

**Cour
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**International
Criminal
Court**

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

Date: **26 September 2025**

THE APPEALS CHAMBER

Before: Judge Solomy Balungi Bossa, Presiding
Judge Luz del Carmen Ibáñez Carranza
Judge Gocha Lordkipanidze
Judge Kimberly Prost
Judge Erdenebalsuren Damdin

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR v.*
*ALFRED ROMBHOT YEKATOM & PATRICE-EDOUARD NGAÏSSONA***

Public

Yekatom Defence Notice of Appeal against the Judgment (ICC-01/14-01/18-2784-Conf)

Source: Defence for Mr. Alfred Rombhot Yekatom

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I. INTRODUCTION

1. In accordance with Rule 150(1) of the Rules of Procedure and Evidence and Regulation 57 of the Regulations of the Court, the Defence for Mr. Yekatom hereby provides its notice of appeal against the Judgment rendered on 24 July 2025,¹ whereby Trial Chamber V: (i) convicted Mr. Yekatom pursuant to Article 74 in relation to twenty counts;² and (ii) sentenced him to fifteen years imprisonment pursuant to Article 76.
2. With the exception of Count 29, the Judgment was overwhelmingly adverse to Mr. Yekatom. The Defence accordingly directs this appeal to the entirety of the Judgment, both in respect of conviction and sentence, pursuant to Articles 81(1)(b) and 81(2)(a) respectively.
3. The grounds of appeal are categorised into eight (8) parts:
 - i. Part A: Errors in the Treatment and Assessment of Evidence
 - ii. Part B: Procedural Errors Affecting Fairness and Reliability
 - iii. Part C: Errors in Exceeding the Parameters of the Confirmed Charges
 - iv. Part D: Errors in the Attribution of Responsibility to Mr. Yekatom
 - v. Part E: Errors on Chronology, Temporal and Geographical Context
 - vi. Part F: Errors in Failing to Consider the Context of the NIAC
 - vii. Part G: Errors in Findings on Specific Crimes
 - viii. Part H: Errors in Sentencing
4. As set out further below, and with the exception of Part B, each part addresses legal errors materially affecting and invalidating the conviction and/or factual errors due to findings that no reasonable trier of fact could have found. Part B concerns procedural errors which materially affect the conviction, in that absent such errors, the Judgment would have been substantially different. In each Part, the Defence identifies the grounds and sub-grounds of appeal, specifying the type of error alleged and its impact.³ Given the cumulative nature of

¹ ICC-01/14-01/18-2784-Conf.

² Count 1 (Article 8(2)(e)(i)), Count 2 (Article 7(1)(a)), Count 3 (Article 8(2)(c)(i)), Count 4 (Article 7(1)(d)), Count 5 (Article 8(2)(e)(viii)), Count 6 (Article 8(2)(e)(iv)), Count 8 (Article 7(1)(h)), Count 11 (Article 7(1)(k)), Count 12 (Article 7(1)(f)), Count 13 (Article 8(2)(c)(i) war crime of cruel treatment and war crime of torture), Count 14 (Article 7(1)(e)), Count 15 (Article 7(1)(a)), Count 16 (Article 8(2)(c)(i)), Count 17 (Article 7(1)(h)), Count 24 (Article 7(1)(d)), Count 25 (Article 8(2)(e)(viii)), Count 26 (Article 7(1)(a)), Count 27 (Article 8(2)(c)(i)), and Count 28 (Article 7(1)(h)).

³ In accordance with Regulation 57(e), noting further the distinct requirements for the appeals brief as set out in Regulation 58. See further, ICC-01/12-01/18-2657, *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Decision on the 'Prosecution Request regarding the Defence Notice of Appeal', 21 October 2024, paras. 14 – 16.

the identified errors, the Defence emphasises that many of the errors recur across multiple Parts and will be cross-referenced in the Appeal Brief.

5. Given the errors identified, the Defence seeks the reversal of all twenty convictions and the immediate release of Mr. Yekatom. In the alternative, and in accordance with Article 83(2) of the Statute, the Defence requests the Appeals Chamber to amend and reduce each of the individual sentences and the joint sentence.
6. Finally, the Defence recalls the Appeals Chamber's recent directions that the Defence may 'seek a variation under Regulation 61 of the Regulations, within 14 days of the receipt of the translation of the last essential portion of the Trial Decision, should such translation not be available at the time when the Defence teams file their respective notices of appeal'.⁴ As the Registry has subsequently indicated, those translations are expected at the earliest in December 2025, i.e. after the current deadline for the appeal briefs.⁵ This creates a risk of multiple cross-briefs and an unworkable schedule. In this respect, to date the Defence has received 238 paragraphs identified by it as essential paragraphs,⁶ and has yet to receive translations concerning, *inter alia*, a significant portion of the factual findings and evidentiary analysis, the entirety of the legal characterisation including findings on individual criminal responsibility, or any portion of the sentencing section.⁷ Mr. Yekatom's instructions are therefore necessarily limited and piecemeal, reflecting the staggered manner in which translations are being received. Further, the most recent translations were only provided on 19 September 2025, and the Defence has not yet been able to obtain fully informed and meaningful instructions on those sections.⁸
7. Accordingly, the Defence maintains its right to amend this notice following the provision of the translation of the essential portions of the Judgment and gives advance indication of its intention to seek an extension of the deadline for filing the appeal brief early next week for the reasons that will be set out in its forthcoming request.

⁴ ICC-01/14-01/18-2794, para. 12.

⁵ ICC-01/14-01/18-2799, para. 10. The Registry's observations were filed on 14 August 2025 i.e. two weeks after the Appeals Chamber scheduled the filing of the appeals brief on 25 November 2025.

⁶ The Defence has received the following requested essential paragraphs: 219-222, 223-232, 233-255, 256-265, 266-273, 274-285, 297-307, 322-329, 330-337, 355-364, 374-389, 639-647, 653-660, 662-680, 1059-1106 and 1166-1209. The translated paragraphs do not include footnotes.

⁷ There are 2594 outstanding requested essential paragraphs: 27-68, 69-80, 81-88, 89-112, 113-125, 400-402, 441-445, 723-751, 1210-1326, 1481-1647, 1717-1737, 1853-1893, 1911-1921, 2091-2114, 2115-2131, 2182-2191, 2237-2241, 2279-2759, 2790-2795, 3038-3296, 3297-3682, 4007-4026, 4233-4277, 4344-4369, 4416-4439 and 4440-4666.

⁸ See also ICC-01/14-01/18-2789, para. 19 in relation to constraints to book sufficient detention visits with Mr. Yekatom in order to obtain informed instructions.

II. SUMMARY OF CHALLENGED FINDINGS

8. The grounds of appeal all relate to material facts which underpin, and are indispensable to, each conviction. The Defence submits that Trial Chamber V fundamentally erred in its overarching narrative of events, adopting findings that mischaracterised the nature of the ‘Anti-Balaka’ and the objectives of the RFACPP, overstated Mr. Yekatom’s role and authority, and wrongly attributed to him knowledge, intent, and responsibility for crimes not established beyond reasonable doubt.
9. Contrary to the Trial Chamber’s conclusions, the Anti-Balaka was not a homogenous and unified movement represented as a single entity before national and international authorities. Nor can Mr. Yekatom or the RFACPP be properly characterised as part of such a ‘movement’ during the charged period. The Chamber further erred in finding that Mr. Yekatom perceived Muslims collectively as Seleka or as complicit in Seleka abuses, and that he had knowledge that the ‘Anti-Balaka’ targeted Muslims in western CAR on this basis.
10. The Trial Chamber also erred in its portrayal of Mr. Yekatom’s authority within the RFACPP. It wrongly concluded that he had assumed uncontested leadership, that Cœur de Lion acted as his deputy (without further reasoning as to the functions of this position), and that he exercised undisputed authority over Cœur de Lion, Alkanto, Bojos and others. In addition, the Trial Chamber mischaracterised his conduct by attributing to him instructions to kill Muslims and by finding that RFACPP members received no training in international humanitarian law, including the principle of distinction.
11. In relation to the so-called ‘Bangui Attack’ (Counts 1–8), the Trial Chamber’s errors extended to its findings on coordination and intent. It wrongly held that Mr. Yekatom liaised with Maxime Mokom and other ‘Anti-Balaka’ groups to coordinate the advance on Bangui, that he knew of the advance and the accompanying hostilities and displacement of Muslims, and that his 5 December 2013 instructions encompassed attacks on Muslim traders at the Boeing market. The Chamber also misconstrued the content and context of purported instructions, treating them as authorising killings on the basis of anti-Muslim sentiment rather than considering the military context of the operation.
12. These errors culminated in findings that Mr. Yekatom personally launched the Boeing attack, that the RFACPP fired indiscriminately at Muslim traders, and that those traders had not lost their protected civilian status. The Trial Chamber further erroneously concluded that Mr. Yekatom instructed an attack on the Boeing Mosque using a rocket and gasoline, that

RFACPP members killed a ‘Muslim man’ – without further consideration of any loss of protected status – in Cattin solely because he was identified as an ‘Arab’, and that the majority of Muslims from Boeing and Cattin fled Bangui as a result. It attributed to Mr. Yekatom coercive acts that allegedly caused the displacement and prevented the return of Muslims to PK5 and beyond.

13. Similar errors are evident in relation to the Yamwara events (Counts 11–17). The Chamber wrongly placed Mr. Yekatom at the centre of authority at the Yamwara base, describing him as overall chief responsible for all activities including punishment and discipline, and attributing to him authority over elements of the Gobere group. It further erred in finding that the checkpoints surrounding the base were established and operated for an unlawful purpose, rather than considering their legitimate security functions in the conflict context.
14. On this basis, the Trial Chamber erroneously found that seven individuals apprehended at Yamwara were targeted because they were perceived as Muslims – and not because they were perceived to be a security threat – and that Mr. Yekatom knew of, approved, and encouraged their treatment. It further mischaracterised his attempts to secure the release of the Lapo family as ‘disingenuous’.
15. With respect to the PK9–Mbaïki axis (Counts 24–28), the Trial Chamber’s findings were inconsistent and unfounded. On the one hand, it concluded that Mr. Yekatom entered into a plan with Cœur de Lion and Alkanto to instruct killings along the road; on the other hand, it simultaneously found that Mr. Yekatom acted as the undisputed leader and subjugated the will of all of the purported Anti-Balaka ‘elements’ operating in the area. The Chamber further erred by conflating actions aimed at driving out Seleka forces with actions directed against the Muslim civilian population, thereby mischaracterising the objective and intent of operations along the axis.
16. The Trial Chamber also erred in attributing to Mr. Yekatom responsibility for the departure of Muslims from Mbaïki. It misrepresented both the timing and circumstances of the decision to evacuate the Muslim population, as well as the reasons for which civilians left their homes. In particular, the Chamber incorrectly treated checkpoints as having an unlawful purpose, mischaracterised Mr. Yekatom’s peace messages and preventive measures as disingenuous and relied on claims of threats and uninhabitable conditions in Mbaïki that were not established to the requisite standard to establish coercive acts.

17. Finally, the Chamber erred in its findings regarding the death of Djido Saleh. It wrongly attributed responsibility for threats and the subsequent killing to RFACPP members, concluded that he was targeted because he was Muslim, and mischaracterised the surrounding circumstances, including issues related to his burial.

III. NOTICE OF GROUNDS OF APPEAL

A. PART A: ERRORS IN THE TREATMENT AND ASSESSMENT OF EVIDENCE

18. Part A is divided into five grounds namely:

- i. A.1 – Failure to provide a reasoned opinion in the assessment of evidence
- ii. A.2 – Errors in the Trial Chamber’s improper reversal of the burden of proof
- iii. A.3 – Errors of fact in the Trial Chamber’s assessment of the evidence
- iv. A.4 – Failure to assess the evidence and party submissions holistically
- v. A.5 – Cumulative errors in the assessment of evidence giving rise to a reasonable apprehension of bias

19. Part A addresses legal and factual errors in the Trial Chamber’s treatment and assessment of evidence. These include the failure to provide a reasoned opinion, the improper reversal of the burden of proof, errors of fact in the assessment of testimony and documents, the failure to assess the evidence and submissions holistically, and cumulative errors giving rise to a reasonable apprehension of bias. Taken together, these errors demonstrate a pattern of flawed evidentiary reasoning, inconsistent application of standards, and selective engagement with the record. They materially affect the Judgment as they undermine the reliability of the Chamber’s factual conclusions, the fairness of its evidentiary process, and the overall integrity of its findings.

20. Ground A.1 concerns the Trial Chamber’s failure to provide a reasoned opinion in its assessment of the evidence. The identified legal and/or factual errors include: reliance on unanalysed witness summaries and circular cross-referencing; inconsistent treatment of comparable evidentiary factors; improper reliance on witness opinion evidence; insufficient consideration of credibility; unreasoned reliance on testimony contradicted by equally credible or reliable evidence; unreasoned discounting of exculpatory material; unsupported inferences lacking a proper evidentiary basis; omission of reasoning with respect to specific categories of documentary evidence; and reliance on ambiguous or imprecise language. Taken together, these errors demonstrate that, despite the Judgment’s extraordinary length

(1,649 pages), it failed to provide adequate reasoning as required by Article 74(5), materially affecting the reliability of the findings.

21. Ground A.2 concerns the Trial Chamber's improper reversal of the burden of proof. The errors include drawing adverse inferences against Mr. Yekatom in the absence of Prosecution proof and resolving ambiguities or evidentiary gaps against him through unreasonable inferences. These errors invert the presumption of innocence and materially affect the Judgment, as they allowed unproven allegations to be treated as established facts.
22. Ground A.3 concerns errors of fact in the Trial Chamber's assessment of the evidence. These include: misstatements of witness testimony; reliance on imprecise or inaccurate English translations over the French and Sango originals; erroneous findings on documentary evidence, including the misapplication of principles governing call data records, audio and video recordings, and reports from non-governmental and international organisations; mischaracterisation of circumstantial evidence; mischaracterisation of the evidence as corroborated; erroneous chronological findings. These errors materially affect the Judgment, as they undermine the accuracy and reliability of the Chamber's factual conclusions.
23. Ground A.4 concerns the Trial Chamber's failure to assess the evidence and Defence submissions holistically. The errors include: a fragmented assessment of testimonial evidence, whereby witness accounts were considered in isolation rather than in their broader evidentiary context; a fragmented assessment of witness credibility; and a piecemeal treatment and mischaracterisation of Defence submissions, with selective engagement that failed to reflect the arguments advanced. These errors materially affect the Judgment, as they demonstrate a pattern of compartmentalised reasoning that distorted the overall evidentiary picture.
24. Ground A.5 addresses cumulative legal and/or factual errors throughout the Chamber's findings that, taken together, give rise to a reasonable apprehension of bias. These include the Chamber's assessment of evidence marked by: the selective reliance on weak or unreliable evidence whilst disregarding exculpatory testimony; repeated distortion of witness testimony through misstatements and misquotations, omission of context and clarifications, or imprecise translation; inconsistent treatment of similarly situated witnesses; failure to engage with, or mischaracterisation of, Defence submissions and evidence; and mischaracterisation of documentary evidence. Taken with other identified legal errors, these collective errors demonstrate a pattern of partial and unbalanced evaluation of the record which materially undermined the fairness and reliability of the Judgment. Moreover, the

cumulative nature of these errors shows that the problem is systemic, not isolated, and has a cascading effect on many, if not all, of the other grounds of appeal, giving rise to a reasonable apprehension that the Chamber's broader factual, legal, and procedural findings were also affected.

B. PART B: PROCEDURAL ERRORS AFFECTING THE FAIRNESS AND RELIABILITY OF PROCEEDINGS

25. Part B concerns procedural errors that undermined the fairness and reliability of the proceedings. It addresses a single ground: errors in the treatment of Defence rights and submissions. These errors materially affect the Judgment and fall into two strands: (i) the mischaracterisation of Defence cross-examination – including restrictive oral rulings therein- and witness clarifications; and (ii) the improper reliance on evidence not properly admitted.
26. Ground B.1.i addresses the mischaracterisation of Defence cross-examination – including restrictive oral rulings therein – and witness clarifications. These errors distorted the scope and effect of the Defence's right to examine witnesses. These errors materially affect the Judgment as they undermined the fairness of the proceedings and the weight given to Defence challenges to the Prosecution's case.
27. Ground B.1.ii addresses the improper reliance on evidence not properly admitted. This includes the Chamber's reliance on prior recorded statements of Prosecution witnesses without compliance with the applicable evidentiary framework, and on reports which the Chamber had expressly rejected as testimonial evidence. By relying on material outside the admitted case record, the Chamber entered inconsistent procedural rulings and deprived the Defence of a fair opportunity to challenge the content and reliability of that evidence. These errors materially affect the Judgment as they resulted in findings based on evidence that fell outside the scope of adversarial testing, thereby undermining the reliability of the findings.

C. PART C: ERRORS IN EXCEEDING THE PARAMETERS OF THE CONFIRMED CHARGES

28. Part C is divided into five grounds:

- i. C.1 – Improper expansion and recharacterisation of the factual basis beyond the confirmed charges
- ii. C.2 – Erroneous treatment of material facts as subsidiary findings
- iii. C.3 – Unlawful conviction for direct perpetration not confirmed

- iv. C.4 – Errors in expanding the scope of the common plan beyond the confirmed charges
- v. C.5 – Errors in recharacterising Mr. Yekatom’s ‘essential contribution’

29. Part C addresses legal and/or factual errors where the Trial Chamber exceeded the parameters of the confirmed charges. These errors include: the improper expansion and recharacterisation of the factual basis beyond what was confirmed; the erroneous treatment of material facts as subsidiary findings; the unlawful conviction for direct perpetration, a mode of liability not confirmed; the inclusion of individuals in the common plan under Article 25(3)(a) who were not explicitly named in the confirmed charges as participants in that plan; and the recharacterisation of Mr. Yekatom’s alleged ‘essential contribution’ beyond the facts and circumstances pleaded. Collectively, these errors materially affect the Judgment because they alter the contours of the case confirmed for trial, expand the scope of criminal responsibility without following the procedures under Article 61(9) or Regulation 55, and thereby undermine the fairness and legality of the convictions.
30. Ground C.1 concerns the improper expansion and recharacterisation of the factual basis beyond the confirmed charges. The Trial Chamber relied on allegations and findings outside the scope of the confirmed case, attributing acts and consequences to Mr. Yekatom that had not been pleaded or confirmed. This recharacterisation not only affected discrete findings but reshaped the narrative of the case as a whole, altering the portrayal of Mr. Yekatom’s role and the nature of his alleged contribution. This error materially affects the Judgment because it broadened the factual framework for conviction beyond what was lawfully before the Chamber and permeated its overall reasoning.
31. Ground C.2 concerns the erroneous treatment of material facts as subsidiary findings. The Trial Chamber altered the material facts by erroneously considering them to be subsidiary facts, only to then rely on these altered facts beyond the scope of the charges to support their convictions. By treating these material facts as subsidiary, the Chamber failed to establish them to the requisite standard of proof yet still used them as the basis for essential findings. This error materially affects the Judgment because it obscured the scope of the case and distorted the evidentiary foundation of the convictions.
32. Ground C.3 concerns Mr. Yekatom’s unlawful conviction for direct perpetration, a mode of liability not confirmed by the Pre-Trial Chamber in relation to Counts 1, 4, 5 and 8. This error materially affects the Judgment, as it resulted in conviction under a form of liability that fell outside the scope of the charges.

33. Ground C.4 concerns errors in expanding the scope of the common plan beyond the confirmed charges. The Trial Chamber erred in including individuals as members of the common plan under Article 25(3)(a) who were not explicitly named in the confirmed charges as participants in that plan. This amounted to an impermissible expansion of the charges, which could only have been effected through amendment under Article 61(9) or recharacterisation under Regulation 55. Moreover, even if the Chamber considered itself not obliged to recharacterise, it erred by failing to put the Defence on notice of material facts associated with the particular form of participation, including the fact that it intended to rely on individuals such as Alkanto as part of the plan. The absence of notice deprived the Defence of the opportunity to address this allegation, and materially affected the Judgment as it altered the contours of the alleged plan and the attribution of responsibility to Mr. Yekatom.
34. Ground C.5 concerns errors in recharacterising Mr. Yekatom's 'essential contribution' under Article 25(3)(a). The Trial Chamber altered and expanded the acts said to constitute his contribution beyond those alleged and confirmed, thereby re-shaping the basis of liability without proper notice or procedure. This error materially affects the Judgment because it changed the legal and factual foundation of Mr. Yekatom's responsibility and underpinned the convictions entered against him.

D. PART D: ERRORS IN THE ATTRIBUTION OF RESPONSIBILITY TO MR. YEKATOM

35. Part D concerns eight grounds:

- i. D.1 – The Trial Chamber erred in finding that the Anti-Balaka was one 'movement'
- ii. D.2 – The Trial Chamber erred in finding that Mr. Yekatom was 'Anti-Balaka'
- iii. D.3 – The Trial Chamber erred in finding that Mr. Yekatom targeted the Muslim population
- iv. D.4 – The Trial Chamber erred in finding that Mr. Yekatom exercised control over the RFACPP
- v. D.5 – The Trial Chamber erred in finding that Mr. Yekatom entered into a common plan with Cœur de Lion and Alkanto
- vi. D.6 – The Trial Chamber erred in finding that Mr. Yekatom had gained 'effective control' of the entirety of the PK9-Mbaïki axis and the Lobaye prefecture
- vii. D.7 – The Trial Chamber erred in finding that Mr. Yekatom made an essential contribution to the crimes
- viii. D.8 – The Trial Chamber erred in its findings on Mr. Yekatom's *mens rea*

36. Part D addresses legal and/or factual errors in the attribution of responsibility to Mr. Yekatom. The Trial Chamber's findings on the structure of the Anti-Balaka, Mr. Yekatom's alleged membership and leadership roles, his supposed targeting intent, and the scope of his authority and contribution formed the foundation of the Judgment. The Defence submits that the Chamber misapplied the legal standards for identifying an organisation, overstated Mr. Yekatom's authority, and mischaracterised his intent and conduct. In particular, the Chamber erred in attributing to Mr. Yekatom acts as if they were carried out in furtherance of a unified organisational policy or common objective, or that Mr. Yekatom acted in furtherance of it. These errors materially affect the Judgment because they underpin the attribution of individual criminal responsibility, the legal characterisation of his acts, and ultimately the convictions entered against him.
37. Ground D.1 concerns the Chamber's finding that the Anti-Balaka was one movement. The Chamber misapplied the legal standard for identifying an 'organisation' and committed factual errors by collapsing disparate groups into a single entity with purportedly unified objectives and organisational policy, when in fact such unity did not exist. This materially affected the Judgment as it formed the foundation for attributing collective responsibility.
38. Ground D.2 concerns the Chamber's finding that Mr. Yekatom was 'Anti-Balaka'. The Chamber erred in treating the RFACPP as structurally integrated within the Anti-Balaka, in equating isolated coordination or overlap with organisational membership, and in conflating perception with actual participation. In particular, it failed to appreciate the ambiguity in the use of the label 'anti-balaka', including instances where civilians or locals described themselves or others as 'anti-balaka' despite their not belonging to any structured group, where witnesses assumed that such individuals were part of Mr. Yekatom's RFACPP, and where witnesses equated Mr. Yekatom with the Anti-Balaka. These errors materially affected the Judgment by artificially situating Mr. Yekatom within a wider movement without evidentiary support and by attributing to him responsibility on the basis of ambiguous and unreliable labelling.
39. Ground D.3 concerns the Chamber's finding that Mr. Yekatom targeted the Muslim civilian population. The Chamber erred in finding that Mr. Yekatom perceived all Muslims to be Seleka, in finding that he gave instructions to kill Muslims, that his instructions encompassed the targeting of Muslim civilians, in treating alleged failures to train elements in international humanitarian law as evidence of targeting intent, and in mischaracterising his cooperation with international forces. The Chamber further erred in concluding that Mr. Yekatom's 'goal

of chasing out the Seleka' necessarily included Muslim civilians, thereby collapsing Seleka fighters and Muslim civilians into a single category. These errors materially affected the Judgment by construing his intent and actions as discriminatory when the evidence did not support such a conclusion.

40. Ground D.4 concerns the Chamber's finding that Mr. Yekatom exercised control over all RFACPP members. The Chamber erred in finding that he was the undisputed leader, in its findings as to the membership of the RFACPP, in attributing alleged failures to discipline or sanction members, and in concluding that he subjugated the will of RFACPP members, including Cœur de Lion and Alkanto. These errors materially affected the Judgment by overstating his authority and control.
41. Ground D.5 concerns the Chamber's finding that Mr. Yekatom entered into a common plan with Cœur de Lion and Alkanto. This error materially affected the Judgment as it improperly attributed joint responsibility on the basis of an unfounded agreement and without establishing the requisite mental elements.
42. Ground D.6 concerns the Chamber's finding that Mr. Yekatom had 'effective control' over the PK9–Mbaïki axis and the Lobaye prefecture. This error materially affected the Judgment by expanding his alleged sphere of authority beyond what was established by the evidence.
43. Ground D.7 concerns the Chamber's finding that Mr. Yekatom had control over their crimes including by making an essential contribution to the crimes. This error materially affected the Judgment by elevating his alleged role and imputing liability without adequate evidentiary foundation.
44. Ground D.8 concerns the Chamber's findings on Mr. Yekatom's *mens rea*. The Chamber erred in its conclusions regarding his knowledge and intent, materially affecting the Judgment as these findings were indispensable to the legal characterisation of his responsibility.

E. PART E: ERRORS IN THE TRIAL CHAMBER'S FINDINGS ON CHRONOLOGY, TEMPORAL AND GEOGRAPHICAL CONTEXT

45. Part E concerns nine grounds:

- i. E.1 – Errors in failing to establish the sequence of events underlying the establishment of the 'Anti-Balaka' movement
- ii. E.2 – Errors in entering findings without establishing dates or the sequence of Mr. Yekatom's alleged membership and coordination with the Anti-Balaka

- iii. E.3 – Erroneous finding that Mr. Yekatom was the undisputed leader of the RFACPP
- iv. E.4 – Erroneous finding that Mr. Yekatom entered into a plan with Alkanto and Cœur de Lion absent any determination of timing or sequence
- v. E.5 – Erroneous finding that Mr. Yekatom encouraged targeting of Muslims absent any determination of timing or sequence
- vi. E.6 – Erroneous findings without establishing geographical context
- vii. E.7 – Erroneous finding on the timing of the decision to evacuate Muslims from Mbaïki
- viii. E.8 – Errors in findings on Mr. Yekatom’s effective control over bases and territory without establishing timing
- ix. E.9 – Erroneous findings in relation to Mr. Yekatom’s (and RFACPP’s) cooperation with international forces and efforts to ensure security

46. Part E addresses errors in the Chamber’s chronology, sequencing, and contextual findings.

These matters were central to the narrative of events, Mr. Yekatom’s alleged role, and the scope of his responsibility. The Chamber repeatedly entered findings without establishing when key events occurred, such as the decision to evacuate Muslims from Mbaïki, or without situating its conclusions on Mr. Yekatom’s authority and control within a defined temporal framework. By failing to specify the timing and sequence of events, or by attributing continuous and undefined control over bases and territory, the Chamber constructed an account of Mr. Yekatom’s leadership, coordination, and intent – as well as that of other RFACPP members – that was unsupported by the evidence. These errors materially affect the Judgment because they underpin the attribution of responsibility, the legal characterisation of his conduct, and the scope of the convictions entered.

47. Ground E.1 concerns errors in failing to establish the sequence of events underlying the development and evolution of the Anti-Balaka movement and knowledge of the organisational policy. These errors materially affect the Judgment by distorting the origins and nature of the organisation in which Mr. Yekatom was alleged to have played a role.

48. Ground E.2 concerns errors in findings on the timing and sequence of Mr. Yekatom’s alleged membership in, and coordination with, the ‘Anti-Balaka’. These errors materially affect the Judgment by attributing responsibility without situating his alleged involvement within a proven temporal framework.

49. Ground E.3 concerns the erroneous finding that Mr. Yekatom was the undisputed leader of the RFACPP. This error materially affects the Judgment by overstating his authority and influence without establishing when or how such leadership was exercised.

50. Ground E.4 concerns the erroneous finding that Mr. Yekatom entered into a plan with Cœur de Lion and Alkanto absent any determination of timing or sequence. This error materially affects the Judgment by imputing joint responsibility on the basis of an agreement not anchored in time or evidence.
51. Ground E.5 concerns the Chamber's erroneous finding that Mr. Yekatom encouraged the targeting of Muslims without establishing when this allegedly occurred or how it related in time to the commission of the charged crimes. This error materially affects the Judgment by attributing discriminatory intent without demonstrating the temporal or contextual framework in which such statements were allegedly made or conduct allegedly taken.
52. Ground E.6 concerns the Chamber's erroneous findings entered without establishing geographical context. The Trial Chamber entered findings on the existence of bases, localities, or structures without identifying their precise location or providing sufficient reasoning as to where they were situated. By failing to situate such findings within a clear geographical framework, the Chamber attributed a level of territorial control and organisational structure to Mr. Yekatom and others that was not supported by the evidence. This error materially affects the Judgment because it undermines the reliability of the Chamber's conclusions on the extent of control, the scope of operations, and the attribution of responsibility.
53. Ground E.7 concerns the Chamber's erroneous finding on the timing of the decision to evacuate Muslims from Mbaïki. The Chamber concluded that the evacuation was a 'foregone conclusion' by 30 January 2014 without determining when this conclusion was actually reached. By failing to establish the temporal framework for this finding, the Chamber attributed intent and responsibility without situating the decision in sequence with the relevant events. This error materially affects the Judgment because it undermines the reliability of the Chamber's conclusions regarding discriminatory purpose and the scope of Mr. Yekatom's liability.
54. Ground E.8 concerns the Chamber's erroneous findings that Mr. Yekatom exercised 'effective control' over the Yamwara base and the entirety of the PK9–Mbaïki axis, without specifying when such control was allegedly exercised or supported by evidence. These errors materially affect the Judgment as they overstate the scope of Mr. Yekatom's authority and responsibility by attributing continuous and undefined control.

55. Ground E.9 concerns erroneous findings in relation to Mr. Yekatom's (and the RFACPP's) cooperation with international forces to ensure security, and assistance to Muslim civilians. By failing to situate this conduct within its proper chronological and contextual framework, the Chamber mischaracterised his actions – as well as their impact – and his intent. This error materially affects the Judgment by disregarding evidence of cooperation inconsistent with the alleged plan and discriminatory purpose.

F. PART F: ERRORS IN FAILING TO CONSIDER THE CIRCUMSTANCES OF THE NON-INTERNATIONAL ARMED CONFLICT

56. Part F includes six grounds:

- i. F.1 – Failure to situate Mr. Yekatom's (and the RFACPP's) conduct and knowledge within the operational realities of the NIAC
- ii. F.2 – Failure to consider the legitimate security purposes of checkpoints
- iii. F.3 – Failure to contextualise troop movements and engagements against the Seleka
- iv. F.4 – Failure to properly assess civilian status
- v. F.5 – Failure to consider investigations and security measures during the conflict
- vi. F.6 – Failure to contextualise Mr. Yekatom's cooperation with international forces

57. Part F addresses the Trial Chamber's failure to situate Mr. Yekatom's conduct within the broader circumstances of the non-international armed conflict. By disregarding the operational realities of the conflict and misapplying core principles of international humanitarian law, the Chamber mischaracterised actions undertaken in a wartime setting as criminal conduct. These legal and/or factual errors materially affect the Judgment because they go to the assessment of the material elements of the offences, the legal characterisation of the conduct, and the scope of individual criminal responsibility.

58. Ground F.1 concerns the Chamber's failure to consider the operational realities of the non-international armed conflict. The Chamber mischaracterised Mr. Yekatom's (and the RFACPP's) actions such as reconnaissance missions, the establishment of checkpoints, and the movement of armed groups by treating them as inherently unlawful rather than recognising them as ordinary features of military operations in a non-international armed conflict. This error materially affects the Judgment because it distorted the legal characterisation of Mr. Yekatom's conduct, knowledge and the scope of his responsibility.

59. Ground F.2 concerns the Chamber's failure to consider the legitimate purposes of checkpoints. The Chamber disregarded their security and operational functions within the NIAC and further failed to assess the purposes of requisitioning or collecting funds at such

checkpoints, including the distinction between lawful wartime practices and criminal acts. These errors materially affect the Judgment because they resulted in a mischaracterisation of the nature and function of checkpoints and an improper attribution of criminal responsibility to Mr. Yekatom.

60. Ground F.3 concerns the Chamber's failure to contextualise troop movements and engagements against the Seleka within the operational dynamics of the conflict.
61. Ground F.4 concerns the Chamber's failure to properly assess civilian status under international humanitarian law. The Chamber erred by treating individuals engaged in ongoing or resumed participation in hostilities as civilians, contrary to the 'revolving door' principle, and by according civilian protection to unidentified individuals without sufficient evidentiary basis. These errors materially affect the Judgment because they distorted the determination of who qualified as a protected person and improperly expanded the scope of Mr. Yekatom's responsibility.
62. Ground F.5 concerns the Chamber's failure to consider security measures undertaken during the conflict, including investigations, apprehensions, and actions taken against suspected spies or threats. By mischaracterising such measures as unlawful rather than situating them within the framework of the NIAC, the Chamber distorted the legal assessment of Mr. Yekatom's (and the RFACPP's) conduct. This error materially affects the Judgment because it disregarded the security context in which these measures were undertaken and improperly attributed criminal motives.
63. Ground F.6 concerns the Chamber's failure to contextualise Mr. Yekatom's cooperation with international forces, disregarding evidence inconsistent with the alleged plan or discriminatory purpose.

G. PART G: ERRORS IN THE TRIAL CHAMBER'S FINDINGS ON THE SPECIFIC CRIMES

64. Part G includes twelve grounds:

- i. G.1 – Errors in relation to Count 1 (Article 8(2)(e)(i) – Directing an attack against the civilian population)
- ii. G.2 – Errors in relation to Counts 2 and 3 (Article 7(1)(a)/Article 8(2)(c)(i) – Murder as CAH/WC)
- iii. G.3 – Errors in relation to Count 4 (Article 7(1)(d) – Forcible transfer and deportation)
- iv. G.4 – Errors in relation Counts 5 and 25 (Article 8(2)(e)(viii) – Displacement)

- v. G.5 – Errors in relation to Count 6 (Article 8(2)(e)(iv) – Directing attack against religious building)
- vi. G.6 – Errors in relation to Counts 12 and 13 (Article 7(1)(f)/Article 8(2)(c)(i)-4 – Torture as CAH/WC)
- vii. G.7 – Errors in relation to Counts 15 and 16 (Article 7(1)(1)/Article 8(2)(c)(i) – Murder as CAH/WC)
- viii. G.8 – Errors in relation to Counts 11 and 12 (Article 7(1)(1)(f)/Article 8(2)(c)(i)-3– Other inhumane acts as CAH/Cruel treatment as WC)
- ix. G.9 – Errors in relation to Count 14 (Article 7(1)(e) – Imprisonment)
- x. G.10 – Errors in relation to Counts 26 and 27 (Article 7(1)(a)/Article 8(2)(c)(i) – Murder as CAH/WC)
- xi. G.11 – Errors in relation to Count 24 (Article 7(1)(d) – Forcible transfer and deportation)
- xii. G. 12 – Errors in relation to Counts 8, 17 and 28 (Article 7(1)(h) – Persecution)

65. Part G addresses legal and/or factual errors in the Trial Chamber’s findings on the specific crimes charged. These errors concern not only the assessment of evidence, but also the legal characterisation of the material facts identified earlier in this Notice. Across multiple counts, the Chamber relied on uncorroborated or unreliable evidence, applied incorrect legal standards, and failed to establish essential elements such as the identity of perpetrators, the civilian or protected status of victims, the nexus to the armed conflict, and discriminatory intent. In doing so, the Chamber incorrectly treated contested or insufficient facts as satisfying the elements of the offences and the modes of liability.

66. In addition, the Defence challenges the Trial Chamber’s findings on *mens rea* across the crimes of conviction. The Chamber failed to establish beyond reasonable doubt the requisite intent or knowledge, and instead inferred these elements from contextual factors, speculative reasoning, or insufficient evidence. These errors materially affect the Judgment as *mens rea* is an indispensable element of each offence and mode of liability, and the Chamber’s flawed findings undermine the legal basis of the convictions as a whole.

67. Ground G.1 concerns errors in relation to Count 1 (Article 8(2)(e)(i) – directing an attack against a civilian population). This includes: the Chamber’s erroneous interpretation and application of the law, its assessment of the evidence, and its factual findings. In particular, the Chamber entered findings that Mr. Yekatom directed an attack against civilians, relied on unsubstantiated allegations, applied incorrect legal standards regarding the definition and object of an ‘attack’, and attributed liability on a mode not confirmed by the Pre-Trial Chamber. These errors materially affect the conviction entered under Count 1.

68. Ground G.2 concerns errors in relation to Counts 2 and 3 (Article 7(1)(a)/Article 8(2)(c)(i) – murder as crimes against humanity and war crimes). This includes: the Chamber’s failure to establish that the alleged victims were in fact killed or that they died as a result of the injuries sustained; failure to establish the identity and/or group membership of the perpetrators and the protected status of the alleged victims; its misapplication of the standard for participation in hostilities and self-defence; and, in relation to Article 7(1)(a), its failure to establish the contextual requirements. These errors materially affect the convictions entered under Counts 2 and 3.
69. Ground G.3 concerns errors in relation to Count 4 (Article 7(1)(d) – forcible transfer and deportation). This includes: the Chamber’s failure to establish the contextual requirements, misattribution of the coercion and displacement to Mr. Yekatom, failure to consider whether victims had a genuine choice, failure to establish that the alleged transfer or deportation was unlawful under the applicable legal framework, failure to establish a sufficient evidentiary basis and its reversal of the burden of proof in relation to military necessity. These errors materially affect the conviction entered under Count 4.
70. Ground G.4 concerns errors in relation to Counts 5 and 25 (Article 8(2)(e)(viii) – displacement). This includes: the Chamber’s failure to prove the existence of an ‘order’, failure to establish that the alleged displacement was unlawful under the applicable legal framework; failure to exclude justification by security of civilians or military necessity, mischaracterisation of Mr. Yekatom’s ability to effect displacement, and failure to situate the displacement within the NIAC context. These errors materially affect the conviction entered under Counts 5 and 25.
71. Ground G.5 concerns errors in relation to Count 6 (Article 8(2)(e)(iv) – directing an attack against a religious building). This includes: the Chamber’s reliance on weak and uncorroborated evidence, whilst disregarding exculpatory evidence, to find that the Boeing Mosque was attacked by the RFACPP, entering contradictory findings about its destruction, and failure to distinguish properly between the alleged attack and subsequent damage. These errors materially affect the conviction entered under Count 6.
72. Ground G.6 concerns errors in relation to Counts 12 and 13 (Article 7(1)(f)/Article 8(2)(c)(i)-4 – torture as crimes against humanity and war crimes). This includes: the Chamber’s failure to establish the contextual requirements, misapplication of the specific-purpose requirement, failure to address the evidentiary threshold in cases of mixed purposes, failure to establish nexus to the armed conflict, reliance on untested and unreliable

statements, and overstating Mr. Yekatom's knowledge and contribution. These errors materially affect the convictions entered under Counts 12 and 13.

73. Ground G.7 concerns errors in relation to Counts 15 and 16 (Article 7(1)(a)/Article 8(2)(c)(i) – murder as crimes against humanity and war crimes). This includes: the Chamber's failure to establish the contextual requirements, and reliance on findings unsupported by evidence. These errors materially affect the convictions entered under Counts 15 and 16.
74. Ground G.8 concerns errors in relation to Counts 11 and 12 (Article 7(1)(f)/Article 8(2)(c)(i)-3 – other inhumane acts as crimes against humanity and cruel treatment as a war crime). This includes: the Chamber's failure to establish the contextual requirements, failure to apply the severity threshold consistently, misapplication of the requirement of deliberate infliction of suffering, failure to establish contextual requirements, and overstating Mr. Yekatom's contribution. These errors materially affect the convictions entered under Counts 11 and 12.
75. Ground G.9 concerns errors in relation to Count 14 (Article 7(1)(e) – imprisonment). This includes: the Chamber's failure to establish the contextual requirements, failure to consider the conflict and security context, entering circular errors in assessing the brevity of detention, the lawfulness of detention, the provision of procedural guarantees, and failure to account for conflict-related delays in handover, and overstating Mr. Yekatom's control and intent. These errors materially affect the conviction entered under Count 14.
76. Ground G.10 concerns errors in relation to Counts 26 and 27 (Article 7(1)(a)/Article 8(2)(c)(i) – murder as crimes against humanity and war crimes). This includes: the Chamber's failure to establish the contextual requirements, failure to establish the identity and/or group membership of the perpetrators, improperly inferring affiliation with the RFACPP from prior membership. These errors materially affect the convictions entered under Counts 26 and 27.
77. Ground G.11 concerns errors in relation to Count 24 (Article 7(1)(d) – forcible transfer and deportation) This includes: the Chamber's failure to establish the contextual requirements, misattribution of coercive acts, failure to establish the basis for multiple displacements, failure to determine whether victims had a genuine choice, failure to consider whether Mr. Yekatom hampered or prevented returns, failure to establish a sufficient evidentiary basis and its reversal of the burden of proof in relation to military necessity. These errors materially affect the conviction entered under Count 24.

78. Ground G.12 concerns errors in relation to Counts 8, 17 and 28 (Article 7(1)(h) – persecution). This includes: the Chamber’s failure to establish discriminatory intent, failure to identify acts as discriminatory in fact and law, misapplication of the nexus between acts and group identity, failure to apply the high threshold of severity, failure to provide a reasoned opinion on the scope of the persecuted group, and reversal of the burden of proof. These errors materially affect the convictions entered under Counts 8, 17 and 28.

H. PART H: ERRORS IN THE DETERMINATION OF SENTENCE

79. Part H concerns six grounds:

- i. H.1 – Error in the Trial Chamber’s interpretation and application of Article 76
- ii. H.2 – Errors in the Trial Chamber’s assessment of aggravating factors
- iii. H.3 – Errors in the Trial Chamber’s assessment of mitigating factors
- iv. H.4 – Errors in the Trial Chamber’s assessment of Mr. Yekatom’s individual circumstances
- v. H.5 – Errors in the Trial Chamber’s assessment of the gravity of the crimes (general)
- vi. H.6 – Errors in the Trial Chamber’s determination of the individual sentences for each crime

80. Part H addresses errors in the Trial Chamber’s determination of sentence. The Chamber misinterpreted and misapplied Article 76 and Rule 145, overstated aggravating factors, minimised or excluded mitigating circumstances, and misapplied principles relevant to Mr. Yekatom’s individual circumstances and the overall gravity of the crimes. In doing so, it relied on inconsistent reasoning, imported facts not established beyond reasonable doubt, and mischaracterised Mr. Yekatom’s conduct and authority. These errors materially affect the Judgment as they undermine the legality, proportionality, and fairness of the sentence imposed.

81. Ground H.1 concerns the Chamber’s error in its interpretation and application of Article 76, which distorted the framework for determining the joint sentence.

82. Ground H.2 concerns errors in the assessment of aggravating factors, including the misapplication of discriminatory motive, use of overlapping factors already charged and convicted under persecution, and reliance on aggravating circumstances not established beyond reasonable doubt.

83. Ground H.3 concerns errors in the assessment of mitigating factors. The Chamber failed to give proper weight to Mr. Yekatom’s peace efforts, his assistance to victims, and the conflict context of his conduct. It further failed to consider evidence that his immediate family are

Muslim, a factor that contradicts the Chamber's portrayal of discriminatory intent and should have been treated as mitigating. In addition, the Chamber gave no or minimal weight to hardships linked to Mr. Yekatom's detention, which, irrespective of attribution, should have been taken into account as mitigation at sentencing.

84. Ground H.4 concerns errors in the assessment of Mr. Yekatom's individual circumstances and the application of sentencing principles. The Chamber failed to accord proper weight to his cooperation with the Court, his lack of prior convictions, and his rehabilitation. It further erred by dismissing the impact of delays and prolonged detention when applying Article 78 and Rule 145, and by over-emphasising deterrence rather than conducting an individualised assessment of sentence.
85. Ground H.5 concerns errors in the Chamber's assessment of the gravity of the crimes. These include application of arbitrary and inconsistent categories of seriousness, failure to distinguish between different crimes and contexts, and mischaracterisation of Mr. Yekatom's role and authority.
86. Ground H.6 concerns errors in the determination of the individual sentences for each crime. These include reliance on unconfirmed or unsubstantiated factual allegations, recalling circumstances outside Mr. Yekatom's responsibility, mischaracterising the impact on victims, importing facts from unrelated incidents, overstating his control and authority, and treating alleged aggravating circumstances without context.

RESPECTFULLY SUBMITTED ON THIS 26th DAY OF SEPTEMBER 2025



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