **P-1864:** [CAR-OTP-2064-0860-R01](#), at 0865-0867, paras.31, 37, 40, 42.

⁹⁸⁸ **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0890, paras.31-32; **P-1864:** [CAR-OTP-2064-0860-R01](#), at 0866, para.32.

⁹⁸⁹ **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0891, para.35; **P-1864:** [CAR-OTP-2064-0860-R01](#), at 0866, paras.34-35.

⁹⁹⁰ **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0891, paras.36-39; **P-1864:** [CAR-OTP-2064-0860-R01](#), at 0866-0867, paras.34, 39, 41.

⁹⁹¹ **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0891, paras.37-38; **P-1864:** [CAR-OTP-2064-0860-R01](#), at 0866, paras.32, 33, 36.

⁹⁹² **P-1871:** [CAR-OTP-2064-0884-R01](#), at 0893, para.46; **P-1864:** [CAR-OTP-2064-0860-R01](#), at 0867, paras.43-44.

or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.⁹⁹³

490. The Anti-Balaka's attack of over ten thousand Muslim civilians; their expulsion; restriction of liberty; forced enclavement subject to inhumane conditions; commission of numerous violent crimes and acts, including sexual violence,⁹⁹⁴ all severely deprived BODA's Muslims of fundamental rights. These include the right to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

491. While YAMINI originally organised local Anti-Balaka elements in the attack,⁹⁹⁵ SOUSSOU became the Coordinator of the Anti-Balaka groups in BODA (i.e., BODA Group) on arrival.⁹⁹⁶ He was in charge of and coordinated the Anti-Balaka *quartier* chiefs, and could issue orders and discipline Anti-Balaka members.⁹⁹⁷

492. As leader, SOUSSOU appointed a deputy: Aimé DOBO ("DOBO"),⁹⁹⁸ the leader of the ComZones: Vivien Rodrigue KARAMOKONDI ("KARAMOKONDI"),⁹⁹⁹ and his deputy, Aimé Gérémié KOTTE ("KOTTE").¹⁰⁰⁰ As mentioned above, other individuals involved in the attacks were FACA members MBOSSE, TEMOUNGUE, and SENDE,¹⁰⁰¹

⁹⁹³ See above, para.90.

⁹⁹⁴ See above, paras.473-488.

⁹⁹⁵ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0042-0043, 0045-0046, paras.20-21, 25, 26, 37, 39.

⁹⁹⁶ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0046, 0054, paras.39, 80-81; [CAR-OTP-2071-0093](#), at 0105; **P-0884:** [CAR-OTP-2072-1739-R01](#), at 1762-1765, 1.798-815, 865-904; [CAR-OTP-2072-1814-R01](#), at 1821, 1.251-261; [CAR-OTP-2072-1881-R01](#), at 1900, 1.654-655; **P-1193:** [CAR-OTP-2045-0048-R02](#), at 0059, para.72; [CAR-OTP-2051-0743](#), at 0745; **P-1339:** [CAR-OTP-2041-0741-R01](#), at 0758, para.114; **P-0405:** [CAR-OTP-2107-4653-R01](#), at 4665-4666, 1.384-415; **P-1773:** [CAR-OTP-2064-0063-R01](#), at 0079, paras.91-92; **P-0889:** [CAR-OTP-2027-2290-R01](#), at 2306, para.100; [CAR-OTP-2030-0232](#), at 0237; [CAR-OTP-2030-0269](#), at 0269; **P-1858:** [CAR-OTP-2063-0050-R01](#), at 0063, para.83; [CAR-OTP-2019-1383](#) at 1386; [CAR-OTP-2001-5739](#), at 5785; [CAR-OTP-2001-5386](#), at 5466-5468.

⁹⁹⁷ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0060-0061, paras.111-114.

⁹⁹⁸ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0054, para.80; [CAR-OTP-2001-5386](#), at 5466-5468.

⁹⁹⁹ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0054, paras.81-82; [CAR-OTP-2030-0269](#), at 0269; [CAR-OTP-2001-5386](#), at 5466-5468.

¹⁰⁰⁰ [CAR-OTP-2019-1383](#) at 1386; [CAR-OTP-2001-5386](#) at 5466-5468; [CAR-OTP-2053-0546](#); [CAR-OTP-2107-0003](#), at 0003.

¹⁰⁰¹ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0043, 0046, paras.26, 40.

who accompanied SOUSSOU from BANGUI. After the initial attack, they remained in BODA involved with the Anti-Balaka leadership.¹⁰⁰²

493. In parallel, Anti-Balaka Chief WITTE, his deputy DOPANI, and their elements including WILLIKONDI, continued to commit serious violence in and around BODA, attacking Muslims, raping women, and plundering and burning houses for months.¹⁰⁰³

494. The BODA Group and members of the Anti-Balaka local Coordination were aware of the crimes committed by Anti-Balaka elements against Muslims, as the crimes continued to be reported to them.¹⁰⁰⁴

495. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made.¹⁰⁰⁵ Their crimes were committed in furtherance of the BODA Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

d) The National Coordination was involved with the BODA Group

i. From January 2014, the BODA Group was in contact with the National Coordination

496. Throughout 2014, members of the BODA Group and the local coordination were in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones.

¹⁰⁰² **P-2138:** [CAR-OTP-2092-4340-R01](#), at 4343-4347, 1.98-247; **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0048, 0057-0058, paras.48, 100-103.

¹⁰⁰³ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0046, 0048-0053, paras.41, 51, 56, 60, 67, 72-73, 77; **P-1727:** [CAR-OTP-2064-0036-R01](#), at 0047, para.67; **P-2138:** [CAR-OTP-2092-4004-R01](#), at 4015-4016, 1.411-422; [CAR-OTP-2092-4340-R01](#), at 4342-4343, 1.72-97; [CAR-OTP-2092-4349-R01](#), at 4362-4363, 1.467-494.

¹⁰⁰⁴ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0051-0052, paras.66-67, at 0052, para.71, at 0054 para.82; [CAR-OTP-2071-0003-R01](#), at 0017, para.91.

¹⁰⁰⁵ See above, para.478.

497. CDR show that just before and after the BODA attack, SENDE was in contact with AZOUNOU.¹⁰⁰⁶ YEKATOM was also aware of the attack. CDR show contact just before the attack with [REDACTED] who independent evidence places at BODA on or about the day of the attack and having informed YEKATOM about it.¹⁰⁰⁷ Around the same time, YEKATOM was in contact with MOKOM.¹⁰⁰⁸ CDR also show that SOUSSOU,¹⁰⁰⁹ SENDE,¹⁰¹⁰ MBOSSSE,¹⁰¹¹ KARAMOKONDJI,¹⁰¹² and KOTTE,¹⁰¹³ were in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones, including AZOUNOU, Judicael OROFEI, KOKATE, NAMSIO, LEBENE, NGAISSONA, and MOKOM¹⁰¹⁴ before, during, and after the attack, and for the duration of the enclave in 2014.

ii. The BODA Group reported to the National Coordination

¹⁰⁰⁶ CDR show that SENDE communicated with AZOUNOU on 16-17, 19-23, 25-26, 28, 30 January 2014 and 6-7, 14, 17-18, 21-22, 28 February 2014. For Call Sequence Tables, *see* Annex J, section 9.1.1.

¹⁰⁰⁷ CDR show that [REDACTED] communicated with YEKATOM on 20, 25 January 2014 and 4, 15-16, 18, 20, 25, 27 February 2014. For Call Sequence Tables, *see* Annex J, section 9.1.14. For [REDACTED] presence in BODA: **P-1647: [CAR-OTP-2050-0654-R01](#)**, at 0661-0662, paras.49-51. For attributions, *see* Annex I.

¹⁰⁰⁸ CDR show that YEKATOM communicated with MOKOM on 10 and 12 February 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 9.1.15.

¹⁰⁰⁹ CDR show that SOUSSOU communicated with MOKOM on 11 March 2014. For Call Sequence Tables *see* Annex J, section 9.1.4. CDR show that SOUSSOU communicated with NGAISSONA on 11 April 2014. For Call Sequence Tables, *see* Annex J, section 9.1.5. CDR show that SOUSSOU communicated with Junior NGAISSONA on 8 April 2014. For Call Sequence Tables, *see* Annex J, section 9.1.6. CDR show that SOUSSOU communicated with LEBENE on 9 April 2014 and with LEBENE's Secretary in April and June 2014. For Call Sequence Tables, *see* Annex J, section 9.1.7. CDR show that SOUSSOU communicated with NAMSIO in April and May 2014. For Call Sequence Tables, *see* Annex J, section 9.1.8. CDR show that SOUSSOU communicated with Judicael OROFEI in April, June and on 28 July 2014. For Call Sequence Tables, *see* Annex J, section 9.1.9. CDR show that SOUSSOU communicated with other Anti Balaka leaders, including Vivien BEINA in August and October 2014; YEKATOM in May 2014; and YAGOUZOU in June and July 2014. For Call Sequence Tables, *see* Annex J, section 9.1.10. For attributions, *see* Annex I.

¹⁰¹⁰ CDR show that SENDE communicated with AZOUNOU from 16 January to 11 December 2014. For attributions, *see* Annex I. For Call Sequence Tables *see* Annex J, section 9.1.2.

¹⁰¹¹ CDR show that MBOSSSE communicated with Judicael OROFEI in April and on 5 May 2014. For attributions, *see* Annex I. For Call Sequence Tables *see* Annex J, section 9.1.11.

¹⁰¹² CDR show that KARAMOKONDJI communicated with Judicael OROFEI on 26 June 2014, FEISSONA in July 2014, and LEBENE's Secretary on 12 December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 9.1.12.

¹⁰¹³ CDR show that KOTTE communicated with KOKATE on 18 March 2014, YEKATOM on 21 March 2014, MOKOM on 15 April 2014, Judicael OROFEI in April, June, July, August 2014 and Vivien BEINA on 5 July 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 9.1.13.

¹⁰¹⁴ CDR show that SENDE communicated with Judicael OROFEI in April, June and August 2014. For Call Sequence Tables, *see* Annex J, section 9.1.3. CDR show that unattributed number [REDACTED] ("Boda n.a.1"), communicated from Cell Sites in BODA with MOKOM, including on 5 December 2013 and on 3 and 29 January 2014. For Call Sequence Tables, *see* Annex J, section 9.2. CDR showing [REDACTED] cell site connections from BODA: **[CAR-OTP-2069-0482](#)**.

498. The BODA-based Anti-Balaka leadership, especially SOUSSOU, DOBO, and WITTE, regularly informed the National Coordination of what was happening in BODA. They further reported to the National Coordination in person, during their meetings in BANGUI.¹⁰¹⁵

e) *Knowledge and intent of NGAISSONA*

499. **NGAISSONA** knew of and intended the crimes committed by the BODA Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the violent targeting of the Muslim population and its perceived supporters in western CAR, including in BODA.

i. **NGAISSONA knew about the situation in BODA**

500. **NGAISSONA** knew about the situation in BODA, either directly or through members of the National Coordination, from the initial attacks throughout the duration of the enclave which remained in place throughout 2014.

501. *First*, as mentioned, there were numerous telephone contacts between the BODA Group and the *de facto* Coordination, as early as December 2013.¹⁰¹⁶ Leaders of the BODA Group reported about the situation in BODA to **NGAISSONA**.¹⁰¹⁷

502. *Second*, in March 2014, key members of, and under, the National Coordination visited BODA, including **BARA**, **KOKATE**, **KAMEZOLAI**,¹⁰¹⁸ and **YEKATOM**.

¹⁰¹⁵ **P-2269**: [CAR-OTP-2111-0336-R01](#), at 0356, paras.150-152; [CAR-OTP-2060-0804](#), at 0805; **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0029 0030, paras.105, 111-112; **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0052, 0054-0055, 0056, paras.71, 80, 85-86, 95; **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2590-2591, paras.124-132; **P-0405**: [CAR-OTP-2107-4653-R01](#), at 4665-4666, 1.384-415; **P-1042**: [CAR-OTP-2107-0330-R01](#), at 0364-0367, 1.1139-1248.

¹⁰¹⁶ *See above*, paras.496-498.

¹⁰¹⁷ **P-1962**: [CAR-OTP-2068-0037-R01](#) at 0055, para.87.

¹⁰¹⁸ Gilbert KAMEZOLAI was a senior member of the Anti-Balaka who was mainly operating with YEKATOM's group in PK9, in the southwest of BANGUI: [CAR-OTP-2001-0835](#), at 876; **P-2328**: [CAR-OTP-2099-0165-R01](#), at 0182, para.90; **P-1962**: [CAR-OTP-2068-0037-R01](#) at 0061-0062, paras.117, 120-121; **P-0487**: [CAR-OTP-2076-0402-R01](#), at 0404-0406, 1.36-139; [CAR-OTP-2076-0441-R01](#), at 0464-0466, 1.858-897; [CAR-OTP-2076-0467-R01](#), at 0468-0476, 1.16-327; [CAR-OTP-2100-1699](#), at 1699; **P-**

WENEZOU, **YEKATOM** and other members of the Coordination also visited at other times.¹⁰¹⁹

503. *Third*, Anti-Balaka representatives from BODA attended several meetings in BANGUI with **NGAISSONA**, at his house.¹⁰²⁰

504. *Fourth*, **NGAISSONA** ordered and organised the dismantling of the roadblocks in BODA after the BRAZZAVILLE Summit. Individuals like LEBENE reported back to **NGAISSONA** on the situation.¹⁰²¹

505. *Fifth*, in an effort to strengthen the capacity of the BODA Anti-Balaka, **NGAISSONA** assisted the BODA-based Anti-Balaka leadership in the creation of Anti-Balaka badges.¹⁰²²

506. *Finally*, the National Coordination was also apprised of the situation because it was heavily covered by national and international media.¹⁰²³

ii. **NGAISSONA intended and endorsed the situation in BODA**

507. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslims, first forced into the enclave and then made to endure its lasting existence as a result of the unlawful conduct of BODA Anti-Balaka elements.

508. Despite his knowledge of the crimes committed by the Anti-Balaka in BODA, he did not condemn the participation of SOUSSOU's group of Anti-Balaka in the attacks,

0801: [CAR-OTP-2074-2234-R01](#), at 2241-2250, 2362-2363, 2365-2367, 1.210-541, 916-965, 1017-1080; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0245, 0246, paras.94-95, 99-100.

¹⁰¹⁹ **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0026, paras.88-90; **P-1858:** [CAR-OTP-2063-0050-R01](#), at 0068, para.112; **P-0884:** [CAR-OTP-2072-1913-R01](#), at 1923-1926, 1.369-451.

¹⁰²⁰ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0057, paras.97-100; **P-1961:** [CAR-OTP-2090-0067-R01](#), at 0079, 0081 paras.68-70, 82; [CAR-OTP-2101-4138](#), at 4144; **P-0884:** [CAR-OTP-2072-1881-R01](#), at 1900-1905, 1.663-855; [CAR-OTP-2072-1913-R01](#), at 1914-1917, 1. 17-143.

¹⁰²¹ **P-1048:** [CAR-OTP-2094-0593-R01](#), at 0599-0606, 1.154-496.

¹⁰²² **P-1962:** [CAR-OTP-2071-0003-R01](#), at 0010, paras.43-45; [CAR-OTP-2071-0093](#), at 0113-115.

¹⁰²³ **P-0884:** [CAR-OTP-2072-1881-R01](#), at 1900, 1.665-717; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0273, para.254; [CAR-OTP-2042-3555](#), from [00:00:00] to [00:00:35] and its transcript and translation [CAR-OTP-2107-6904](#), at 6905, 1.3-8, and [CAR-OTP-2107-7034](#), at 7036, 1.3-8; [CAR-OTP-2042-4040](#), from [00:00:00] to [00:01:31]; [CAR-OTP-2101-3413](#), at 3416; [CAR-OTP-2001-4818](#), at 4819; [CAR-OTP-2014-0749](#), from [00:02:59] to [00:03:52]; [CAR-OTP-2031-0157](#), at 0157-0158.

nor did he act to end the continued subjugation of Muslims in the town by Anti-Balaka elements under SOUSSOU and other Anti-Balaka ComZones' command. He also did nothing to end the Anti-Balaka's siege of the Muslim community and to desist from contributing to the perpetuation of the enclave.

509. Instead, **NGAISSONA** validated their actions and accepted their continued membership in the group,¹⁰²⁴ as shown by: (i) his ordering SOUSSOU, DOBO, SENDE, and MBOSSE to remain in BODA in April 2014;¹⁰²⁵ (ii) his recognition of SOUSSOU and DOBO as the BODA Anti-Balaka's Coordinator and Deputy Coordinator, respectively, at the end of June 2014;¹⁰²⁶ and (iii) his recognition of KARAMOKONDJI as BODA's ComZone on 28 June 2014 and again in December 2014.¹⁰²⁷

K. CARNOT (MAMBERE-KADEI PREFECTURE)

a) General

510. CARNOT is the fourth-largest city in CAR. Its 2010 population of around 87,000 comprised 85% Christians and 15% Muslims.¹⁰²⁸ CARNOT is also a sub-prefecture in the MAMBERE-KADEI Prefecture.¹⁰²⁹ The town is situated in southwest CAR about 215 km from the Cameroonian border,¹⁰³⁰ 100 km north of BERBERATI, 100 km west of GUEN, and some 400 km west of BANGUI.¹⁰³¹

511. Most of CARNOT's Muslim civilian population left with the Seleka on their withdrawal from the town at the end of January 2014.¹⁰³² They feared the Anti-Balaka's

¹⁰²⁴ [CAR-OTP-2053-0546](#).

¹⁰²⁵ [CAR-OTP-2003-1076](#), at 1140-114.

¹⁰²⁶ **P-1962:** [CAR-OTP-2068-0037-R01](#), at 0054, para.81; **P-0808:** [CAR-OTP-2093-0010-R01](#), at 0031, para.120; [CAR-OTP-2001-5386](#), at 5405, 5409, 5466-5468; [CAR-OTP-2074-3246](#), at 3247; [CAR-OTP-2015-0782](#), at 0782.

¹⁰²⁷ [CAR-OTP-2001-5386](#), at 5466-5468; [CAR-OTP-2030-0445](#), at 0452.

¹⁰²⁸ **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0888-0889, paras.26-27; **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0143, para.19. *See also* **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0096, para.16; [CAR-OTP-2001-7012](#) from [00:07:14] to [00:16:19].

¹⁰²⁹ **P-2278:** [CAR-OTP-2089-1347-R01](#), at 1351, para.27.

¹⁰³⁰ [CAR-OTP-2004-0780](#), at 0780.

¹⁰³¹ **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0159, para.98; *see also:* [CAR-OTP-2108-0537](#), at 0542; [CAR-OTP-2070-0268](#); [CAR-OTP-2091-3047](#). *See* Annex F(8) (Carnot Map).

¹⁰³² **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0293, para.31; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0098, paras.24, 26; **P-1042:** [CAR-OTP-2107-0202-R01](#), at 0232-0233, 1.995-1016, 1.1024-1036; [CAR-OTP-2077-0486](#), at 0486-0487.

arrival, having heard of their attacks on Muslims in BANGUI and in neighbouring villages.¹⁰³³

512. The Anti-Balaka first entered CARNOT on 2 February 2014, two days after the Seleka's withdrawal¹⁰³⁴ and despite [REDACTED] efforts to dissuade them.¹⁰³⁵ The group had a range of weapons, from knives and traditional hunting arms to light weapons such as grenades and Kalashnikovs.¹⁰³⁶ ComZone Aimé Blaise ZAOROYANGA (aka "ZOWORO") ("ZAOROYANGA"), along with 'Mission Chiefs' including Sylvestre SINAKOLO (aka "Sylvain SINAKOLO", "SINACOLO") ("SINAKOLO") and Barthelemy NAMSENMO ("NAMSENMO"), led¹⁰³⁷ around 1,000 to 2,000¹⁰³⁸ elements, which included locals and others from surrounding areas of CARNOT, BOSSEMPTELE, BAORO, BOUAR, BOSSANGOA, YALOKÉ, and BOZOUUM¹⁰³⁹ ("CARNOT Group").¹⁰⁴⁰

b) Crimes committed

Count 79 – Attack against the civilian population (article 8(2)(e)(i))

513. Fuelled by vengeance and hatred of Muslims, the CARNOT Group attacked the town's Muslim civilian population early February 2014, after taking control of the

¹⁰³³ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0293, para.30; **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0897, paras.69, 71; **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0148, para.50; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0098-0099, paras.24.

¹⁰³⁴ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0294, para.36.

¹⁰³⁵ **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0148, para.49.

¹⁰³⁶ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0294, para.36; **P-2132:** [CAR-OTP-2080-0884-R01](#) at 0892, paras.44-45; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0098-0100, paras.27; [CAR-OTP-2090-0373](#), at 0382-0383; *see also* [CAR-OTP-2001-0835](#), at 0945.

¹⁰³⁷ **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0153, para.72; **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0893, paras.50-51.

¹⁰³⁸ **P-1042:** [CAR-OTP-2107-0427-R01](#), at 0454-0456, 1.908-942; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0098, para.27; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2187, para.43; [CAR-OTP-2001-4249](#), at 4249; [CAR-OTP-2058-0571](#), from [00:22:18] to [00:22:32].

¹⁰³⁹ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0294, para.36; **P-0974:** [CAR-OTP-2058-0165-R01](#), at 0171, para.39; **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0894, paras.54-55; [CAR-OTP-2001-2306](#), at 2306; **P-2278:** [CAR-OTP-2089-1347-R01](#), at 1356, paras.60, 62; **P-2205:** [CAR-OTP-2108-0465-R01](#), at 0489, para.145; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0098-0099, para.27.

¹⁰⁴⁰ The "CARNOT Group" includes any subgroup or plurality of members/elements thereof, whether or not formally organised or constituted. The CARNOT Group is a sub-group of 'Anti-Balaka'.

town.¹⁰⁴¹ From the initial attack and throughout its continuation, Muslim civilians were beaten in and around the town, reportedly killed,¹⁰⁴² and forcibly displaced *en masse*.

514. The following submissions under Count 80 (forcible transfer), Count 82 (severe deprivation of physical liberty), Count 83 (inhumane acts), and Count 85 (persecution) qualify as the underlying conduct of the war crime of attacks directed against the civilian population.

Count 80 – Forcible transfer, deportation (article 7(1)(d))

Count 81 – Displacement (article 8(2)(e)(viii))

515. As a result of the attack by including the CARNOT Group, and in fear for their lives, most of CARNOT's Muslim population, between 13,000 and 15,000 civilians,¹⁰⁴³ fled to villages within CAR, or abroad, mainly to CAMEROON and CHAD.¹⁰⁴⁴ They used any transportation means available, cars, taxis, buses, but mostly they fled in big trucks, without their belongings, in a bid to save time – and their lives.¹⁰⁴⁵

Count 82 – Severe deprivation of physical liberty (article 7(1)(e))

516. Those who did not or could not flee CARNOT sought refuge [REDACTED] at the *Saint Martyr de l'Ouganda* Catholic Church,¹⁰⁴⁶ together with other Muslims from

¹⁰⁴¹ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0296, para.44; **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0149-0150, paras.52, 57-59; **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0892, para.42; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0099, paras.29-30; **P-1042:** [CAR-OTP-2107-0202-R01](#), at 0232-0234, 1.1017-1022, 1.1051-1069; [CAR-OTP-2107-0427-R01](#), at 0456, 1.962-976; [CAR-OTP-2073-0889](#), at 0890; [CAR-OTP-2001-2247](#); [CAR-OTP-2005-0323](#); [CAR-OTP-2001-2306](#), at 2306.

¹⁰⁴² **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0297, 0300, 0302, paras.50-53, 68-69, 76; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0102-0103, para.45; [CAR-OTP-2000-0218-R01](#), at 0223; [CAR-OTP-2001-1334](#), at 1334; [CAR-OTP-2002-0504](#), at 0505, 0508-0509; [CAR-OTP-2055-1987](#), at 2167; [CAR-OTP-2061-1441](#), rows.1035, 1174, 1176; [CAR-OTP-2092-1407](#), at 1409; [CAR-OTP-2090-0373](#), at 0382; **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0895, para.56.

¹⁰⁴³ **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0888-0889, 0900-0901, paras.26-27, 85-86; [CAR-OTP-2001-2247](#), at 2247.

¹⁰⁴⁴ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0302, para.76; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0253, para.144; **P-2278:** [CAR-OTP-2089-1347-R01](#), at 1353, para.39; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0050, para.71; [CAR-OTP-2079-0842](#), at 0844; [CAR-OTP-2069-0136](#); [CAR-OTP-2069-0152](#); [CAR-OTP-2069-0138](#); [CAR-OTP-2069-0150](#); [CAR-OTP-2002-0504](#), at 0505.

¹⁰⁴⁵ **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0098, para.26.

¹⁰⁴⁶ **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0107, 0110-0112, paras.65, 76-78, 86; **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0151, para.65; **P-1042:** [CAR-OTP-2107-0202-R01](#), at 0233, 1.1038-1047; [CAR-OTP-2099-0593](#), from [00:09:18] to [00:16:15]; **P-2278:** [CAR-OTP-2089-1347-R01](#), at 1352-1353, 1356-1357, paras.37, 39, 64-66, 70-71; **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0898-0900, paras.73, 81; [CAR-OTP-2083-0345](#), from [00:00:28] to [00:01:00]; [CAR-OTP-2083-0343](#), at 0343; *see also* **P-2328:** [CAR-OTP-](#)

neighbouring villages and more distant towns, such as GUEN, YALOKE, BOSSEMBELE, BOZOU, BAORO, and BOSSEMPTELE.¹⁰⁴⁷ Overall, about 3,000 displaced Muslim civilians were registered at *Saint Martyr de l'Ouganda* Church, where they were enclaved from February 2014 onwards.¹⁰⁴⁸

517. Elements of the CARNOT Group under SINAKOLO and ZAOROYANGA constantly threatened the Muslims enclaved at *Saint Martyr de l'Ouganda* Church.¹⁰⁴⁹ They blocked the entrance gate trapping the Muslim refugees inside the compound, and attacked those who tried to get out.¹⁰⁵⁰ On one occasion, they forced their way into the Church with gas canisters, threatening to burn it down [REDACTED]¹⁰⁵¹

518. Muslims could only leave the Church assisted by MSF staff or escorted by MISCA or later, MINUSCA.¹⁰⁵² MISCA arrived in the second week of February 2014 to protect

[2099-0165-R01](#), at 0205, para.214; [CAR-OTP-2014-0750](#), from [00:01:31] to [00:03:04] and its transcript and translation, [CAR-OTP-2107-6891](#), at 6893-6894, 1.44-81, [CAR-OTP-2107-7016](#), at 7019-7020, 1.44-81.

¹⁰⁴⁷**P-0289:** [CAR-OTP-2024-0288-R01](#), at 0293-0294, paras.31-33; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0117, para.111; **P-1739:** [CAR-OTP-2054-1089-R01](#), at 1100, para.57; [CAR-OTP-2019-1230](#), from [00:00:30] to [00:01:28] and its transcript and translation; [CAR-OTP-2082-0278](#), at 0279, 1.4-28; [CAR-OTP-2082-0285](#), at 0287, 1.4-28; [CAR-OTP-2019-1337](#), at 1339; [CAR-OTP-2099-0593](#), from [00:09:18] to [00:16:15], from [00:16:16] to [00:37:24], from [00:57:15] to [01:04:22], from [01:47:15] to [02:35:22]; **P-0653:** [CAR-OTP-2091-1558-R01](#), at 1562, 1570-1571, paras.31, 99-103; [CAR-OTP-2049-0462](#), at 0499; [CAR-OTP-2073-0889](#), at 0890; [CAR-OTP-2012-0479](#), from [00:00:41] to [00:01:25].

¹⁰⁴⁸**P-2131:** [CAR-OTP-2108-0093-R01](#), at 0111, 0115, paras.80-81, 100; [CAR-OTP-2110-0292](#); **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0293-0294, 0296, 0302, paras.31-32, 44, 77; [CAR-OTP-2049-0462](#), at 0499-0500; [CAR-OTP-2083-0333](#), at 0333; [CAR-OTP-2001-2247](#), at 2247; [CAR-OTP-2073-0889](#), at 0889-0890; [CAR-OTP-2077-0486](#) at 0488-0489; [CAR-OTP-2001-7012](#), from [00:07:48] to [00:08:28]; [CAR-OTP-2012-0463](#), from [00:01:25] to [00:02:30] and its transcript [CAR-OTP-2107-1495](#), at 1496, 1.1-28; [CAR-OTP-2012-0477](#), from [00:00:08] to [00:03:30], and its transcript and translation [CAR-OTP-2107-6886](#), at 6887-6888, 1.4-75; [CAR-OTP-2107-7010](#), at 7012-7013, 1.4-75; [CAR-OTP-2001-4401](#), at 4401; [CAR-OTP-2001-4402](#), at 4402; [CAR-OTP-2055-1987](#), at 2166; [CAR-OTP-2079-0885](#), at 0885. *See also* **P-2132:** [CAR-OTP-2080-0884-R01](#), at 0898-0900, paras.73, 78, 81; [CAR-OTP-2019-1359](#), from [00:05:00] to [00:05:40]; [CAR-OTP-2019-1230](#), from [00:00:30] to [00:01:28] and its transcript and translation [CAR-OTP-2082-0278](#), at 0279, 1.4-28, [CAR-OTP-2082-0285](#), at 0287, 1.4-28; [CAR-OTP-2019-1337](#), at 1339.

¹⁰⁴⁹**P-2393:** [CAR-OTP-2108-0140-R01](#), at 0153, para.72.

¹⁰⁵⁰**P-2131:** [CAR-OTP-2108-0093-R01](#), at 0114-0115, 0121, paras.94-97, 148; [CAR-OTP-2083-0333](#), at 0333; [CAR-OTP-2083-0346](#), at 0346; [CAR-OTP-2083-0352](#), at 0352; [CAR-OTP-2079-0882](#), from [00:03:34] to [00:03:54]; [CAR-OTP-2019-1359](#), from [00:05:47] to [00:06:44]; **P-1576:** [CAR-OTP-2060-0280-R01](#), at 0287, para.44; [CAR-OTP-2061-4392](#); [CAR-OTP-2079-0861](#), at 0864; [CAR-OTP-2073-0889](#), at 0890; [CAR-OTP-2079-0885](#), at 0885-0886; [CAR-OTP-2083-0340](#), at 0340; [CAR-OTP-2090-0373](#), at 0382.

¹⁰⁵¹**P-0289:** [CAR-OTP-2024-0288-R01](#), at 0296, 0298, 0303, paras.44, 56-60, 81-82; [CAR-OTP-2012-0477](#), from [00:01:46] to [00:02:36], and its transcript and translation [CAR-OTP-2107-6886](#), at 6888, 1.40-60, [CAR-OTP-2107-7010](#), at 7013, 1.40-60; [CAR-OTP-2012-0469](#), from [00:00:50] to [00:01:12].

¹⁰⁵²**P-2131:** [CAR-OTP-2108-0093-R01](#), at 0112-0114, 0116, paras.84, 91, 94, 104; [CAR-OTP-2079-0861](#), at 0864; [CAR-OTP-2001-2306](#), at 2307; [CAR-OTP-2015-0493](#), at 0498.

the Church's compound.¹⁰⁵³ Despite an international security presence, principally MISCA and MINUSCA, the CARNOT enclave lasted for over two years.¹⁰⁵⁴ The Anti-Balaka threat remained just outside the Church compound gates, enforcing the Muslims' confinement within.¹⁰⁵⁵

519. While the large majority of the Muslim civilians were eventually evacuated to safer places,¹⁰⁵⁶ around 500 remained confined until early 2016.¹⁰⁵⁷

Count 83 – Inhumane acts and degrading treatment (article 7(1)(k))

Count 84 – Degrading treatment (article 8(2)(c)(ii))

520. Most of the displaced in the enclave were women and children.¹⁰⁵⁸ The Muslims were forced to endure appalling circumstances, particularly regarding health and sanitary conditions.¹⁰⁵⁹ They were cut off from food, clothing, and medicine, forcing them to depend mainly on NGOs for their survival, and whose continued provision was never assured; further, inadequate medical care and poor sanitary conditions which exposed them to disease and sickness, added to their distress.¹⁰⁶⁰

Count 85 – Persecution (article 7(1)(h))

521. The crimes and acts described above were committed by the CARNOT Group and other Anti-Balaka elements in a coordinated effort to cleanse CARNOT of its Muslim

¹⁰⁵³ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0296, 0298, 0299, paras.44, 57, 60; **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0151, para.65; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0103-0104, 0110-0111 paras.49, 52-53, 78; **P-2278:** [CAR-OTP-2089-1347-R01](#), at 1356, para.66; [CAR-OTP-2090-0373](#), at 0382; [CAR-OTP-2049-0462](#), at 0500.

¹⁰⁵⁴ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0302, para.79; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0115-0116, para.103; **P-1576:** [CAR-OTP-2060-0280-R01](#), at 0287, para.44.

¹⁰⁵⁵ **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0114, para.93; [CAR-OTP-2083-0349](#), at 0349; [CAR-OTP-2049-0462](#), at 0500.

¹⁰⁵⁶ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0302, para.75; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0114, para.93; [CAR-OTP-2001-2306](#), at 2307; [CAR-OTP-2015-0493](#), at 0498; [CAR-OTP-2073-0889](#), at 0891.

¹⁰⁵⁷ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0302, para.79; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0115, paras.101, 103; **P-1576:** [CAR-OTP-2060-0280-R01](#), at 0287, para.44.

¹⁰⁵⁸ **P-0289:** [CAR-OTP-2024-0288-R01](#) at 0294, para.34; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0112-0113, para.87; [CAR-OTP-2073-0889](#), at 0890; [CAR-OTP-2015-0493](#), at 0497; [CAR-OTP-2079-0885](#), at 0887; [CAR-OTP-2079-0890](#); [CAR-OTP-2079-0892](#).

¹⁰⁵⁹ **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0111-0114, 0116, paras.79, 92, 104; [CAR-OTP-2073-0889](#), at 0890-0891; [CAR-OTP-2015-0493](#), at 0497; [CAR-OTP-2092-3083](#) at 3083, 3085-3092.

¹⁰⁶⁰ **P-2278:** [CAR-OTP-2089-1347-R01](#), at 1357, para.67; **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0302, para.78; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0112-0113, paras.84-85, 90; [CAR-OTP-2083-0357](#), at 0374; [CAR-OTP-2077-0486](#), at 0489, 0491; [CAR-OTP-2090-0373](#), at 0382.

population. That effort demonstrates the common plan or purpose involving the CARNOT Group, the local Coordination, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in CARNOT, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.¹⁰⁶¹

522. The Anti-Balaka's repeated attacks on Muslim civilians; their expulsion; restriction of liberty; forced enclavement subject to inhumane conditions;¹⁰⁶² all severely deprived CARNOT's Muslims of fundamental rights. These include the right to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) *Direct perpetrators of the crimes*

i. Local Anti-Balaka leadership

523. As mentioned, ComZone ZAOROYANGA led the CARNOT Group, along with SINAKOLO and NAMSENMO. On SINAKOLO's 13 August 2015 arrest,¹⁰⁶³ NAMSENMO officially replaced him. All were present in CARNOT during the attack and throughout the existence of the enclave.¹⁰⁶⁴

524. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they and their subordinates made.¹⁰⁶⁵ Their crimes were committed in furtherance of the CARNOT Group's leaders' common plan to violently

¹⁰⁶¹ See above, para.90.

¹⁰⁶² See above, paras.513-520.

¹⁰⁶³ **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0149, para.67.

¹⁰⁶⁴ **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0149, 0151, 0153, paras.55-56, 64, 72; **P-1042:** [CAR-OTP-2107-0262-R01](#), at 0275-0278, 1.425-451, 1.490-523; [CAR-OTP-2107-0591-R01](#), at 0614, 1.751-778; [CAR-OTP-2107-0462-R01](#), at 0481, 1.628-633; [CAR-OTP-2107-0159-R01](#), at 0180-0181, 1.746-767; [CAR-OTP-2107-0297-R01](#), at 0304-0306, at 1.238-284; [CAR-OTP-2107-0496-R01](#), at 0514, 1.585-608; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0122, paras.153, 158; **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0300, para.65; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0050, para.70; Regarding Aime BEMBA and Aime BLAISE being the same person: see [CAR-OTP-2107-0496-R01](#), at 0507-0508, 1.358-383; [CAR-OTP-2062-0088](#) at 0096; **P-0966:** [CAR-OTP-2031-0241-R01](#), at 0261, para.114; **P-2132:** [CAR-OTP-2080-0884-R01](#) at 0893, paras.50-51; **P-0808:** [CAR-OTP-2025-0324-R02](#), at 0349; **P-1521:** [CAR-OTP-2046-0603-R01](#), at 0624, para.127; **P-0889:** [CAR-OTP-2030-0232](#), at 0237, para.101; [CAR-OTP-2030-0269](#); [CAR-OTP-2032-1221](#), at 1228; [CAR-OTP-2090-0487](#), at 0488; [CAR-OTP-2030-0445](#), at 0453; [CAR-OTP-2020-0156](#), row117; [CAR-OTP-2001-0835](#), at 0851-0852, para.64; [CAR-OTP-2001-5386](#), at 5422, para.147; [CAR-OTP-2069-0236](#), at 0237.

¹⁰⁶⁵ See paras.515, 531.

attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

ii. Contacts of SINAKOLO, NAMSENMO, and ZAOROYANGA with the National Coordination

525. The CARNOT Group engaged with the National Coordination. *First*, its leaders SINAKOLO and NAMSENMO were among other provincial Anti-Balaka leaders who attended NGAISSONA's National Coordination meetings in BANGUI.¹⁰⁶⁶ *Second*, representatives of the National Coordination travelled to CARNOT where they issued identifications to Anti-Balaka elements,¹⁰⁶⁷ acknowledging them within the group. *Third*, commanders of the CARNOT Group were either selected to represent the National Coordination or later received official appointments, recognising their leadership as Anti-Balaka.¹⁰⁶⁸

526. CDR show that NAMSENMO and ZAOROYANGA were in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones.¹⁰⁶⁹ ZAOROYANGA was in contact with AZOUNOU,¹⁰⁷⁰ Ludovic SOMBET ("SOMBET"),¹⁰⁷¹ LEBENE and LEBENE's Secretary,¹⁰⁷² MOKOM,¹⁰⁷³ NAMSIO,¹⁰⁷⁴

¹⁰⁶⁶ [CAR-OTP-2101-0217](#), at 0217; **P-1042**: [CAR-OTP-2107-0262-R01](#), at 0274-0275, 0280, 1.383-415, 1.579-586; [CAR-OTP-2107-0297-R01](#), at 0302 1.148-171, [CAR-OTP-2107-0330-R01](#), at 0360-0362, 0365, 0367-0368, 1.1013-1051, 1.1064-1072, 1.1169-1192, 1.1235-1280; [CAR-OTP-2107-0496-R01](#), at 0537-0538, 1.1385-1401; **P-2393**: [CAR-OTP-2108-0140-R01](#), at 0154, para.77; **P-2131**: [CAR-OTP-2108-0093-R01](#), at 0108, para.69.

¹⁰⁶⁷ **P-1042**: [CAR-OTP-2107-0330-R01](#), at 0359, 1.972-983; [CAR-OTP-2107-0370-R01](#), at 0371-0375, 1.24-82, 1.126-138; **P-2393**: [CAR-OTP-2108-0140-R01](#), at 0159-0160, para.99.

¹⁰⁶⁸ **P-1042**: [CAR-OTP-2107-0496-R01](#), at 0514, 1.585-608; **P-2393**: [CAR-OTP-2108-0140-R01](#), at 0151, 0153, paras.67, 73; [CAR-OTP-2030-0445](#), at 0453; **P-1719**: [CAR-OTP-2062-0088](#) at 0096; [CAR-OTP-2090-0497](#).

¹⁰⁶⁹ [REDACTED] See **P-1042**: [CAR-OTP-2107-0554-R01](#), at 0583-0584, 1.985-1010.

¹⁰⁷⁰ CDR show that ZAOROYANGA communicated with AZOUNOU from 9 June to 9 December 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 10.2.1.

¹⁰⁷¹ CDR show that ZAOROYANGA communicated with SOMBET from 9 June to 27 October 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 10.2.2.

¹⁰⁷² CDR show that ZAOROYANGA communicated with LEBENE from 9 to 10 June 2014, and with LEBENE's Secretary on 14 June 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 10.2.3.

¹⁰⁷³ CDR show that ZAOROYANGA communicated with MOKOM from 9 June to 8 December 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 10.2.4.

¹⁰⁷⁴ CDR show that ZAOROYANGA communicated with NAMSIO on 9 June and 11 September 2014. For attributions, see Annex I. For Call Sequence Tables, see Annex J, section 10.2.5.

Patrick OROFEI,¹⁰⁷⁵ Judicael OROFEI,¹⁰⁷⁶ and Jean-Louis NGAIZOUNOU (“NGAIZOUNOU”)¹⁰⁷⁷ during the second half of 2014. From 21 September 2014 onwards, NAMSENMO was in contact with several key Anti-Balaka leaders including within the National Coordination, such as Judicael OROFEI,¹⁰⁷⁸ Patrick OROFEI,¹⁰⁷⁹ Junior NGAISSONA,¹⁰⁸⁰ NGAIZOUNOU,¹⁰⁸¹ General Treasurer Vivien BEINA,¹⁰⁸² WENEZOU,¹⁰⁸³ AZOUNOU,¹⁰⁸⁴ and MOKOM.¹⁰⁸⁵

iii. Relationship between [REDACTED] and the National Coordination

527. The CARNOT Group fell under the National Coordination. [REDACTED] regularly reported to the National Coordination through [REDACTED], including on crimes committed by Anti-Balaka elements in CARNOT.¹⁰⁸⁶ [REDACTED] respected the authority of the National Coordination over the Anti-Balaka, and NGAISSONA’s in particular.¹⁰⁸⁷ For instance, the CARNOT Group received the National Coordination’s instructions to attend meetings in BANGUI, and likewise requests to refrain from harming

¹⁰⁷⁵ CDR show that ZAOROYANGA communicated with Patrick OROFEI on 21 and 22 November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.2.6.

¹⁰⁷⁶ CDR show that ZAOROYANGA communicated with Judicael OROFEI on 14 August 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.2.7.

¹⁰⁷⁷ NGAIZOUNOU was identified by UNPoE as the representative of NGAISSONA who was on mission to BERBERATI region to restructure the local CLPC branches. *See* [CAR-OTP-2001-5386](#), at 5405, para.69; **P-0287**: [CAR-OTP-2115-0239-R01](#), at 0253, para.64. *See also* CDR show ZAOROYANGA communicated with NGAIZOUNOU from August to November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.2.8.

¹⁰⁷⁸ CDR show that NAMSENMO communicated with Judicael OROFEI from 9 June to 14 October 2015. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.3.1.

¹⁰⁷⁹ CDR show that NAMSENMO communicated with Patrick OROFEI from 17 November 2014 to 4 January 2015. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.3.2.

¹⁰⁸⁰ Junior NGAISSONA was in charge of protocol and served as a point of contact for NGAISSONA. **P-0808**: [CAR-OTP-2025-0324-R02](#), at 0349, para.154. CDR show that NAMSENMO communicated with Junior NGAISSONA from 13 June to 28 September 2015. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.3.3.

¹⁰⁸¹ CDR show that NAMSENMO communicated with NGAIZOUNOU from 9 October to 20 November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.3.4.

¹⁰⁸² CDR show that NAMSENMO communicated with Vivien BEINA from 4 December 2014 to 24 October 2015. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.3.5; [CAR-OTP-2039-0019](#), at 0019.

¹⁰⁸³ CDR show that NAMSENMO communicated with WENEZOU from 4 May to 16 August 2015. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.3.6.

¹⁰⁸⁴ CDR show that NAMSENMO communicated with AZOUNOU from 21 September to 25 December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.3.7.

¹⁰⁸⁵ CDR show that NAMSENMO communicated with MOKOM from 17 November to 13 December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 10.3.8. *See also* [REDACTED].

¹⁰⁸⁶ [REDACTED].

¹⁰⁸⁷ [REDACTED].

the staff of NGOs.¹⁰⁸⁸ [REDACTED] and was often in direct communication with NGAISSONA.¹⁰⁸⁹

528. Anti-Balaka elements in CARNOT, [REDACTED] also wore Anti-Balaka identification badges issued by the National Coordination.¹⁰⁹⁰

d) Knowledge and intent of NGAISSONA

529. NGAISSONA knew of and intended the crimes committed by the CARNOT Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. NGAISSONA knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including in CARNOT.

i. NGAISSONA knew about the situation in CARNOT

530. NGAISSONA knew about the situation in CARNOT either directly or through members of the National Coordination from the initial attacks throughout the duration of the enclave which remained in place until early 2016.

531. *First*, the situation of the CARNOT enclave was heavily covered in the media nationally and internationally throughout 2014.¹⁰⁹¹ It exposed the Anti-Balaka's intention to cleanse CARNOT of its Muslim population.¹⁰⁹²

¹⁰⁸⁸ Instruction to attend meeting in Bangui: [REDACTED] Instruction not to harm NGO staff: [REDACTED]

¹⁰⁸⁹ [REDACTED]

¹⁰⁹⁰ **P-1042:** [CAR-OTP-2107-0330-R01](#), at 0359, 1.972-983; [CAR-OTP-2107-0370-R01](#), at 0371-0375, 1.24-82, 1.126-138; [CAR-OTP-2090-0490](#), at 0490-0491; **P-2131:** [CAR-OTP-2108-0093-R01](#), at 0108, para.69; **P-2393:** [CAR-OTP-2108-0140-R01](#), at 0160, paras.100-101; [CAR-OTP-2001-0835](#), at 0851-0852, para.64, at 0883; [CAR-OTP-2083-0345](#), at [00:00:57].

¹⁰⁹¹ **P-0289:** [CAR-OTP-2024-0288-R01](#), at 0303, para.84; [CAR-OTP-2016-0968](#), at 0969.

¹⁰⁹² [CAR-OTP-2012-0477](#), from [00:04:00] to [00:04:30], and its transcript and translation [CAR-OTP-2107-6886](#) and [CAR-OTP-2107-7010](#), at 0714, 1.86-105; [CAR-OTP-2001-7012](#), from [00:12:11] to [00:12:45]; [CAR-OTP-2019-1359](#), from [00:11:40] to [00:12:52], from [00:15:03] to [00:15:50].

532. *Second*, [REDACTED] concerning the ongoing situation were closely monitored by the Anti-Balaka in CARNOT, including by [REDACTED]¹⁰⁹³

533. *Third*, members of the CARNOT Group attended meetings in BANGUI, including at **NGAISSONA**'s house.¹⁰⁹⁴

534. *Finally*, throughout the enclave's existence the leadership of the CARNOT Group informed **NGAISSONA** and the National Coordination of the situation of Muslims.¹⁰⁹⁵

ii. **NGAISSONA intended and endorsed the situation in CARNOT**

535. **NGAISSONA** was aware of the deplorable circumstances affecting the displaced Muslims, first forced into the enclave and then made to endure its lasting existence as a result of the unlawful conduct of the CARNOT Group.

536. Despite knowledge of the crimes committed by the Anti-Balaka in CARNOT, **NGAISSONA** did not condemn the participation of the CARNOT Group and **SINAKOLO**, **NAMSENMO**, and **ZAOROYANGA** as its leaders in the confinement and subjugation of CARNOT's Muslims. Nor, did he act to end the siege of the Muslim community or to stop their contribution to the perpetuation of the enclave.

537. Instead, **NGAISSONA** validated the CARNOT Group's actions by accepting **SINAKOLO**'s, **NAMSENMO**'s and **ZAOROYANGA**'s continued membership in the group, and later officially recognising them as CARNOT's ComZones.¹⁰⁹⁶

¹⁰⁹³ [REDACTED].

¹⁰⁹⁴ See above, para.525. See also **P-1961**: [CAR-OTP-2090-0067-R01](#), at 0079, 0081 paras.68-70, 82.

¹⁰⁹⁵ [REDACTED].

¹⁰⁹⁶ [CAR-OTP-2030-0445](#), at 0453; [CAR-OTP-2101-0217](#), at 0217. See also [CAR-OTP-2032-1221](#), at 1228; [CAR-OTP-2090-0487](#), at 0488.

L. BERBERATI (MAMBERE-KADEI PREFECTURE)

a) General

538. BERBERATI is the capital of the MAMBERE-KADEI Prefecture and the third-largest city in CAR. Its 2009 population of around 130,000 included about 6,500 Muslims.¹⁰⁹⁷ BERBERATI is located in south-western CAR about 85 km east of GAMBOULA near the Cameroonian border, 95 km south of CARNOT, and over 500 km west of BANGUI.¹⁰⁹⁸

539. After the Seleka withdrew from BERBERATI around the end of January 2014,¹⁰⁹⁹ local Muslims started leaving towards CAMEROON as advised by the local Seleka leadership, and in fear of imminent Anti-Balaka attacks.¹¹⁰⁰

540. Soon after, in or around the beginning of February 2014, a group of Anti-Balaka arrived from GAMBOULA, to the east. They were led by Rocco MOKOM, son of Bernard MOKOM and brother of MOKOM.¹¹⁰¹

541. On their arrival, Rocco MOKOM announced the group's intention to go after any remaining Seleka and their so-called *accomplices*, and to collect weapons left behind. His

¹⁰⁹⁷ P-2296: [CAR-OTP-2093-0225-R01](#), at 0228, paras.21-22.

¹⁰⁹⁸ [CAR-OTP-2108-0518](#), at 0522; [CAR-OTP-2108-0537](#), at 0542; [CAR-OTP-2108-0517](#). See Annex F(4)(Berberati Map).

¹⁰⁹⁹ P-2326: [CAR-OTP-2100-2178-R01](#), at 2184, para.30; P-2324: [CAR-OTP-2100-2002-R01](#), at 2008, para.25; P-2327: [CAR-OTP-2100-1921-R01](#), at 1924, para.17; P-2296: [CAR-OTP-2093-0225-R01](#), at 0236, para.75.

¹¹⁰⁰ P-2296: [CAR-OTP-2093-0225-R01](#), at 0236-0237, paras.81-87; P-2326: [CAR-OTP-2100-2178-R01](#), at 2200, para.115; P-2324: [CAR-OTP-2100-2002-R01](#), at 2008, para.26; P-2327: [CAR-OTP-2100-1921-R01](#), at 1925, para.18.

¹¹⁰¹ P-2296: [CAR-OTP-2093-0225-R01](#), at 0238, paras.92-93; P-2324: [CAR-OTP-2100-2002-R01](#), at 2010, para.35; P-2326: [CAR-OTP-2100-2178-R01](#), at 2185, para.32; P-2325: [CAR-OTP-2100-2386-R01](#), at 2391, paras.23-24; P-2327: [CAR-OTP-2100-1921-R01](#), at 1925, para.19; P-2133: [CAR-OTP-2093-0267-R01](#), at 0290, para.163; P-2404: [CAR-OTP-2102-1558-R01](#), at 1582-1583, paras.103-104. Cell site data show that Rocco MOKOM connected from BERBERATI on 8 February 2014. For attributions, see Annex I. For Call Sequence Table see Annex J, section 11.4.1.

men began searching Muslim houses,¹¹⁰² toward whom they soon became violent and threatening, and looted their property.¹¹⁰³

542. On or around 10 February 2014, YAPELET led a second group of Anti-Balaka to BERBERATI coming from the direction of CARNOT to the north,¹¹⁰⁴ in an attack of BERBERATI, together with local Anti-Balaka elements, such as Nestor NGOUMBOU (“BERBERATI Group”).¹¹⁰⁵

b) Crimes committed

Count 86 – Attack directed against the civilian population (article 8(2)(e)(i))

543. Fuelled by vengeance and hatred towards Muslims, the BERBERATI Group attacked the town’s civilian Muslim population, particularly in the POTO-POTO, DJAMBALA, and BABA-NANI neighbourhoods.¹¹⁰⁶ With the Seleka already gone, they encountered no armed resistance.¹¹⁰⁷ YAPELET’s intentions and that of the BERBERATI Group were clear: BERBERATI was to be cleansed — the Muslims needed to leave, never to return.¹¹⁰⁸ The attack comprised numerous violent crimes and acts as described below.

¹¹⁰² **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0239, para.100; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2012-2013, paras.40, 42; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2391-2392, paras.24-25; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2185-2186, paras.36-38; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1925, para.20; [CAR-OTP-2061-1431](#), at 1433.

¹¹⁰³ **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2392, paras.25-26; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2013, para.42; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1584, para.108.

¹¹⁰⁴ **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2014, para.44; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2393, para.29; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1926-1927, paras.23-24; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2187-2188, paras.43, 45; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0240, para.107.

¹¹⁰⁵ The “BERBERATI Group” includes any subgroup or plurality of members/elements thereof, whether or not formally organised or constituted. The BERBERATI Group is a sub-group of ‘Anti-Balaka’. **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0242, paras.120-121; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2188-2189, paras.47, 51; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1935, para.65; **P-2133:** [CAR-OTP-2093-0267-R01](#), at 0287, para.145.

¹¹⁰⁶ **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1926-1927, paras.24-25; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2187, 2192-2193, paras.43, 70; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2014-2015, paras.47-48; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2393, para.29; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0240, para.108; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1579-1580, paras.90-92.

¹¹⁰⁷ **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1934, para.59; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2394, para.30; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2192, para.69; **P-2133:** [CAR-OTP-2093-0267-R01](#), at 0290, para.162; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1580, 1588, paras.93, 127; [CAR-OTP-2001-7017](#), at 7095, para.340.

¹¹⁰⁸ **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2024, para.77; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2198, para.105; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2399-2400, paras.54, 58; **P-2327:** [CAR-OTP-2100-1921-](#)

544. The following submissions under Counts 87-88 (murder), Counts 89-90 (destruction of the adversary's property and pillaging), Counts 91-93 (attacks against buildings dedicated to religion, pillaging and destruction of the adversary's property), count 94 (forcible transfer), Count 96 (inhumane acts), Count 98 (severe deprivation of physical liberty), and Count 99 (persecution) qualify as the underlying conduct of the war crime of attacks directed against the civilian population.

Count 87 – Murder (article 7(1)(a))

Count 88 – Murder (article 8(2)(c)(i))

545. During the BERBERATI attack and in the days following, elements of the BERBERATI Group killed at least seven Muslim civilians. These included a man called TOYOYO, Issa WAZIRI, Oumar DADI, Mamadou LEGIO, Dibriila OUMAROU, Amadou OUMAROU, and Mamadou ABOUBAKAR.¹¹⁰⁹ There was no indication that any of the victims were Seleka, armed, or otherwise engaged in combat.¹¹¹⁰

Count 89 – Destruction of the adversary's property (article 8(2)(e)(xii))

Count 90 – Pillaging (article 8(2)(e)(v))

546. Rocco MOKOM's Anti-Balaka group and elements of the BERBERATI Group systematically looted homes and shops in the Muslim districts. They took roofs, doors, windows, vehicles, motorbikes, generators, electronics, cooking utensils, beds, and other furniture. YAPELET personally participated in the pillaging.¹¹¹¹

[R01](#), at 1935, para.67; [CAR-OTP-2030-2280](#), from [00:00:00] to [00:01:05] and its transcript and translation [CAR-OTP-2107-6899](#), [CAR-OTP-2107-7027](#).

¹¹⁰⁹ **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2193-2194, paras.71-74; [CAR-OTP-2100-2301-R01](#), at 2302-2307, 2309; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1932, paras.49-50; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2393-2394, 2398, paras.30-31, 51-52; [CAR-OTP-2100-2408](#); **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2023, paras.74-75; [CAR-OTP-2100-2065](#), at 2066; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0240, para.109; [CAR-OTP-2009-3587](#), at 4007-4008, Nos. 1942-1945; [CAR-OTP-2055-1987](#), at 2166; [CAR-OTP-2001-2769](#), at 2790; [CAR-OTP-2001-4257](#), at 4257; [CAR-OTP-2001-4341](#), at 4341; [CAR-OTP-2011-0133](#), at 0155; [CAR-OTP-2001-2647](#), at 2666; [CAR-OTP-2079-0680](#). For the locations of the killings, see [CAR-OTP-2100-2380](#) and [CAR-OTP-2100-2407](#).

¹¹¹⁰ **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1925, 1934, paras.20, 59; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2394, para.30; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2192, para.69; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1580, 1588, paras.93, 127; [CAR-OTP-2001-7017](#), at 7095, para.340.

¹¹¹¹ **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2188, 2198, paras.46,104-106; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0241, para.113; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2393, 2397, 2400, paras.29, 48, 60; **P-2133:** [CAR-OTP-2093-0267-R01](#), at 0284, para.123; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1586, paras.116-117; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1927, paras.25, 27.

547. They destroyed Muslim houses: at least 19 in the 2^e *arrondissement*; 228 in the 3^e *arrondissement*; 205 in the 4^e *arrondissement*; and some 542 in the 5^e *arrondissement*.¹¹¹² Christian houses marked with distinctive signs (palm leaves) were spared,¹¹¹³ as happened during other Anti-Balaka attacks elsewhere in western CAR.¹¹¹⁴

Count 91 – Attacks against buildings dedicated to religion (article 8(2)(e)(iv))

Count 92 – Pillaging (article 8(2)(e)(v))

Count 93 – Destruction of the adversary’s property (article 8(2)(e)(xii))

548. During the attack and in the weeks following, the BERBERATI Group pillaged several mosques in POTO-POTO. These included the Central Mosque, the TAKWA Mosque, and the HAMISSOU and SAMBANDA mosques. They dismantled the structures, taking roofs, doors, windows, as well as speakers and generators.¹¹¹⁵

Count 94 – Forcible transfer, deportation (article 7(1)(d))

Count 95 – Displacement (article 8(2)(e)(viii))

549. The first night of the attack, over 400 Muslims fled to the *St Basile* Church before being evacuated by the MISCA to Bishop Isaie KOFFIA (“Bishop”) at *Ste Anne* Church,¹¹¹⁶ where Muslims fleeing Anti-Balaka attacks in surrounding towns had already

¹¹¹² See [CAR-OTP-2019-3524](#); [CAR-OTP-2019-3527](#); **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0053, paras.85, 87, 90; [CAR-OTP-2079-0882](#), from [00:06:20] to [00:06:54]; [CAR-OTP-2001-2769](#), at 2790; [CAR-OTP-2001-2647](#), at 2666; [CAR-OTP-2079-0693](#), from [00:00:00] to [00:00:12]. See also **P-2325**: [CAR-OTP-2100-2386-R01](#), at 2399, para.57; **P-2326**: [CAR-OTP-2100-2178-R01](#), at 2199, para.107; **P-2324**: [CAR-OTP-2100-2002-R01](#), at 2024, para.77; **P-2327**: [CAR-OTP-2100-1921-R01](#), at 1935, paras.64, 67; [CAR-OTP-2100-1958](#); **P-2133**: [CAR-OTP-2093-0267-R01](#), at 0283-0284, paras.116, 118; **P-2404**: [CAR-OTP-2102-1558-R01](#), at 1589, para.130; [CAR-OTP-2079-0882](#), from [00:06:20] to [00:06:54]; [CAR-OTP-2079-0693](#), from [00:00:00] to [00:00:12]. For pictures of destroyed Muslim properties, see **P-1577**: [CAR-OTP-2087-6935](#); [CAR-OTP-2100-2070](#), [CAR-OTP-2100-2075](#), [CAR-OTP-2100-2076](#), [CAR-OTP-2100-2077](#), [CAR-OTP-2100-2078](#), [CAR-OTP-2100-2080](#), [CAR-OTP-2100-2081](#); [CAR-OTP-2100-2082](#).

¹¹¹³ **P-2325**: [CAR-OTP-2100-2386-R01](#), at 2391, para.23; **P-2326**: [CAR-OTP-2100-2178-R01](#), at 2199, para.107; **P-2404**: [CAR-OTP-2102-1558-R01](#), at 1589, para.131.

¹¹¹⁴ See also, paras.56, 589.

¹¹¹⁵ **P-2326**: [CAR-OTP-2100-2178-R01](#), at 2199, para.108; **P-2324**: [CAR-OTP-2100-2002-R01](#), at 2024-2025, paras.79-82; **P-2325**: [CAR-OTP-2100-2386-R01](#), at 2400, paras.58-59; **P-2327**: [CAR-OTP-2100-1921-R01](#), at 1936, paras.70-71; [CAR-OTP-2100-1993](#); **P-2296**: [CAR-OTP-2093-0225-R01](#), at 0247, paras.153-156; **P-2133**: [CAR-OTP-2093-0267-R01](#), at 0291, para.168; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0054, para.94; [CAR-OTP-2079-0610](#), at 0612; [CAR-OTP-2079-0695](#), at 0708; [CAR-OTP-2079-0893](#), at 0897. For pictures of the destroyed mosques in the POTO-POTO area, see [CAR-OTP-2100-2068](#), [CAR-OTP-2100-2069](#); [CAR-OTP-2100-2071](#); [CAR-OTP-2100-2072](#); [CAR-OTP-2100-2074](#); [CAR-OTP-2100-2079](#); [CAR-OTP-2079-0893](#), at 0897.

¹¹¹⁶ **P-2325**: [CAR-OTP-2100-2386-R01](#), at 2394-2395, paras.34-37; **P-2327**: [CAR-OTP-2100-1921-R01](#), at 1927-1928, paras.29-30; **P-2133**: [CAR-OTP-2093-0267-R01](#), at 0284, para.117.

settled. Joined by those from BERBERATI, the number of displaced Muslims living in the *Ste Anne* IDP site rose to thousands in the days and weeks after the attack.¹¹¹⁷

550. As of April 2014, international forces escorted thousands of displaced Muslims from BERBERATI, mainly to CAMEROON.¹¹¹⁸

Count 96 – Inhumane acts (article 7(1)(k))

Count 97 – Degrading treatment (article 8(2)(c)(ii))

551. Those Muslims forced to remain at the *Ste Anne* IDP site for fear of attack by the Anti-Balaka lived precariously throughout 2014. Most of them slept outside with limited access to medical care and adequate sanitary facilities, relying on the Church and NGOs for food. Without access to the Muslim cemetery, persons who died of sickness at *Ste Anne* IDP site were buried on the Bishop’s premises.¹¹¹⁹

Count 98 – Severe deprivation of physical liberty (article 7(1)(e))

¹¹¹⁷ **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2016, para.51; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0243, para.127; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2200, paras.115-117; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2396, para.45; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1928, para.31; **P-2133:** [CAR-OTP-2093-0267-R01](#), at 0292, para.177; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0252, para.145; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1588, para.124; [CAR-OTP-2001-4257](#), at 4258; [CAR-OTP-2001-2769](#), at 2790, para.4.

¹¹¹⁸ [CAR-OTP-2079-0790](#) at 0792; [CAR-OTP-2069-0138](#); [CAR-OTP-2069-0150](#); [CAR-OTP-2079-0809](#), from [00:00:00] to [00:00:42]; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1930, paras.38-40; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2021, para.69; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2396-2397, para.45; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2202, para.120; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0243, para.127; **P-2328:** [CAR-OTP-2099-0165-R01](#), at 0197, para.175; **P-2133:** [CAR-OTP-2093-0267-R01](#), at 0284, para.117; [CAR-OTP-2079-0790](#), at 0792.

¹¹¹⁹ **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0246, para.148; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2201, para.117; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2020, paras.64-68; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1928-1929, paras.32-34; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1588, para.124; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0253, para.145; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2396, para.42; [CAR-OTP-2079-0882](#), from [00:07:29] to [00:07:37]; [CAR-OTP-2055-1987](#), at 2167; [CAR-OTP-2079-0799](#), at 0799-0800.

552. Throughout 2014, the BERBERATI Group ensured that Muslims had no choice but to stay at the *Ste Anne* IDP site.¹¹²⁰ In addition to their constant threats to attack the site,¹¹²¹ the Anti-Balaka assaulted individuals who tried to leave it.¹¹²²

553. Throughout 2014 and well into 2015, the Anti-Balaka prevented the Muslim community from returning to its neighbourhoods – their stance: “the returning of Muslims to the neighbourhoods meant the returning of the *Seleka* in BERBERATI.”¹¹²³ Around 400 Muslims were forced to live at the *Ste Anne* IDP site until July 2015 when they moved back to their neighbourhoods under the protection of international forces.¹¹²⁴

Count 99 – Persecution (article 7(1)(h))

554. The crimes and acts described above were committed by the BERBERATI Group and other Anti-Balaka elements in a coordinated effort to cleanse BERBERATI of its Muslim population. That effort demonstrates a common plan or purpose involving the BERBERATI Group, its local leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in BERBERATI, who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the *Seleka*.¹¹²⁵

555. The Anti-Balaka’s attack on over a thousand Muslim civilians; the murder of several; the pillaging and destruction of their property, communities, and places of

¹¹²⁰ **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0244, para.133; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2202, para.119; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1934, para.60; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1588, para.124; [CAR-OTP-2079-0693](#), from [00:00:34] to [00:00:47].

¹¹²¹ **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2018-2019, para.59; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2396, para.43; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2201, para.118.

¹¹²² **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2398, para.50; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2201-2202, para.118; [CAR-OTP-2100-2312-R01](#), at 2315; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1932-1934, paras.52-58; [CAR-OTP-2100-1986](#); [CAR-OTP-2079-0808](#); **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2019, 2027-2028, paras.61-63, 89-92; [CAR-OTP-2100-2083-R01](#); [CAR-OTP-2100-2086-R01](#); **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0246, para.148; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1588, para.125; **P-1074:** [CAR-OTP-2094-0228-R01](#), at 0252-0253, paras.143-145; [CAR-OTP-2101-1722](#), at 1724; [CAR-OTP-2079-0882](#), from [00:07:29] to [00:07:50].

¹¹²³ **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0247-0248, paras.158-162; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1938-1939, paras.82-84; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2029-2030, paras.96-100; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2401, para.63; [CAR-OTP-2003-1654](#), at 1736; [CAR-OTP-2101-3599](#), at 3601.

¹¹²⁴ **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1940, paras.88-89; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2031-2032, para.102; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0248, para.165.

¹¹²⁵ See above, para.90.

worship; their expulsion; restriction of liberty; forced enclavement, subject to inhumane conditions; and the commission of numerous violent crimes and acts,¹¹²⁶ all severely deprived BERBERATI's Muslims of fundamental rights. These include the right to life, liberty, mental and bodily integrity, dignity, and religious freedom.

c) Direct perpetrators of the crimes

556. The BERBERATI attack and subsequent crimes were executed by the BERBERATI Group, coordinated by YAPELET.¹¹²⁷ Following the attack, YAPELET became the Anti-Balaka leader in BERBERATI, claiming authority over the town.¹¹²⁸

557. In the weeks following the initial attack, Mahamat ZOKOUE (aka "Machin Machin") ("ZOKOUE") and FACA member Sylvain SEREGAZA joined YAPELET within the Anti-Balaka leadership of the BERBERATI Group.¹¹²⁹ Until his May 2014 death,¹¹³⁰ Rocco MOKOM was in charge of the larger area (sub-prefecture) of BERBERATI.¹¹³¹

558. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements that they and their subordinates made.¹¹³² Their crimes

¹¹²⁶ See above, paras.543-553.

¹¹²⁷ **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1926-1927, para.24; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2014-2015, paras.44, 48. CDR show that YAPELET communicated from Cell Sites in BERBERATI until 3 February 2014. Between 3-8 February YAPELET communicated from Cell Sites in CARNOT and as of 19h00 on 8 February 2014, YAPELET communicated again from Cell Sites in BERBERATI. For Call Sequence Tables, see Annex J, section 11.2.1.

¹¹²⁸ **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1931, para.44; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2188, paras.45-46; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2397, para.47; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0242, paras.118, 121; **P-2133:** [CAR-OTP-2093-0267-R01](#), at 0284, 0287 paras.121-123, 145; [CAR-OTP-2030-0232](#), at 0237; **P-1077:** [CAR-OTP-2107-3530-R01](#), at 3539, 1.306-321; **P-2232:** [CAR-OTP-2100-2569-R01](#), at 2596; [CAR-OTP-2001-5739](#), at 5785; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2397, 2400, paras.49, 61; **P-1042:** [CAR-OTP-2107-0591-R01](#), at 0606, 1.487-498.

¹¹²⁹ [CAR-OTP-2000-0218-R01](#), at 0223; **P-0974:** [CAR-OTP-2058-0165-R01](#), at 0171, para.39; **P-2027:** [CAR-OTP-2078-0059-R01](#), at 0074, para.85; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0053, paras.43,89; [CAR-OTP-2003-1654](#), at 1736; [CAR-OTP-2000-0218-R01](#), at 0223; **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1931, para.46; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2022-2023, paras.71-73; **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2401, para.62; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2190, para.59; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1585, 1599, paras.113, 188.

¹¹³⁰ [CAR-OTP-2001-6251](#), at 6293; **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1585, para.112; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0054, para.96; [CAR-OTP-2001-6251](#), at 6293.

¹¹³¹ **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0245, paras.143-144; [CAR-OTP-0080-0821](#), at 0823; [CAR-OTP-2001-5386](#), at 5422, para.147.

¹¹³² **P-2327:** [CAR-OTP-2100-1921-R01](#), at 1927, para.25; **P-2326:** [CAR-OTP-2100-2178-R01](#), at 2187, 2198, paras.43, 105; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2014, 2024, paras.47,77; **P-2325:** [CAR-OTP-](#)

were committed in furtherance of the BERBERATI Group’s leaders’ common plan to violently attack the town’s Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

d) *The National Coordination was involved with the BERBERATI Group*

i. From December 2013, the BERBERATI Group was in contact with the National Coordination

559. The Anti-Balaka National Coordination was involved with the leadership of the BERBERATI Group. From December 2013 and throughout 2014, YAPELET was in contact with members of the Anti-Balaka leadership and/or high-level Anti-Balaka ComZones, including MOKOM,¹¹³³ WENEZOU, ¹¹³⁴ NDOMATE,¹¹³⁵ LEBENE,¹¹³⁶ LEBENE’s Secretary,¹¹³⁷ FEISSONA,¹¹³⁸ ComZone Aubin MBOYA (“MBOYA”),¹¹³⁹ AZOUNOU,¹¹⁴⁰ Judicael OROFEI,¹¹⁴¹ and KONATE.¹¹⁴²

[2100-2386-R01](#), at 2399-2400, paras.54, 58; [CAR-OTP-2030-2280](#), from [00:00:00] to [00:01:05] and its transcript and translation [CAR-OTP-2107-6899](#), [CAR-OTP-2107-7027](#); **P-1077**: [CAR-OTP-2107-3636-R01](#), at 3662-3663, 1.924-954.

¹¹³³ CDR show that MOKOM communicated with YAPELET in March, October and December 2014. For attributions, *see* Annex I. For Call Sequence Tables *see* Annex J, section 11.2.2; **P-0889**: [CAR-OTP-2027-2290-R01](#), at 2295, para.31, 34; **P-1077**: [CAR-OTP-2107-3636-R01](#), at 3653-3655, 1.608-654.

¹¹³⁴ CDR show that YAPELET communicated with WENEZOU throughout the second half of February 2014 and on 1 March 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.2.3.

¹¹³⁵ CDR show that YAPELET communicated with NDOMATE between 24 July 2014 and 22 December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.2.4.

¹¹³⁶ CDR show that YAPELET communicated with LEBENE in August, September, November and December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.2.5. **P-2251**: [CAR-OTP-2093-0045-R01](#), at 0074, para.190.

¹¹³⁷ CDR show that YAPELET communicated with LEBENE’s Secretary on 24 November 2014. For attributions, *see* Annex I. For Call Sequence Table, *see* Annex J, section 11.2.6.

¹¹³⁸ **P-0405**: [CAR-OTP-2107-4653-R01](#), at 4656-4657, 1.102-128.

¹¹³⁹ *See* [CAR-OTP-2019-1383](#), at 1383; [CAR-OTP-2027-1631](#), at 1647. MBOYA was an Anti-Balaka ComZone in BANIA. **P-1042**: [CAR-OTP-2107-0297-R01](#), at 0300, 1.90-94. CDR show that YAPELET communicated with MBOYA between March 2014 and December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.2.7.

¹¹⁴⁰ CDR show that YAPELET communicated with AZOUNOU on 20 June 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.2.8.

¹¹⁴¹ CDR show that YAPELET communicated with Judicael OROFEI between June 2014 and September 2014 and on 17 December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.2.9.

¹¹⁴² CDR show that YAPELET communicated with KONATE from July 2014 to November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.2.10.

560. Likewise, from December 2013 and throughout 2014, ZOKOUE was in contact with NGAISSONA¹¹⁴³ and other members of the National Coordination and/or high-level Anti-Balaka ComZones, including NAMSIO,¹¹⁴⁴ KONATE,¹¹⁴⁵ BEOROFEI,¹¹⁴⁶ MOKOM,¹¹⁴⁷ WENEZOU,¹¹⁴⁸ MBOYA,¹¹⁴⁹ Judicael OROFEI,¹¹⁵⁰ FEISSONA,¹¹⁵¹ BARA,¹¹⁵² and AZOUNOU.¹¹⁵³ Rocco MOKOM was in frequent contact with his brother MOKOM.¹¹⁵⁴

ii. YAPELET and Rocco MOKOM received instructions and directions from the National Coordination

561. The leadership of the BERBERATI Group acknowledged their subordination to the National Coordination.¹¹⁵⁵ For instance, YAPELET was closely associated with, and openly acknowledged allegiance to, NGAISSONA.¹¹⁵⁶

562. Likewise, Rocco MOKOM acknowledged his subordination to the National Coordination. On his death in May 2014, an Anti-Balaka element in his group, left without

¹¹⁴³ CDR show ZOKOUE communicated with NGAISSONA on 12 September 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.11.

¹¹⁴⁴ CDR show that ZOKOUE communicated with NAMSIO in December 2013, March 2014, and April 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.1.

¹¹⁴⁵ CDR show that ZOKOUE communicated with KONATE from February 2014 to December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.2.

¹¹⁴⁶ CDR show that ZOKOUE communicated with BEOROFEI on 6 March 2014 and on 31 July 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.3.

¹¹⁴⁷ CDR show that ZOKOUE communicated with MOKOM from March 2014 and throughout 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.10.

¹¹⁴⁸ CDR show that ZOKOUE communicated with WENEZOU on 26 March 2014 and in August, October, and December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.4.

¹¹⁴⁹ CDR show that ZOKOUE communicated with MBOYA from April 2014 until December 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.5.

¹¹⁵⁰ CDR show that ZOKOUE communicated with Judicael OROFEI from July 2014 to November 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.6.

¹¹⁵¹ CDR show that ZOKOUE communicated with FEISSONA on 4 August 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.7.

¹¹⁵² CDR show that ZOKOUE communicated with BARA in August 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.8.

¹¹⁵³ CDR show that ZOKOUE communicated with AZOUNOU in September 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 11.3.9.

¹¹⁵⁴ **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0046, para.42. CDR show that Rocco MOKOM communicated with MOKOM between December 2013 and February 2014. For attributions, *see* Annex I. For Call Sequence Table, *see* Annex J, section 11.4. Cell site data show that Rocco MOKOM connected from BERBERATI on 8 February 2014. For Call Sequence Table, *see* Annex J, section 11.4.1.

¹¹⁵⁵ **P-2325:** [CAR-OTP-2100-2386-R01](#), at 2401, para.64; **P-2324:** [CAR-OTP-2100-2002-R01](#), at 2027, paras.87-88; **P-2296:** [CAR-OTP-2093-0225-R01](#), at 0249, para.173; **P-2133:** [CAR-OTP-2093-0267-R01](#), at 0291, para.169; **P-1719:** [CAR-OTP-2062-0039-R01](#), at 0053-0054, paras.90-92.

¹¹⁵⁶ **P-2404:** [CAR-OTP-2102-1558-R01](#), at 1593, para.148.

guidance, contacted **NGAISSONA** with the message: “*Salut, coordo Je Vie a berberati et je suis anti balaka.mon chef etait [Rocco] MOKOM rocka qui est mort.j,ai besoin de vous.voici mon numero*”.¹¹⁵⁷

e) *Knowledge and intent of NGAISSONA*

563. **NGAISSONA** knew of and intended the crimes committed by the BERBERATI Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka’s violent targeting of the Muslim population and its perceived supporters in western CAR, including in BERBERATI.

i. **NGAISSONA knew about the situation in BERBERATI**

564. **NGAISSONA** knew about the situation in BERBERATI either, directly or through members of the National Coordination from the initial attacks throughout the duration of the enclave, which remained in place well into 2015.

565. *First*, as mentioned, there were numerous telephone contacts between the BERBERATI Anti-Balaka leadership and the National Coordination, as early as December 2013.¹¹⁵⁸

566. *Second*, a few days before Rocco MOKOM arrived at BERBERATI, [REDACTED] to prevent him from stopping the Anti-Balaka from entering BERBERATI.¹¹⁵⁹

567. *Third*, after the initial attack, YAPELET attended several meetings with **NGAISSONA** and members of the National Coordination in BANGUI.¹¹⁶⁰

¹¹⁵⁷ [CAR-OTP-2066-2466](#), at 2695.

¹¹⁵⁸ *See above*, paras.559-560.

¹¹⁵⁹ **P-2296**: [CAR-OTP-2093-0225-R01](#), at 0238, para.94.

¹¹⁶⁰ **P-1962**: [CAR-OTP-2068-0037-R01](#), at 0058, paras.102-104; **P-1719**: [CAR-OTP-2062-0039-R01](#), at 0055, para.100; **P-2404**: [CAR-OTP-2102-1558-R01](#), at 1591, paras.138-140; **P-1077**: [CAR-OTP-2107-3554-R01](#), at 3577-3578, 1.864-875; [CAR-OTP-2001-5386](#), at 5405, para.69.

568. *Fourth*, other Anti-Balaka members in BERBERATI discussed the deplorable situation of the Muslims in BERBERATI with Anti-Balaka delegates, such as NGAISSONA representative Jean-Louis NGAIDJIOUNOU (“NGAIDJIOUNOU”).¹¹⁶¹ NGAISSONA also would have known about the plight of BERBERATI’s Muslims “either through other Anti-Balaka or through the numerous reports and articles about it on the media.”¹¹⁶²

569. *Fifth*, NGAISSONA referred to the BERBERATI Group in early May 2014¹¹⁶³ and sent Coordination members on missions to BERBERATI throughout 2014, including NAMSIO, NDOMATE,¹¹⁶⁴ and KONATE.¹¹⁶⁵ MOKOM¹¹⁶⁶ also visited BERBERATI.

570. On 8 July 2014, NGAISSONA sent a delegation of the National Coordination led by NGAIDJIOUNOU to BERBERATI. They visited the *Ste Anne* IDP site and met with YAPELET and other Anti-Balaka leaders.¹¹⁶⁷

571. *Finally*, NGAISSONA’s knowledge can also be inferred from the direct reporting of crimes in BERBERATI to his representative NGAIDJIOUNOU, who, for example, was directly apprised of the Anti-Balaka’s assault of a BERBERATI-based [REDACTED]¹¹⁶⁸

ii. NGAISSONA intended and endorsed the situation in BERBERATI

572. NGAISSONA was aware of the deplorable circumstances affecting the displaced Muslims, first forced into the enclave and then made to endure its lasting existence as a result of the unlawful conduct of the BERBERATI Group.

¹¹⁶¹ P-2404: [CAR-OTP-2102-1558-R01](#), at 1591, para.141.

¹¹⁶² P-2404: [CAR-OTP-2102-1558-R01](#), at 1594-1595, paras.153-154.

¹¹⁶³ [CAR-OTP-2101-4138](#), at 4138, 4144.

¹¹⁶⁴ [CAR-OTP-2025-0356](#), at 0356, 0358; P-2296: [CAR-OTP-2093-0225-R01](#), at 0249, para.174; P-1521: [CAR-OTP-2046-0603-R01](#), at 0616, para.82; P-1858: [CAR-OTP-2063-0050-R01](#), at 0067-0068, paras.105, 112.

¹¹⁶⁵ P-1951: [CAR-OTP-2092-0468-R01](#), at 0499-0500, 1.1084-1138; [CAR-OTP-2092-1407](#), at 1409.

¹¹⁶⁶ P-1858: [CAR-OTP-2063-0050-R01](#), at 0067-0068, paras.105, 112.

¹¹⁶⁷ P-2327: [CAR-OTP-2100-1921-R01](#), at 1931-1932, para.48; P-2324: [CAR-OTP-2100-2002-R01](#), at 2026, paras.85-86; P-2325: [CAR-OTP-2100-2386-R01](#), at 2402, para.65; [CAR-OTP-2001-5386](#), at 5405, para.69; P-2404: [CAR-OTP-2102-1558-R01](#), at 1592-1593, paras.145-146; P-0287: [CAR-OTP-2115-0239-R01](#), at 0253, para.64.

¹¹⁶⁸ P-2324: [CAR-OTP-2100-2002-R01](#), at 2028, para.91. For the date of the assault: *see* [CAR-OTP-2100-2312-R01](#), at 2315.

573. Despite knowledge of the crimes committed by the Anti-Balaka in BERBERATI, **NGAISSONA** did not condemn the participation of the BERBERATI Group, did not act to end the continued subjugation of Muslims by them and other Anti-Balaka ComZones, and did nothing to end their siege of the Muslim community or to stop their contribution to the perpetuation of the enclave.

574. Instead, **NGAISSONA** validated the actions of Anti-Balaka leaders. He accepted **YAPELET**'s continued membership in the group, inviting him to represent the Anti-Balaka at the July 2014 BRAZZAVILLE Summit,¹¹⁶⁹ and by later officially recognising him as the Anti-Balaka Coordinator for the MAMBERE-KADEI prefecture.¹¹⁷⁰

M. GUEN (MAMBERE-KADEI PREFECTURE)

a) General

575. GUEN is a village in the MAMBERE-KADEI Prefecture, approximately 10 km west of the GADZI Sub-Prefecture and 100 km east of CARNOT.¹¹⁷¹ Its 2012 estimated population of 10,000 consisted of around 13 to 15% Muslims.¹¹⁷² Many Muslims worked in the diamond sector, notably as “collectors.”¹¹⁷³

576. From mid-January 2014, many Muslims started leaving GUEN, having heard of Anti-Balaka attacks against Muslims in YALOKÉ, ZAWA, and MBAIKI.¹¹⁷⁴ More fled

¹¹⁶⁹ [CAR-OTP-2030-0267](#), at 0268; **P-2326**: [CAR-OTP-2100-2178-R01](#), at 2192, para.66; **P-1077**: [CAR-OTP-2107-3428-R01](#), at 3448, 1.740-744; [CAR-OTP-2101-2058](#), at 2062; **P-1048**: [CAR-OTP-2094-0593-R01](#), at 0622, 0624-0626, 1.1079-1097, 1168-1247. *See also* **P-0808**: [CAR-OTP-2093-0010-R01](#), at 0028, paras.103-104.

¹¹⁷⁰ [CAR-OTP-2030-0445](#), at 0453; **P-2326**: [CAR-OTP-2100-2178-R01](#), at 2191, para.63; **P-1077**: [CAR-OTP-2107-3500-R01](#), at 3505, 1.170-177.

¹¹⁷¹ [CAR-OTP-2091-3046](#). *See also* [CAR-OTP-2069-0658](#); **P-0650**: [CAR-OTP-2022-0031-R01](#), at 0045, para.86; **P-1964**: [CAR-OTP-2094-1755-R01](#), at 1757, para.17; **P-1040**: [CAR-OTP-2091-0568-R01](#), at 0604, 1.1262-1268. *See Annex F(9) (Guen Map).*

¹¹⁷² **P-1040**: [CAR-OTP-2091-0568-R01](#), at 0575-0576, 1.243-264; **P-0595**: [CAR-OTP-2018-0761-R01](#), at 0763, para.13; **P-1949**: [CAR-OTP-2094-1131-R01](#), at 1145-1146, 1.533-537; **P-0652**: [CAR-OTP-2078-0434-R01](#), at 0437, para.17.

¹¹⁷³ **P-1500**: [CAR-OTP-2046-1104-R01](#), at 1106, para.14; **P-1949**: [CAR-OTP-2094-1341-R01](#), at 1359-1360, 1.648-660; **P-0653**: [CAR-OTP-2091-1558-R01](#), at 1564, para.40; [CAR-OTP-2001-0835](#), at 0850-0851, para.59; [CAR-OTP-2001-2299](#), at 2301.

¹¹⁷⁴ **P-1964**: [CAR-OTP-2094-1755-R01](#), at 1758, para.22; **P-0650**: [CAR-OTP-2022-0031-R01](#), at 0033, para.15; **P-1040**: [CAR-OTP-2091-0568-R01](#), at 0569-0570, 0575-0576, 1.17-56, 226-242, 265-270; **P-0652**: [CAR-OTP-2078-0434-R01](#), at 0437, para.18.

when the Anti-Balaka's presence was reported some 30 km north at MBAINA village, and on the Seleka's withdrawal from GUEN and GADZI on or about 30 January 2014.¹¹⁷⁵

577. Beginning on or about 1 February 2014, about 100 to 400 Anti-Balaka with firearms and '*armes blanches*'¹¹⁷⁶ led by Edmond BEINA ("BEINA")¹¹⁷⁷ and his deputies, including Mathurin KOMBO ("KOMBO"),¹¹⁷⁸ Armand GUIDO (aka "SEGBAM" or "SAKPEM") ("GUIDO"),¹¹⁷⁹ and "Gyve" ("GUEN Group")¹¹⁸⁰ attacked GUEN from all sides.¹¹⁸¹ They encountered no military resistance since the Seleka had already left, and

¹¹⁷⁵ **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0763-0764, paras.15-16; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0871, para.16; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0437-0438, paras.19, 21-22; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0520, para.25; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0034, paras.18-19; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0036, 0038, paras.23, 30; **P-1040:** [CAR-OTP-2091-0548-R01](#), at 0558-0560, 1.356-432; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0223, para.25; **P-1947:** [CAR-OTP-2107-4974-R01](#), at 4976, 1.83-85.

¹¹⁷⁶ **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0764, para.17; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0035, paras.25, 27; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0740, paras.24, 27; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1107, para.18; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0437, 0439, paras.19, 29; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0040, para.38; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0521, para.27; **P-1949:** [CAR-OTP-2094-1131-R01](#), at 1135, 1.152-160.

¹¹⁷⁷ [CAR-OTP-2001-0835](#), at 0980; [CAR-OTP-2019-1337](#), at 1338; **P-1947:** [CAR-OTP-2107-4974-R01](#), at 4977, 1.106-108, 116-118; **P-1040:** [CAR-OTP-2091-0568-R01](#), at 0587-0593, 1.685-763, 803-829, 836-868; **P-1949:** [CAR-OTP-2094-1131-R01](#), at 1133, 1.74-75; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1009, para.29; **P-2173:** [CAR-OTP-2099-0935-R01](#), at 0956-0957, 1.756-766.

¹¹⁷⁸ [CAR-OTP-2001-2299](#), at 2301; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0767, para.32; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0749, para.91; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1765, para.83; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0465, para.188.

¹¹⁷⁹ **P-2173:** [CAR-OTP-2099-0986-R01](#), at 1004-1005, 1.649-655; **P-1947:** [CAR-OTP-2107-4974-R01](#), at 4977-4978, 1.127-133; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0896, para.24; **P-1040:** [CAR-OTP-2091-0889-R01](#), at 0896-0897, 1.236-254.

¹¹⁸⁰ The "GUEN Group" includes any subgroup or plurality of members/elements thereof, whether or not formally organised or constituted. The GUEN Group is a sub-group of "Anti-Balaka". **P-1040:** [CAR-OTP-2091-0568-R01](#), at 0591-0592, 1.822-834; **P-1949:** [CAR-OTP-2094-1327-R01](#), at 1339, 1.416-418.

¹¹⁸¹ **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0764, 0766, paras.17, 27; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0035, para.25; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0439-0440, 0468-0469, paras.29-30, 149; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0039-0040, paras.35, 39; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0521, paras.27-28; **P-1947:** [CAR-OTP-2107-5340-R01](#), at 5345, 1.176-190.

GUEN's Muslim residents comprised only civilians.¹¹⁸² The attack and occupation of the village by the GUEN Group¹¹⁸³ lasted until around early April 2014.¹¹⁸⁴

b) Crimes committed

Count 100 – Attack directed against the civilian population (article 8(2)(e)(i))

578. Fuelled by vengeance and hatred toward Muslims, the GUEN Group attacked the village's Muslim civilian population from their arrival on 1 February 2014 throughout their occupation. Their shared intent was unequivocal: to violently attack GUEN's Muslims and cleanse the town of their presence.¹¹⁸⁵ The attack comprised numerous violent crimes and acts, including murder and extermination, as described below.

579. The submissions regarding Counts 101-103 (murder, attempted murder and extermination), Counts 107-108 (pillaging and destruction), Counts 108-109 (forcible displacement and deportation), and Counts 105-106 (rape and attempted rape), also comprise Count 100 (attack directed against the civilian population) and Count 111 (persecution).

Count 101 – Murder, attempted murder (article 7(1)(a))

Count 102 – Murder, attempted murder (article 8(2)(c)(i))

¹¹⁸² **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0766, paras.27, 30; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0033, 0034, paras.14, 18; **P-1040:** [CAR-OTP-2091-0548-R01](#), at 0558-0560, 1.356-432; [CAR-OTP-2091-0608-R01](#), at 0627-0628, 1.677-722; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0036, 0040, paras.23, 35; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0520, para.25; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0223, para.25; **P-1947:** [CAR-OTP-2107-4974-R01](#), at 4976, 1.83-85; [CAR-OTP-2107-5182-R01](#), at 5193-5194, 1.406-427; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0444, para.53.

¹¹⁸³ **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0765, para.24; **P-1040:** [CAR-OTP-2091-0638-R01](#), at 0648, 1.334-356; **P-1947:** [CAR-OTP-2107-5055-R01](#), at 5076, 1.755-767; [CAR-OTP-2107-5262-R01](#), at 5263-5265, 1.16-23, 35-43, 49-60, 97-105; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0458, 0469, paras.141-143, 151-152; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0041-0042, para.43; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1763, para.63; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1116, para.70; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0741, para.32.

¹¹⁸⁴ **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0908, para.71; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0049, paras.108, 110; **P-1949:** [CAR-OTP-2094-1308-R01](#), at 1311, 1.75-85; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1763, para.62.

¹¹⁸⁵ **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0740, 0743, paras.24, 40-41; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0035, 0043, paras.25, 75; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0039-0040, 0050, paras.35-36, 76; **P-1040:** [CAR-OTP-2091-0568-R01](#), at 0582, 0601-0602, 1.488-491, 1173-1178; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1758-1759, 1761, paras.27, 34, 45; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0875, 0877, paras.37, 46; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0765, 0767-0769, paras.22, 24, 32, 43; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0441, paras.37-38; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1759, 1760-1761, paras.29-30, 43-44.

Count 103 – Extermination (article 7(1)(b))

580. Between 1 and about 8 February 2014, BEINA and the GUEN Group murdered at least 75 Muslim civilian men and boys, some as young as nine years old. Sometime between 1 February and March 2014, they also buried two Muslim civilian women alive. All the victims were neither Seleka, nor otherwise engaged in combat.¹¹⁸⁶

581. On or about 1 February 2014, they killed around 22 male Muslim civilians throughout the village, particularly in the *quartiers* MBOROKOUTOU, HAOUSSA, and FINI LEGE.¹¹⁸⁷ They spared neither children nor the elderly who comprised of, at least: OUSOUMAN OUDA; Ousman SYLLA, whose feet had been cut off; Oumarou BAKARI, (age 10) was first shot then ‘finished off’ with machetes; Moussa BOUBA; BACHIR; Malam OUSMANE; OUSTACE; Al Hadji GALAMI; Al Hadji HISSENE; [FNU] DJIBO; Housseinou MALA; Ladan BABA; INOUA [LNU]; Babou [LNU]; Karim ABDOU; Ousmane WAKOUE; Bouba SOUS-MARIN; and Sali CORDONNIER.¹¹⁸⁸ A few narrowly survived with serious bullet or machete wounds.¹¹⁸⁹

¹¹⁸⁶ [CAR-OTP-2001-0835](#), at 0979, para.3; [CAR-OTP-2001-4330](#), at 4330; [CAR-OTP-2002-0504](#), at 0506; [CAR-OTP-2017-0115](#), at 0122; [CAR-OTP-2019-1340](#), at 1341; **P-1040**: [CAR-OTP-2091-0502-R01](#), at 0512, 1.438-441; [CAR-OTP-2091-0730-R01](#), at 0733-0737, 1.101-239. *See also*, para.586.

¹¹⁸⁷ **P-1040**: [CAR-OTP-2091-0502-R01](#), at 0509, 1.284-292; **P-2091**: [CAR-OTP-2077-0868-R01](#), at 0871-0874, paras.18, 20, 24-25, 30; **P-1964**: [CAR-OTP-2094-1755-R01](#), at 1760-1762, paras.40, 42, 51-52; **P-0732**: [CAR-OTP-2061-0003-R01](#), at 0008, paras.37-38; **P-1947**: [CAR-OTP-2107-4974-R01](#), at 4978, 1.142-147; [CAR-OTP-2107-5352-R01](#), at 5373, 1.753-767; **P-2195**: [CAR-OTP-2090-0032-R01](#), at 0040-0041, paras.39-40; **P-0595**: [CAR-OTP-2018-0761-R01](#), at 0766, para.27; **P-1500**: [CAR-OTP-2046-1104-R01](#), at 1108, paras.24-25; **P-0652**: [CAR-OTP-2078-0434-R01](#), at 0443, 0444, paras.49, 53; **P-0650**: [CAR-OTP-2022-0031-R01](#), at 0037, paras.39-40; **P-1949**: [CAR-OTP-2094-1131-R01](#), at 1133, 1.74-76; **P-1598**: [CAR-OTP-2057-0892-R01](#), at 0896, para.24.

¹¹⁸⁸ **P-2091**: [CAR-OTP-2077-0868-R01](#), at 0873, paras.26, 29; **P-1500**: [CAR-OTP-2046-1104-R01](#), at 1107-1108, paras.20-21; **P-0595**: [CAR-OTP-2018-0761-R01](#), at 0765, 0766, 0771, paras.23, 28, 60; **P-0652**: [CAR-OTP-2078-0434-R01](#), at 0442-0444, 0455-0456, paras.45-47, 52, 126; **P-2371**: [CAR-OTP-2102-0517-R01](#), at 0522, paras.34-35; **P-0650**: [CAR-OTP-2022-0031-R01](#), at 0036, para.29; **P-2195**: [CAR-OTP-2090-0032-R01](#), at 0041, para.40.

¹¹⁸⁹ **P-1964**: [CAR-OTP-2094-1755-R01](#), at 1760-1762, paras.43-44, 52; **P-2371**: [CAR-OTP-2102-0517-R01](#), at 0522, para.34; **P-0652**: [CAR-OTP-2078-0434-R01](#), at 0442-0443, para.46.

582. On or about 6 February 2014, elements of the GUEN Group killed Hoessein GOUDJA and Ousmanou DJALLO at the Malian Mosque.¹¹⁹⁰ The same day, they forced Muslims to bury alive a certain Ibrahim [LNU] close by.¹¹⁹¹

583. On or about 4 February 2014, the GUEN Group pursued Muslim civilians who had fled the 1 February 2014 attack to the compound of village Chief Ali GARBA.¹¹⁹² After securing the compound, they separated the men, removed the victims from the house to the courtyard, and then summarily executed about 42 in all.¹¹⁹³ The known victims include: Baba [LNU] and Awoualou [LNU] (each about age 12), Mala AMADOU and his son Kassimou [LNU], Hamwa [LNU] and his son, Ibrahim GOURAMA, Ali MOUSSA, MARWA, Oumarou ABAKAR and his son, Hamadou OUMAROU, Amadou TCHAT, Al Hadji SEIDOU NGAOUI, Bachirou BAKARI, Gassoumi [LNU], Amadi SAIDOU, Amadjoda LADANE, Oumarou LIMAN and his brother Ali LIMAN, Modou [LNU], two individuals named ALI, Bouba BAKARI's nephews ADAMA and AMADOU, Abdouramane [LNU], Sanda [LNU], Ousmaïla [LNU], Aba ALI, Oumarou YAYA and his brother ALI, Hamma [LNU] and his brother Amadou [LNU], Bozine ABDOURAMANE, Alichitima SAANI, Ibrahim BOBO, Idrissou [LNU], Hassan [LNU] and his brother Hissene [LNU], Bakari MISTA and his brother Amadou [LNU],

¹¹⁹⁰ **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1112, para.45; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1762, para.53; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0526, para.72; **P-1949:** [CAR-OTP-2094-1131-R01](#), at 1133, 1.78-79; [CAR-OTP-2094-1251-R01](#), at 1259-1261, 1.289-329; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0042-0043, para.73; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0742-0743, para.39.

¹¹⁹¹ **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0742-0743, para.39; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0042-0043, para.73; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0442-0443, para.46; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1112, para.45; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1762, paras.52-53; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0526, paras.72-73.

¹¹⁹² **P-1947:** [CAR-OTP-2107-5151-R01](#), at 5164-5165, 1.460-470, 491-500; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0225, para.35; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0523, para.50; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0767, para.35; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0447, para.70; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0038, para.46; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0898, paras.32; [CAR-OTP-2057-0911-R01](#) (Annex A to P-1598's statement), at 0911; **P-1040:** [CAR-OTP-2091-0502-R01](#), at 0510, 1.313-317; [CAR-OTP-2070-0021](#) (Annex B to P-1040's statement), at 0022; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0874, para.31.

¹¹⁹³ **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0767-0768, paras.36-39, 41-42; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0874, paras.31-33; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0743-0744, paras.41-42, 45, 47, 50; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0038-0039, paras.46-47, 52-53; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0447, 0449-0450, paras.73, 86-91; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1110, paras.32-33, 35; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1761, para.46; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0523-0524, paras.51-52, 55; **P-1949:** [CAR-OTP-2094-1191-R01](#), at 1195-1196, 1206, 1.133-163, 542-563; **P-1040:** [CAR-OTP-2091-0502-R01](#), at 0510, 1.313-346; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0009-0011, paras.44-47, 49, 52; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0898, paras.33-34.

Telamodou [LNU], Ibedezawa [LNU], Ibe [LNU], Papa ZADA, and Amadou BILAL.¹¹⁹⁴ The Anti-Balaka killed Hamadou DJADA, Ali CHEOU and another person named ALI, as they fled the execution.¹¹⁹⁵ They killed a certain Oumar [LNU] the same day on the veranda of ABOUNA’s house near Ali GARBA’s compound.¹¹⁹⁶ [REDACTED]¹¹⁹⁷

584. On or about 6 February 2014, BEINA killed a certain Oussama [LNU] and his brother Hajda [LNU].¹¹⁹⁸ Their bodies were found on the road between GUEN and GADZI, towards the Muslim cemetery.¹¹⁹⁹ On or about 8 February 2014, an element of the GUEN Group named GBAHARA¹²⁰⁰ killed Mamadou BANDJOUKOU (“BANDJOUKOU”), a Muslim and counsellor to GUEN’s mayor, Serge TRIXI BAPPET (“TRIXI BAPPET”).¹²⁰¹ The same or following day, elements of the GUEN Group killed a handicapped Muslim boy named Ousseini [LNU] at BANDJOUKOU’s compound. They threw his body into a well.¹²⁰²

¹¹⁹⁴ **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1111, para.42; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0874, para.33; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0744-0745, paras.48, 52; **P-1040:** [CAR-OTP-2091-0638-R01](#), at 0661-0662, 1.799-841; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0040, paras.59-60.

¹¹⁹⁵ **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0747, para.71; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0768-0769, para.43; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0524-0525, paras.53-54, 65-66; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0043, para.77.

¹¹⁹⁶ **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0524, para.56.

¹¹⁹⁷ **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0010, para.49; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0744, 0749, paras.49, 89; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0771, para.59; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0450, 0453, 0458, 0463, paras.86-87, 107, 111, 139, 171-172; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0525, para.67; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1110, para.31; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0041, 0052, paras.62, 127; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1761, para.47; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0044, para.50.

¹¹⁹⁸ Although witnesses provide somewhat differing names for this victim, they all refer to the same incident – as shown by the evidence cited in footnote 1199.

¹¹⁹⁹ **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1111-1112, para.44; **P-1949:** [CAR-OTP-2094-1131-R01](#), at 1133, 1.78-80; [CAR-OTP-2094-1251-R01](#), at 1261, 1.330-361; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0042, para.72; **P-1040:** [CAR-OTP-2091-0502-R01](#), at 0512, 1.432-438; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0459, para.149; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0527-0528, paras.84-86; **P-1947:** [CAR-OTP-2107-5352-R01](#), at 5374-5376, 1.776-787, 793-800, 843-844, 852-858.

¹²⁰⁰ **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0042, para.72; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0876, para.44.

¹²⁰¹ **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0901, paras.45-46; **P-1040:** [CAR-OTP-2091-0502-R01](#), at 0511, 1.377-393; **P-1947:** [CAR-OTP-2107-4974-R01](#), at 4980-4981, 1.244-264; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0875-0876, paras.39-40; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0044, paras.52-53; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1112, para.46; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0739, para.17; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0041, para.64; **P-1949:** [CAR-OTP-2094-1271-R01](#), at 1273-1277, 1.18-191; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0462, paras.167-168; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0011, para.56; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0227, para.42.

¹²⁰² **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0462, paras.169-170; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0046, para.63; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0527, para.81; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0742, para.36; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0011-0012, para.58.

585. In February or March 2014, elements of the GUEN Group buried alive two elderly Muslim women in GUEN, one of whom was named Amaya or Amayan [LNU].¹²⁰³

586. There was no indication that any of the murder victims mentioned above were Seleka or otherwise engaged in combat.¹²⁰⁴

**Count 104 – Imprisonment or other severe deprivation of physical liberty
(article 7(1)(e))**

Count 105 – Rape and attempted rape (article 7(1)(g))

Count 106 – Rape and attempted rape (article 8(2)(e)(vi))

587. On or about 8 February 2014, following BANDJOUKOU's murder by GBAHARA, elements of the GUEN Group took Muslim civilians, many of whom were women and their children, from BANDJOUKOU's house to the SODIAM compound.¹²⁰⁵ There, they were detained by elements of the GUEN Group.¹²⁰⁶ For about two months, they were not allowed to leave the compound.¹²⁰⁷ Some were threatened with rape.¹²⁰⁸

588. BEINA had assigned elements of the GUEN Group to secure the SODIAM compound¹²⁰⁹ who, sometime between 6 February and March 2014, raped one victim

¹²⁰³ **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0042, para.70; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0529-0530, paras.101-103; **P-1040:** [CAR-OTP-2091-0502-R01](#), at 0512, 1.438-441; [CAR-OTP-2091-0730-R01](#), at 0733-0737, 1.101-239; **P-1949:** [CAR-OTP-2094-1131-R01](#), at 1133, 1.82-84; [CAR-OTP-2094-1251-R01](#), at 1257-1259, 1.203-287; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0047, para.65; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1760, para.41; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0013, para.72; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0461, para.160; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1113, para.49.

¹²⁰⁴ See paras.580-585.

¹²⁰⁵ **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0011, paras.56-57, at 0012-0013, paras.60-70; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0876, 0878, paras.40-42, 51; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0045-0047, paras.55, 61, 64-66.

¹²⁰⁶ **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0011, 0013-0014, 0016, paras.59, 71-72, 76, 91, 93, 95; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0048, para.69.

¹²⁰⁷ **P-0732:** [CAR-OTP-2061-0003-R01](#) at 0013, paras.71-72; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0047-0048, para.67; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0878, para.50.

¹²⁰⁸ **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0014, 0015, paras.77, 88; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0877, para.47; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0048-0049, paras.70-72; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0528, paras.95-96.

¹²⁰⁹ **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0012, para.59; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0878, paras.53-54; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0048, para.69.

[REDACTED]¹²¹⁰ [REDACTED]¹²¹¹ They also attempted to rape at least three other women.¹²¹²

Count 107 – Pillaging (article 8(2)(e)(v))

Count 108 – Destruction of the adversary’s property (article 8(2)(e)(xii))

589. From 1 February 2014, the GUEN Group systematically destroyed Muslim houses and shops, including along the road toward CARNOT and in GUEN’s HAOUSSA and MBOROKOUTOU *quartiers*.¹²¹³ Most Muslim houses were destroyed by the GUEN Group.¹²¹⁴ Christian houses marked with distinctive signs (palm leaves) were spared,¹²¹⁵ as was done during other Anti-Balaka attacks in western CAR.¹²¹⁶

590. The GUEN Group also systematically pillaged Muslim houses and shops, looting beds, mattresses, clothes, cooking pots, televisions, radios, furniture, iron sheets, doors, motorcycles, cars, diamonds, cattle, and other merchandise.¹²¹⁷

591. In the course of the summary executions on or about 4 February 2014 at GARBA’s compound, elements of the GUEN Group pillaged telephones, shoes, and other personal

¹²¹⁰ [REDACTED].

¹²¹¹ **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0011, 0016, paras.52, 93.

¹²¹² Anti-Balaka elements used force in attempts to rape P-2195 [REDACTED] **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0015, para.82; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0877, para.47; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0048-0049, paras.70-72; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0528, paras.95-96.

¹²¹³ **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1107, para.19; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0873, para.26; **P-1040:** [CAR-OTP-2091-0502-R01](#), at 0508, 1.220-224; [CAR-OTP-2091-0568-R01](#), at 0582, 1.480-501; [CAR-OTP-2091-0673-R01](#), at 0682-0687, 1.305-493; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1759, 1765, paras.32, 34, 78; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0043, para.48.

¹²¹⁴ **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0873, para.26; **P-1949:** [CAR-OTP-2094-1237-R01](#), at 1242, 1.163-168.

¹²¹⁵ **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1758-1759, para.27, 34; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0224, para.31.

¹²¹⁶ *See also*, paras.56, 547.

¹²¹⁷ **P-1947:** [CAR-OTP-2107-5236-R01](#), at 5247-5248, 5251, 1.416-475, 530-540; [CAR-OTP-2107-5381-R01](#), at 5384, 1.83-85; **P-1040:** [CAR-OTP-2091-0568-R01](#), at 0584-0585, 1.577-617; [CAR-OTP-2091-0852-R01](#), at 0859-0860, 1.252-259; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1759, 1764, paras.35, 73; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0873, para.26; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0443, 0450, 0460-0461, paras.48, 87, 151, 163; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0764, para.19; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0008, 0009, 0017, paras.33, 41, 98; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0521, 0523, 0527, paras.28-29, 49, 80; **P-1949:** [CAR-OTP-2094-1237-R01](#), at 1242, 1.163-175; [CAR-OTP-2094-1341-R01](#), at 1352, 1.377-387; [CAR-OTP-2094-1385-R01](#), at 1388-1389, 1.107-123; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1114, 1117, paras.56, 73; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0043, para.48; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0041, para.67; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0739-0740, 0742-0743, 0749, paras.22, 37, 40, 91.

items.¹²¹⁸ BEINA and KOMBO stole motorcycles, cars, and cattle.¹²¹⁹ BEINA and his GUEN Group took the pillaged property to MBAINA and/or TEDOA.¹²²⁰ They also extorted money from Muslims.¹²²¹

Count 109 – Forcible transfer, deportation (article 7(1)(d))

Count 110 – Displacement (article 8(2)(e)(viii))

592. The GUEN Group’s attack forced GUEN’s Muslim civilian population to flee to the bush¹²²² or to safe places, such as Ali GARBA’s compound and BANDJOUKOU’s and other houses.¹²²³

593. On or about 5 February 2014, BEINA and the GUEN Group removed about 163 Muslim civilians from GARBA’s compound to the Catholic Mission in DJOMO, about 5 km west of GUEN.¹²²⁴ Almost a month later on 1 April 2014, MISCA escorted them to

¹²¹⁸ **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0450, para.87; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0743, para.41; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0039, para.53.

¹²¹⁹ **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0741, para.30; **P-1949:** [CAR-OTP-2094-1341-R01](#), at 1347, 1.196-209; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0043-0044, 0048, para.76, 81, 105; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0908, para.71; **P-1947:** [CAR-OTP-2107-5055-R01](#), at 5076-5077, 1.768-804; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0530, para.107.

¹²²⁰ **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0462, paras.163-164; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0530, para.107; **P-1947:** [CAR-OTP-2107-5236-R01](#), at 5247-5248, 1.416-431; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1764, para.69; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0908, para.71; **P-1040:** [CAR-OTP-2091-0692-R01](#), at 0722-0724, 1.1050-1063, 1116-1134.

¹²²¹ **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0875, para.38; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0742, 0746, paras.37, 62; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0767, 0770-0771, paras.32, 57; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0445-0446, 0460, 0464, paras.64, 151-153, 179; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0009, para.43; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1761, para.45; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0047-0048, paras.100-101; **P-1947:** [CAR-OTP-2107-5262-R01](#), at 5265-5266, 1.111-126, 137-146; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1114-1115, paras.56, 59; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0226-0227, paras.41-42; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0532, para.124; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0907, para.69; **P-1040:** [CAR-OTP-2091-0762-R01](#), at 0783-0784, 1.732-762; [CAR-OTP-2091-0820-R01](#), at 0846-0847, 1.928-950.

¹²²² **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0036, 0038, paras.28-30, 44; **P-1949:** [CAR-OTP-2094-1162-R01](#), at 1167-1168, 1.168-169, 193-198; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0041, 0051, paras.40, 82.

¹²²³ **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0766, para.30; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0009, paras.41-42; **P-1947:** [CAR-OTP-2107-4974-R01](#), at 4978, 1.150-160; [CAR-OTP-2107-5151-R01](#), at 5158, 1.247-263; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1109, paras.27, 30; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0040-0041, paras.39, 41, 43; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0523, paras.45, 47, 49; **P-1040:** [CAR-OTP-2091-0608-R01](#), at 0610, 1.46-62; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1760-1761, para.43; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0447, para.70; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0872, 0874, paras.22-23, 31; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0741-0742, paras.31, 36; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0038, 0041, paras.42, 44-45, 67; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0225, para.33.

¹²²⁴ **P-1040:** [CAR-OTP-2091-0638-R01](#), at 0668-0669, 1.1062-1113; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0899, para.38; **P-1947:** [CAR-OTP-2107-5182-R01](#), at 5188-5189, 1.186-189, 212-260; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0770, para.50; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1761, para.47.

CARNOT. From there, most were taken to CAMEROON.¹²²⁵ The few Muslim civilians remaining in GUEN also later fled, fearing BEINA and the GUEN Group's continued occupation of the village.¹²²⁶

Count 111 – Persecution (article 7(1)(h))

594. The crimes and acts described above were committed by the GUEN Group in a coordinated effort to cleanse GUEN of its Muslim population. That effort demonstrates a common plan or purpose involving the GUEN Group, its leadership, and Anti-Balaka elements under the National Coordination, to violently target the Muslim population in GUEN, who, based on their religious,¹²²⁷ national or ethnic affiliations,¹²²⁸ were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.¹²²⁹

595. The GUEN Group's attack on Muslim civilians; their brutal murder; the extermination of at least 66 Muslim men and boys; their expulsion; restriction of liberty; pillaging and destruction of Muslim property and communities; and the commission of numerous violent crimes and acts, including sexual violence,¹²³⁰ all deprived the Muslims of GUEN of fundamental rights. These include the rights to life, property, liberty, mental and bodily integrity, dignity, and religious freedom.

¹²²⁵ **P-1040:** [CAR-OTP-2091-0820-R01](#), at 0824, 1.114-143; **P-1947:** [CAR-OTP-2107-5208-R01](#), at 5220-5222, 1.417-430, 476-487, 498-504; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0907, para.70.

¹²²⁶ **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1114-1116, paras.59-60, 62, 65-67; **P-1040:** [CAR-OTP-2091-0692-R01](#), at 0720, 1.986-1011; **P-1949:** [CAR-OTP-2094-1308-R01](#), at 1313-1314, 1.168-203; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0464, para.179; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0045, 0048-0050, paras.83-85, 105-106, 107, 118-119; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0531, para.117; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0017, para.106; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0746, para.63.

¹²²⁷ **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0766-0769, paras.22, 32, 43; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0740, 0743, 0745, 0748, paras.24, 40, 59, 84; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0035-0036, 0038-0039, paras.23, 25, 46, 47; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0450, 0453, paras.88, 106; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0008-0009, paras.36, 41; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0897-0899, paras.26, 34, 38; **P-1947:** [CAR-OTP-2107-5118-R01](#), at 5137-5138, 5140, 1.701-709, 786-795; [CAR-OTP-2107-5236-R01](#), at 5248-5249, 1.435-450; [CAR-OTP-2107-5262-R01](#), at 5281, 1.682-689; **P-1949:** [CAR-OTP-2094-1251-R01](#), at 1252, 1.14-19; [CAR-OTP-2094-1341-R01](#), at 1351, 1.339-350; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0873, 0875, 0881, paras.26, 37, 68; **P-1040:** [CAR-OTP-2091-0568-R01](#), at 0582, 1.474-495; [CAR-OTP-2091-0852-R01](#), at 0859-0860, 1.252-259; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1758-1759, para.27; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0224, paras.29-31.

¹²²⁸ **P-1040:** [CAR-OTP-2091-0568-R01](#), at 0601-0602, 1.1166-1181; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0224, para.30; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0765, para.22; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0441, paras.37-38.

¹²²⁹ See above, para.90.

¹²³⁰ See above, paras.578-593.

c) *Direct perpetrators of the crimes*

596. The GUEN attack and the underlying crimes were executed by the GUEN Group under BEINA's leadership,¹²³¹ together with deputies KOMBO, GUIDO, and/or "Gyve".¹²³²

597. The intent and knowledge of the direct perpetrators is shown by the crimes they led and committed, and the statements they made.¹²³³ Their crimes were committed in furtherance of the GUEN Group's leaders' common plan to violently attack the town's Muslim population in the implementation of the *Strategic Common Plan*, and acting pursuant to the *Common Purpose*.

d) *The National Coordination was involved with the GUEN Anti-Balaka leadership*

i. From at least 1 February 2014, the GUEN Anti-Balaka leadership was in contact with MOKOM and the National Coordination

¹²³¹ **P-1947:** [CAR-OTP-2107-4974-R01](#), at 4977, 1.106-108, 116-118; **P-1949:** [CAR-OTP-2094-1251-R01](#), at 1261, 1.353-358; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0767, para.33; **P-2371:** [CAR-OTP-2102-0517-R01](#), at 0521, paras.32-33; **P-1500:** [CAR-OTP-2046-1104-R01](#), at 1009, 1116, paras.29, 69; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0039, para.52; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0744, para.50; **P-0732:** [CAR-OTP-2061-0003-R01](#), at 0009, para.45; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0042, para.45; **P-2370:** [CAR-OTP-2105-0219-R01](#), at 0225, para.35; **P-2173:** [CAR-OTP-2099-0935-R01](#), at 0956-0957, 1.756-766.

¹²³² **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0767, para.32; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0749, para.91; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1765, para.83; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0465, para.188; **P-1947:** [CAR-OTP-2107-4974-R01](#), at 4977-4978, 1.124-135; **P-1040:** [CAR-OTP-2091-0568-R01](#), at 0588, 0591, 1.708-721, 811-827; **P-1949:** [CAR-OTP-2094-1327-R01](#), at 1339, 1.416-418; **P-1598:** [CAR-OTP-2057-0892-R01](#), at 0896, para.24; **P-2173:** [CAR-OTP-2099-0986-R01](#), at 1.1004-1005, 1.649-655.

¹²³³ [CAR-OTP-2019-1230](#), from [00:02:50] to [00:03:10], and its transcript and translation, [CAR-OTP-2082-0278](#), at 0280-0281, 1.67-77, [CAR-OTP-2082-0285](#), at 0288-0289 1.67-77; [CAR-OTP-2019-1337](#), at 1338 (concerning BEINA and the GUEN Group's 4 February 2014 killings, in an audio recorded interview, BEINA admitted executing over 40 people in GUEN falsely claiming that the victims had been identified as Seleka); **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0774, para.81; **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0748, para.84 (witnesses confirming BEINA's recorded voice); [CAR-OTP-2001-2299](#), at 2301-2302 (KOMBO admitted their GUEN Group's control of GUEN at the time, falsely claimed the execution victims number 25, and they were Seleka members). *See also* **P-0596:** [CAR-OTP-2018-0736-R01](#), at 0740, 0743, paras.24, 40-41; **P-0650:** [CAR-OTP-2022-0031-R01](#), at 0035, 0043, paras.25, 75; **P-2195:** [CAR-OTP-2090-0032-R01](#), at 0039-0040, 0050, paras.35-36, 76; **P-1040:** [CAR-OTP-2091-0568-R01](#), at 0582, 0601-0602, 1.488-491, 1173-1178; **P-1964:** [CAR-OTP-2094-1755-R01](#), at 1758-1759, 1761, paras.27, 34, 45; **P-2091:** [CAR-OTP-2077-0868-R01](#), at 0875, 0877, paras.37, 46; **P-0595:** [CAR-OTP-2018-0761-R01](#), at 0765, 0767-0769, paras.22, 24, 32, 43; **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0441, paras.37-38.

598. From at least 1 February 2014 to at least 23 February 2014, MOKOM was in contact with persons in GUEN alleged to be elements of the GUEN Group or closely linked to it, including Silvain OUAN-MBOY (aka “BAMBALAKA”)¹²³⁴ concerning the Anti-Balaka operation taking place there. These telephone contacts with MOKOM were directly and indirectly with him, [REDACTED] The contacts took place on 1 February 2014 — only hours after the GUEN Group entered GUEN; on 2, 3 and 5 February 2014 — after the summary executions at Ali GARBA’s compound; as well as on 7, 11, 22, and 23 February 2014.¹²³⁵

599. When the GUEN Group entered the town on 1 February 2014, MOKOM [REDACTED] in contact [REDACTED] with BAMBALAKA, Tiburce Firmin IMOLO-MAKO (“IMOLO-MAKO”), and Noel GUIRA *alias* NONO (“NONO G.”), all based in GUEN. All of these contacts were made between about 14h20 to 16h06,¹²³⁶ a time when BEINA and his deputies [REDACTED] after killing at least 22 Muslim civilians that morning.¹²³⁷ On 2 and 3 February 2014 – about a day before BEINA and the GUEN Group executed 42 Muslim civilians at GARBA’s compound – [REDACTED]¹²³⁸

600. On 5 February 2014, after BEINA and the GUEN Group had executed at least 42 Muslim civilians at GARBA’s compound, MOKOM [REDACTED] in contact with BAMBALAKA and IMOLO-MAKO [REDACTED] On 7 February 2014, MOKOM was also in contact with NONO G., also based in GUEN.¹²³⁹

601. From 1 February 2014 and throughout 2014, NONO G. was in contact with members of the National Coordination and/or high-level Anti-Balaka ComZones, including MOKOM, ZOKOUE, NDOGUIA, in June 2014, and LEBENE, in September 2014. He

¹²³⁴ **P-0652:** [CAR-OTP-2078-0434-R01](#), at 0473, paras.157-158.

¹²³⁵ CDR show that between 1-23 February 2014, MOKOM [REDACTED] communicated with BAMBALAKA, IMOLO-MAKO and NONO G. in the area of GUEN. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 12.1.

¹²³⁶ CDR show that on 1 February 2014, MOKOM [REDACTED] communicated with BAMBALAKA, IMOLO-MAKO and NONO G. in the area of GUEN. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 12.3.

¹²³⁷ **P-1040:** [CAR-OTP-2091-0852-R01](#), at 0861, 1.300-313.

¹²³⁸ [REDACTED].

¹²³⁹ CDR show that on 5 February 2014, MOKOM [REDACTED] communicated with BAMBALAKA and IMOLO-MAKO. On 7 February 2014, MOKOM communicated with NONO G. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 12.5.

was also in contact with key figures in GUEN, including Mayor TRIXI BAPPET, “*député suppléant*” Emmanuel BOYBANDA (“BOYBANDA”), IMOLO MAKO; BAMBALAKA, and Leonard NGBAKONGO (“NGBAKONGO”).¹²⁴⁰ Moreover, NONO G. was in contact with ZOKOUE from as early as February 2013.¹²⁴¹ An unattributed number in GUEN was also in contact with key local figures as well as National Coordination members, such as MOKOM, BEOROFEI, [REDACTED] That unattributed number also communicated with SENDE and SOUSSOU of the BODA Group’s leadership.¹²⁴² Thus, these numbers in GUEN with which MOKOM was in contact during the course of the Anti-Balaka attack in the village were definitively linked to the Anti-Balaka and to its National Coordination.

e) The National Coordination endorsed and/or rewarded the GUEN Group

602. The National Coordination was aware of the circumstances on the ground in GUEN,¹²⁴³ including the serious crimes committed by the GUEN Group through April 2014.

603. They never condemned the actions of the GUEN Group or MOKOM’s involvement in it. Rather they rewarded the GUEN Group after it had departed from GUEN by

¹²⁴⁰ CDR show that from 1 February 2014 to 27 December 2014, NONO G. communicated with MOKOM, ZOKOUE, and key figures in GUEN, such as IMOLO-MAKO, NGBAKONGO, BAMBALAKA, TRIXI BAPPET and BOYBANDA E. CDR also show that NONO G. communicated with LEBENE on 1 September 2014, and with ComZone NDOGUIA on 30 June 2014. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 12.6.2.

¹²⁴¹ CDR show that in February, March, April, June and October 2013, NONO G. communicated with ZOKOUE. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 12.6.1.

¹²⁴² CDR show that between 1 February-28 May 2014 unattributed number (“n.a.”) is in regular communication with BAMBALAKA, BOYBANDA, TRIXI BAPPET, and IMOLO-MAKO as well as with members of the Anti-Balaka National Coordination, including MOKOM, BEOROFEI, [REDACTED] CDR show that during the same period, unattributed number (“n.a.”) communicated with other numbers linked to the Anti-Balaka leadership such as YARA and BODA based numbers, including “Boda n.a.1” that frequently communicates with MOKOM, BODA ComZones SENDE and SOUSSOU. For attributions, *see* Annex I. For Call Sequence Tables, *see* Annex J, section 12.2., and section 9.2.

¹²⁴³ The GUEN Group’s attack against Muslim civilians, including the executions perpetrated on or about 4 February 2014, was widely reported and condemned locally and internationally from at least 13 February 2014. *See* [CAR-OTP-2070-0963](#); [CAR-OTP-2001-4401](#); [CAR-OTP-2001-4330](#); [CAR-OTP-2019-1337](#); [CAR-OTP-2002-0504](#), at 0506; and [CAR-OTP-2001-2299](#) (Human Rights Watch report dated 3 April 2014 mentioning that: “[w]itnesses, local officials, local anti-balaka leaders, and anti-balaka officials from Bangui confirmed that the anti-balaka group that carried out this attack is run by Mathurin KOMBO, an anti-balaka leader from the village of Tedoa, north of Guen. His second-in-command is Edmond BEINA”).

endorsing the continued Anti-Balaka membership of its members through issuing them with Anti-Balaka identification badges.¹²⁴⁴

f) The GUEN Group received instructions and directions from the National Coordination (MOKOM)

604. Calls from the National Leadership to ComZones in the provinces were routinely made to direct and coordinate Anti-Balaka operations.¹²⁴⁵ There are substantial grounds to believe that phone calls to and from GUEN, between 1 and 5 February 2014, totalling at least 2,762 seconds (about 46 minutes)¹²⁴⁶ were made to or from MOKOM directly and indirectly concerning Anti-Balaka operations taking place there. This is the only reasonable inference arising from the timing of the contacts, the stature of the persons involved, their respective locations, and the circumstances on the ground at the time, in respect of a small territorial area.

g) Knowledge and intent of NGAISSONA

605. **NGAISSONA** knew of and intended the crimes committed by the GUEN Group acting pursuant to the *Common Purpose* in the implementation of the *Strategic Common Plan*, in which he participated and essentially contributed. **NGAISSONA** knew and accepted that the implementation of the *Strategic Common Plan* would result in the Anti-Balaka's violent targeting of the Muslim population and its perceived supporters in western CAR, including in GUEN.

i. NGAISSONA knew about the situation in GUEN

606. **NGAISSONA** knew about the situation in GUEN directly, through members of the Anti-Balaka Coordination, and other sources from the initial attacks on 1 February 2014 and the GUEN Group's occupation of the village lasting until around early April 2014.

¹²⁴⁴ **P-2173**: [CAR-OTP-2099-1010-R01](#), at 1028-1031, 1.640-749.

¹²⁴⁵ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2578, paras.51-54.

¹²⁴⁶ CDR show calls between 1-5 February 2014 from MOKOM [REDACTED] to BAMBALAKA and IMOLO-MAKO in the area of GUEN. For attributions *see* Annex I. For Call Sequence Table, *see* Annex J, section 12.4.

607. *First*, as noted, there were numerous telephone contacts between MOKOM and an Anti-Balaka member or conduit in GUEN concerning Anti-Balaka operations. As General National Coordinator, **NGAISSONA** would have been informed.¹²⁴⁷

608. *Second*, the GUEN Group's attack on Muslim civilians, including the executions perpetrated on or about 4 February 2014, was widely reported and condemned locally and internationally from at least 13 February 2014 onwards.¹²⁴⁸

609. *Third*, members of the Anti-Balaka National Coordination, including NDOGUIA, as well as an official delegation from the Coordination, visited the village in the days following the 4 February 2014 executions.¹²⁴⁹

ii. **NGAISSONA intended and endorsed the situation in GUEN**

610. **NGAISSONA** was aware of the circumstances on the ground in GUEN, including the serious crimes committed by the Anti-Balaka and the GUEN Group through April 2014.

611. Despite his role as General National Coordinator and corresponding power to disapprove the planned actions of his Coordinator for Operations,¹²⁵⁰ **NGAISSONA** did nothing to stop the attack on GUEN and the related crimes. **NGAISSONA** never condemned the actions of the GUEN Group or MOKOM's involvement in it. Rather he maintained MOKOM in his position, and sent him to represent the Anti-Balaka at the July 2014 BRAZZAVILLE Summit.¹²⁵¹ He also rewarded the GUEN Group after it had departed from GUEN by endorsing their continued membership in the Anti-Balaka, especially its leaders through, *inter alia*, issuing them with Anti-Balaka identification badges.¹²⁵²

¹²⁴⁷ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2579-2580, 2582, paras.55, 67.

¹²⁴⁸ See [CAR-OTP-2070-0963](#); [CAR-OTP-2001-4401](#); [CAR-OTP-2001-4330](#); [CAR-OTP-2001-2299](#); [CAR-OTP-2019-1337](#); [CAR-OTP-2002-0504](#), at 0506.

¹²⁴⁹ **P-1598**: [CAR-OTP-2057-0892-R01](#), at 0905-0906, paras.62, 64; **P-2173**: [CAR-OTP-2099-0890-R01](#), at 0895-0896, 1.176-187; [CAR-OTP-2099-0912-R01](#), at 0919, 1.228-231.

¹²⁵⁰ **P-2232**: [CAR-OTP-2100-2569-R01](#), at 2579-2580, para.55.

¹²⁵¹ [CAR-OTP-2030-0267](#); [CAR-OTP-2001-6924](#), at 6926.

¹²⁵² See above, para.603.

VIII. THE CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY ARE SATISFIED

612. As set out above, there are substantial grounds to believe that the Charged Crimes were committed by the Anti-Balaka as part of a widespread and/or systematic attack directed at a civilian population and carried out under an organisational policy.

613. *First*, the evidence and information, submitted and detailed above, demonstrates that the Charged Crimes constituted “a campaign or operation carried out against the civilian population”.¹²⁵³

614. *Second*, large scale Anti-Balaka attacks against the Muslim population – beginning at the latest in September 2013 in the OUHAM Prefecture and continuing in 2014 throughout the prefectures in western CAR and in and around BANGUI – were widespread and systematic. The large number of victims and violent targeting of the Muslim community at each discrete incident location, as well as cumulatively across the different locations, illustrates the widespread nature of the attack. Similarly, the many crimes attributable to the group across at least five western CAR Prefectures demonstrate the vast territorial breadth and scope of the attack. The attack’s systematic nature is further demonstrated by the consistent pattern of violence used by Anti-Balaka groups in targeting Muslim civilians. The charged incidents involved similar conduct, tactics, and crimes, such as forced displacement, killings, torture and cruel treatment, and the destruction of mosques, homes, and businesses of the Muslim community. This pattern of violence is consistent within any given incident location and across the different locations.

615. *Third*, the evidence and information submitted and detailed above, demonstrates that the attack was executed in furtherance of a State or organisational policy.

616. From September 2013 onwards, the Anti-Balaka operated as an increasingly structured organisation. It is clear from the sheer number of attacks on villages throughout western CAR that the Anti-Balaka had the resources, means, and capacity to carry out the

¹²⁵³ ICC-01/05-01/08-424, para.75. *See also* ICC-01/09-01/11-373, para.164.

attacks.¹²⁵⁴ In addition, the systematic targeting and cleansing of Muslims is evidenced by, *inter alia*, the rampant hate speech used by the Anti-Balaka publicly and in the media.¹²⁵⁵ This hate speech was endorsed, and even promoted, by the Anti-Balaka leadership who systematically focused their public statements on the victimisation of the Christian community while either omitting to mention, or justifying, the crimes committed against Muslims.¹²⁵⁶ The narrative conflated the enemy Seleka forces and the Muslim population in general, while also denying the legitimacy of the Central African Muslim community.¹²⁵⁷ The Anti-Balaka conduct and rhetoric betrayed a policy which entailed the violent targeting of the Muslim population in western CAR who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka.¹²⁵⁸

IX. THE CONTEXTUAL ELEMENTS OF WAR CRIMES ARE SATISFIED

617. There are substantial grounds to believe that the Charged Crimes were committed in the context of a NIAC in CAR which commenced in at least March 2013 between the FACA/pro-BOZIZE forces and Seleka forces, and which continued between the Anti-Balaka and the Seleka until at least December 2014.¹²⁵⁹

618. *First*, as concerns the scope of this case, the Anti-Balaka exhibited a sufficient degree of organisation. From September 2013 onwards, they engaged in sustained and intense armed confrontation overrunning large territory in western CAR.¹²⁶⁰ Seleka forces also operated with the requisite level of organisation.

619. Following the 24 March 2013 *Coup*, Seleka forces took over existing state structures and utilised them for their own purposes. At the same time, the Seleka continued to operate under a military framework, with prominent Seleka commanders controlling groups of

¹²⁵⁴ See e.g. *above*, paras.337, 376, 406, 444, 473, 513, 543, 578.

¹²⁵⁵ See *above*, paras.90-101.

¹²⁵⁶ See *above*, para.90.

¹²⁵⁷ See *above*, para.90.

¹²⁵⁸ See *above*, paras.90-112.

¹²⁵⁹ This conclusion is supported by the UN Mapping Report which recently concluded that “[a]n armed conflict was in existence between the ex-Seleka and the anti-Balaka from 2013 to 2015”: [CAR-OTP-2055-1987](#), at 2241.

¹²⁶⁰ See *above*, paras.50-52.

foot-soldiers (“elements”), within their respective bases in BANGUI and geographic areas of responsibility.¹²⁶¹ The Seleka possessed military equipment, including firearms and heavy weapons, and demonstrated the ability to plan and carry out sustained military operations over a prolonged period (including the *Coup* itself). Despite their official disbanding in mid-September 2013,¹²⁶² Seleka forces were not effectively disarmed or demobilised and the factions that constituted the group remained intact.¹²⁶³ The UN estimated that Seleka numbers had grown from 5,000 fighters in March 2013¹²⁶⁴ to between 15,000 and 20,000 in November 2013.¹²⁶⁵

620. *Second*, the violence in CAR remained at a sufficient level of intensity throughout the Relevant Period, having exceeded this threshold by early 2013. The United Nations Security Council (“UNSC”) passed six resolutions between January 2013 and October 2014 addressing the situation in the CAR. These resolutions recognised the existence of an armed conflict¹²⁶⁶ and ultimately authorised foreign military interventions by MISCA,¹²⁶⁷ FRANCE,¹²⁶⁸ and the EU¹²⁶⁹ with the objective of contributing to, *inter alia*, the protection of civilians, the stabilisation of the country, and restoration of State authority in CAR under Chapter VII of the UN Charter.¹²⁷⁰

621. *Third*, the period encompassing the armed conflict was also marked by several ceasefire agreements between the Seleka and their opponents, including the Anti-Balaka. In January 2013, the LIBREVILLE Agreement was signed.¹²⁷¹ Further agreements were

¹²⁶¹ Research carried out by NGOs indicates that the Seleka’s military structure divided the territory into “com-zones”, meaning command zones: [CAR-OTP-2001-2890](#), at 2905.

¹²⁶² The rebel force was dissolved by decree no 13.334. See [CAR-OTP-2001-0391](#), at 0394, para.7; [CAR-OTP-2001-2123](#), at 2125.

¹²⁶³ [CAR-OTP-2001-2707](#), at 2754. See e.g., [CAR-OTP-2001-2043](#), at 2048.

¹²⁶⁴ [CAR-OTP-2001-1767](#), at 1778. Some sources suggest that a significant number of Seleka fighters may be nationals of Chad or Sudan: See e.g., [CAR-OTP-2001-2769](#), at 2835. See above, para.25

¹²⁶⁵ [CAR-OTP-2001-1102](#), at 1103, para.5.

¹²⁶⁶ [CAR-OTP-2001-0294](#); [CAR-OTP-2001-0256](#) at 0258, 0260; [CAR-OTP-2001-0275](#), at 0280; [CAR-OTP-2051-0665](#), at 0671, 0674; [CAR-OTP-2001-1043](#), at 1048-1049, 1051; [CAR-OTP-2091-0488](#).

¹²⁶⁷ [CAR-OTP-2001-0275](#), at 0281, para.28.

¹²⁶⁸ [CAR-OTP-2001-0275](#), at 0283, para.50.

¹²⁶⁹ [CAR-OTP-2001-0263](#), at 0274, para.43.

¹²⁷⁰ [CAR-OTP-2001-0275](#), at 0281, 0283, paras.28, 50; [CAR-OTP-2051-0665](#), at 0666, 0667-0668, 0672, 0675, paras.2, 29, 43; [CAR-OTP-2001-1043](#), at 1051-1052, para.30; [CAR-OTP-2091-0488](#).

¹²⁷¹ See above, para.30.

made at the BRAZZAVILLE Summit in July 2014;¹²⁷² the NAIROBI Summit from December 2014 to April 2015;¹²⁷³ and the BANGUI Forum.¹²⁷⁴

X. NEXUS BETWEEN THE ALLEGED CRIMES AND THE NIAC

622. The *nexus* between the crimes charged and the NIAC is evident from their commission by the same group — the Anti-Balaka — a party to the conflict.¹²⁷⁵ Additionally, the crimes were carried out in furtherance of a plan to claim or reclaim power in CAR (the *Strategic Common Plan*), and pursuant to an Anti-Balaka policy which entailed the violent targeting of the Muslim population in western CAR who, based on their religious, national or ethnic affiliation, were perceived as collectively responsible for, complicit with, and/or supportive of, the Seleka – another party to the conflict.¹²⁷⁶ Moreover, the crimes occurred within the temporal and geographical scope of the conflict.

XI. EVIDENTIARY CONSIDERATIONS

A. The Chamber’s assessment of the evidence

623. The evidentiary burden established by article 61(7) is met upon the presentation of concrete and tangible evidence demonstrating a clear line of reasoning underpinning the Prosecution’s specific allegations.¹²⁷⁷ Several Chambers have observed that the confirmation hearing is not a “mini-trial” or a “trial before the trial”;¹²⁷⁸ but rather, designed to protect a suspect from wrongful and unfounded charges, distinguishing between cases that should go to trial and those that should not.¹²⁷⁹

¹²⁷² See above, para.115.

¹²⁷³ See above, para.117

¹²⁷⁴ See above, para.118.

¹²⁷⁵ See above, para.50.

¹²⁷⁶ See above, para.50

¹²⁷⁷ ICC-01/04-01/06-803-tEN, para.39; ICC-01/04-01/07-717, para.65; ICC-01/05-01/08-424, para.29; ICC-02/05-02/09-243-Red, para.37; ICC-01/09-01/11-373, para.40.

¹²⁷⁸ ICC-01/04-01/07-412, p.4; ICC-01/04-01/07-428-Corr, paras.5-6; ICC-01/04-01/07-621, para.66; ICC-01/04-01/07-717, para.64; ICC-01/09-01/11-221, para.9; ICC-01/09-02/11-321, para.8; ICC-01/04-01/07-475, para.68; ICC-02/05-02/09-243-Red, para.39; ICC-02/11-01/11-T-11-Red-FRA, p.3; ICC-01/05-01/13-T-3-Red2-ENG, p.9.

¹²⁷⁹ ICC-01/04-01/06-803-tEN, para.37; ICC-01/04-01/07-717, para.63; ICC-01/04-01/07-428-Corr, para.5; ICC-01/05-01/08-424, para.28; ICC-02/05-02/09-243-Red, para.39; ICC-02/05-03/09-121-CORR-RED, para.31.

624. At this stage, the Chamber should accept as dispositive the Prosecution’s evidence where it is relevant and not expressly inadmissible.¹²⁸⁰ The Chamber should not reject evidence for lack of corroboration, as a reasonable trier of fact may reach findings based on uncorroborated evidence.¹²⁸¹ The Chamber should also proceed with great caution in seeking to resolve any apparent contradictions in the evidence. Such resolution is impossible without a full airing of the evidence, and a careful weighing of the credibility of witnesses which will occur at trial. The confirmation hearing is not an “end in itself but rather serves the purpose of filtering out those cases and charges for which the evidence is insufficient to justify a trial.”¹²⁸² Only where the Prosecution case is shown to be “riddled with ambiguities, inconsistencies, contradictions or doubts as to credibility”¹²⁸³ should the Chamber decline to rely on such evidence.

B. Multiple legal characterisations of the same facts

625. The facts and the evidence submitted may satisfy more than one mode or crime.¹²⁸⁴ When evidence establishes multiple legal characterisations of the same facts, it is appropriate that charges be confirmed under *all* substantiated modes of liability,¹²⁸⁵ and left to the Trial Chamber to determine which of those legal characterisations meets the standard of proof at trial.¹²⁸⁶

626. Confirming *all* of the applicable and substantiated legal characterisations on the same facts provides early notice to the defence of the different legal characterisations that may be considered at trial, thereby promoting judicial efficiency and reducing the potential disruptive effect of notifying the possible legal re-characterisation of facts at trial.¹²⁸⁷ This approach is without prejudice to the Trial Chamber making its own determinations based on the evidence before it as to any other applicable alternative

¹²⁸⁰ See e.g., ICC-01/04-01/07-717, para.66; see also ICC-01/04-01/06-803-tEN, paras.97-98.

¹²⁸¹ See rule 63(4) of the Rules of Procedure and Evidence; see also ICC-01/04-01/06-3121, para.218; ICC-01/04-02/06-2359, para.75.

¹²⁸² ICC-01/04-01/10-514 OA 4, para.47.

¹²⁸³ ICC-01/04-01/10-514 OA 4, para.46.

¹²⁸⁴ ICC-01/04-02/06-309, para.100.

¹²⁸⁵ See article 61(7)(a) of the Statute. See also ICC-02/04-01/15-422-Red, para.35; ICC-02/11-01/11-656-Red, paras.227-229; ICC-02/11-02/11-186, para.133; ICC-01/04-02/06-309, paras.99, 100.

¹²⁸⁶ ICC-02/11-02/11-186, para.133.

¹²⁸⁷ ICC-02/04-01/15-422-Red, para.35; ICC-02/11-01/11-656-Red, paras.228-229.

characterisations, or which characterisation is ultimately established on the basis of the relevant standard of proof at trial.¹²⁸⁸

627. This DCC presents cumulative charges against the Suspects. Cumulative charging is permitted when one crime contains a “‘materially distinct’ element not required by the other.”¹²⁸⁹ As with multiple modes of liability, the Trial Chamber is better poised, after the parties’ presentation of the evidence, to evaluate which charges may be retained based upon their sufficiency.¹²⁹⁰ This Chamber should not constrain the Trial Chamber, but should rather give it deference since, informed by a full trial, it will be better placed to resolve questions of concurrence of offences.¹²⁹¹ Because the Prosecution is not bound to adduce all of the same evidence at trial as submitted at confirmation, the Pre-Trial Chamber should confirm all modes of liability presented in the Schedule of Charges meeting the applicable burden of proof at this stage. If, for example, the Pre-Trial Chamber were to confirm one mode of liability as “more appropriate” than another on the basis of the evidence before it (e.g. article 25(3)(a) or (c)) as opposed to article 25(3)(d)), should the evidence of the one remain at the ‘substantial grounds’ standard at trial, the Trial Chamber would effectively be precluded from any consideration of the other, even though evidence adduced at trial may sustain it beyond a reasonable doubt.

XII. SCHEDULE OF CHARGES

628. Below is a Schedule of Charges, organised per incident, listing the crimes charged and applicable modes of liability with respect to each Suspect.

A. BANGUI (INCLUDING CATTIN) AND BOEING

¹²⁸⁸ ICC-02/11-01/11-656-Red, para.228; ICC-02/11-02/11-186, para.133; ICTY, *Prosecutor v. Mucić et al.*, IT-96-21-A, Appeal Judgement, 20 February 2001, para.400; *see further*, Pre-Trial Practice Manual (September 2015), p.18 (available at [https://www.icc-cpi.int/iccdocs/other/Pre-Trial_practice_manual_\(September_2015\).pdf](https://www.icc-cpi.int/iccdocs/other/Pre-Trial_practice_manual_(September_2015).pdf)). [Last accessed: 16/08/2019].

¹²⁸⁹ *See* ICC-01/04-01/07-3436-tENG, para.1695; ICC-01/05-01/13-2275-Red A A2 A3 A4 A5, paras.740, 748, 750-751; ICC-02/11-02/11-186, paras.119-121; ICC-02/11-01/11-656, paras.197-203; ICC-01/09-01/11-373, paras.280-281; ICC-01/05-01/08-424, para.202; ICC-01/05-01/13-1989-Red, para.951; *see also*, *Prosecutor v. Mucić et al.*, IT-96-21-A, Appeal Judgement, 20 February 2001, paras.412-413; Pre-Trial Practice Manual, *supra*, p.18.

¹²⁹⁰ *Prosecutor v. Mucić et al.*, IT-96-21-A, Appeal Judgement, 20 February 2001, para.400.

¹²⁹¹ Pre-Trial Practice Manual, *supra*, p.18.

COUNT	CRIME	CRIMINAL RESPONSIBILITY		DESCRIPTION	DATE
		NGAISSON A	YEKATOM		
1	Attack directed against the civilian population Article 8(2)(e)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Attack BOEING and BANGUI, including residential neighbourhoods such as CATTIN	5 December 2013 and continuing
2	Murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	At least 6 Muslim civilians during the attack on Boeing Market	5 December 2013
3	Murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	At least 6 Muslim civilians during the attack on Boeing Market	5 December 2013

		Article 25(3)(d) (common purpose liability)	Article 28(a) (as commander)		
4	Forcible transfer Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Displacement of Muslim civilians in CATTIN and BOEING to the PK5 Enclave in BANGUI	5 December 2013
5	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Displacement of Muslim civilians in CATTIN and BOEING to the PK5 Enclave in BANGUI	5 December 2013

6	Attacks against buildings dedicated to religion Article 8(2)(e)(iv)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Destruction of the BOEING Mosque	Around 20 December 2013 at the latest
7	Destruction of the adversary's property Article 8(2)(e)(xii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Destruction of the BOEING Mosque	Around 20 December 2013 at the latest
8	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Underlying acts and crimes described in Counts 1-7	5 – 20 December 2013

B. BOEING MUSLIM CEMETERY

COUNT	CRIME	CRIMINAL RESPONSIBILITY NGAISSONA	DESCRIPTION	DATE
9	Committing outrages on personal dignity Article 8(2)(c)(ii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Denying deceased Muslims the right to be interred with dignity, in accordance with their religious practices	5 December 2013 through at least December 2014
10	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration), Article 25(3)(c) (assisting in the commission) Article 25(3)(d) common purpose liability)	Underlying acts and crimes described in Count 9	5 December 2013 through at least December 2014

C. YAMWARA SCHOOL BASE – BOEING

COUNT	CRIME	CRIMINAL RESPONSIBILITY		DESCRIPTION	DATE
		NGAISSONA	YEKATOM		
11	Inhumane acts Article 7(1)(k)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Threat to kill [REDACTED] abductees [REDACTED] in detention at the Yamwara School; beating of four abductees; and cutting off the ears of one of the four.	[REDACTED] December 2013
12	Torture Article 7(1)(f)	Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Threat to kill [REDACTED] abductees [REDACTED] in detention at the Yamwara School; beating of four abductees; and cutting off the ears of one of the four.	[REDACTED] December 2013
13	Mutilation, cruel treatment, and torture Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Threat to kill [REDACTED] abductees [REDACTED] in detention at the Yamwara School; beating of four abductees; and cutting off the ears of	[REDACTED] December 2013

			Article 28(a) (as commander)	one of the four.	
14	Imprisonment and severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Abduction and detention of [REDACTED] abductees [REDACTED] at the Yamwara School	[REDACTED] December 2013 and days following
15	Murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Presumed death of one of the [REDACTED] abductees detained at Yamwara School, following his disappearance .	On or after [REDACTED] December 2013
16	Murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Presumed death of one of the [REDACTED] abductees detained at Yamwara School, following his disappearance .	On or after [REDACTED] December 2013

17	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Underlying acts and crimes described in Counts 11-16	[REDACTED] December 2013 and days following
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D. BOY-RABE BASE

COUNT	CRIME	CRIMINAL RESPONSIBILITY	DESCRIPTION	DATE
		NGAISSONA		
18	Severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Abduction and detention of [REDACTED]	[REDACTED] 2014
19	Cruel treatment Article 7(1)(f)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Severe beating of [REDACTED] at BOY RABE Anti-Balaka base	[REDACTED] 2014
20	Cruel treatment Article 7(1)(f)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Severe beating of [REDACTED] at BOY RABE Anti-Balaka base	[REDACTED] 2014
21	Rape Article 7(1)(g)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of the [REDACTED]	[REDACTED] 2014
22	Rape Article 8(2)(e)(vi)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of the [REDACTED]	[REDACTED] 2014
23	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Underlying acts and crimes described in Counts 18-22	[REDACTED] 2014

E. PK9 – MBAIKI AXIS – LOBAYE PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY		DESCRIPTION	DATE
		NGAISSONA	YEKATOM		
24	Forcible transfer and deportation Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Displacement of Muslim civilians in SEKIA, NDANGALA BIMON, KAPOU, BOSSONGO, PISSA, and MBAIKI within CAR and mainly to CHAD.	From around 11 January 2014 to the end of February 2014
25	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of Muslim civilians in SEKIA, NDANGALA BIMON, KAPOU, BOSSONGO, PISSA, and MBAIKI within CAR and mainly to CHAD.	From around 11 January 2014 to the end of February 2014
26	Murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing of the MBAIKI Second Deputy Mayor Djido SALEH	28 February 2014

			Article 28(a) (as commander)		
27	Murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Killing of the MBAIKI Second Deputy Mayor Djido SALEH	28 February 2014
28	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Underlying acts and crimes described in Counts 24-27	Between around 11 January 2014 through the end of February 2014

F. CHILD SOLDIERS – LOBAYE PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY		DESCRIPTION	DATE
		NGAISSONA	YEKATOM		
29	Enlistment and use of children under the age of 15 in hostilities Article 8(2)(e)(vii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Article 25(3)(a) (individual, and direct and indirect co-perpetration) Article 25(3)(b) (ordering) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 28(a) (as commander)	Enlisting at least 14 children under the age of 15 years in YEKATOM's Group and using them to participate actively in hostilities	Between September 2013 and at least August 2014

G. BOSSANGO – OUHAM PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY	DESCRIPTION	DATE
NGAISSONA				
30	Attack directed against the civilian population Article 8(2)(e)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Attack on BOSSANGO A including on Muslim residential neighbourhoods, including BORO, ARABE and FULBE	5 December 2013
31	Murder and attempted murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Murder of at least 18 Muslim civilians, and attempted murder of at least one other, shot and left for dead	5 December 2013
32	Murder and attempted murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Murder of at least 18 Muslim civilians, and attempted murder of at least one other, shot and left for dead	5 December 2013
33	Destruction of the adversary's property Article 8(2)(e)(xii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Destruction of 1500 Muslim houses in predominantly the BORO, ARABE and FULBE neighbourhoods	5 December 2013 and the following days
34	Pillaging Article 8(2)(e)(v)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Looting of numerous Muslim homes and shops	5 December 2013 and the following days

35	Attacks against buildings dedicated to religion Article 8(2)(e)(iv)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Destruction of several mosques, including the central Mosque in BOSSANGO A	Around 12 December 2013 and the following days
36	Destruction of the adversary's property Article 8(2)(e)(xii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Destruction of several mosques, including the central Mosque in BOSSANGO A	Around 12 December 2013 and the following days
37	Forcible transfer and deportation Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of thousands of Muslim civilians in BOSSANGO A within CAR and to CHAD and/or other neighbouring countries	5 December 2013 and weeks following
38	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of thousands of Muslim civilians in BOSSANGO A within CAR and to CHAD and/or other neighbouring countries	5 December 2013 and weeks following
39	Severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Forced enclaving of about 7,000 Muslim civilians at the <i>Ecole de la Liberté</i> , in BOSSANGO A	5 December 2013 to April 2014

40	Rape Article 7(1)(g)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of a [REDACTED] Muslim woman and a second woman	5 December 2013
41	Rape Article 8(2)(e)(vi)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of a [REDACTED] Muslim woman and a second woman	5 December 2013
42	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Underlying acts and crimes described in Counts 30-41	5 December 2013 to April 2014

H. YALOKÉ, GAGA, AND ZAWA – OMBELLA-M'POKO PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY	DESCRIPTION	DATE
		NGAISSONA		
43	Attack directed against the civilian population Article 8(2)(e)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Attacks on YALOKE, GAGA and ZAWA	From around 17 January 2014 through at least December 2014
44	Murder and attempted murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing and attempted killing of at least 7 Muslim civilians in YALOKE, and attempted killing of at least 5 Muslim civilians in YALOKE	From around 22 January 2014 through early February 2014
45	Murder and attempted murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing and attempted killing of at least 7 Muslim civilians in YALOKE, and attempted killing of at least 5 Muslim civilians in YALOKE	From around 22 January 2014 through early February 2014
46	Forcible transfer and deportation Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of Muslim civilians in YALOKE (including those who arrived from GAGA and ZAWA) within CAR and to CAMEROON and/or other neighbouring countries	Mid-January 2014 through around 22 February 2014

47	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of Muslim civilians in YALOKE (including those who arrived from GAGA and ZAWA) within CAR and to CAMEROON and/or other neighbouring countries	Mid-January 2014 through around 22 February 2014
48	Destruction of the adversary's property Article 8(2)(e)(xii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Destruction of numerous Muslim houses and shops in YALOKE, particularly in the <i>quartier ARABE</i>	Mid-January 2014 to at least February 2014
49	Pillaging Article 8(2)(e)(v)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Looting of several Muslim homes and shops in YALOKE	Mid-January 2014 to at least February 2014
50	Severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Forced enclaving of about 500-600 ethnic Peuhl civilians in YALOKE	April 2014 to at least December 2014
51	Inhumane acts Article 7(1)(k)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	The confinement of about 500-600 ethnic Peuhl civilians in YALOKE, subject to, and under threat of, serious physical harm, and deplorable, and life threatening living conditions	April 2014 to at least December 2014

52	Degrading treatment Article 8(2)(c)(ii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	The confinement of about 500-600 ethnic Peuhl civilians in YALOKÉ, subject to, and under threat of, serious physical harm, and deplorable, and life threatening living conditions	April 2014 to at least December 2014
53	Extermination Article 7(1)(b)	Article 25(3)(a) (indirect co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Deaths of at least 42 Peuhl civilians from severe malnutrition and respiratory and other diseases as a result of their forced enclaving in YALOKÉ	April 2014 to at least December 2014
54	Rape Article 7(1)(g)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of a 10 year old Muslim girl near YALOKÉ	Early February 2014
55	Rape Article 8(2)(e)(vi)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of a 10 year old Muslim girl near YALOKÉ	Early February 2014
56	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Underlying acts and crimes described in Counts 43-55	From around 17 January 2014 to at least December 2014

I. BOSSEMPTELE – OUHAM-PENDE PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY	DESCRIPTION	DATE
		NGAISSONA		
57	Attack directed against the civilian population Article 8(2)(e)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Attack on BOSSEMPTELE , particularly the Muslim residential neighbourhood ARABE	18 January 2014 to at least July 2014
58	Murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing of least 22 Muslim civilians	18 January 2014 and the days following
59	Murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing of least 22 Muslim civilians	18 January 2014 and the days following
60	Destruction of the adversary's property Article 8(2)(e)(xii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	The burning of several Muslim houses, particularly in the neighbourhoods ARABE and BALA	18 January 2014 and the days following
61	Pillaging Article 8(2)(e)(v)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Looting of several Muslim shops in the main market	18 January 2014
62	Attacks against buildings dedicated to religion Article 8(2)(e)(iv)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Burning and destruction of the Central Mosque and the Chadian Mosque in the ARABE and BALA neighbourhoods	18 January 2014 and the days following

63	Forcible transfer and deportation Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of over 1,000 Muslim civilians in BOSSEMPTELE within CAR and mainly to CAMEROON	18 January 2014 to at least July 2014
64	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of over 1,000 Muslim civilians in BOSSEMPTELE within CAR and mainly to CAMEROON	18 January 2014 to at least July 2014
65	Severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Restriction of movement of Muslim civilians in BOSSEMPTELE until the arrival of international forces; and the capture of several Muslim hostages	18 January 2014 and following months
66	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Underlying acts and crimes described in Counts 57-65	18 January 2014 to at least July 2014

J. BODA – LOBAYE PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY	DESCRIPTION	DATE
		NGAISSONA		
67	Attack directed against the civilian population Article 8(2)(e)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Attack on Muslim residential neighbourhoods	28 January 2014 to at least December 2014
68	Severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Forced enclaving of over 11,000 Muslim civilians in BODA	Early February 2014 to at least December 2014
69	Inhumane acts Article 7(1)(k)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Confinement of over 11,000 Muslim civilians to BODA enclave, subject to, and under threat of, serious physical harm, and deplorable and life threatening living conditions	Early February 2014 to at least December 2014
70	Degrading treatment Article 8(2)(c)(ii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Confinement of over 11,000 Muslim civilians to BODA enclave, subject to, and under threat of, serious physical harm, and deplorable and life threatening living conditions	Early February 2014 to at least December 2014

71	Forcible transfer and deportation Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of thousands of Muslim civilians within BODA to the BODA enclave; displacement of the remaining of BODA's Muslims within CAR and to CAMEROON, CHAD and/or other neighbouring countries	Early February 2014 to at least December 2014
72	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of thousands of Muslim civilians within BODA to the BODA enclave; displacement of the remaining of BODA's Muslims within CAR and to CAMEROON, CHAD and/or other neighbouring countries	Early February 2014 to at least December 2014
73	Rape Article 7(1)(g)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of a[REDACTED] rape of a second woman [REDACTED]	Late January or early February 2014; February 2014
74	Rape Article 8(2)(e)(vi)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of a [REDACTED] rape of a second woman [REDACTED]	Late January or early February 2014; February 2014

75	Cruel treatment Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	[REDACTED]	Late January or early February 2014; February 2014
76	Murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing of [REDACTED]	Late January or early February 2014; February 2014
77	Murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing of [REDACTED]	Late January or early February 2014; February 2014
78	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Underlying acts and crimes described in Counts 67-77	28 January 2014 to at least December 2014

K. CARNOT – MAMBERE-KADEI PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY	DESCRIPTION	DATE
		NGAISSONA		
79	Attack directed against the civilian population Article 8(2)(e)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Attack on Muslim residential neighbourhoods, including DONOUM and others	Early February 2014 to at least December 2014
80	Forcible transfer and deportation Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of 13-15,000 Muslim civilians in CARNOT within CAR and to CAMEROON, CHAD and/or other neighbouring countries	Early February 2014 and in the days following
81	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of 13-15,000 Muslim civilians in CARNOT within CAR and to CAMEROON, CHAD and/or other neighbouring countries	Early February 2014 and in the days following
82	Severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Forced enclaving of around 3,000 Muslim civilians from CARNOT and neighbouring areas at the <i>Saint Martyr de l'Ouganda</i> Church compound	Early February 2014 to at least December 2014

83	Inhumane acts Article 7(1)(k)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Confinement of around 3,000 Muslim civilians from CARNOT and neighbouring areas at the <i>Saint Martyr de l'Ouganda</i> Church compound, subject to, and under threat of, serious physical harm and deplorable, and life threatening living conditions	Early February 2014 to at least December 2014
84	Degrading treatment Article 8(2)(c)(ii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Confinement of around 3,000 Muslim civilians from CARNOT and neighbouring areas at the <i>Saint Martyr de l'Ouganda</i> Church compound in CARNOT, subject to, and under threat of, serious physical harm and deplorable, and life threatening living conditions	Early February 2014 to at least December 2014
85	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Underlying acts and crimes described in Counts 79-84	Early February 2014 to at least December 2014

L. BERBERATI – MAMBERE-KADEI PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY	DESCRIPTION	DATE
		NGAISSONA		
86	Attack directed against the civilian population Article 8(2)(e)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Attack on BERBERATI including on Muslim residential neighbourhoods such as POTO-POTO, DJAMBALA, and BABA-NANI	Around 10 February 2014 to at least December 2014
87	Murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Murder of least 7 Muslim civilians, including in and around POTO-POTO and DJAMBALA	Around 10 February 2014 and the days following
88	Murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Murder of least 7 Muslim civilians, including in and around POTO-POTO and DJAMBALA	Around 10 February 2014 and the days following
89	Destruction of the adversary's property Article 8(2)(e)(xii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Destruction of more than 800 Muslim houses in the 3 ^e <i>arrondissement</i> , the 4 ^e <i>arrondissement</i> , and the 5 ^e <i>arrondissement</i> , as well as Muslim shops	Around 10 February 2014 and the weeks following

90	Pillaging Article 8(2)(e)(v)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Looting of Muslim homes and shops of roofs, doors, windows, vehicles, motorbikes, generators, electronics, cooking utensils, beds, and other furniture	Around 10 February 2014 and the weeks following
91	Attacks against buildings dedicated to religion Article 8(2)(e)(iv)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Destruction of the mosques in the BERBERATI neighbourhoods of POTO-POTO, DJAMBALA, SAMBANDA, TAKWA, HAMISSOU	Around 10 February 2014 and the weeks following
92	Pillaging Article 8(2)(e)(v)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Looting of several mosques, including in Central Mosque, the TAKWA mosque, and the HAMISSOU and SAMBANDA mosques	Around 10 February 2014 and the weeks following
93	Destruction of the adversary's property Article 8(2)(e)(xii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	The dismantling and looting of structural parts, such as windows, roofs of several mosques, including Central Mosque, the TAKWA mosque, and the HAMISSOU and SAMBANDA mosques	Around 10 February 2014 and the weeks following

94	Forcible transfer and deportation Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of 400 Muslim civilians within BERBERATI to <i>St Basile</i> Church and to the <i>Ste Anne</i> Church, and displacement of thousands of Muslim civilians from BERBERATI on to CAMEROON and/or other neighbouring countries	Around 10 February 2014 and the weeks following
95	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of 400 Muslim civilians within BERBERATI to <i>St Basile</i> Church and to the <i>Ste Anne</i> Church, and displacement of thousands of Muslim civilians from BERBERATI on to CAMEROON and/or other neighbouring countries	Around 10 February 2014 and the weeks following
96	Inhumane acts Article 7(1)(k)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Confinement of about 1,500 Muslim civilians at the <i>Ste Anne</i> Church in BERBERATI subject to, and under threat of, serious physical harm, and deplorable and life threatening living conditions	From 10 February 2014 through at least December 2014

97	Degrading treatment Article 8(2)(c)(ii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Confinement of about 1,500 Muslim civilians at the <i>Ste Anne</i> Church in BERBERATI subject to, and under threat of, serious physical harm, and deplorable and life threatening living conditions	From 10 February 2014 through at least December 2014
98	Severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Forced enclaving of about 1,500 Muslim civilians at the <i>Ste Anne</i> Church in BERBERATI	10 February 2014 to at least December 2014
99	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Underlying acts and crimes described in Counts 86-98	10 February 2014 to at least December 2014

M. GUEN – MAMBERE-KADEI PREFECTURE

COUNT	CRIME	CRIMINAL RESPONSIBILITY	DESCRIPTION	DATE
		NGAISSONA		
100	Attack directed against the civilian population Article 8(2)(e)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Attack on GUEN, including Muslim residential neighbourhoods	From 1 February 2014 to at least April 2014
101	Murder and attempted murder Article 7(1)(a)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing of at least 75 Muslim civilians between 1 and 8 February 2014; and attempted killing of several survivors of executions that took place on 1 February and around 4 February 2014	Between 1 February and 8 February 2014
102	Murder and attempted murder Article 8(2)(c)(i)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability) Article 25(3)(d) (attempt)	Killing of at least 75 Muslim civilians between 1 and 8 February 2014; and attempted killing of several survivors of executions that took place on 1 February and around 4 February 2014	Between 1 February and 8 February 2014
103	Extermination Article 7(1)(b)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Killing of at least 75 Muslim civilians between 1 and 8 February 2014, including the summary execution of 42 Muslim civilians (including children) on or around 4 February 2014	Between 1 February and 8 February 2014

104	Imprisonment and other severe deprivation of liberty Article 7(1)(e)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Confinement of several Muslim civilians at the Sodiam Compound for about two months	Between around 8 February and April 2014
105	Rape and attempted rape Article 7(1)(g)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of a woman at the Sodiam compound, and attempted rape of at least three other women	Between around 6 February 2014 and March 2014
106	Rape and attempted rape Article 8(2)(e)(vi)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Rape of a woman at the Sodiam compound, and attempted rape of at least three other women	Between around 6 February 2014 and March 2014
107	Pillaging Article 8(2)(e)(v)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Looting of several Muslim homes and shops, particularly in the HAOUSSA and MBOROKOUT OU <i>quartiers</i>	From 1 February 2014 to at least April 2014
108	Destruction of the adversary's property Article 8(2)(e)(xii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Destruction of the majority of Muslim houses and shops, particularly in the HAOUSSA and MBOROKOUT OU <i>quartiers</i>	From 1 February 2014 to at least April 2014
109	Forcible transfer and deportation Article 7(1)(d)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of over several hundreds of Muslim civilians in GUEN within CAR and to CAMEROON and/or other neighbouring countries	From 1 February 2014 to at least April 2014

110	Displacement Article 8(2)(e)(viii)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Displacement of over several hundreds of Muslim civilians in GUEN within CAR and to CAMEROON and/or other neighbouring countries	From 1 February 2014 to at least early April 2014
111	Persecution Article 7(1)(h)	Article 25(3)(a) (direct co-perpetration) Article 25(3)(c) (assisting in the commission) Article 25(3)(d) (common purpose liability)	Underlying acts and crimes described in Counts 100-110	From 1 February 2014 to at least April 2014

XIII. CONCLUSION

629. On the facts and circumstances described above taken as a whole, there are substantial grounds to believe that **NGAISSONA** is criminally responsible pursuant to article 25(3)(a), (c) and (d) for all crimes set out in the Schedule of Charges in respect of the following incidents:

- A. BANGUI (INCLUDING CATTIN) AND BOEING (**Counts 1-8**);
- B. BOEING MUSLIM CEMETERY (**Counts 9-10**);
- C. YAMWARA SCHOOL BASE – BOEING (**Counts 11-17**);
- D. BOY-RABE BASE (**Counts 18-23**);
- E. PK9 - MBAIKI AXIS – LOBAYE PREFECTURE (**Counts 24-28**);
- F. CHILD SOLDIERS – LOBAYE PREFECTURE (**Count 29**);
- G. BOSSANGOA – OUHAM PREFECTURE (**Counts 30-42**);
- H. YALOKÉ, GAGA AND ZAWA – OMBELLA-MPOKO PREFECTURE (**Counts 43-56**);
- I. BOSSEMPTELE – OUHAM-PENDE PREFECTURE (**Counts 57-66**);
- J. BODA – LOBAYE PREFECTURE (**Counts 67-78**);
- K. CARNOT – MAMBERE-KADEI PREFECTURE (**Counts 79-85**);
- L. BERBERATI – MAMBERE-KADEI PREFECTURE (**Counts 86-99**); and
- M. GUEN – MAMBERE-KADEI PREFECTURE (**Counts 100-111**).

630. On the facts and circumstances described above taken as a whole, there are substantial grounds to believe that **YEKATOM** is criminally responsible pursuant to articles 25(3)(a), (b),¹²⁹² (c), and (d), and article 28(a) for the crimes set out in the Schedule of Charges in respect of the following incidents:

- A. BANGUI (INCLUDING CATTIN) AND BOEING (**Counts 1-8**);
- C. YAMWARA SCHOOL BASE – BOEING (**Counts 11-17**);
- F. PK9 - MBAIKI AXIS – LOBAYE PREFECTURE (**Counts 24-28**); and
- G. CHILD SOLDIERS – LOBAYE PREFECTURE (**Count 29**).

631. In sum, the Chamber should confirm all charges against **NGAISSONA** and **YEKATOM** under every mode of liability as set out in the Schedule of Charges and commit this case for trial.



James Stewart, Deputy Prosecutor

Dated this 19th of March 2021
At The Hague, The Netherlands

¹²⁹² Counts 24-28 are charged against YEKATOM under article 25(3)(a), (c), and (d).