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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 NGAÏSSONA***

Public

**Public redacted version of “Prosecution’s Sixth Application for the Submission of
Evidence from the Bar Table (ICC-01/14-01/18-1868-Conf), 15 May 2023”**

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I. INTRODUCTION

1. The Office of the Prosecutor (“Prosecution”) hereby submits 271 items of evidence from the bar table, in accordance with articles 64(9)(a), 69(3) and 69(4) of the Rome Statute (“Statute”), rule 63(2) of the Rules of Procedure and Evidence (“Rules”), and the procedure established in Trial Chamber V’s (“Chamber”) Initial Directions on the Conduct of Proceedings (“Initial Directions”).¹ These 271 items relate to the origins of the Anti-Balaka, and refer to events which occurred between the end of 2012 and early 2014, when the official coordination of the group was set up (“Submitted Items”).²

2. The Submitted Items are *prima facie* relevant to material issues at trial, are mutually corroborative, and bear sufficient indicia of reliability to be recognised as formally submitted by the Chamber. Recognising the items’ formal submission causes no prejudice to the Defence.

3. In this application, the Prosecution first addresses the general relevance of the Submitted Items, as a group. The probative value, *prima facie* reliability and authenticity is further detailed, distinguishing eight categories of items: (1) audio/video materials and their related transcripts and translations; (2) media articles; (3) reports; (4) email correspondence; (5) social media (Facebook); (6) Anti-Balaka documents; (7) legal and administrative documents (including legislation and [REDACTED]); and (8) other materials. The last section of this application deals with the absence of prejudice.

4. In Annex A to this filing, the Prosecution has listed for each individual item : (i) the evidence registration number (“ERN”); (ii) the date; (iii) the type; (iv) the source identity; (v) the title; (vi) a short description of the item (and/or relevant portions

¹ ICC-01/14-01/18-631, paras. 61-62.

² These Sango transcripts of the audio/video material are included in the Annex A only for completeness.

therein); (vii) the basis of relevance and probative value; (viii) the disclosure date; and (ix) the Defence's objections.³ The 82 items highlighted in grey in this Annex are items which were in the meantime already recognised as formally submitted by the Chamber, but are included nevertheless to reinforce the relevance of the (other) Submitted Items.

5. For the lengthy audio/video material, the relevant excerpts are also provided in Annex B to this filing.

II. CONFIDENTIALITY

6. The present filing is classified as "Confidential" as it refers to sources and materials of the same designation. A public redacted version will be filed as soon as practicable.

III. SUBMISSIONS

7. The Submitted Items meet the criteria for recognition of formal submission, in accordance with the Chamber's Decision on the First Prosecution Submission Request from the Bar Table.⁴

A. Relevance of the submitted items

8. The Submitted Items are *prima facie* relevant to material issues at trial, as they relate to NGAISSONA's close relationship to President François BOZIZE ("BOZIZE") before 2013, as a Member of Parliament ("MP") representing BOZIZE's party *Kwa na Kwa* ("KNK") and as one of the main economic operators in CAR, involved in public contracts with the State. These close ties are further confirmed when BOZIZE

³ The Defence did not oppose the submission of the 271 items in the *inter partes* consultations, except for the objections and/or observations noted in this column of Annex A.

⁴ ICC-01/14-01/18-1359, paras. 10-12, referring to the Initial Directions ICC-01/14-01/18-631, paras. 53-54, 62.

nominated him as the Minister of Youth in February 2013, in the midst of an unfolding crisis. NGAISSONA was a trusted man, and part of BOZIZE's inner circle.

9. The Submitted Items further show that over a period of one year, from December 2012 to December 2013, BOZIZE and his inner circle, including NGAISSONA, used fear and hate speech to ingrain anti-Muslim sentiment in the (Christian) population, and especially in the Youth. The speakers' authority, content, and pattern of the speeches, as well as their context pushed their audience in a divisive, nationalistic, and a "us versus them" logic.⁵ The Submitted Items demonstrate that their purpose was to use the created fear to instrumentalise the Youth to their advantage and in particular to (1) mobilize them prior to the 24 March 2013 *Coup* ("*Coup*"), to defend BOZIZE's regime against the Seleka, as well as to (2) fight the Seleka once the *Coup* materialised, in view of a return of BOZIZE's regime.

(1) Defending BOZIZE's regime against the Seleka prior to the *Coup*

10. The Submitted Items illustrate how, at the end of 2012, BOZIZE's regime dealt with the imminent threat of the Seleka. They show that, to compensate for the national army's⁶ poor capacity, BOZIZE asked foreign powers, such as Chad and South Africa, for reinforcements; BOZIZE held peace negotiations with the Seleka, which resulted in the inclusion of several of its members in the National Government in February 2013; and BOZIZE and his inner circle aimed at increasing their manpower by using civil capacity with the goal of turning them into a capable fighting force. In practice, this translated into: (i) instilling fear in the population through hate speeches; (ii) publicly requesting the civilian population to stand-up and fight the so-called enemy,

⁵ Psychological theory of "us versus them", which suggests that when we perceive that our group is in direct competition with another, especially over a limited resource, we are likely to experience hostility toward members of that group (used successfully for example in the Brexit campaign or in former President Donald Trump's presidential campaign and immigration policies), see e.g. https://www.researchgate.net/publication/318215719_The_Emotional_Politics_of_Making_America_Great_Again_Trump%27s_Working_Class_Appeals [last accessed: 12/05/2023].

⁶ I.e., the Force Armée Centrafricaine or "FACA".

and (iii) organising the motivated civilian population in two Youth groups, COCORA (*“Coalition Citoyenne d’opposition aux Rébellions Armées”*) and COAC (*“Coalition des Actions Citoyennes”*).

(i) *Instilling fear in the population through hate speeches*

11. The Submitted Items show that in an effort to hold on to power in the face of a rapidly advancing Seleka, fear and hate speech was used to portray the Seleka as ‘foreign invaders’,⁷ Islamist extremists,⁸ who intended to ‘Islamise’ the country, blurring the lines between Seleka and Central African Muslims who were portrayed as their accomplices.⁹

12. Largely broadcasted on national radio, the speeches of BOZIZE and his inner circle, including NGAISSONA, succeeded in demonising the Seleka and the Central African Muslims in general, underlining that they, their common enemies, intended to either kill or Islamise the ‘real’ Central African population.¹⁰

13. The Submitted Items demonstrate that NGAISSONA contributed to this divisive rhetoric, by publicly referring to the Seleka as “the enemies of the Nation who decided to bring trouble by bringing Sharia law” and who “want to use Islamism to destroy the country”.¹¹

(ii) *Requesting the civilian population to stand up and fight the so-called enemy*

14. The Submitted Items show that in addition to instilling fear, BOZIZE and his inner circle, including NGAISSONA, called on the population, especially the Youth,

⁷ By using references such as “*ce sont tous des étrangers*” and “*il n’y a aucun Centrafricain parmi eux*”.

⁸ By using references such as “*Janjaweed*”, or “*TORO BORO*”.

⁹ By using references such as “*Soyez vigilants dans les différents quartiers; surveillez surtout les étrangers qui vivent dans des concessions clôturées. Ils ont l’habitude de cacher des gens dans leurs concessions. Ils attendent le désordre total avant de sortir et de passer à l’action en vue de tuer les gens, de tuer les gens, de tuer les gens*”.

¹⁰ By using references such as “*Maintenant, notre pays, la République Centrafricaine, est divisée, la Centrafrique est devenue deux pays dont une partie appartient aux Janjaouid et l’autre aux vrais Centrafricains*”.

¹¹ CAR-OTP-2000-0680.

in no uncertain terms and unambiguously, to take up weapons against the so-called enemy, despite references to ‘peaceful’ resistance.¹²

15. They show that NGAISSONA supported these requests to defend the country. On 15 March 2013, as the newly appointed Minister for Youth, and amidst concerns of an impending *Coup*, NGAISSONA publicly reaffirmed the Youth’s allegiance to BOZIZE, as well as their commitment to his defence, and the defence of the country. They show that a week later, on 22 March 2013, NGAISSONA had his Chargé de Mission, Steve YAMBETE, deliver a similar message on his behalf, requesting the Youth to be on standby, and letting them know that they would be called upon when needed.¹³

(iii) *Organising the motivated civilian population in two Youth groups, COCORA and COAC*

16. Finally, the Submitted Items illustrate how BOZIZE and his inner circle, including NGAISSONA, organised the Youth, previously motivated and encouraged to fight, in two Youth groups, COCORA and COAC. They show how the Youth was asked to set up barricades and checkpoints, how they were provided with arms, asked to perform surveillance and police duties at the barricades, and tasked with identifying Muslims perceived to be associated with the Seleka. Aligning Muslim civilians with the Seleka, as their accomplices, and as foreigners, drew them into the path of the population's rage and violence. The Submitted Items show that NGAISSONA assisted in the mobilisation, funding, and arming of both militias.

¹² By using references such as “*la patrie ou la mort*”; and “*c’est pourquoi nous demandons à la jeunesse centrafricaine de ne pas avoir peur, s’il faut mourir, alors il faut mourir pour votre pays, mourir pour la liberté, pour vos petits frères, mourir pour l’avenir de vos enfants, mourir pour l’avenir. Populations centrafricaines, je vous demande de vous lever comme un seul homme pour faire barrage aux complots qui s’orchestrent contre votre pays*”.

¹³ By using references such as “*le ministre de la Jeunesse, des Sports, des Arts et de la Culture, m’a chargé de venir te livrer ce message, de ne pas avoir peur. Reste tranquille là où tu es. Dès que le besoin se fait sentir, on te fera appel*”.

(2) Fighting the Seleka regime after the Coup

17. The Submitted Items detail how, from exile, BOZIZE and his inner circle, including NGAISSONA, Bernard MOKOM, and Levi YAKETE (“YAKETE”), started organising their response to the Seleka offensive, to ensure BOZIZE’s return to power at whatever cost. Such return would benefit not only BOZIZE himself, but his entire entourage, including NGAISSONA. In order to effectively convince the Youth to fight the Seleka regime, and thus support their cause, they continued fuelling their fear as well as their desire for revenge. The Submitted Items show that – as a result – self-defence groups, later known as the Anti-Balaka, emerged in June 2013 in CAR. Unsurprisingly, they harvested anti-Muslim animus, and confused fighting the Seleka, with attacking the Muslim civilian population as a whole.

(i) Continuing the fear, hate speeches and anti-Muslim propaganda

18. The Submitted Items detail how at the beginning of August 2013, members of the inner circle, including BOZIZE, NGAISSONA, and YAKETE created FROCCA (*“Front pour le Retour à l’Ordre Constitutionnel en Centrafrique”*), which openly aimed at bringing BOZIZE back to power. They show that NGAISSONA was nominated as one of FROCCA’s eight functionaries, namely as the person responsible for interior affairs and associations.¹⁴ FROCCA’s founding document provides for three plans to achieve their goal, namely diplomatic, political, and strategic. The “Strategic plan” (article 2) details the means to achieve this goal, and set the tone for a series of FROCCA speeches promoting fear and hatred. It includes: (i) obtaining all available human means, materials, and financials to attain its objectives; (ii) securing means of communications such as Thurayas; (iii) setting up a practical coordination for quick and effective strategic actions; and (iv) restoring the confidence of, and enlisting the disillusioned elements of law enforcement, who are only waiting for favourable

¹⁴ *Responsable des affaires intérieures et des associations.*

circumstances to “wash away” the insults inflicted by “Islamist invaders without faith or law”.¹⁵

19. The Submitted Items demonstrate how the fear speeches, previously disseminated under the BOZIZE regime, were now continued under FROCCA. The same key individuals (BOZIZE, NGAISSONA, and YAKETE) were involved, the speeches carried the same rhetoric, and had essentially the same goal : to motivate the population, especially the Youth, to fight their so-called enemies.

20. The Submitted Items show how in August-September 2013, FROCCA used the threat of ‘Islamisation’ to frighten and mobilise the Youth, claiming that the CAR had to be protected from the ‘foreigners’. Leaflets were distributed in BANGUI on behalf of FROCCA, to inform the population about the Islamic program that the new regime had in mind. These include references to changing the national flag, the national hymn, the name of the military, and to forbidding pig breeding.

21. They show that on 9 October 2013, FROCCA explicitly blamed Muslim civilians for the Seleka crimes, stating that ‘those of Muslim confession’ had ‘entered into a conspiracy with the forces of evil’ coming from Islamic countries. They needed to be expelled.

(ii) *FROCCA requested civilians to fight their enemies*

22. The Submitted Items show that FROCCA called on Central Africans to ‘rise up’ and chase the ‘islamists’ and ‘dihadists’ out of the CAR.

23. This rhetoric, repeated, reinforced, and advocated by NGAISSONA personally, through the organisations he represented, or through his close associates, had a real

¹⁵ “(...) qui n’attendent que des circonstances favorables pour laver l’affront infligé par des envahisseurs islamistes sans foi ni loi.”

effect on the Youth. They responded as expected, and from September 2013 onwards, they started attacking the enemy, conflating the Muslim civilian population and the Seleka. YEKATOM and his group also followed the same logic.

24. The Submitted Items show that finally, on 5 December 2013, as the attack was ongoing in BANGUI, FROCCA acknowledged that it was the political organ of the Anti-Balaka, and continued to urge CAR citizen to join the fight against the Islamic and foreign invasion.¹⁶

(iii) Organising the motivated individuals to fight for the Anti-Balaka/FROCCA

25. The Submitted Items demonstrate that upon the creation of FROCCA, multiple pre-existing groups, including YAKETE's MOREPOL (*"Mouvement révolutionnaire populaire pour la liberation"*), KOKATE's COL (*"Collectif des officiers libres"*), Abdulaye MISKINE's FDPC (*"Front Démocratique du Peuple Centrafricain"*), and other groups, officially declared their allegiance and adherence to FROCCA.

26. They show that FROCCA also assimilated its military capacity with the Anti-Balaka. The Anti-Balaka were used as an instrument of FROCCA; as explained in their strategical plan, they had to obtain "all human means" to achieve their objective. In September 2013, the BOSSANGO and BOUCA attacks were performed under the patronage of FROCCA, as it was announced by YAKETE. During the 5 December 2013 attacks on BANGUI and BOSSANGO, FROCCA presented itself as the political head (*"la tête politique"*) of the Anti-Balaka.

27. The Submitted Items demonstrate that BOZIZE and his inner circle, including NGAISSONA, coordinated the loyal FACA, members of BOZIZE's Presidential

¹⁶ *"En ce jour du 5 décembre, j'appelle tous les Centrafricains à se lever comme un seul homme pour bouter hors de notre territoire la composante islamique étrangère, envahissante, criminogène [phon.] qui sévit, qui humilie. Et [phon.] l'objet de notre appel au soutien de l'action de libération de ce 5 décembre de nos jeunes sœurs et frères du Balaka."*

Guard, and the self-defence groups, later known collectively as the Anti-Balaka, from their inception, including their descent from GOBERE to BANGUI for the 5 December 2013 attack.

28. The Submitted Items provide the context for the period leading up to the 5 December 2013 attacks, during which NGAISSONA was in contact with key Anti-Balaka members in BANGUI, to mobilise and finance the Youth there through intermediaries, including to acquire weapons and ammunition. One e-mail exchange from July 2013 reveals that NGAISSONA contacted BOZIZE to obtain money and resources for mobilising the pro-BOZIZE population on the ground in BANGUI. Another e-mail exchange reveals that on 19 September 2013, NGAISSONA had “men on the ground manoeuvring” (*“nous avons des hommes sur le terrain qui manoeuvrent”*). In response, NGAISSONA is provided with a detailed inventory of supplies needed, their estimated cost and the names and phone numbers of the local focal points. After receiving the e-mails, NGAISSONA forwards them for follow-up.

29. The Submitted Items demonstrate that the 5 December 2013 attack on BANGUI failed to overthrow the Seleka regime, and that DJOTODIA’s departure was subsequently negotiated internationally. Facebook messages¹⁷ reveal that FROCCA was not involved in such negotiations, as it was publicly affiliated with BOZIZE. For this reason, FROCCA became outdated, and its members divided into CLPC (*“Combattants de libération du peuple Centrafricain”*, name also used by the National Coordination in 2014 to designate the Anti-Balaka¹⁸), led by NGAISSONA and KONATE, and MRPRC (*“Mouvement de résistance populaire pour la refondation de la*

¹⁷ CAR-OTP-2100-8929, at 8947; CAR-OTP-2102-8822, at 8834. These items will be formally submitted in the forthcoming Application for Submission of Documents from the Bar Table on Facebook material.

¹⁸See i.e., CAR-OTP-2124-0998, at 0999 (*la prise en charge des éléments des CLPC (Anti-Balaka) dans le Programme de Désarmement, Démobilisation et Réinsertion*), CAR-OTP-2124-0516 (*“Procès-Verbal de la Réunion de concertation entre les Responsables du Mouvement des “Combattants de libération du Peuple Centrafricain” (CLPC) dénommé “Antibalaka”*), CAR-OTP-2124-0527 (*MOUVEMENT DES COMBATTANTS “ANTIBALAKA”, N° 03/CLPC/13*).

Centrafrique”), led by YAKETE and KOKATE, both aiming to represent the Anti-Balaka.

30. Finally, they show that on 14 January 2014, NGAISSONA returned to BANGUI and was elected the National General Coordinator of the CLPC. NGAISSONA’s first official interaction as their leader happened no later than 21 January 2014, admitting that the Anti-Balaka (i.e., those he coordinates) rose against the Seleka in July-September 2013.

B. The probative value and *prima facie* reliability and authenticity of the Submitted Items

(1) Audio/video material and their related transcript and translation

31. The majority of evidence in this category concerns contemporaneous, public news broadcasts from national and international media sources. The news broadcasts were collected from Open Source by the Prosecution,¹⁹ or provided to the Prosecution: (i) by the individuals or organisations who recorded them, such as [REDACTED],²⁰ Radio Centrafrique, and TV Centrafrique; (ii) [REDACTED]; or (iii) by non-trial witnesses who in turn collected them from Open Source.

32. A second, smaller group of evidence in this category concerns contemporaneous, [REDACTED] interviews that were conducted by journalists for international media organisations [REDACTED], who provided them to the Prosecution.²¹

The items are probative

¹⁹ Documentaries CAR-OTP-2058-0573.

²⁰ Non trial-witness P-1731.

²¹ [REDACTED].

33. These news broadcasts and interviews are probative, as they contain information on: (i) the background, existence and nature of the armed conflict; (ii) NGAISSONA's status in CAR before the 24 March 2013 *Coup*; (iii) the speeches and public addresses of BOZIZE and his inner circle, including NGAISSONA's, with respect to the imminent arrival of the Seleka, the 'foreigners', the 'enemies', i.e., the Muslims who want to Islamise the country; (iv) the creation and role of the Youth militias COCORA and COAC; (v) the anti-Muslim animus of the Anti-Balaka after the 24 March 2013 *Coup*; and (vi) the Anti-Balaka attacks in the provinces and on BANGUI.

34. Furthermore, they contain interviews with key-members of the Anti-Balaka, [REDACTED].

The items are prima facie reliable and authentic

35. The items are *prima facie* reliable and authentic. *First*, they were broadcast or generated contemporaneously to the charges, before the present proceedings were even contemplated. *Second*, they were provided by reliable sources who - at the time of their creation, had no interest in these proceedings. *Third*, the items corroborate other documentary and testimonial evidence. *Finally*, the *prima facie* reliability and authenticity of these audios and videos is clear from their content, which includes the date, and the speakers, who present themselves, or are presented.

(2) Media Articles

36. The evidence in this category concerns contemporaneous press articles from national and international media outlets with particular knowledge of the conflict, such as Afrique News, Alwihda Actualités, Centrafrique Presse, LNC Media, Radio Ndeke Luka, Journal de Bangui Radio France Internationale, Ouest France, BBC News, Agence France Press, Jeune Afrique, France 24, VOA News, Slate and paper publications, including Medias+, L'Hirondelle, Le Republicain+, Le Peuple, L'Agora,

Le Citoyen, or Le Confident. They were collected by the Prosecution either: (i) directly from the source [REDACTED]; (ii) from third parties [REDACTED]; or (iii) from Open Source.

The items are probative

37. The items are probative, as they contain information on: (i) the background, existence, and the nature of the armed conflict; (ii) the creation and role of the Youth militias COCORA and COAC; (iii) the context of creation of FROCCA, its entities, and its press releases; (iv) the actions of the Anti-Balaka in 2013; and (v) the role of BOZIZE and his inner circle, including NGAISSONA, in the Anti-Balaka and in FROCCA.

The items are prima facie reliable and authentic

38. The items are *prima facie* reliable and authentic. *First*, they were published contemporaneously to the charges, before the present proceedings were even contemplated. *Second*, they were provided by reliable sources who - at the time of their publication, had no interest in these proceedings. *Third*, the items corroborate other documentary and testimonial evidence. *Finally*, the *prima facie* reliability and authenticity of these items is clear from their content, general appearance, the apparent logo of the organisation generating each one, as well as their date.

(3) Reports

39. The evidence in this category concerns reports generated by well-known organisations with a global presence, including Amnesty International, SSR ("Security Sector Reform"), or CORI ("Country of origin research and information").²²

²² Commissioned by the UNHCR.

The items are probative

40. The items are probative, as they contain information on: (i) the background, existence and nature of the armed conflict; (ii) the creation of the Youth militias COCORA and COAC and their targeting of Muslim civilians before the 24 March 2013 *Coup*; and (iii) the role of BOZIZE and his inner circle, including NGAISSONA, in the Anti-Balaka and in FROCCA.

The items are prima facie reliable and authentic

41. The items are *prima facie* reliable and authentic. *First*, they were published close to the events, before the present proceedings were even contemplated. *Second*, they were provided by reliable sources who - at the time of their publication, had no interest in these proceedings. *Third*, the items corroborate other documentary and testimonial evidence. *Finally*, the *prima facie* reliability and authenticity of these items is clear from their content, general appearance, the apparent logo of the organisation generating each report, as well as their date.

(4) Email Correspondence

42. The two items still to be recognised as formally submitted in this category are two email communications (with attachment) mentioning NGAISSONA, [REDACTED].²³

The items are probative

²³ CAR-OTP-2124-0002; CAR-OTP-2124-0004.

43. These emails and their attachments are probative, as they establish NGAISSONA's role : a) as a founding member of FROCCA; and b) in the mobilisation of the pro-BOZIZE population on the ground in BANGUI.

The items are prima facie reliable and authentic

44. The items are *prima facie* reliable and authentic. *First*, the e-mails [REDACTED]. *Second*, the items are corroborated by other documentary and testimonial evidence, [REDACTED].²⁴ *Finally*, the *prima facie* reliability and authenticity of these items is corroborated by the general appearance of the documents, the valid email addresses, and the signatures.

(5) Social Media Evidence (Facebook)

45. Evidence in this category concerns [REDACTED]. [REDACTED],²⁵ [REDACTED] on 28 January 2019.²⁶ Several posts were [REDACTED] collected from [REDACTED] publicly available information.

The items are probative

46. These items are probative as they establish FROCCA's nature, which gathered multiple pre-existing groups under its auspices, and its subsequent transformations.

The items are prima facie reliable and authentic

²⁴ See T-189-CONF-ENG ET, p. 26, l. 4-p. 31, l. 4. See also same email chain from another source: CAR-OTP-2130-3288; CAR-OTP-2130-3291; CAR-OTP-2130-3294; CAR-OTP-2130-3301; CAR-OTP-2130-3303; CAR-OTP-2130-3305; CAR-OTP-2130-3306.

²⁵ OTP/CAR2/IRL-9/ID-cdafpt.

²⁶ CAR-OTP-2099-1340.

47. The items are *prima facie* reliable and authentic. *First*, [REDACTED].²⁷ *Second*, [REDACTED].²⁸ *Third*, the items corroborate other documentary and testimonial evidence. *Finally*, the reliability and authenticity of these documents is clear from their general appearance, which bears indicia that they originate from Facebook : a) [REDACTED] from Open Source, these include the placement of the well-known Facebook logo, the layout of the webpage, the date and time of each message, and its structure; and b) [REDACTED].

(6) Anti-Balaka Documents

48. The evidence in this category concerns documents emitted by the Anti-Balaka, which were collected from private sources.

The items are probative

49. These items are probative as they contain information on: (i) the contextual elements of war crimes and crimes against humanity, including the creation of the Anti-Balaka in 2013 and their attacks and progress to BANGUI for the 5 December 2013 attack; (ii) the assimilation of the Seleka with foreigners and with Sudanese and Chadians; and (iii) several Anti-Balaka leaders and their positions in the group in 2014.

The items are prima facie reliable and authentic

50. The items are *prima facie* reliable and authentic. *First*, they were drafted and published contemporaneously, before the present proceedings were even contemplated. *Second*, they were collected from reliable sources, including [REDACTED]. [REDACTED]. *Finally*, the *prima facie* reliability and authenticity of these items is clear

²⁷ [REDACTED].

²⁸ A more complete [REDACTED] be provided in the forthcoming Applications for Submission of Documents from the Bar Table on the Facebook material.

from their general appearance, the apparent logo of the CLPC/Anti-Balaka present on each one, as well as the date, and, in most cases, the signatures.

(7) Legal and administrative documents (including legislation and [REDACTED])

51. The evidence in this category concerns legal and administrative documents, including legislation and [REDACTED], which were collected from governmental or private sources.

The items are probative

52. These items are probative as they contain information on: (i) CAR parliamentary elections in 2011, following which NGAISSONA became an MP on behalf of the KNK party; (ii) business links between NGAISSONA and BOZIZE, as well as the work relationship between NGAISSONA and Steve YAMBETE prior to the 24 March 2013 *Coup*; (iii) arrest warrants or international sanctions emitted against BOZIZE and his inner circle, including NGAISSONA, for different crimes, *inter alia* for destabilising the regime and their involvement with the Anti-Balaka; and (iv) other official documents mentioning the Anti-Balaka.

The items are prima facie reliable and authentic

53. The items are *prima facie* reliable and authentic. *First*, they were drafted contemporaneously, before the present proceedings were even contemplated. *Second*, they were provided by reliable sources, such as the Government of CAR and the European Union who, at the time of their creation, had no interest in these proceedings. *Finally*, the integrity and *prima facie* reliability of these items is clear from their general appearance, the logo of the organisation generating each one (if apparent), its date, as well as its source.

(8) Other Materials

54. The Prosecution also tenders the following items: website captions of “Jeunesse Centrafricaine du FROCCA”, as well the document of COL adhering to FROCCA. Their probative value is set out in detail in the Annexes to the present filing.

55. The items are *prima facie* reliable and authentic. *First*, they were drafted contemporaneously, before the present proceedings were even contemplated. *Second*, the *prima facie* reliability and authenticity of these items is clear from their general appearance, the header appearing on each item, as well as their date of creation.

C. Absence of prejudice to the Defence

56. Recognising these items as formally submitted would not prejudice the Defence. Any prejudice would be marginal and far outweighed by the documents’ probative value. The items: (i) are relevant to the charges and will assist the Chamber in the determination of the truth as explained in detail in the present filing and its Annexes; (ii) bear sufficient indicia of reliability as to the matters that they purport to show; (iii) were often directly collected from the source who created, generated and/or published the items; and (iv) have been included in the Prosecution’s List of Evidence, informing the Defence as such of the Prosecution’s intention to rely on these items. Furthermore, their reliability, veracity, and weight are independently corroborated by each other, and by other evidence that the Prosecution has or will introduce in the case.

IV. RELIEF SOUGHT

57. The Prosecution requests the Chamber to recognise the Submitted Items listed in Annexes A and B as formally submitted.

A handwritten signature in blue ink, consisting of a stylized 'K' followed by a horizontal line and a dot.

Karim A. A. Khan KC, Prosecutor

Dated this 3rd November 2023
At The Hague, The Netherlands