

**Cour
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**International
Criminal
Court**

Original:

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

Date: **8 March 2024**

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
THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA**

Public with Confidential Annex 1

Public redacted version of the ‘Defence Response to the “Prosecution’s Tenth Application for the Submission of Facebook Evidence from the Bar Table” ICC-01/14-01/18-1956-Conf’, filed on 28 August 2023, ICC-01/14-01/18-2065-Conf

Source: Defence of Patrice-Edouard Ngaïssona

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

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I. INTRODUCTION

1. The Defence of Mr Patrice-Edouard Ngaïssona ('Defence') hereby responds to the "Prosecution's Tenth Application for the Submission of Facebook Evidence from the Bar Table" ('Application').¹
2. Further, the Defence provides in confidential Annex 1 to the present response ('Response') its item-by-item objections to the [REDACTED] items of evidence in relation to [REDACTED] Facebook accounts that the Prosecution seeks to submit into the record of the case ('Facebook Items').
3. The Defence makes these objections pursuant to rule 64(1) of the Rules of Procedure and Evidence ('Rules'), which are intended to assist the Chamber in its holistic assessment of the evidence during the deliberation of the judgment.²

II. CONFIDENTIALITY

4. In accordance with regulation 23bis(1) of the Regulations of the Court, this response and its Annex 1 are filed confidentially as they respond to documents of the same classification and contain confidential information. A public redacted version will be filed in due course.

III. APPLICABLE LAW

5. The Defence incorporates by reference its previous submissions with respect to the applicable law regarding the adjudication of Bar Table motions.³

IV. SUBMISSIONS

6. The present core submissions merely provide an outline of the major Defence's objections. For a comprehensive overview of the Defence's observations on the Prosecution's Application, the Defence respectfully refers the Chamber to confidential Annex 1 to the Response.
7. The Prosecution failed to sufficiently substantiate both the relevance and significance of the evidence sought to be submitted (A) and its authenticity and reliability (B), which may

¹ ICC-01/14-01/18-1956-Conf together with confidential Annex.

² ICC-01/14-01/18-631, para. 62 ('Initial Directions').

³ ICC-01/14-01/18-1278, paras 6-9.

result in prejudice to Mr Ngaïssona outweighing any *prima facie* probative value to be found in the tendered items (C).

A. General remarks on the unreliability of Facebook content

8. In its Application, the Prosecution contends that the Facebook content it seeks to submit is reliable and authentic, especially due to the production by Facebook of user account information, containing *inter alia* the information provided at registration such as the user name, date of birth, phone number, email addresses, hometown, and current city.⁴ Regarding Mr Ngaïssona's alleged Facebook account, the Prosecution contends, in particular, that the use of Mr Ngaïssona's birthday date to create this account is an element to take into consideration to show that Mr Ngaïssona is the effective user of that account.⁵
9. In the interest of efficiency, the Defence respectfully refers the Chamber to its "Response to the 'Prosecution's Seventh Application for the Submission of Evidence from the Bar Table'", where it extensively addressed the unreliability of Facebook content and user identification, especially when neither the sender nor the recipient of an exchange, nor the individuals mentioned therein, have provided testimony as to the meaning and veracity of the relevant conversations or posts, and how this would be prejudicial to Mr Ngaïssona, even more so when they relate to central aspects of the charges or highly contentious issues.⁶
10. The Defence additionally notes that, contrary to the Prosecution's contention, information such as the username, date of birth, hometown or current city, do not provide sufficient indicia of reliability and authenticity. Especially where the alleged account's user is a public figure, such as Mr Ngaïssona, their full name, date of birth, hometown or current city can be easily found in the news or on the internet. As such, the Defence disputes the reliability and authenticating nature of such information in relation to the assessment of Facebook content and user identification.

⁴ ICC-01/14-01/18-1956-Conf, paras 23-26.

⁵ ICC-01/14-01/18- 1956-Conf, para. 13.

⁶ ICC-01/14-01/18-1999-Conf, paras 9-16.

B. Lack of relevance of the tendered items

a. Mr Ngaïssona's alleged Facebook account

11. *First*, regarding the attribution of the Facebook account to Mr Ngaïssona and the Prosecution's assertion that Mr Ngaïssona is the effective user of the account, the Defence conducted a basic search which revealed that the vast majority of the IP addresses listed in the Facebook Business Record originate from [REDACTED]. For instance, regarding the messages at page 2568 sent by the account user on [REDACTED], the corresponding IP address is [REDACTED]; a basic search through an IP locator indicates that this address was in [REDACTED].⁷ However, the Prosecution fails to adduce any evidence that, on this date, Mr Ngaïssona was indeed [REDACTED]. To the contrary, the evidence rather shows that Mr Ngaïssona was in Bangui (CAR) at that time.⁸ Similarly, the IP address that connected to Facebook on [REDACTED], when the account user sent the message at page 2531, was [REDACTED]; which the IP locator also locates in [REDACTED].⁹ Again, the Prosecution does not provide evidence that, on this exact date, Mr Ngaïssona was [REDACTED]. To the contrary, the evidence clearly shows that Mr Ngaïssona was in the [REDACTED].¹⁰ As such, the Prosecution's categorical contention that Mr Ngaïssona is the effective user of Facebook account [REDACTED] is unsupported by evidence and its relevance and probative value is therefore impugned.

12. Additionally, the Defence notes the inherent weakness of the Prosecution's attempted attribution of phone numbers by resorting to the submission of Facebook accounts,¹¹ especially given that it is unknown whether the person behind the Facebook account's user is in fact one and the same person; and the provision of a phone number is not indicative that it is a number used exclusively by the user.¹²

⁷ See [REDACTED]

⁸ See for instance CAR-OTP-2124-0745, at 0746, which shows that Mr Ngaïssona arrived in Bangui on 26 September 2014; see also CAR-OTP-2098-0312, at 0315, establishing that Mr Ngaïssona left Bangui only on 6 December 2014.

⁹ See [REDACTED]

¹⁰ See for instance CAR-OTP-2084-0173, at 0173; CAR-OTP-2084-0168, at 0168.

¹¹ ICC-01/14-01/18-1956-Conf, para. 14, footnote 16 and Annex.

¹² See Defence submissions in ICC-01/14-01/18-1409-Conf, paras 59-61.

13. Consequently, the above developments cast doubts on the relevance of the said Facebook account to the attribution of the phone numbers [REDACTED] and [REDACTED] and email addresses [REDACTED] and [REDACTED] to Mr Ngaïssona.
14. *Second*, the Prosecution submits that the account is relevant to establishing Mr Ngaïssona's role as National General Coordinator of the Anti-Balaka in Bangui and in the provinces, including Berberati.¹³ The Defence however notes that, in several instances, the Prosecution's substantiation of the relevance cannot be inferred from the very content of the account, but portrays a misleading – or at the very least unilateral and one-sided – interpretation by the Prosecution. When purged of such elements of interpretation, the Facebook content referred to by the Prosecution is irrelevant as proof of a particular proposition.
15. For instance, thread [REDACTED] consists of a unique message from [REDACTED] which reads:
- “[REDACTED]”¹⁴
16. As apparent from footnote 14 of the Application, the Prosecution uses this thread to show Mr Ngaïssona's alleged role as the National General Coordinator of the Anti-Balaka in the provinces, and more precisely Berberati, in 2014. The mere author's purported 'need' of Mr Ngaïssona has no probative value in showing that Mr Ngaïssona had any effective role and authority in Berberati, nor that Mr Ngaïssona's political role as coordinator of the Anti-Balaka in May 2014 would show any *post facto* recognition of his contribution to the charged crimes.¹⁵
17. The Defence additionally notes that the Prosecution mischaracterises this thread as a 'conversation between' [REDACTED] and supposedly Mr Ngaïssona, whereas the account's user did not reply to the former's message. In this regard, the Defence respectfully requests that the Chamber proceed with extreme caution when assessing the probative value of an unanswered message, especially when determining any role Mr Ngaïssona would have allegedly held as the National General Coordinator of the Anti-Balaka in Bangui and the provinces after President Djotodia's resignation.

¹³ ICC-01/14-01/18-1956-Conf, para. 14.

¹⁴ CAR-OTP-2066-2466, at 2695.

¹⁵ ICC-01/14-01/18-403-Conf-Corr, para. 164.

18. Another example can be found in thread [REDACTED].¹⁶ The Defence however notes that not only are [REDACTED], but most importantly, [REDACTED] fall well outside the Relevant Period for the charges. As such, this thread is not relevant in establishing Mr Ngaïssona's alleged authority during the period of the charges, and should therefore be accorded no probative value.
19. In its Application, the Prosecution further notes that, throughout his alleged Facebook account, Mr Ngaïssona is referred to as a series of titles or nicknames, suggesting that it may have some form of relevance in showing his alleged authority over the Anti-Balaka.¹⁷ Those like "Président", "Excellence", "Ministre" or "Honorable" manifestly refer to his positions as President of the Central African Football Federation and Minister of Youth, Sports Arts and Culture. Others, such as "Autorité", "Chef de révolution" and "Grand combattant (sic)" are only a mark of consideration, but without any contextualisation or substantiation, should not be regarded as establishing any authority whatsoever in the context of the charged crimes.
20. *Third*, in its Application and related Annex, the Prosecution contends that the unified messages are relevant to establishing Mr Ngaïssona's knowledge of the crimes committed by the Anti-Balaka after President Djotodia's resignation.¹⁸ In support of this contention, the Prosecution refers to thread [REDACTED], consisting of one single message from [REDACTED] which reads:
- "[REDACTED]"¹⁹
21. This message is dated [REDACTED] and therefore falls well outside the Relevant Period for the charged crimes. Besides, the Prosecution mischaracterises this thread as a 'conversation between' [REDACTED] and supposedly Mr Ngaïssona, while the account's user did not reply to the former's message. What is more, there is no single indication in the Facebook Business Record that the account user even *read* the message. As such, it cannot reasonably be inferred from the thread itself that Mr Ngaïssona had any knowledge of the crimes recounted by [REDACTED], allegedly committed by the Anti-Balaka. In this regard, the Defence respectfully requests that the Chamber proceed with extreme

¹⁶ CAR-OTP-2066-2466, at 2641-2659.

¹⁷ ICC-01/14-01/18-1956-Conf, para. 14.

¹⁸ ICC-01/14-01/18-1956-Conf, para. 14 and Annex.

¹⁹ CAR-OTP-2066-2466, at 2694.

caution when assessing the probative value of an unanswered message, especially when determining any knowledge Mr Ngaïssona would have allegedly had of the crimes depicted in this thread.

22. *Finally*, the Defence fails to see the relevance of thread [REDACTED],²⁰ where the account's user would have said to [REDACTED] that [REDACTED]. Neither in its core Application nor in its Annex does the Prosecution elaborate on any relevance to Mr Ngaïssona's purported contacts with President Bozizé. This is certainly not relevant to showing that Mr Ngaïssona would have been part of Bozizé inner circle – if any –, if this is what the Prosecution seeks to establish. Therefore, no probative value should be accorded to this message.

b. [REDACTED] alleged Facebook accounts

23. For the same reasons as developed above,²¹ the Prosecution fails to substantiate that [REDACTED] is the effective user of Facebook accounts [REDACTED] and [REDACTED], and their use for the attribution of the phone numbers [REDACTED] and [REDACTED] to [REDACTED] lacks probative value. The Defence directs the Chamber to P-0889's in-court testimony [REDACTED].²² This casts further doubt on the attributability of said account to [REDACTED] or, at best, is relevant to show that, more likely than not, [REDACTED] was not the one and only user of this Facebook account – if he was at all using it himself.

24. Besides, the Prosecution contends that [REDACTED] alleged Facebook accounts are relevant to his key functions in the Anti-Balaka, as well as the Anti-Balaka's activities on the ground.²³

25. *First*, the Defence notes that the Prosecution's description of the accounts does not match the very content of the items it seeks to submit, and merely portrays the Prosecution's convenient interpretation of their content. For instance, the Prosecution submits that the unified messages of account [REDACTED] are relevant to establishing the Anti-Balaka's organisation and coordination prior to 5 December 2013.²⁴ Rather, the Defence submits

²⁰ CAR-OTP-2066-2466, at 2531.

²¹ *See supra* paras 10-12.

²² ICC-01/14-01/18-T-109-CONF-ENG ET, pp 7 *et seq.*

²³ ICC-01/14-01/18-1956-Conf, para. 17 and Annex.

²⁴ ICC-01/14-01/18-1956-Conf, Annex.

that these messages could, at the very best, be relevant to establishing that the Anti-Balaka was not one coordinated structure, but a scattered and disorganised movement. For instance, a conversation between [REDACTED] and supposedly [REDACTED] shows that the former's group is delaying the latter's, and that the latter's group is waiting the former's to advance.²⁵ The same conversation also reveals that [REDACTED] would be unaware that [REDACTED] was part of a separate mission.²⁶ Another conversation, between [REDACTED] and allegedly [REDACTED], suggests that the former is unaware of the organisation and functioning of the latter's group and absence of hierarchy over [REDACTED].²⁷

26. Similarly, unified messages of account [REDACTED] between allegedly [REDACTED] and [REDACTED] show that all Anti-Balaka elements were not on the same wavelength and that dissensions existed in the aftermath of the 5 December 2013 attack:

27. [REDACTED]²⁸

28. As such, the Prosecution cannot reasonably argue in its Annex that this account would be relevant in establishing the organisation of the Anti-Balaka in December 2013 and their motivation to 'continue the fight' as if it were a unique, coordinated and harmonious movement.²⁹

29. *Second*, while the Prosecution submits that account [REDACTED] is relevant to [REDACTED], the Defence notes that the referred message does not allow the identification of those alleged 'seniors'. For instance, in a conversation between [REDACTED] and supposedly [REDACTED], the former asks the latter whether he has news from 'vieux' in CAMEROON.³⁰ While the Prosecution asserts that such 'vieux' designates seniors in CAMEROON, the Defence submits that 'vieux', used as a noun, can be an informal way, in French, to refer to someone's father.³¹ Given that it is established that— was [REDACTED] at that time,³² the Defence suggests that [REDACTED] was equally likely asking news about [REDACTED], rather than coordinating with alleged

²⁵ CAR-OTP-2066-3003, at 3054.

²⁶ *Ibid.*

²⁷ CAR-OTP-2066-3003, at 3071.

²⁸ CAR-OTP-2066-2142, at 2161.

²⁹ ICC-01/14-01/18-1956-Conf, Annex.

³⁰ CAR-OTP-2066-2142, at 2159.

³¹ See [REDACTED]

³² See for instance P-1874's in-court testimony, esp. ICC-01/14-01/18-T-023-CONF-ENG CT, p. 87, lns 8-11.

‘seniors’ in CAMEROON. For lack of precise identification of the person referred to by [REDACTED], any identification of Mr Ngaïssona – or any other alleged ‘senior’ in CAMEROON – would be purely speculative. As a consequence, this thread lacks relevance in establishing any coordination with the Anti-Balaka in CAMEROON.

30. Similar observations can be made regarding other conversations in CAR-OTP-2066-3003, where messages refer to contacts with the ‘team’ in CAMEROON, which the Prosecution cites in its Application to support its allegation that [REDACTED].³³ The Defence however notes that no detail whatsoever is given on the composition of this so-called ‘team’: the messages neither provide the names of any team member, nor do they specify their exact location or the equipment they might have. As a consequence, no coordination can be presumed from any reference to such a ‘team’ in CAMEROON.

c. [REDACTED] and [REDACTED] alleged Facebook accounts

31. For the sake of conciseness, the Defence addresses the [REDACTED] and [REDACTED] accounts altogether in this section. For detailed observations specific to each of these accounts, the Defence respectfully refers the Chamber to confidential Annex 1 to the Response.
32. *First*, the Prosecution affirmatively and categorically submits that P-0808 and P-0889 are the effective users of respectively Facebook accounts [REDACTED]. Yet, the Prosecution forewent the opportunity to authenticate the operators of those Facebook accounts when it declined to ask P-0808 and P-0889 whether they respectively operated the accounts during their in-court testimonies. Besides, as already highlighted by the Defence in relation to Yahoo email accounts,³⁴ the Facebook accounts are registered for a group and, as such, it is highly likely that the accounts were operated by several users after their creation. Consequently, and considering that the Prosecution failed to ask any questions to P-0808 and P-0889 on this matter, the Defence respectfully requests that the Chamber give limited probative value to these items in showing that P-0808 and P-0889 would be the authors of all posts and messages of these accounts.

³³ ICC-01/14-01/18-1956-Conf, para. 17, footnote 25.

³⁴ See Defence Response to the “Prosecution’s Application for Submission of Yahoo Email Evidence from the Bar Table Pursuant to Article 64(9)”, ICC-01/14-01/18-1546-Conf, para. 21.

33. The Defence further notes that, as conceded by the Prosecution, the user of account [REDACTED] introduces himself as [REDACTED].³⁵ This is at best relevant to show that, more likely than not, P-0889 was not the one and only user of this Facebook account.

34. Regarding account [REDACTED] attributed to P-0808, the Prosecution contends, in the ‘description’ section of its Annex, that different people wish P-0808 a happy birthday on [REDACTED]. Given that Facebook users must, in principle, be at least 13 years old to create an account, Facebook requires that, when opening an account, the person enters a date of birth.³⁶ In addition, and as explained by P-0808 himself during his in-court testimony on [REDACTED], Facebook sends a birthday notification to the account’s list of ‘friends’ on the day corresponding to the date of birth entered upon creation of the account.³⁷ Therefore, people wishing a happy birthday on the day of P-0808’s birthday has very limited probative value in showing that P-0808 was indeed the account’s effective user – at the very best, it would be relevant in showing that P-0808 created the account, or that the person who created it entered P-0808’s date of birth.

35. *Second*, in its Application and Annex, the Prosecution argues that the National Coordination, and by extension Mr Ngaïssona, had knowledge of the crimes committed by the Anti-Balaka and did nothing to remedy the situation.³⁸ The Defence notes however that, on several occasions, the account users express themselves at the first person, suggesting that they are conveying their own views. This casts doubt as to the attributability of the content posted on this page to the Coordination, and by extension – if any – to Mr Ngaïssona. For instance, the user of account [REDACTED] uses the following phrasings in several comments or messages:

“[REDACTED]”³⁹

“[REDACTED]”⁴⁰

36. Similarly, in various comments or messages posted on account [REDACTED], the user expresses himself as follows:

³⁵ ICC-01/14-01/18-1956-Conf, para. 19; CAR-OTP-2066-1601, at 1790.

³⁶ See the Facebook Help page, in the section named ‘Create a Facebook Account’: https://www.facebook.com/help/570785306433644/?helpref=hc_fnav

³⁷ ICC-01/14-01/18-T-069-CONF-ENG ET, page 55, lns 4-8.

³⁸ ICC-01/14-01/18-1956-Conf, paras 20 and 22, and Annex.

³⁹ CAR-OTP-2066-1510, at 1515.

⁴⁰ *Ibid*, at 1516.

“[REDACTED]”⁴¹

“[REDACTED]”⁴²

“[REDACTED]”⁴³

37. Besides, on several instances, he also uses invective language against some of his interlocutors:

“[REDACTED]”⁴⁴

“[REDACTED]”⁴⁵

38. This indicates personal verbal responses or attacks towards the user’s interlocutors, rather than an agreed common response on behalf of the Coordination. Consequently, these accounts are not relevant to establishing any endorsement whatsoever of their content by Mr Ngaïssona, not even by the Coordination as a whole.

39. What is more, the [REDACTED] Facebook account contains indications that Mr Ngaïssona’s role within the Coordination is not as important as some interlocutors might think. As opposed to [REDACTED],⁴⁶ Mr Ngaïssona is only depicted as the one called upon because of his political experience:

“[REDACTED]”⁴⁷

“[REDACTED]”⁴⁸

“[REDACTED]”⁴⁹

40. For all the above reasons, the accounts named [REDACTED] and [REDACTED] considerably lack probative value in showing that the National Coordination, and by extension Mr Ngaïssona, had knowledge of the crimes committed by the Anti-Balaka and did nothing to remedy the situation.

⁴¹ CAR-OTP-2066-1601, at 1627.

⁴² *Ibid*, at 1632.

⁴³ CAR-OTP-2066-1601, at 1636.

⁴⁴ *Ibid*, at 1629.

⁴⁵ *Ibid*, at 1630.

⁴⁶ CAR-OTP-2066-1601, at 1778.[REDACTED], *see* CAR-OTP-2066-3003, at 2161 (“[REDACTED]”).

⁴⁷ CAR-OTP-2066-1601, at 1778.

⁴⁸ *Ibid*, at 1633.

⁴⁹ CAR-OTP-2066-1601, at 1634.

41. *Third*, in its Application and related Annex, the Prosecution submits that the [REDACTED] and [REDACTED] Facebook accounts are relevant in establishing the anti-Muslim animus of the Anti-Balaka.⁵⁰ However, on several occasions, the Prosecution mischaracterises the messages. For instance, a comment posted by the user of the account [REDACTED] reads:

“ [REDACTED]”⁵¹

42. This message bears no indicia of any anti-Muslim animus whatsoever. The Defence suggests that the denounced oppression is equally likely to be that of the Seleka government of Michel Djotodia, or perhaps that of the foreign mercenaries. In any event, it cannot be inferred from the item alone, even considering the conversation as a whole, that the cited message targeted the Muslim population. In this regard, the Chamber recalls that messages allegedly conveying anti-Muslim hate need to be contextualised, and so have been, for instance, during P-0889’s in-court testimony where he explained [REDACTED].⁵² The Defence respectfully requests that the Chamber assess the admissibility of this kind of message with extra caution, considering that its probative value is very limited – if not inexistant – when neither the sender nor the recipient of an exchange, nor the individuals mentioned therein, have provided testimony as to the context and meaning of the relevant conversations.⁵³

43. The Defence further notes that the Prosecution fails to draw the Chamber’s attention to exculpatory messages that counter-evidence the Prosecution claims about purported anti-Muslim animus. For instance, the user of the [REDACTED] account posted [REDACTED].⁵⁴ Similarly, in a comment, the account’s user writes that the Coordination of the Anti-Balaka’s goal is to [REDACTED].⁵⁵

44. The Prosecution further contends that the [REDACTED] account is relevant to showing that, [REDACTED], Mr Ngaïssona continued to motivate his group by choosing wording such as [REDACTED].⁵⁶ The Defence disputes the Prosecution’s generalised interpretation of the declaration as it was made in reaction to a very specific event, and

⁵⁰ ICC-01/14-01/18-1956-Conf, para. 20, and Annex.

⁵¹ CAR-OTP-2066-1510, at 1516.

⁵² [REDACTED]

⁵³ *See supra*, para. 9.

⁵⁴ CAR-OTP-2066-1601, at 1634.

⁵⁵ CAR-OTP-2066-1601, at 1622.

⁵⁶ ICC-01/14-01/18-1956-Conf, para. 22.

cannot be taken as a general position of the Anti-Balaka movement towards all attacks carried out by the Seleka or the armed Muslim population. Furthermore, when Mr Ngaïssona refers to [REDACTED] he specifically refers to those who are armed, and not to the Muslim population in general.⁵⁷ Finally, contrary to the Prosecution's allegation, Mr Ngaïssona did not "continue to motivate his group" to continue the fight, but rather publicly reacted to [REDACTED]. As such, it cannot be inferred from the declaration alone that it targeted the Muslim population in general, or that Mr Ngaïssona "continued to motivate his group" to continue the fight. The Prosecution mischaracterises the declaration signed by Mr Ngaïssona by formulating a one-sided interpretation that conveniently fits its narrative, and the cited portions should be accorded no probative value.

C. Prejudice to Mr Ngaïssona

45. Reliance on certain documents in respect to core aspects of the charges or highly contentious issues, such as Mr Ngaïssona's purported knowledge of the alleged crimes of the Anti-Balaka, may result in prejudice to Mr Ngaïssona outweighing any *prima facie* probative value to be found in those items.
46. This is especially the case when such probative value is limited by reason of the Facebook account in question being subject to a one-sided interpretation formulated by the Prosecution, or when neither the sender nor the recipient of an exchange, nor the individuals mentioned therein, have provided testimony as to the meaning and veracity of the relevant conversations.
47. The Defence respectfully requests the Chamber to consider this important safeguard when assessing the admissibility of the items sought to be submitted.

V. RELIEF SOUGHT

48. The Defence respectfully requests the Chamber to **TAKE INTO ACCOUNT** the Defence's objections contained in the Response and its confidential Annex 1 when the Chamber conducts its holistic assessment of the evidence during the deliberation of the judgment.

⁵⁷ See P-0475: ICC-01/14-01/18-T-90-CNF-ENG CT3, p. 75, lns 13-20; p. 76, lns 1-20.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a stylized 'N' or similar character.

Mr Knoops, Lead Counsel for Patrice-Edouard Ngaïssona

Dated this 8 March 2024

At The Hague, the Netherlands.