

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/14-01/18**

Date: **8 June 2023**

**TRIAL CHAMBER V**

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

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

**Public**

**Public redacted version of “Prosecution’s Seventh Application for Submission of Facebook Evidence from the Bar Table”, ICC-01/14-01/18-1874-Conf, 17 May 2023**

**Source:**            **Office of the Prosecutor**

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

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## I. INTRODUCTION

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

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

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

4. As requested by the Chamber, the Annex to this filing details for each of the [REDACTED] items of evidence: (i) the evidence registration number (“ERN”); (ii) the type;<sup>3</sup> (iii) the title;<sup>4</sup> (iv) the main date of the document;<sup>5</sup> (v) a short description of the item; (vi) its relevance and probative value; and (vii) the date of disclosure.<sup>6</sup> All of these items were included on the Prosecution’s 9 November 2020 List of Evidence, as indicated below.

## II. CONFIDENTIALITY

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

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<sup>1</sup> Hereinafter, “Request”.

<sup>2</sup> ICC-01/14-01/18-631, paras. 61-62.

<sup>3</sup> [REDACTED].

<sup>4</sup> [REDACTED].

<sup>5</sup> [REDACTED].

<sup>6</sup> [REDACTED].

### III. SUBMISSIONS

6. The Facebook Evidence meets the criteria for the recognition of its formal submission, in accordance with the Chamber’s “Decision on the First Prosecution Submission Request from the Bar Table (Sexual and Gender Based Violence)”.<sup>7</sup>

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

8. Per the Initial Directions,<sup>8</sup> on 17 March 2023, the Prosecution inquired with the Defence whether they consent or object to the items in the Annex. Notably, both Defence teams indicated that they would not provide an answer within the eight weeks deadline proposed by the Prosecution, foreseen initially on 28 April 2023 and extended to 11 May 2023. In light of these circumstances, the Prosecution files the present Request.

#### A. Background

9. The Facebook Evidence comprises [REDACTED] conversations and related meta-data, as well as the relevant Request for Assistance (“RFA”) and response [REDACTED].

10. The conversations and related meta-data were obtained [REDACTED], pursuant to an RFA<sup>9</sup> [REDACTED], and transmitted them to the Prosecution in January 2019.<sup>10</sup>

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

11. The Facebook Evidence is relevant to the case and would assist the Chamber to determine the truth.<sup>11</sup> It is particularly relevant to NGAISSONA’s individual criminal responsibility, as its content bears on NGAISSONA’s contributions as set out in the Decision on the Confirmation of Charges: (i) taking steps to structure the Anti-Balaka; (ii) financing the Anti-

<sup>7</sup> ICC-01/14-01/18-1359, paras. 10-12 referring to Initial Directions on the Conduct of the Proceedings, 26 August 2020, ICC-01/14-01/18-631 (the ‘Initial Directions’), paras. 53-54, 62.

<sup>8</sup> ICC-01/14-01/18-631, para. 62.

<sup>9</sup> [CAR-OTP-2130-0268](#).

<sup>10</sup> [CAR-OTP-2099-1340](#).

<sup>11</sup> See ICC-01/04-01/06-1398-Conf, para. 20.

Balaka; (iii) issuing instructions to Anti-Balaka members; and (iv) liaising with Anti-Balaka members exercising key functions.<sup>12</sup>

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

## 1. [REDACTED]

13. [REDACTED],<sup>13</sup> [REDACTED]. [REDACTED]<sup>14</sup> [REDACTED]<sup>15</sup> [REDACTED]. [REDACTED].

14. Open source information from 2012-2013 already shows that YAKETE was close to President François BOZIZE (“BOZIZE”). In particular, it shows that: (i) in December 2012, he created the *Coalition Citoyenne d’Opposition aux Rebelions Armées* (“COCORA”) to counter the Seleka’s descent to BANGUI and in support of BOZIZE;<sup>16</sup> (ii) in 2013, he acted as BOZIZE’s spokesperson;<sup>17</sup> and (iii) in August 2013, his movement *Mouvement Révolutionnaire Populaire pour la liberation* (“MOREPOL”) adhered to BOZIZE’s movement *Front pour la Restauration de l’Ordre Constitutionnel en Centrafrique* (“FROCCA”).<sup>18</sup>

<sup>12</sup> ICC-01/14-01/18-403-Conf-Corr, para. 112, p. 111.

<sup>13</sup> [CAR-OTP-2099-1371](#).

<sup>14</sup> See e.g. [CAR-OTP-2100-4904](#), at 4907; [CAR-OTP-2101-6632](#), at 6640, 6660.

<sup>15</sup> Confirmed by [REDACTED] in his Facebook conversations, see e.g. [CAR-OTP-2100-4904](#), at 4905; [CAR-OTP-2100-5668](#), at 5669; [CAR-OTP-2100-8985](#), at 8986; [CAR-OTP-2101-6116](#), at 6118.

<sup>16</sup> [CAR-OTP-2000-0683](#) (Radio broadcast of 25 December 2012 containing an announcement of Levi YAKETE, in which he urges the 'sons and daughters' of CAR the come in great **numbers to the first public assembly of COCORA** and to unite and sacrifice themselves in order to stop the aggressors of the CAR)(emphasis added).

<sup>17</sup> [CAR-OTP-2079-0574](#) (Media article published by RFI on 17 May 2013, entitled "La "nouvelle vie" de François BOZIZE, exilé au Cameroun". The article indicates that François BOZIZE left the Hilton Hotel in YAOUNDE to move into a villa in the city. The article reports that he is meeting with his loyal men at the Embassy and at the CAR Ambassador's residence. **Levi YAKETE, Spokesperson of François BOZIZE**, says that if the military want to fight to restore the constitutional order, the purpose justifies the means) (emphasis added); [CAR-OTP-2079-0533](#) (Media article dated 1 June 2013 and entitled "RCA: François BOZIZE visé par un mandat d'arrêt international". (...) YAKETE, **in his quality of spokesperson of BOZIZE**, says that the arrest warrant is a victor's justice) (emphasis added).

<sup>18</sup> [CAR-OTP-2001-4043](#) (Media article entitled "Acte d'adhésion au FROCCA" containing a statement from Lévi YAKETE, President of the Mouvement Révolutionnaire Populaire pour la Libération ("MOREPOL"), dated 15 August 2013. In the article, YAKETE announces MOREPOL's adherence to FROCCA).

15. These Facebook conversations are highly relevant, in particular with respect to BOZIZE's inner circle, Anti-Balaka activities on the ground, and NGAISSONA's intent and knowledge regarding their crimes.

16. *First*, the Facebook conversations demonstrate that YAKETE was associated with the Anti-Balaka,<sup>19</sup> and that he was in [REDACTED],<sup>20</sup> [REDACTED],<sup>21</sup> [REDACTED].<sup>22</sup> He was also [REDACTED].<sup>23</sup>

17. *Second*, they show that YAKETE, as a founding member of FROCCA,<sup>24</sup> was a key figure in the organisation of the Anti-Balaka, and their plan to overthrow DJOTODIA and the Seleka regime.<sup>25</sup> They show for example, that he developed strategies to motivate the Anti-Balaka on the ground, in preparation of the 5 December 2013 attack on BANGUI;<sup>26</sup> that he was involved in the provision of ammunition prior the 5 December 2013 attack on BANGUI;<sup>27</sup> that he had regular contact with the Anti-Balaka stationed in different areas;<sup>28</sup> and that he was going to visit them at the CAMEROONIAN border.<sup>29</sup> They also show that YAKETE claimed the Anti-Balaka attacks on BOSSANGO in September 2013,<sup>30</sup> and on BANGUI on 5 December 2013.<sup>31</sup>

18. *Finally*, the conversations confirm NGAISSONA's role and position in the Anti-Balaka movement. They demonstrate, *inter alia*, his close relationship to Bernard MOKOM;<sup>32</sup> his

<sup>19</sup> [CAR-OTP-2100-7001](#), at 7027 [REDACTED]; [CAR-OTP-2100-5015](#), at 5022 [REDACTED].

<sup>20</sup> [CAR-OTP-2101-9735](#), at 9782 [REDACTED].

<sup>21</sup> [CAR-OTP-2100-4453](#), at 4475 [REDACTED].

<sup>22</sup> See his Facebook conversations with Maxime MOKOM ([CAR-OTP-2101-5511](#)), [REDACTED] ([CAR-OTP-2100-2994](#)), [REDACTED] ([CAR-OTP-2100-9923](#)), and [REDACTED] ([CAR-OTP-2101-6897](#)).

<sup>23</sup> [CAR-OTP-2102-3934](#), at 3938 [REDACTED]; [CAR-OTP-2100-6685](#), at 6723 [REDACTED]; [CAR-OTP-2100-4453](#), at 4476 [REDACTED].

<sup>24</sup> [CAR-OTP-2100-6685](#), at 6691-6692 [REDACTED]; [CAR-OTP-2100-9747](#), at 9780 [REDACTED].

<sup>25</sup> [CAR-OTP-2101-5248](#), at 5276-5279 [REDACTED].

<sup>26</sup> [CAR-OTP-2100-6685](#), at 6722-6723, 6740-6741 [REDACTED].

<sup>27</sup> [CAR-OTP-2101-7114](#), at 7118-7119 [REDACTED]; [CAR-OTP-2100-6685](#), at 6743-6744 [REDACTED].

<sup>28</sup> [CAR-OTP-2100-6685](#), at 6694 [REDACTED]; [CAR-OTP-2101-6303](#), at 6306 [REDACTED]; [CAR-OTP-2101-5817](#), at 5819 [REDACTED]; [CAR-OTP-2101-8230](#), at 8235 [REDACTED]; [CAR-OTP-2100-4693](#), at 4700 [REDACTED]; [CAR-OTP-2100-7469](#), at 7538 [REDACTED]; [CAR-OTP-2101-5553](#), at 5562 [REDACTED]; [CAR-OTP-2100-4498](#), at 4509 [REDACTED]; [CAR-OTP-2101-5470](#), at 5483 [REDACTED].

<sup>29</sup> [CAR-OTP-2101-6315](#), at 6321 [REDACTED]; [CAR-OTP-2101-7720](#), at 7722 [REDACTED].

<sup>30</sup> [CAR-OTP-2100-6170](#), at 6187 [REDACTED].

<sup>31</sup> [CAR-OTP-2100-5420](#), at 5427 [REDACTED]; [CAR-OTP-2101-5553](#), at 5562 [REDACTED]; [CAR-OTP-2101-6086](#), at 6090 [REDACTED]; [CAR-OTP-2100-8961](#), at 8978 [REDACTED].

<sup>32</sup> [CAR-OTP-2100-4834](#), at 4836 [REDACTED].

coordination of military actions together with Bernard MOKOM;<sup>33</sup> the financing of the elements' transportation to the field;<sup>34</sup> the communication of information to the field, such as the position of the enemy;<sup>35</sup> NGAISSONA's presence in FRANCE in August 2013,<sup>36</sup> NGAISSONA's involvement in FROCCA's strategic meetings;<sup>37</sup> his direct involvement in the BOUAR military operations;<sup>38</sup> his invitation to the NDJAMENA talks on 9 January 2014 as one of the key Anti-Balaka leaders;<sup>39</sup> his arrival in BANGUI on 14 January 2014 upon BOZIZE's request;<sup>40</sup> and his actions as the Anti-Balaka National General Coordinator, including concentrating powers in his hands;<sup>41</sup> promoting the Gbaya interest;<sup>42</sup> proposing individuals to political positions as he saw fit;<sup>43</sup> and gathering knowledge about Anti-Balaka disorder and the commission of crimes in the provinces.<sup>44</sup>

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<sup>33</sup> [CAR-OTP-2100-2994](#), at 3027 [REDACTED]; [CAR-OTP-2100-9923](#), at 9926-9927 [REDACTED]; [CAR-OTP-2101-6897](#), at 6900-6901 [REDACTED]; *see also* T-041-CONF-ENG ET, p. 26, l.1-p.27, l.10, where P-2673 confirms that FROCCA and Anti-Balaka had a link.

<sup>34</sup> [CAR-OTP-2101-6428](#), at 6449 [REDACTED].

<sup>35</sup> [CAR-OTP-2100-7317](#), at 7322 [REDACTED].

<sup>36</sup> [CAR-OTP-2100-6685](#), at 6702 [REDACTED].

<sup>37</sup> [CAR-OTP-2100-4217](#), at 4220-4221 [REDACTED].

<sup>38</sup> [CAR-OTP-2100-9923](#), at 9926-9927 [REDACTED]; [CAR-OTP-2100-4453](#), at 4467 [REDACTED]; [CAR-OTP-2100-5221](#), at 5249-5250 [REDACTED].

<sup>39</sup> [CAR-OTP-2100-6685](#), at 6759 [REDACTED]; [CAR-OTP-2101-8129](#), at 8139-8140 [REDACTED].

<sup>40</sup> [CAR-OTP-2101-5423](#), at 5434 [REDACTED]; [CAR-OTP-2100-9427](#), at 9429 [REDACTED]; [CAR-OTP-2100-6685](#), at 6782-6784 [REDACTED]; [CAR-OTP-2101-6315](#), at 6353 [REDACTED].

<sup>41</sup> [CAR-OTP-2100-4498](#), at 4520-4522 [REDACTED]; [CAR-OTP-2100-4904](#), at 4925 [REDACTED]; [CAR-OTP-2100-6289](#), at 6327 [REDACTED]; [CAR-OTP-2100-7001](#), at 7039, 7041 [REDACTED].

<sup>42</sup> [CAR-OTP-2100-7001](#), at 7037 [REDACTED]; [CAR-OTP-2100-7886](#), at 7916 [REDACTED]; [CAR-OTP-2100-8034](#), at 8039-8040 [REDACTED]; [CAR-OTP-2101-5746](#), at 5803-5804 [REDACTED].

<sup>43</sup> [CAR-OTP-2100-6685](#), at 6768-6769 [REDACTED].

<sup>44</sup> [CAR-OTP-2100-7001](#), at 7029 [REDACTED].

## 2. [REDACTED]

19. [REDACTED],<sup>45</sup> [REDACTED],<sup>46</sup> [REDACTED]. [REDACTED].

20. [REDACTED].<sup>47</sup> [REDACTED],<sup>48</sup> [REDACTED].<sup>49</sup> [REDACTED]<sup>50</sup> [REDACTED].<sup>51</sup> [REDACTED].

21. The conversations [REDACTED] are highly relevant, in particular with respect to BOZIZE's inner circle, the activities on the ground and NGAISSONA's intent, knowledge, and contribution to the commission of crimes by the Anti-Balaka.

22. *First*, the conversations show that [REDACTED]<sup>52</sup> [REDACTED];<sup>53</sup> [REDACTED];<sup>54</sup> and [REDACTED].<sup>55</sup>

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<sup>45</sup> [CAR-OTP-2099-2255](#).

<sup>46</sup> Confirmed by [REDACTED] in his Facebook conversations, *see e.g.* [CAR-OTP-2101-8391](#), at 8464; [CAR-OTP-2101-8599](#), at 8796; [CAR-OTP-2102-1950](#), at 2231.

<sup>47</sup> [CAR-OTP-2102-8338](#), at 8338-8339 [REDACTED]; [CAR-OTP-2102-8439](#), at 8441 [REDACTED]; [CAR-OTP-2102-8228](#), at 8231 [REDACTED]; [CAR-OTP-2102-8377](#), at 8379 [REDACTED].

<sup>48</sup> [CAR-OTP-2101-9451](#), at 9454-9459 [REDACTED].

<sup>49</sup> *See* user account information [CAR-OTP-2099-4305](#).

<sup>50</sup> [CAR-OTP-2100-6685](#), at 6711, 6743 [REDACTED]; [CAR-OTP-2101-8599](#), at 8601, 8628 [REDACTED]; [CAR-OTP-2101-9277](#), at 9334-9335 [REDACTED]; [CAR-OTP-2102-3203](#), at 3235 [REDACTED]; [CAR-OTP-2103-7447](#), at 7454-7455 [REDACTED].

<sup>51</sup> [CAR-OTP-2102-3203](#), at 3379-3380 [REDACTED].

<sup>52</sup> [CAR-OTP-2102-1757](#), at 1802 [REDACTED]; [CAR-OTP-2101-8328](#), at 8331 [REDACTED].

<sup>53</sup> [CAR-OTP-2102-3014](#), at 3028, 3034 [REDACTED].

<sup>54</sup> [CAR-OTP-2102-3934](#), at 3935 [REDACTED].

<sup>55</sup> [CAR-OTP-2102-3934](#), at 3938 [REDACTED]; [CAR-OTP-2102-3203](#), at 3492 [REDACTED].



23. *Second*, the conversations demonstrate [REDACTED]. [REDACTED]<sup>56</sup> [REDACTED];<sup>57</sup> [REDACTED]<sup>58</sup> [REDACTED];<sup>59</sup> [REDACTED],<sup>60</sup> [REDACTED],<sup>61</sup> [REDACTED];<sup>62</sup> [REDACTED]<sup>63</sup> [REDACTED].<sup>64</sup> [REDACTED],<sup>65</sup> [REDACTED].<sup>66</sup>

24. *Third*, the conversations provide insight into the Anti-Balaka's strategy to regain power,<sup>67</sup> and in the group's organisation and coordination of attacks on BOSSANGO (aka "BOSTON") and its surroundings,<sup>68</sup> on BOUCA<sup>69</sup> in September 2013, on BOUAR in October 2013,<sup>70</sup> and on BANGUI and BOSSANGO on 5 December 2013.<sup>71</sup> They also provide

<sup>56</sup> [CAR-OTP-2102-2520](#), at 2623-2624, 2627, 2697 [REDACTED]; [CAR-OTP-2101-9451](#), at 9499 [REDACTED].

<sup>57</sup> [CAR-OTP-2101-8599](#), at 8645, 8648, 8692 [REDACTED]; [CAR-OTP-2102-2520](#), at 2697 [REDACTED]; [CAR-OTP-2101-9735](#), at 9792 [REDACTED].

<sup>58</sup> [CAR-OTP-2101-9451](#), at 9501 [REDACTED]; [CAR-OTP-2101-9735](#), at 9755 [REDACTED]; [CAR-OTP-2102-3014](#), at 3151 [REDACTED]; [CAR-OTP-2100-3030](#), at 3033-3034 [REDACTED]; [CAR-OTP-2101-8599](#), at 8643-8644 [REDACTED]; [CAR-OTP-2101-9451](#), at 9499 [REDACTED]; [CAR-OTP-2102-2520](#), at 2643 [REDACTED]; [CAR-OTP-2101-8599](#), at 8705 [REDACTED].

<sup>59</sup> [CAR-OTP-2101-8599](#), at 8676 [REDACTED]; [CAR-OTP-2101-9117](#), 9119-9120 [REDACTED].

<sup>60</sup> [CAR-OTP-2101-8599](#), at 8691 [REDACTED]; [CAR-OTP-2102-2520](#), at 2697 [REDACTED]; [CAR-OTP-2102-3799](#), at 3859 [REDACTED].

<sup>61</sup> [CAR-OTP-2102-2520](#), at 2705 [REDACTED].

<sup>62</sup> See Facebook conversation at [CAR-OTP-2102-2520](#). For the nickname [REDACTED], see [CAR-OTP-2102-2520](#), at 2524, 2526; For [REDACTED] being together with [REDACTED], see [CAR-OTP-2102-2520](#), at 2622-2623 [REDACTED].

<sup>63</sup> See Facebook conversation with [REDACTED] at [CAR-OTP-2101-9735](#), with [REDACTED] at [CAR-OTP-2101-8599](#), and with [REDACTED] at [CAR-OTP-2101-9451](#).

<sup>64</sup> [CAR-OTP-2101-6293](#), at 6293-6294 [REDACTED]; [CAR-OTP-2101-9451](#), at 9479 [REDACTED]; [CAR-OTP-2100-2994](#), at 3020 [REDACTED].

<sup>65</sup> [CAR-OTP-2102-3014](#), at 3028 [REDACTED]; [CAR-OTP-2102-2520](#), at 2533-2534 [REDACTED].

<sup>66</sup> [CAR-OTP-2102-8290](#), at 8299-8300 [REDACTED].

<sup>67</sup> [CAR-OTP-2101-9735](#), at 9834 [REDACTED].

<sup>68</sup> [CAR-OTP-2101-9451](#), at 9497, 9526 [REDACTED]; [CAR-OTP-2101-9402](#), at 9408-9409 [REDACTED]; [CAR-OTP-2102-8374](#), at 8374 [REDACTED]; [CAR-OTP-2102-8290](#), at 8331 [REDACTED]; [CAR-OTP-2101-8855](#), at 8877 [REDACTED]; [CAR-OTP-2102-3203](#), at 3297 [REDACTED].

<sup>69</sup> [CAR-OTP-2100-3030](#), at 3031 [REDACTED]; [CAR-OTP-2101-9451](#), at 9498 [REDACTED]; [CAR-OTP-2101-9716](#), at 9720 [REDACTED]; [CAR-OTP-2102-2956](#), at 2995 [REDACTED]; [CAR-OTP-2102-3203](#), at 3242-3244 [REDACTED].

<sup>70</sup> SEPTEMBER 2013

[CAR-OTP-2101-9451](#), at 9503 [REDACTED]; [CAR-OTP-2101-9451](#), at 9519 [REDACTED].

OCTOBER 2013

[CAR-OTP-2102-4062](#), at 4124 [REDACTED]; [CAR-OTP-2102-3203](#), at 3352-3353 [REDACTED]; [CAR-OTP-2101-8391](#), at 8405-8407, 8410-8415 [REDACTED]; [CAR-OTP-2101-8599](#), at 8692-8693 [REDACTED]; [CAR-OTP-2101-9117](#), at 9140, 9145-9146, 9148-9154 [REDACTED]; [CAR-OTP-2103-7447](#), at 7480-7481, 7484, 7485-7486, 7488 [REDACTED]; [CAR-OTP-2101-8855](#), at 8885-8886 [REDACTED]; [CAR-OTP-2101-9735](#), at 9822, 9829-9831, 9838-9839 [REDACTED]; [CAR-OTP-2103-7505](#), at 7557-7558 [REDACTED]; [CAR-OTP-2102-2520](#), at 2630 [REDACTED]; [CAR-OTP-2102-2520](#), at 2660, 2689, 2717 [REDACTED].

<sup>71</sup> [CAR-OTP-2101-8921](#), at 8949-8950 [REDACTED]; [CAR-OTP-2101-8921](#), at 8962-8966 [REDACTED]; [CAR-OTP-2101-8855](#), at 8894 [REDACTED]; [CAR-OTP-2101-8599](#) [REDACTED].

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[CAR-OTP-2102-8453](#), at 8453 [REDACTED]; [CAR-OTP-2101-8855](#), at 8910 [REDACTED]; [CAR-OTP-2101-9277](#), at 9347 [REDACTED].

information on the obtaining of weapons,<sup>72</sup> and on the positions and movements of Anti-Balaka elements in CAMEROON<sup>73</sup> and in ZONGO, DRC.<sup>74</sup> The conversations also confirm that [REDACTED] was the chief of the archers from BOSSANGO,<sup>75</sup> that Bernard MOKOM was coordinating the FACA and archers who attacked BOUAR,<sup>76</sup> and continued on to BAORO;<sup>77</sup> that the needs requested from the field through NGAISSONA were met;<sup>78</sup> and that the anti-Muslim mind-set and thirst for revenge was evident and prevalent within the group.<sup>79</sup>

25. *Finally*, the conversations confirm NGAISSONA's role and position in the Anti-Balaka movement, and in particular: his presence in CAMEROON<sup>80</sup> and in FRANCE;<sup>81</sup> his organisation of the manifestation in Boy-Rabe for DJOTODIA's swearing in;<sup>82</sup> his travel with Bernard MOKOM to BERTOUA and GAROUA-BOULAI to liaise with the archers in BOUAR;<sup>83</sup> his contact and meetings with BOZIZE,<sup>84</sup> Bernard MOKOM, and Maxim MOKOM regarding operations on the ground;<sup>85</sup> his provision of Thuraya, ammunition, and medicine to the elements in BOUAR<sup>86</sup> and ZONGO;<sup>87</sup> the provision of money to the Anti-Balaka elements on the ground;<sup>88</sup> his organisation of the attack on BOUAR around 26 October 2013;<sup>89</sup> his sending of elements to the border;<sup>90</sup> his political aspirations;<sup>91</sup> his 24 November 2013 request to elements in BOUAR to reach BOSSEMBELE in three days (*i.e.*, in view of the 5 December

<sup>72</sup> [CAR-OTP-2101-9735](#), at 9822 [REDACTED]; [CAR-OTP-2103-7447](#), at 7485-7486 [REDACTED]; [CAR-OTP-2101-9735](#), at 9835 [REDACTED].

<sup>73</sup> [CAR-OTP-2103-7447](#), at 7487 [REDACTED]; [CAR-OTP-2101-9277](#), at 9323 [REDACTED].

<sup>74</sup> [CAR-OTP-2101-8342](#), at 8353 [REDACTED]; [CAR-OTP-2101-8391](#), at 8429 [REDACTED]; [CAR-OTP-2101-8524](#), at 8542 [REDACTED]; [CAR-OTP-2101-9117](#), at 9185-9186 [REDACTED].

<sup>75</sup> [CAR-OTP-2101-6366](#), at 6371 [REDACTED]; [CAR-OTP-2102-2520](#), at 2580 [REDACTED].

<sup>76</sup> [CAR-OTP-2102-8338](#), at 8344-8346 [REDACTED].

<sup>77</sup> [CAR-OTP-2102-8354](#), at 8357-8359 [REDACTED].

<sup>78</sup> [CAR-OTP-2101-9735](#), at 9811-9812 [REDACTED]; [CAR-OTP-2101-9735](#), at 9764-9765, 9796-9797, 9818, 9822, 9837, 9854, 9865, 9872 [REDACTED].

<sup>79</sup> [CAR-OTP-2101-9073](#), at 9078-9079 [REDACTED]; [CAR-OTP-2102-3799](#), at 3822 [REDACTED].

<sup>80</sup> [CAR-OTP-2101-9117](#), at 9124 [REDACTED]; [CAR-OTP-2102-2520](#), at 2662 [REDACTED]; [CAR-OTP-2102-3799](#), at 3860, 3862 [REDACTED].

<sup>81</sup> [CAR-OTP-2101-9117](#), at 9179-9180 [REDACTED]; [CAR-OTP-2102-2520](#), at 2641 [REDACTED].

<sup>82</sup> [CAR-OTP-2101-8599](#), at 8641-8642 [REDACTED]; [CAR-OTP-2101-9735](#), at 9773-9774 [REDACTED].

<sup>83</sup> [CAR-OTP-2101-9735](#), at 9780, 9817 [REDACTED]; [CAR-OTP-2100-3030](#), at 3040-3041 [REDACTED]; *see also* T-041-CONF-ENG ET, p.21, l.20-p.22, l.9, where P-2673 confirms that the archers were integrated into the Anti-Balaka and were working for NGAISSONA.

<sup>84</sup> [CAR-OTP-2101-8987](#), at 8994-8995 [REDACTED]; [CAR-OTP-2102-8381](#), at 8386 [REDACTED].

<sup>85</sup> [CAR-OTP-2101-9735](#), at 9805, 9829-9830 [REDACTED].

<sup>86</sup> [CAR-OTP-2101-8599](#), at 8691-8692 [REDACTED]; [CAR-OTP-2103-7447](#), at 7480-7481 [REDACTED]; [CAR-OTP-2101-9735](#), at 9817-9818 [REDACTED]; [CAR-OTP-2102-2520](#), at 2643-2644 [REDACTED].

<sup>87</sup> [CAR-OTP-2101-9735](#), at 9805 [REDACTED]; *see also* T-029-CONF-ENG CT, p. 42, l. 16-p. 43, l. 10, [REDACTED].

<sup>88</sup> [CAR-OTP-2101-9451](#), at 9552 [REDACTED]; [CAR-OTP-2101-9735](#), at 9831 [REDACTED].

<sup>89</sup> [CAR-OTP-2101-8599](#), at 8702-8703 [REDACTED]; [CAR-OTP-2101-9117](#), at 9148 [REDACTED]; [CAR-OTP-2101-9735](#), at 9831, 9834 [REDACTED]; [CAR-OTP-2103-7505](#), at 7557-7558 [REDACTED].

<sup>90</sup> [CAR-OTP-2101-8599](#), at 8708 [REDACTED]; [CAR-OTP-2101-9117](#), at 9156-9157 [REDACTED].

<sup>91</sup> [CAR-OTP-2101-8599](#), at 8709-8710 [REDACTED]; [CAR-OTP-2101-9117](#), at 9158-9159 [REDACTED].

2013 BANGUI attack);<sup>92</sup> his invitation to the 9 January 2014 conference in NDJAMENA as a key Anti-Balaka leader;<sup>93</sup> and his 14 January 2014 return to BANGUI at BOZIZE's request.<sup>94</sup>

### 3. [REDACTED]

26. [REDACTED],<sup>95</sup> [REDACTED],<sup>96</sup> [REDACTED],<sup>97</sup> [REDACTED]<sup>98</sup> [REDACTED]<sup>99</sup> [REDACTED]. [REDACTED].<sup>100</sup> [REDACTED].

27. The Facebook conversations are highly relevant, in particular with respect to BOZIZE's inner circle, the activities on the ground, and NGAISSONA's intention to plan and contribute to the crimes charged.

28. *First*, they show that [REDACTED];<sup>101</sup> [REDACTED],<sup>102</sup> [REDACTED];<sup>103</sup> [REDACTED].<sup>104</sup>

29. *Second*, and although the group was seemingly working in complete discretion,<sup>105</sup> the conversations provide insight on the money transfer by Bernard MOKOM to [REDACTED] for the elements in BOUAR;<sup>106</sup> the chain of command of the elements in BERTOUA, which included BOZIZE;<sup>107</sup> the meetings of BOZIZE and KOKATE in FRANCE;<sup>108</sup> the Anti-Balaka

<sup>92</sup> [CAR-OTP-2102-2520](#), at 2689 [REDACTED].

<sup>93</sup> [CAR-OTP-2101-9033](#), at 9036 [REDACTED]; [CAR-OTP-2102-2520](#), at 2771 [REDACTED].

<sup>94</sup> [CAR-OTP-2101-9033](#), at 9040 [REDACTED]; [CAR-OTP-2102-1866](#), at 1894 [REDACTED].

<sup>95</sup> [CAR-OTP-2099-4682](#).

<sup>96</sup> Confirmed by [REDACTED] in his conversations at [CAR-OTP-2102-9451](#), at 9456; [CAR-OTP-2102-9496](#), at 9501.

<sup>97</sup> For number [REDACTED], confirmed by [REDACTED] in his Facebook conversations in 2013, *see e.g.* [CAR-OTP-2100-4453](#), at 4457; [CAR-OTP-2100-8499](#), at 8546; [CAR-OTP-2102-9451](#), at 9456; [CAR-OTP-2102-9478](#), at 9480; [CAR-OTP-2102-9551](#), at 9557.

<sup>98</sup> All CAR numbers were verified by Facebook at different times.

<sup>99</sup> For number [REDACTED], confirmed by [REDACTED] in his Facebook conversations in 2014, *see e.g.* [CAR-OTP-2102-9934](#), at 9981, [CAR-OTP-2103-1692](#), at 1699; [CAR-OTP-2103-1846](#), at 1854.

For number [REDACTED], confirmed by [REDACTED] in his Facebook conversations in 2015, *see e.g.* [CAR-OTP-2102-9529](#), at 9542; [CAR-OTP-2102-9749](#), at 9750; [CAR-OTP-2102-9875](#), at 9924-9925.

<sup>100</sup> [CAR-OTP-2102-9934](#), at 9954 [REDACTED].

<sup>101</sup> [CAR-OTP-2103-1732](#), at 1735 [REDACTED].

<sup>102</sup> [CAR-OTP-2102-9478](#), at 9479-9480 [REDACTED]; [CAR-OTP-2102-9551](#), at 9556 [REDACTED]; [CAR-OTP-2102-7754](#), at 7756 [REDACTED].

<sup>103</sup> [CAR-OTP-2102-9726](#), at 9728-9729 [REDACTED]; *see also* [CAR-OTP-2100-4453](#), at 4476 [REDACTED].

<sup>104</sup> [CAR-OTP-2103-1672](#), at 1672-1673 [REDACTED]; [CAR-OTP-2103-1846](#), at 1847-1848 [REDACTED].

<sup>105</sup> [CAR-OTP-2103-1618](#), at 1622 [REDACTED]; [CAR-OTP-2102-9551](#), at 9563-9564 [REDACTED].

<sup>106</sup> [CAR-OTP-2103-1846](#), at 1847-1848 [REDACTED].

<sup>107</sup> [CAR-OTP-2102-9934](#), at 9938-9939 [REDACTED].

<sup>108</sup> [CAR-OTP-2102-9934](#), at 9940-9941 [REDACTED].

attacks on BOSSANGO<sup>109</sup> and BOUAR;<sup>110</sup> the progression of the Anti-Balaka towards BOSSEMBELE;<sup>111</sup> the Anti-Balaka anti-Muslim animus;<sup>112</sup> the Anti-Balaka's control over the border area as well as the BELOKO-BOUAR corridor at the beginning of 2014;<sup>113</sup> and the February 2014 presence of Anti-Balaka in CARNOT.<sup>114</sup>

30. *Finally*, conversations confirm NGAISSONA's role and position in the Anti-Balaka movement, and in particular on NGAISSONA's belonging to BOZIZE's inner circle,<sup>115</sup> and his role in respect of the Anti-Balaka stationed in the border area.<sup>116</sup>

#### 4. [REDACTED]

31. [REDACTED]. [REDACTED],<sup>117</sup> [REDACTED]<sup>118</sup> [REDACTED]<sup>119</sup> [REDACTED]. [REDACTED].<sup>120</sup>

32. [REDACTED]. [REDACTED],<sup>121</sup> [REDACTED]<sup>122</sup> [REDACTED]. [REDACTED].

33. The conversations are highly relevant, in particular with respect to BOZIZE's inner circle, the activities on the ground, and NGAISSONA's intention to plan and contribute to the crimes charged.

<sup>109</sup> [CAR-OTP-2103-1947](#), at 1973-1974 [REDACTED].

<sup>110</sup> [CAR-OTP-2103-1884](#), at 1887 [REDACTED].

<sup>111</sup> [CAR-OTP-2102-9934](#), at 9940 [REDACTED].

<sup>112</sup> [CAR-OTP-2102-9587](#), at 9619-9620 [REDACTED]; [CAR-OTP-2102-9587](#), at 9646-9647 [REDACTED].

<sup>113</sup> [CAR-OTP-2102-9587](#), at 9619-9620 [REDACTED]; [CAR-OTP-2101-8342](#), at 8370 [REDACTED]; [CAR-OTP-2103-2046](#), at 2053 [REDACTED]; [CAR-OTP-2103-2080](#), at 2081 [REDACTED]; [CAR-OTP-2102-9587](#), at 9613 [REDACTED].

<sup>114</sup> [CAR-OTP-2102-9849](#), at 9857 [REDACTED].

<sup>115</sup> [CAR-OTP-2102-9756](#), at 9766-9767, 9778 [REDACTED].

<sup>116</sup> [CAR-OTP-2100-4453](#), at 4467 [REDACTED].

<sup>117</sup> [CAR-OTP-2099-5634](#).

<sup>118</sup> Confirmed by [REDACTED] in Facebook conversations, *see e.g.* [CAR-OTP-2102-4765](#), at 4793; [CAR-OTP-2102-8144](#), at 8147.

<sup>119</sup> Confirmed by [REDACTED] in Facebook conversations, *see e.g.* [CAR-OTP-2102-8144](#), at 8147; [CAR-OTP-2102-4653](#), at 4708; [CAR-OTP-2102-4726](#), at 4764; [CAR-OTP-2102-4765](#), at 4793; [CAR-OTP-2102-5771](#), at 5815.

<sup>120</sup> [CAR-OTP-2102-5824](#), at 5825; [CAR-OTP-2102-6699](#), at 7439; [CAR-OTP-2102-7651](#), at 7657.

<sup>121</sup> [CAR-OTP-2099-4245](#).

<sup>122</sup> *See* his other profile [REDACTED] where he uses the same phone number to create the account.

34. *First*, they show that [REDACTED],<sup>123</sup> [REDACTED].<sup>124</sup>

35. *Second*, they demonstrate that [REDACTED] had access to information regarding the group's organisation, attacks, and operations. [REDACTED],<sup>125</sup> [REDACTED],<sup>126</sup> [REDACTED]<sup>127</sup> [REDACTED],<sup>128</sup> [REDACTED],<sup>129</sup> [REDACTED],<sup>130</sup> [REDACTED],<sup>131</sup> [REDACTED].<sup>132</sup> [REDACTED].<sup>133</sup>

36. *Third*, they provide detailed insight into the Anti-Balaka's strategy to regain power, namely their coordinated attacks *inter alia* in BOSSANGO<sup>134</sup> and BOUCA<sup>135</sup> in September 2013, in BOUAR<sup>136</sup> and DAMARA<sup>137</sup> in October 2013, their advancement from BOSSANGO and BOUAR to BOSSEMBELE,<sup>138</sup> as well as their attack on BOSSANGO on 5 December 2013.<sup>139</sup>

37. *Finally*, the conversations confirm NGAISSONA's role and position in the Anti-Balaka movement. They show that NGAISSONA, who travelled on 29 August 2013 to YAOUNDE to meet 'the boss',<sup>140</sup> was one of the Anti-Balaka leaders which BOZIZE designated,<sup>141</sup> who

<sup>123</sup> [CAR-OTP-2103-4576](#), at 4576-4577 [REDACTED].

<sup>124</sup> [CAR-OTP-2103-4613](#), at 4614 [REDACTED]; [CAR-OTP-2103-4252](#), at 4254-4255 [REDACTED]; [CAR-OTP-2103-4696](#), at 4697-4698 [REDACTED]; [CAR-OTP-2103-4750](#), at 4750 [REDACTED].

<sup>125</sup> [CAR-OTP-2102-4653](#), at 4660 [REDACTED].

<sup>126</sup> [CAR-OTP-2102-4269](#), at 4272, 4395 [REDACTED]; [CAR-OTP-2102-4653](#), at 4656 [REDACTED]; [CAR-OTP-2102-6552](#), at 6555 [REDACTED]; [CAR-OTP-2102-6687](#), at 6687 [REDACTED]; [CAR-OTP-2102-7585](#), at 7606 [REDACTED].

<sup>127</sup> [CAR-OTP-2102-4269](#), at 4412, 4424, 4429, 4430 [REDACTED]; [CAR-OTP-2102-4497](#), at 4555-4556 [REDACTED]; [CAR-OTP-2102-4653](#), at 4674 [REDACTED]; [CAR-OTP-2102-4726](#), at 4761 [REDACTED]; [CAR-OTP-2102-5969](#), at 5980 [REDACTED]; [CAR-OTP-2102-6174](#), at 6292 [REDACTED]; [CAR-OTP-2102-6699](#), at 6729, 6836 [REDACTED].

<sup>128</sup> [CAR-OTP-2102-6174](#), at 6280 [REDACTED].

<sup>129</sup> [CAR-OTP-2102-4497](#), at 4522, 4531 [REDACTED].

<sup>130</sup> [CAR-OTP-2102-4269](#), at 4298, 4301, 4328, 4362-4363, 4386 [REDACTED]; [CAR-OTP-2102-4497](#), at 4506, 4538 [REDACTED]; For the surname of [REDACTED], see [CAR-OTP-2102-4269](#), at 4413-4414 [REDACTED].

<sup>131</sup> [CAR-OTP-2102-5996](#), at 6030-6031 [REDACTED].

<sup>132</sup> [CAR-OTP-2102-4269](#), at 4283 [REDACTED].

<sup>133</sup> [CAR-OTP-2102-4269](#), at 4339 [REDACTED].

<sup>134</sup> [CAR-OTP-2102-6348](#), at 6372 [REDACTED]; [CAR-OTP-2102-6699](#), at 6765 [REDACTED]; [CAR-OTP-2102-6552](#), at 6565 [REDACTED].

<sup>135</sup> [CAR-OTP-2102-5227](#), at 5233-5234 [REDACTED]; [CAR-OTP-2102-6069](#), at 6074 [REDACTED]; [CAR-OTP-2102-6348](#), at 6373 [REDACTED]; [CAR-OTP-2102-6699](#), at 6767-6768 [REDACTED].

<sup>136</sup> [CAR-OTP-2102-4497](#), at 4526-4527 [REDACTED]; [CAR-OTP-2102-7707](#), at 7712 [REDACTED].

<sup>137</sup> [CAR-OTP-2102-4653](#), at 4655 [REDACTED]; [CAR-OTP-2102-5143](#), at 5178 [REDACTED].

<sup>138</sup> [CAR-OTP-2102-4497](#), at 4553 [REDACTED]; [CAR-OTP-2102-5275](#), at 5283 [REDACTED]; [CAR-OTP-2102-4269](#), at 4432 [REDACTED].

<sup>139</sup> [CAR-OTP-2102-5471](#), at 5652 [REDACTED]; [CAR-OTP-2102-7844](#), at 7896 [REDACTED].

<sup>140</sup> [CAR-OTP-2102-8179](#), at 8193-8194 [REDACTED]; [CAR-OTP-2102-8009](#), at 8036 [REDACTED].

<sup>141</sup> [CAR-OTP-2102-4833](#), at 4932-4933 [REDACTED]; [CAR-OTP-2102-8009](#), at 8039 [REDACTED]. [CAR-OTP-2102-5471](#), at 5634 [REDACTED].

had the ability to impede operations,<sup>142</sup> and who knew about the group's financing.<sup>143</sup> The conversations further provide insight on: 'the boss' transmitting instructions to the Anti-Balaka on 6 October 2013, through NGAISSONA;<sup>144</sup> NGAISSONA's trips to the Cameroonian border to meet the chief of the archers, trips which would ensure the success of the DAMARA attack;<sup>145</sup> NGAISSONA's instructions to elements on the ground to advance to the Cameroonian border in November 2013,<sup>146</sup> or to BANGUI in preparation for the 5 December 2013 attack;<sup>147</sup> and NGAISSONA's arrival in BANGUI on 14 January 2014 at 'the boss's' instruction.<sup>148</sup>

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<sup>142</sup> [CAR-OTP-2102-7759](#), at 7775 [REDACTED] [CAR-OTP-2102-8009](#), at 8080 [REDACTED].

<sup>143</sup> [CAR-OTP-2102-6699](#), at 7120-7121 [REDACTED].

<sup>144</sup> [CAR-OTP-2103-4757](#), at 4765-4767 [REDACTED].

<sup>145</sup> [CAR-OTP-2102-5143](#), at 5165 [REDACTED]; *see also* T-041-CONF-ENG ET, p. 21, l. 20-p. 22, l. 9, where P-2673 confirms that the archers were integrated into the Anti-Balaka and were working for NGAISSONA; [CAR-OTP-2102-7681](#), at 7701 [REDACTED]; [CAR-OTP-2102-4653](#), at 4655-4656 [REDACTED].

<sup>146</sup> [CAR-OTP-2102-7585](#), at 7601-7602 [REDACTED].

<sup>147</sup> [CAR-OTP-2102-5471](#), at 5633-5634 [REDACTED], *see* [CAR-OTP-2101-5248](#), at 5248, 5253; [CAR-OTP-2102-5471](#), at 5471 [REDACTED].

<sup>148</sup> [CAR-OTP-2102-4497](#), at 4616 [REDACTED].



## 5. [REDACTED]

38. [REDACTED]. [REDACTED],<sup>149</sup> [REDACTED]. [REDACTED]<sup>150</sup> [REDACTED]<sup>151</sup> [REDACTED]. [REDACTED],<sup>152</sup> [REDACTED],<sup>153</sup> [REDACTED].<sup>154</sup>

39. [REDACTED]. [REDACTED],<sup>155</sup> [REDACTED]. [REDACTED].<sup>156</sup> [REDACTED],<sup>157</sup> [REDACTED].<sup>158</sup> [REDACTED].

40. [REDACTED].<sup>159</sup> [REDACTED],<sup>160</sup> [REDACTED]. [REDACTED]<sup>161</sup> [REDACTED].<sup>162</sup> [REDACTED],<sup>163</sup> [REDACTED]<sup>164</sup> [REDACTED].<sup>165</sup> [REDACTED].<sup>166</sup> [REDACTED].

41. The conversations [REDACTED] are relevant, in particular with respect to BOZIZE's inner circle, the activities on the ground, and NGAISSONA's involvement in these, through FROCCA.

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<sup>149</sup> [CAR-OTP-2099-2467](#).

<sup>150</sup> Confirmed by [REDACTED] in Facebook conversations and posts, *see e.g.* in 2013: [CAR-OTP-2100-2717](#), at 2720; in 2014: [CAR-OTP-2100-2946](#), at 2946.

<sup>151</sup> Confirmed by [REDACTED] in Facebook conversations, *see e.g.* in 2013: [CAR-OTP-2099-8273](#), at 8275; [CAR-OTP-2099-8412](#), at 8417; [CAR-OTP-2099-8440](#), at 8444; [CAR-OTP-2099-8475](#), at 8478; in 2014: [CAR-OTP-2100-2946](#), at 2946.

<sup>152</sup> [CAR-OTP-2099-8060](#), at 8061; [CAR-OTP-2100-2946](#), at 2946.

<sup>153</sup> *See e.g.* [CAR-OTP-2099-9596](#), at 9603; [CAR-OTP-2100-7886](#), at 7907.

<sup>154</sup> [CAR-OTP-2099-9325](#), at 9325-9326.

<sup>155</sup> [CAR-OTP-2099-6013](#).

<sup>156</sup> Confirmed by [REDACTED] in Facebook conversations, *see e.g.* [CAR-OTP-2099-8412](#), at 8417.

<sup>157</sup> *See e.g.* [CAR-OTP-2099-9121](#), at 9122 [REDACTED]; [CAR-OTP-2099-9596](#), at 9600 [REDACTED]; [CAR-OTP-2100-7886](#), at 7908 [REDACTED]; [CAR-OTP-2099-8825](#), at 8841 [REDACTED].

<sup>158</sup> *See e.g.* in 2013: [CAR-OTP-2102-8664](#), at 8679; [CAR-OTP-2102-8740](#), at 8749.

<sup>159</sup> [CAR-OTP-2100-6289](#), at 6289 [REDACTED].

<sup>160</sup> [CAR-OTP-2099-5017](#).

<sup>161</sup> Confirmed by [REDACTED] in Facebook conversations in 2013, *see e.g.* [CAR-OTP-2099-9596](#), at 9603; [CAR-OTP-2100-7886](#), at 7907.

<sup>162</sup> Confirmed by [REDACTED] in Facebook conversations in 2013, *see e.g.* [CAR-OTP-2099-8412](#), at 8417.

<sup>163</sup> [CAR-OTP-2099-8825](#), at 8841 [REDACTED]; [CAR-OTP-2099-8120](#), at 8136 [REDACTED]; [CAR-OTP-2099-9121](#), at 9122 [REDACTED]; [CAR-OTP-2099-9596](#), at 9600 [REDACTED]; [CAR-OTP-2100-7886](#), at 7908 [REDACTED]; [CAR-OTP-2102-9204](#) where [REDACTED] sends himself the email address and password of [REDACTED].

<sup>164</sup> [CAR-OTP-2100-6289](#), at 6290; [CAR-OTP-2102-8899](#), at 8989; [CAR-OTP-2102-9143](#), at 9146; [CAR-OTP-2102-9389](#), at 9391.

<sup>165</sup> [CAR-OTP-2102-9210](#), at 9229.

<sup>166</sup> [CAR-OTP-2102-9171](#), at 9175 and [CAR-OTP-2102-8664](#), at 8698.

42. *First*, they show that [REDACTED],<sup>167</sup> [REDACTED]<sup>168</sup> [REDACTED],<sup>169</sup> [REDACTED].<sup>170</sup>

43. *Second*, they show that [REDACTED],<sup>171</sup> [REDACTED],<sup>172</sup> [REDACTED],<sup>173</sup> [REDACTED],<sup>174</sup> [REDACTED],<sup>175</sup> [REDACTED],<sup>176</sup> [REDACTED],<sup>177</sup> [REDACTED],<sup>178</sup> [REDACTED].<sup>179</sup>

44. *Third*, the conversations show that FROCCA gathered under its umbrella several pre-existing groups, *inter alia*, MOREPOL of YAKETE,<sup>180</sup> *Collectifs des Jeunes Démocrates Centrafricains* (“CJDC”) of Colonel GOUDOS,<sup>181</sup> *Convention des Patriotes pour le Salut de Kodro* (“CPSK”) of Mohammed DHAFFANE,<sup>182</sup> *Collectif des Officiers Libres* (“COL”) of KOKATE,<sup>183</sup> *Front démocratique du peuple centrafricain* (“FPDC”) of Abdoulaye MISKINE,<sup>184</sup> as well as LAMAKA’s *Mouvement Patriotique des Jeunes Centrafricains* (“MPJCA”),<sup>185</sup> and that FROCCA organised its military operations and conducted attacks under the name of *Combattants de Libération du Peuple Centrafricain* (“CLPC”).<sup>186</sup> The conversations further show that FROCCA used [REDACTED]<sup>187</sup> to disseminate information

<sup>167</sup> [CAR-OTP-2099-8440](#), at 8447; [CAR-OTP-2102-9143](#), at 9145 [REDACTED].

<sup>168</sup> [CAR-OTP-2099-8412](#), at 8416 [REDACTED]; [CAR-OTP-2099-8089](#), at 8099 [REDACTED]; [CAR-OTP-2099-9596](#), at 9599 [REDACTED].

<sup>169</sup> [CAR-OTP-2099-8716](#), at 8719 [REDACTED]; [CAR-OTP-2099-8920](#), at 8936 [REDACTED].

<sup>170</sup> [CAR-OTP-2099-8920](#), at 8980-8981 [REDACTED]; [CAR-OTP-2099-8605](#), at 8607 [REDACTED]; [CAR-OTP-2099-8716](#), at 8723 [REDACTED].

<sup>171</sup> [CAR-OTP-2102-8568](#), at 8579-8580 [REDACTED]; [CAR-OTP-2102-8509](#), at 8510 [REDACTED]; [CAR-OTP-2102-8899](#), at 8919-8920 [REDACTED].

<sup>172</sup> [CAR-OTP-2099-8050](#), at 8051 [REDACTED]; [CAR-OTP-2102-8618](#), at 8622-8623 [REDACTED].

<sup>173</sup> [CAR-OTP-2099-8089](#), at 8099 [REDACTED]; [CAR-OTP-2099-8120](#), at 8150 [REDACTED]; [CAR-OTP-2099-8716](#), at 8718 [REDACTED]; [CAR-OTP-2103-2023](#), at 2029-2030 [REDACTED].

<sup>174</sup> [CAR-OTP-2099-8716](#), at 8718 [REDACTED].

<sup>175</sup> See Facebook conversation at [CAR-OTP-2102-8899](#); [CAR-OTP-2099-9596](#). For confirmation that [REDACTED], see [CAR-OTP-2099-9596](#), at 9596-9598 [REDACTED]; [CAR-OTP-2102-8899](#), at 8942-8943 [REDACTED]; [CAR-OTP-2102-9367](#), at 9381 [REDACTED].

<sup>176</sup> [CAR-OTP-2099-8120](#), at 8150 [REDACTED]; [CAR-OTP-2102-8664](#), at 8689 [REDACTED].

<sup>177</sup> [CAR-OTP-2099-8120](#), at 8150 [REDACTED]; [CAR-OTP-2099-8920](#), at 8980 [REDACTED]; [CAR-OTP-2103-2023](#), at 2029-2030 [REDACTED].

<sup>178</sup> [CAR-OTP-2099-8120](#), at 8150 [REDACTED]; [CAR-OTP-2099-8475](#), at 8482 [REDACTED].

<sup>179</sup> [CAR-OTP-2102-9143](#), at 9144-9145 [REDACTED].

<sup>180</sup> [CAR-OTP-2103-4841](#) [REDACTED].

<sup>181</sup> [CAR-OTP-2103-4843](#).

<sup>182</sup> [CAR-OTP-2102-8664](#), at 8679; [CAR-OTP-2099-8716](#), at 8730-8731 [REDACTED].

<sup>183</sup> [CAR-OTP-2103-4844](#).

<sup>184</sup> [CAR-OTP-2103-4837](#).

<sup>185</sup> [CAR-OTP-2099-8920](#), at 8966 [REDACTED]; [CAR-OTP-2099-8716](#), at 8730-8731 [REDACTED]; On [REDACTED] see also [CAR-OTP-2102-9404](#), at 9414-9415 [REDACTED].

<sup>186</sup> [CAR-OTP-2099-8716](#), at 8734 [REDACTED]; [CAR-OTP-2102-8702](#), at 8702-8703 [REDACTED]; [CAR-OTP-2102-9329](#), at 9336 [REDACTED]; [CAR-OTP-2102-9354](#), at 9358 [REDACTED]; [CAR-OTP-2102-8702](#), at 8705 [REDACTED].

<sup>187</sup> [CAR-OTP-2102-8518](#), at 8526, 8528 [REDACTED].



and communiqués<sup>188</sup> and CLPC/Anti-Balaka press releases;<sup>189</sup> to mobilise the non-Muslim Central African population to stand up and take up arms<sup>190</sup> - similar to COCORA's actions earlier in 2013-<sup>191</sup> in expectation of the Anti-Balaka elements from CAMEROON<sup>192</sup> and ZONGO;<sup>193</sup> and to organise several marches, [REDACTED]<sup>194</sup> with the (hidden) aim of the return to the constitutional order.<sup>195</sup>

45. *Fourth*, and despite [REDACTED],<sup>196</sup> the conversations provide insight into the Anti-Balaka's control of BOSSANGOA and BOUCA in September 2013;<sup>197</sup> their advancement towards BOSSEMBELE;<sup>198</sup> their anti-Muslim animus;<sup>199</sup> operational issues and problems, such as the lack of ammunition;<sup>200</sup> and the group's 5 December 2013 BANGUI attack.<sup>201</sup>

## 6. [REDACTED]

46. [REDACTED]. [REDACTED],<sup>202</sup> [REDACTED]<sup>203</sup> [REDACTED]. [REDACTED],<sup>204</sup> [REDACTED].<sup>205</sup> [REDACTED].

47. The conversations are relevant, in particular with respect to BOZIZE's inner circle, and the Anti-Balaka activities on the ground.

<sup>188</sup> [CAR-OTP-2102-8735](#), at 8735-8736 [REDACTED]; [CAR-OTP-2102-8584](#), at 8585-8586, 8589-8590 [REDACTED]; [CAR-OTP-2102-8658](#), at 8658-8659 [REDACTED].

<sup>189</sup> [CAR-OTP-2100-6289](#), at 6305; [CAR-OTP-2102-9425](#), at 9444-9445; [CAR-OTP-2102-8899](#), at 8948; [CAR-OTP-2102-9210](#), at 9249; [CAR-OTP-2102-9329](#), at 9340.

<sup>190</sup> [CAR-OTP-2091-0434](#) [REDACTED]; [CAR-OTP-2103-4831](#) [REDACTED]; [CAR-OTP-2102-8664](#), at 8679 [REDACTED]; [CAR-OTP-2102-8518](#), at 8524 [REDACTED]; [CAR-OTP-2102-8811](#), at 8814-8815 [REDACTED].

<sup>191</sup> [CAR-OTP-2102-8556](#), at 8560-8561 [REDACTED].

<sup>192</sup> [CAR-OTP-2099-8273](#), at 8275 [REDACTED].

<sup>193</sup> [CAR-OTP-2099-8920](#), at 8955 [REDACTED].

<sup>194</sup> [CAR-OTP-2102-8899](#), at 8974 [REDACTED].

<sup>195</sup> [CAR-OTP-2102-8877](#), at 8885-8886 [REDACTED]; [CAR-OTP-2102-8899](#), at 8956 [REDACTED].

<sup>196</sup> [CAR-OTP-2099-8825](#), at 8839 [REDACTED]; [CAR-OTP-2102-8664](#), at 8675 [REDACTED]; [CAR-OTP-2102-9395](#), at 9400 [REDACTED].

<sup>197</sup> [CAR-OTP-2099-8920](#), at 8963 [REDACTED].

<sup>198</sup> [CAR-OTP-2099-9345](#), at 9356 [REDACTED].

<sup>199</sup> [CAR-OTP-2102-8518](#), at 8538 [REDACTED].

<sup>200</sup> [CAR-OTP-2102-8899](#), at 8916-8917 [REDACTED].

<sup>201</sup> [CAR-OTP-2102-9171](#), at 9176-9177 [REDACTED].

<sup>202</sup> [CAR-OTP-2099-4160](#).

<sup>203</sup> Confirmed by [REDACTED] in a Facebook conversation in 2014, see [CAR-OTP-2103-3050](#), at 3058 [REDACTED].

<sup>204</sup> [CAR-OTP-2103-2644](#), at 2651 [REDACTED]; [CAR-OTP-2103-2784](#), at 2789 [REDACTED]; [CAR-OTP-2103-2961](#), at 2963 [REDACTED].

<sup>205</sup> [CAR-OTP-2103-2592](#), at 2608-2609 [REDACTED].

48. *First*, they show that [REDACTED]<sup>206</sup> [REDACTED],<sup>207</sup> [REDACTED],<sup>208</sup> [REDACTED].<sup>209</sup>

49. *Second*, the conversations show the attack by ‘their men’, i.e., the Anti-Balaka<sup>210</sup> on BOSSANGO<sup>211</sup> and their subsequent advancement to BOSSEMBELE,<sup>212</sup> their attacks on BOUAR,<sup>213</sup> and on DAMARA,<sup>214</sup> and operational information regarding the Anti-Balaka, *inter alia*, the liaising with elements in the field on behalf of Maxime MOKOM.<sup>215</sup>

### C. The Facebook Evidence is reliable and authentic

50. The Facebook Evidence is reliable and authentic. To assess *prima facie* reliability of evidentiary material, the Chamber may evaluate the factors affecting its authenticity, such as: its origin, the context in which it was created, the method with which the information contained therein was compiled, and the availability of corroborative evidence.<sup>216</sup>

51. The collection of Facebook Evidence as a whole is self-authenticating. The compilation and maintenance of accurate and complete records is undertaken in the regular course of business and in accordance with domestic laws. The Facebook Evidence was obtained from an objective primary source, [REDACTED], pursuant to a RFA to the competent authorities [REDACTED] sent in 2018,<sup>217</sup> which the Prosecution also now moves to submit. [REDACTED].<sup>218</sup>

52. Further, the [REDACTED], provide further indicia of reliability and authenticity.

<sup>206</sup> [CAR-OTP-2103-2407](#), at 2449 [REDACTED]; [CAR-OTP-2103-2688](#), at 2689 [REDACTED].

<sup>207</sup> [CAR-OTP-2103-2592](#), at 2593, 2599 [REDACTED]; [CAR-OTP-2103-2713](#), at 2719 [REDACTED].

<sup>208</sup> [CAR-OTP-2103-3050](#), at 3066-3067 [REDACTED].

<sup>209</sup> [CAR-OTP-2103-2592](#), at 2599 [REDACTED].

<sup>210</sup> [CAR-OTP-2103-2867](#), at 2871 [REDACTED].

<sup>211</sup> [CAR-OTP-2103-2688](#), at 2696 [REDACTED]; [CAR-OTP-2103-2515](#), at 2519 [REDACTED]; [CAR-OTP-2103-2673](#), at 2678 [REDACTED]; [CAR-OTP-2103-2890](#), at 2893 [REDACTED].

<sup>212</sup> [CAR-OTP-2103-2816](#), at 2828 [REDACTED]; [CAR-OTP-2103-2224](#), at 2229 [REDACTED].

<sup>213</sup> [CAR-OTP-2103-2971](#), at 2971 [REDACTED].

<sup>214</sup> [CAR-OTP-2103-2271](#), at 2342 [REDACTED]; [CAR-OTP-2103-3017](#), at 3039 [REDACTED]; [CAR-OTP-2103-3040](#), at 3047 [REDACTED].

<sup>215</sup> [CAR-OTP-2103-2971](#), at 2973 [REDACTED].

<sup>216</sup> ICC-01/04-01/06-1399, paras. 36-40; *see also* ICC-01/04-01/07-1665-Corr, para. 98.

<sup>217</sup> [CAR-OTP-2130-0268](#).

<sup>218</sup> [CAR-OTP-2099-1340](#).

53. Finally, there is corroboration for the information described above in the form of other Facebook Evidence, witness evidence, CDR, and email.

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

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

55. Further, the Defence is already on notice as to which parts of the Facebook materials are of particular importance to the Prosecution's allegations, given the Prosecution's Trial Brief,<sup>219</sup> as well as the present Motion.

**IV. RELIEF SOUGHT**

56. For the above reasons, the Prosecution requests the Chamber to recognise the formal submission of the Facebook Evidence listed in the confidential Annex to this filing.



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**Karim A. A. Khan KC, Prosecutor**

Dated this 8<sup>th</sup> day of June 2023  
At The Hague, The Netherlands

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<sup>219</sup> ICC-01/14-01/18-723-Red.