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**International  
Criminal  
Court**

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**TRIAL CHAMBER V**

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

**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 sentencing submissions”,  
ICC-01/14-01/18-2747-Conf, 13 December 2024**

**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. Trial Chamber V (“Chamber”) should impose a joint sentence of not less than **22 years** as regards YEKATOM’s responsibility for 21 counts of crimes against humanity and war crimes, under articles 25(3)(a) and (b). The Chamber should similarly impose a joint sentence of not less than **20 years** regarding NGAISSONA’s responsibility for 31 counts of crimes against humanity and war crimes, under article 25(3)(c) and (d). Insofar as this submission precedes an article 74 decision, the Prosecution’s recommendations are based on a global assessment of the Accused’s anticipated culpability, highlighting the salient aspects of the most determinative circumstances and crimes.

2. As detailed below, the gravity of the crimes with which the Accused are charged and their respective degree of participation warrant lengthy prison terms if convicted, pursuant to article 76(1) and rule 145 of the Rules of Procedure and Evidence (“Rules”).

3. The crimes in this case are particularly grave (“Charged Crimes”). In particular, they comprise the following crimes against humanity:

- murder – article 7(1)(a)
- forcible transfer and deportation – article 7(1)(d)
- severe deprivation of physical liberty – article 7(1)(e)
- torture – article 7(1)(f)
- rape – article 7(1)(g)<sup>1</sup>
- persecution – article 7(1)(h)
- other inhumane acts – article 7(1)(k)

They comprise the following war crimes:

- murder – article 8(2)(c)(i)
- cruel treatment – article 8(2)(c)(i)
- torture – article 8(2)(c)(i)
- directing attacks against the civilian population – article 8(2)(e)(i)
- directing an attack against a building dedicated to religion – article 8(2)(e)(iv)
- pillaging – article 8(2)(e)(v)<sup>2</sup>

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<sup>1</sup> Accused Ngaissona only.

<sup>2</sup> Accused Ngaissona only.

- rape – article 8(2)(e)(vi)<sup>3</sup>
- conscription, enlistment and use of children under the age of fifteen years to participate actively in hostilities – article 8(2)(e)(vii)<sup>4</sup>
- displacement – article 8(2)(e)(viii)
- destruction of the adversary's property – article 8(2)(e)(xii)<sup>5</sup>

4. Although YEKATOM is charged as a principal and NGAISSONA charged as an accessory, the latter does not necessarily diminish NGAISSONA's culpability.<sup>6</sup> Indeed, a person responsible for aiding and abetting crimes may justifiably attract a greater sentence than a principal perpetrator. Further, NGAISSONA's conduct goes to a fundamental aspect of the context in which all of the Charged Crimes were committed, and his contributions go to a substantially broader crime base.

5. The recommended terms of imprisonment take into account the gravity of the charged crimes and the individual circumstances of each Accused, including the scope of their respective contributions to the commission of the Charged Crimes. They moreover reflect the existence of several aggravating circumstances, as described below, and the absence of any mitigating factors.

6. The joint sentences proposed by the Prosecution for each Accused – not less than **22 years** for YEKATOM and not less than **20 years** for NGAISSONA – are proportionate and consistent with the purposes underpinning the Court's sentencing regime.<sup>7</sup> Moreover, they give effect to the strong condemnation by the international community of the crimes committed, the extensive and continuing harm and suffering caused, and the Court's vital interest in deterring not only the Accused, but others, from committing similar crimes in the future.

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<sup>3</sup> Accused Ngaissona only.

<sup>4</sup> Accused Yekatom only.

<sup>5</sup> Accused Ngaissona only.

<sup>6</sup> See ICC-01/04-01/06-2842, Judgement, Sep. Op., para. 9; see also *Prosecutor v. Taylor*, Case No. SCSL-03-01-A, Judgement, 26 September 2013 (noting, that customary international law establishes no hierarchy of gravity for the forms of criminal participation).

<sup>7</sup> See *e.g.*, ICC-02/04-01/15-1819-Red, para. 396; see also ICC-01/05-01/13-2123-Corr, para. 20.

## II. CONFIDENTIALITY

7. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this response is filed as “confidential”, because of the nature of the information that it contains. A public redacted version will be filed as soon as practicable.

## III. SUBMISSIONS

8. The Accused NGAISSONA and YEKATOM are charged with contributing to the commission of particularly violent crimes against persons targeted for no reason other than their real or presumed ethnic or religious identity and/or political association. The crimes committed in this case are particularly grave.

9. In this case, Muslims throughout the western Central African Republic (“CAR”) were hunted down by the Anti-Balaka between September 2013 and December 2014. They were subjected to retributive violence for their perceived collective complicity and/or support of the Seleka coalition. Thus, in this period, the Muslim population was the target of violent Anti-Balaka attacks in BANGUI, BOEING, BIMBO, and across the western Prefectures of CAR, including in BOSSANGO, BERBERATI, CARNOT, GUEN, BODA, BOSSEMPTELE, YALOE, GAGA, ZAWA, BOALI, and along the PK9-MBAIKI axis. This widespread campaign involved the commission of murder, rape, deportation and forcible transfer, severe deprivation of physical liberty, torture, persecution, and other inhumane acts. This sustained and protracted violent Anti-Balaka attack caused devastation to the Muslim community in CAR, impacting thousands. Many victims endure the consequences of these crimes to this day.

10. The Accused each made important contributions to the Anti-Balaka’s violent targeting of Muslim civilians in western CAR and the extensive harm caused.

### A. Gravity of the Charged Crimes

11. The crimes for which the Accused bear criminal responsibility are extremely serious.

12. The forcible transfer, deportation, and displacement of thousands of Muslim civilians uprooted them from their communities and destroyed communities altogether. They lost their homes, property, and livelihoods. Many were condemned to lead their lives in refugee camps

in neighbouring countries to which they had no substantial connection, or were forced to remain in IDP camps or enclaves in CAR under constant threat by the Anti-Balaka.

13. The acts of murder with which the Accused are charged, although fewer in number, were not only serious of themselves but also devastating in their impact on families and communities. As set out in the Decision on the Confirmation of Charges,<sup>8</sup> through different modes of liability, the Accused criminally participated in the commission of these killings. Like other crimes such as rape, torture, cruel treatment, and other inhumane acts, these were carried out as part of a wider persecutory campaign<sup>9</sup> of retributive violence by the Anti-Balaka. These crimes decimated Muslim civilians and the wider Muslim community – a minority which only formed around 15% of CAR’s total population.

14. In some instances, the violence with which the Charged Crimes were committed was so cruel as to be nearly incomprehensible.<sup>10</sup> For example, the torture and murder of Saint Cyr LAPO N’GOMAT (“LAPO N’GOMAT”) at the YAMWARA School Base in late December 2013 demonstrates a profound degree of depravity, as does the murder and dismemberment of Djido SALEH (“SALEH”) in MBAIKI in late February 2014.

15. The rape of women, and killings, gave rise to obvious physical injury but also to immeasurable psychological trauma, which potentially has a generational impact.

16. The immeasurable effect on children who were victimised by the charged crimes should be taken into account. Furthermore, in respect of the recruitment of children under the age of fifteen into YEKATOM’s Anti-Balaka Group, the resulting risk of exposure to physical harm was high, irrespective of their actual use. To the extent they were used, this only augments the potential trauma and damage suffered.

17. Notably, the victimisation resulting from the charged crimes extends beyond the Muslim community as such, and to CAR as a whole. These crimes damaged the nation’s social fabric

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<sup>8</sup> See ICC-01/14-01/18-403-Red-Corr, p. 100-108.

<sup>9</sup> ICC-01/12-01/18-2662, p. 37, para. 70.

<sup>10</sup> See also below para. 23. The Prosecution appreciates that circumstances such as the cruelty of the commission of the crimes can only be taken into account either under gravity or as an aggravating factor.

and indeed threatened it with a *de facto* partition during the relevant period. These deleterious consequences reverberate to the present day.

## **B. Degree of participation and intent of the Accused**

20. NGAISSONA's contributions to the Anti-Balaka's crimes were pervasive.<sup>11</sup> They include not only contributions to the crimes committed by YEKATOM and his Group, but also the crimes committed by the Anti-Balaka in BOSSANGO. There, 18 civilians were murdered, two women were raped, Muslim houses, shops, and mosques were destroyed and the thousands comprising the town's insular Muslim population were enclaved at the *Ecole de la Liberté* with others until April 2014 – long after NGAISSONA became the Anti-Balaka National General Coordinator and had at his formal disposal the power and authority<sup>12</sup> to remove Comzones in charge of Anti-Balaka elements threatening their security.

21. NGAISSONA's contributions impacted upon every aspect of the commission of the Charged Crimes. As the evidence has proved, he contributed, *inter alia*, to the criminal Organisational Policy which underlay the Anti-Balaka's crimes<sup>13</sup> – including beyond those

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<sup>11</sup> P-2843: T-073, p. 73, line. 25-p. 75, line 25, p. 54, line 22-p. 55, line 8; CAR-OTP-2124-0985 (Ngaissona was an Anti-Balaka Coordinator). *See e.g.*, Rule 145(1)(b)(iv); P-0884: T-055, p. 45, line 25-p. 46, line 21, in particular: p. 46, lines 19-21 (Ngaissona was an Anti-Balaka leader).

<sup>12</sup> P-0884: T-056, p. 59, lines 4-25, p. 60, lines 13-21; T-058, p. 36, lines 12-13; P-0808: CAR-OTP-2025-0324-R05 at 0338, para. 93; *See also* CAR-OTP-2084-1331 [00:00:00] to [00:02:06], transcript CAR-OTP-2107-1586 at 1587, lines 4-14.

<sup>13</sup> Public statements on behalf of NGAISSONA: CAR-OTP-2000-0680 [00:00:00] to [00:05:37], translation CAR-OTP-2087-9863 at 9865-9866, lines 2-14, 44-53, in particular lines 44-46, 53; Public statements of NGAISSONA: CAR-OTP-2042-0976 [00:00:00] to [00:07:22], translation CAR-OTP2107-1473 at 1474, lines 3-30 in particular lines 21-23; CAR-OTP-2135-3389, and CAR-OTP2135-3392 at 3394-3395, lines 3-55 in particular lines 28-31. *See also* another speech from NGAISSONA on the same day voicing the same rhetoric publicly during a radio program: CAR-OTP-2042-2132 [00:09:56] to [00:12:00] translation CAR-OTP-2127-7401 at 7404, 7406, lines 106-110; CAR-OTP-2042-1783 from [00:01:15] to [00:02:36], transcript CAR-OTP-2107-1475 at 1476, line 9-16.

charged. He did so, having taken steps to structure the Anti-Balaka;<sup>14</sup> finance the group,<sup>15</sup> including for the purchase of weapons;<sup>16</sup> issued instructions, including with regard to the 5 December attacks on BANGUI and BOSSANGO and the preceding attacks; and liaised with Anti-Balaka members who exercised key functions, including Bernard MOKOM, Maxime MOKOM,<sup>17</sup> Charles NGREMANGOU,<sup>18</sup> and several Anti-Balaka Comzones.<sup>19</sup> Moreover, NGAISSONA's actions encouraged and promoted the Anti-Balaka's criminal activity, helped to strengthen its capacity to commit the Charged Crimes, and further impeded the CAR authorities' and international forces' efforts to stop them, and bring those responsible to justice. NGAISSONA's conduct was deliberate, and consistent with his objective to obtain power whether directly or indirectly, over a sustained period of time. He was not only aware that the Anti-Balaka impermissibly targeted Muslim civilians on political, ethnic and/or religious grounds, but he in fact shared this persecutory intent. This was clear from his own conduct, including his continued leadership and representation of the Group and his endorsement and promotion of its objectives, even as their discriminatory nature was clear.

<sup>14</sup> P-1719: T-143, p. 24, line 21-p. 25, line 2; On NGAISSONA meeting GBANGA, KPEFIO, GALLAUT: P-2673: CAR-OTP-2127-6435-R01, at 6442, paras 43-48; P-2841: CAR-OTP-2127-4238-R01 at 4257, para. 113; P-0884: T-054, p. 54, lines 2-10, p. 56, lines 6-19, p. 57, line 21-p. 58, line 14, p. 60, lines 8-11; see also P-2673: CAR-OTP-2127-6435-R01 at 6442, para. 43; P-1719: T-141, p. 39, line 18-p. 40, line 20. On NGAISSONA meeting with KOKATE, NGAIKOSSET, YAMBETE, and LAMKAGUE: P-2027: CAR-OTP-2078-0059-R03 at 0069-0070, para. 58, 61-65; P-2673: CAR-OTP-2127-6435-R01 at 6445, 6449, paras 64, 86; P-2673: T-041, p. 33, line 21-p. 34, line 4; P-1847: CAR-OTP-2061-1534-R01 at 1561, para. 175-176. See also P-1719: T-141, p. 53, lines 4-11; P-0884: T-054, p. 60, lines 4-11. On NGAISSONA meeting with NGBOYA and KOUDEMON: P-2673: CAR-OTP-2127-6435-R01 at 6459, para. 156; T-041, p. 37, lines 19-21; P-2027: CAR-OTP-2078-0059-R03 at 0069-0070, para. 58, 61-65; P-0884: T-054, p. 60, lines 4-11. See also D30-4848: T-296, p. 67, lines 9-15; P-2673: T-042, p. 5, line 10-p. 6, line 6, p. 7, lines 1-12; P-2673: T-041, p. 48, line 11-p. 49, line 1. See also P-1719: T-142, p. 16, lines 7-13; T-142, p. 26, lines 7-25; T-142, p. 48, line 2-p. 49, line 15; T-143, p. 27, lines 13-21; T-143, p. 39, lines 5-25; T-143, p. 40, line 21-p. 41, line 11; T-144, p. 40, l. 15-21. On NGAISSONA and Bernard MOKOM meeting with GODONAM and NDALE: P-2673: T-042, p. 4, lines 12-22, p. 12, line 18-p. 13, line 4; P-1847: CAR-OTP-2061-1534-R01 at 1550, para. 105-107; T-023, p. 20, lines 9-25; T-023 FRA, p. 32, line 10-p. 33, line 6; *see also*, P-2625: T-189, p. 35, line 18-p. 38, line 14. See also CAR-OTP-2102-8009 at 8039, 05/09/2013, 06:13:34- 06:41:08.

<sup>15</sup> P-0291: CAR-OTP-2024-0036-R05 at 0055, para.118; P-1719: T-142, p. 23, line 23-p. 25, line 18; P-0884: T-058, p. 99, lines 19-23; P-1847: CAR-OTP-2061-1534-R01 at 1550-1551, para. 104-109, in particular para. 104; P-2673: T-042, p. 7, lines 2-12, p. 9, lines 2-24; P-0801: T-034, p. 51, line 17-p.53, line 8; T-035, p. 8, lines 6-9; p. 12, lines 12-16.

<sup>16</sup> P-1847: CAR-OTP-2122-8251-R01 at 8256, para. 45, at 8258 para. 60; CAR-OTP-2061-1534-R01 at 1550, para. 104, at 1551, para. 112, at 1555, para. 132-135; T-023, p. 55, line 10-p. 56, line 12.

<sup>17</sup> P-2673: CAR-OTP-2127-6435-R01 at 6455-6456, para. 132; P-1847: CAR-OTP-2061-1534-R01 at 1549, para. 102.

<sup>18</sup> P-0808: CAR-OTP-2025-0324-R05 at 0347, para. 144; T-069, p. 51, line 9-p. 52, line 10; P-0487: T-202, p. 19, line 16-p. 21, line 1; P-2673: CAR-OTP-2127-6435-R01 at 6442, para. 44; P-0808: CAR-OTP-2025-0324-R05 at 0347, para. 144; T-069, p. 51, line 9-p. 52, line 10.

<sup>19</sup> P-0884: T-055, p. 49, lines 14-20; P-0884: T-055, p. 21, line 20-p. 22, line 1, p. 49, lines 14-21, p. 71, lines 13-21; CAR-OTP-2102-6699 at 7122-7123, 03/01/2014, 17:55:56-18:07:31; CAR-OTP-2066-2142 at 2158-2159, 13/01/2014, 20:07:00-20:21:53; CAR-OTP-2101-8987 at 8995-8996, 28/09/2013, 17:58:38-18:12:51; *see also* ICC-01/14-01/18-2738-Red, para. 124

22. YEKATOM's degree of participation in respect of the crimes with which he is charged is greater than NGAISSONA's – he played a closer, more personal role in their commission and therefore merits a higher sentence. He established his Anti-Balaka Group, planned the attack on BANGUI, prepared and ordered his elements to attack Muslim civilians and personally led the attack which resulted in the murder of civilians at the Boeing Market and in CATTIN. YEKATOM's criminal orders led to the abduction and torture of seven persons; the brutal murder of LAPO N'GOMAT; the participation of his elements in the murder of SALEH and in the displacement and forcible transfer of thousands from their homes. YEKATOM's orders also resulted in the persecution of Muslim civilians in areas under his control. Last, YEKATOM and members of his Group also recruited children under the age of fifteen into their ranks. These were used for a variety of tasks – including the manning of roadblocks. YEKATOM shared the persecutory intent of his Anti-Balaka group.

### **C. Aggravating circumstances**

23. Aggravating circumstances under rule 145(2)(b) amplify the gravity of the Charged Crimes for which the Accused are responsible. These include the discriminatory and violent targeting of Muslim civilians because of their religion, the commission of crimes against particularly defenceless and vulnerable victims, the commission of crimes with particular cruelty, and the multiplicity of victims.

24. Specifically, vulnerable Muslim traders were murdered by YEKATOM's elements during the 5 December Bangui attack. Seven defenceless and vulnerable persons were tortured by YEKATOM's elements at the YAMWARA School Base. LAPO N'GOMAT was subjected to a particularly cruel and barbaric torture – bound in the arbatchar method, he was beaten with cables and wooden clubs and then his ears, toes, and fingers were cut off<sup>20</sup> – before finally being murdered. Two defenceless and vulnerable women – [REDACTED]<sup>21</sup> and P-2657<sup>22</sup> – were raped by Anti-Balaka elements in BOSSANGO. SALEH was for all intents and purposes

<sup>20</sup> P-1839: [T-170](#), p. 29, line 9-p. 30, line 20; P-1704: [CAR-OTP-2054-1136-R05](#) at 1143, para. 38; [T-128](#), p. 47, line 25-p. 48, line 5; P-1705: [T-211](#), p. 37, line 13, p. 35, lines 9-17; [T-212](#), p. 33, line 20-p. 34, lines 11; P-1716: [CAR-OTP-2053-0062-R05](#) at 0069, para. 39, 42-43; [T-147](#), p. 13, line 22-p. 14, line 7; P-0967: [T-199](#), p. 45, lines 7-12; P-1654: [CAR-OTP-2053-0112-R04](#) at 0116-0117, para. 31, 35.

<sup>21</sup> [REDACTED]: [T-059](#), p. 23, line 19-p. 24, line 15; [T-060](#), p. 31, lines 4-12.

<sup>22</sup> P-2657: [T-104](#), p. 20, lines 11-19; see ICC-01/14-01/18-403-Corr, p.107, 111 (specifically incorporating in the operative part of the Confirmation Decision the factual allegations “as set out in paragraphs [...] 376-388 of the DCC” in substantiation of the crimes of directing attacks against the civilian population and persecution). Note, paragraph 386 of the DCC provides: “[a] second victim raped by Anti-Balaka elements during the 5 December 2013 attack on BOSSANGO also reported the crime”).

alone and defenceless in the face of numerous attackers – including YEKATOM’s elements – when he was murdered in a brutal manner and then mutilated.<sup>23</sup> Thousands of innocent and vulnerable civilians were displaced or forcibly transferred from their homes – uprooted from their communities in BOEING, CATTIN,<sup>24</sup> BOSSANGOA,<sup>25</sup> from the towns and villages along the PK9-MBAIKI axis,<sup>26</sup> and from MBAIKI itself<sup>27</sup> – as a result of these crimes and the fear that they caused.

25. YEKATOM’s criminal conduct is further aggravated by the fact that, as the leader of his Anti-Balaka Group – and career soldier – he abused his position of authority<sup>28</sup> to order his elements to commit crimes violating the most fundamental tenet of international humanitarian law: the protection of persons not taking part in hostilities. Last, the targeting of the victims of the Charged Crimes was motivated by discrimination. As Muslims or persons (perceived to be) associated with them, they were violently targeted pursuant to a criminal Organisational Policy or common purpose which held Muslims collectively responsible for, complicit with, or

<sup>23</sup> P-1838: [CAR-OTP-2100-0252-R05](#) at 0270, para. 101; [T-215](#), p. 23, lines 13-15. [CAR-OTP-2059-0384](#) [00:00:00] to [00:14:36], translation [CAR-OTP-2118-5633](#).

<sup>24</sup> P-1528: [CAR-OTP-2048-0757-R05](#) at 0763-0764, para. 37-41, at 0765, para. 48-49; [CAR-OTP-2121-2831-R01](#) at 2833, para. 14, at 2834, para. 22, at 2835, paras. 24-26; [T-178](#), p. 35, lines 15-16, p. 36, line 10-p. 37, line 3; D30-4496: [T-290](#), p. 18, lines 16-25, p. 20, line 7-p. 21, line 6; P-1990: [CAR-OTP-2124-0247-R02](#) at 0252, para. 24; P-1647: [T-194](#), p. 16, lines 1-9; P-2472: [CAR-OTP-2110-0355-R01](#) at 0360, para. 25; P-1705: [T-211](#), p. 10, lines 3-17; P-1339: [T-154](#), p. 43, lines 9-20; [T-155](#), p. 16, line 25-p. 17, line 4; [CAR-OTP-2053-0538](#) at 0538;

<sup>25</sup> P-2652: [CAR-OTP-2126-0175-R01](#) at 0187, para. 65; P-1577: [CAR-OTP-2081-0769-R01](#) at 0791; [CAR-OTP-2079-1163](#) at 1163. See also P-2049: [T-101](#), p. 45, lines 7-11; [CAR-OTP-2006-1218](#) at 1220; [CAR-OTP-2079-0677](#) [00:00:49] to [00:01:16], transcript [CAR-OTP-2127-7186](#) at 7187, lines 12-26.

<sup>26</sup> P-2419: [CAR-OTP-2112-0036-R03](#), at 0042-0043, 0048, paras. 35-37, 68; P-2041: [CAR-OTP-2104-0003-R02](#) at 0010-0011, para. 48-49; P-2353: [CAR-OTP-2100-0226-R03](#) at 0232-0234, paras. 37-38, 41-42, 44; P-2084: [CAR-OTP-2094-0968-R02](#) at 0973, 0980, para. 31, 64; [T-233](#), p. 10, lines 11-17; [T-235](#), p. 6, lines 16-20; P-1838: [CAR-OTP-2100-0252-R05](#) at 0263, para. 56; [T-215](#), p. 10, line 22-p. 11, line 10; [T-216](#), p. 9, lines 16-23, p. 11, lines 13-18; P-2389: [CAR-OTP-2104-0033-R03](#) at 0041-0042, paras. 46-47; P-2354: [CAR-OTP-2105-0991-R03](#) at 0998-0999, para. 42; P-1595: [CAR-OTP-2104-0274-R02](#) at 0282-0283, para. 41, 44-45; P-1666: [T-231](#), p. 23, lines 3-16, p. 25, line 21-p. 26, line 3; P-2476: [CAR-OTP-2114-0149-R05](#) at 0154, para. 31; [T-213](#), p. 9, line 18-p. 10, line 8; P-2328: [T-047](#), p. 76, line 25-p. 77, line 5; P-0475: [T-090](#), p. 41, line 22-p. 42, line 9; [CAR-OTP-2058-0573](#) [00:23:51] to [00:25:30], transcript at [CAR-OTP-2118-0420](#) at 0433 lines 465-490.

<sup>27</sup> P-1666: [T-231](#), p. 27, line 20-p. 31, line 11; P-2041: [CAR-OTP-2104-0003-R02](#) at 0015, paras. 63-65; P-2389: [CAR-OTP-2104-0033-R03](#) at 0045-0046, paras. 67-72; P-2353: [CAR-OTP-2100-0226-R03](#) at 0237-0238, paras. 60-64; P-2354: [CAR-OTP-2105-0991-R03](#) at 1002-1003, paras 63-67, 70; P-1647: [CAR-OTP-2050-0654-R02](#) at 0661, para. 48; [T-194](#), p. 60, lines 5-12, p. 61, lines 1-12; P-1823: [CAR-OTP-2063-0369-R02](#) at 0375, para. 33; P-1813: [CAR-OTP-2069-0035-R02](#) at 0043-0044, para. 53, 59; [T-180](#), p. 17, lines 8-21; P-2084: [CAR-OTP-2094-0968-R02](#) at 0982, para. 69; [T-233](#), p. 11, line 22-p. 12, line 7; [T-235](#), p. 6, lines 21-25, p. 8, lines 18-21, p. 12, line 17-p. 13, line 5; P-1838: [T-215](#), p. 26, lines 14-23, p. 28, line 25-p. 29, line 7, p. 29, lines 13-18, p. 40, lines 3-11; [T-216](#), p. 9, lines 2-3; P-1595: [CAR-OTP-2104-0274-R02](#) at 0290-0291, para. 87-88, 91; P-2018: [T-222](#), p. 14, line 14-p. 16, line 8; D29-5015: [T-255](#), p. 72, lines 19-25, p. 73, lines 11-22; [CAR-OTP-2117-0687](#) at 0687-0688; [CAR-OTP-2001-2237](#) at 2245-2246; [CAR-OTP-2055-1987](#) at 2159; [CAR-OTP-2019-3120](#); [CAR-OTP-2001-0409](#) at 0411, para. 11.

<sup>28</sup> Rule 145(2)(b)(ii).

supportive of the Seleka, based on their real or presumed ethnic or religious identity and/or political association.

**D. Absence of mitigating factors**

26. There are no mitigating factors for either of the Accused under rule 145(2)(a). Moreover, neither has demonstrated any remorse or acknowledgement of their unlawful participation in the crimes charged against them, respectively.

**IV. CONCLUSION**

27. Given the gravity of the crimes against humanity and war crimes for which the Accused are responsible, their respective degree of participation and intent, and the relevant aggravating factors, the Prosecution respectfully requests the imposition of a joint sentence of imprisonment of not less than **22** years for YEKATOM, and not less than **20** years for NGAISSONA.



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

Dated this 31<sup>st</sup> of December 2024  
At The Hague, the Netherlands