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TRIAL CHAMBER VI

Before: Judge Miatta Maria Samba, Presiding Judge
Judge María del Socorro Flores Liera
Judge Sergio Gerardo Ugalde Godínez
Judge Keebong Paek, Alternate Judge

**IN THE CASE OF
*THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

**Lesser Public Redacted
with Public Annex**

Closing brief on behalf of the Victims

Source: Office of Public Counsel for Victims

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D33

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I. INTRODUCTION

1. The Common Legal Representative of the Victims (the “Legal Representative”) submits the present closing brief on behalf of the participating victims, as well as on behalf of all victims who were unable to participate either because they died as a result of the inhumane treatment inflicted during their detention at the *Office Central de Répression du Banditisme* (Central Office for the Repression of Banditry) (the “OCRB”) in the Central African Republic (“CAR”), or simply because Trial Chamber VI’s (the “Chamber”) restrictive approach to victimisation resulted in many victims of Mr SAÏD’s (“SAÏD” or the “Accused”) actions between 12 April and 30 August 2013 being overlooked.

2. Over the last three and a half years, either in person or through her field counsel, the Legal Representative has listened to the victims’ recollections of the events that victimised them, their frustrations, their hopes, and their efforts to make sense of what happened to them in 2013. Victims are neither liars nor sorcerers. They are not driven by revenge. They have been waiting for over 12 years to obtain explanations about what happened to them in the Séléka jails at the OCRB.

3. The victims participating in the present proceedings constitute a highly heterogeneous group. However, they share one common experience: all, but one indirect victim, were imprisoned in inhumane conditions and deprived of food, water, and medical support, without being formally charged, or charged only retroactively. They were targeted simply because they lived in the Boy Rabe neighbourhood, which the Séléka considered one of former President François BOZIZÉ’s (“BOZIZÉ”) strongholds in 2013; because they were members of, or suspected of belonging to, the *Forces armées centrafricaines* (Central African Armed Forces) (the “FACA”); because they had held professional positions under the overthrown administration; or because they were suspected of involvement in the drafting or distribution of flyers calling for President Michel DJOTODIA’s (“DJOTODIA”) resignation, despite having no connection to the pamphlets. Others were simply in the wrong place at the wrong time. All were perceived by the Séléka as supporters of BOZIZÉ.

4. Although the Chamber did not fully avail itself of the victims' crucial role in these proceedings, the victims nonetheless trust that the judges of the Chamber will assist them in understanding the reasons behind the Accused's infliction of inhumane treatments upon them. This process is essential to their recovery, enabling them to begin rebuilding lives that have been permanently marked, but which they hope to restore on stable foundations. A judgment acknowledging their experience would also serve as a first satisfaction measure. Additionally, the victims are firmly convinced that reaching a clear judgment in the present case will help prevent others from being victimised by similar events in the future.

5. In the words of dual status P-3064:

"[A]ll I want right now is for [...] justice to be done so that the truth may emerge, so that peace may return, so that these types of events no longer happen, so that our children no longer ever have to go through this kind of experience. That is all I'm asking for. That is what I'm asking the judges to do. Please do your work so that these things become an example for those who are responsible for these atrocious acts so that all of that can be stopped and ended. [...] [W]hat I want is for this to be an example which would make it possible for peace to return to the world. War is not a good thing".¹

II. CLASSIFICATION

6. Pursuant to regulation 23bis(2) of the Regulations of the Court, the present filing is classified as "confidential", since it contains information not known to the public at this stage. A highly conservative public redacted version is filed simultaneously. A lesser public redacted version will be filed in due course in accordance with the Chamber's instructions.²

¹ P-3064: [T-075 \[ENG\]](#), p. 19, line 25 – p. 20, line 8; [T-075 \[FR\]](#), p. 20, line 23 – p. 21, line 2. Please note that all transcript references and hyperlinks cited herein correspond to the versions available as of 24 September 2025.

² See the "Decision on the Defence's Request to Reclassify Witness Statements" (Trial Chamber VI), [No. ICC-01/14-01/21-1000](#), 21 July 2025, para. 40.

III. ROLE OF THE VICTIMS

7. As repeatedly stated, Counsel regrets the restrictive approach taken by the Chamber in relation to the charges, which has made it almost virtually impossible for victims to participate in the present case. Indeed, only 32 individuals were granted the status of participating victims by the Chamber.³ Moreover, in its determination of the modalities of victims' participation, the Chamber departed from the existing jurisprudence which established the principle of effective and meaningful participation, a system, albeit not perfect, in which victims could truly play a role in judicial proceedings and feel that their contribution to the search for truth and justice is valued. As a result, in the present case, said participation was the opposite of meaningful. This state of affairs cannot be summed up as a mere procedural matter,⁴ and the Chamber's unwillingness to address the victims' challenges towards said approach is equally revealing in this regard.⁵

³ See the "Decision authorising 20 victims to participate in the proceedings" (Trial Chamber VI), [No. ICC-01/14-01/21-331](#), 27 May 2022 (the "First Decision on Participation"); the "Second Decision Authorising Victims to Participate in the Proceedings" (Trial Chamber VI), [No. ICC-01/14-01/21-640-Conf](#) and [No. ICC-01/14-01/21-640-Red](#), 8 November 2023 (the "Second Decision on Participation"); the "Third Decision Authorising Victims to Participate in the Proceedings" (Trial Chamber VI), [No. ICC-01/14-01/21-695-Conf](#) and [No. ICC-01/14-01/21-695-Red](#), 14 February 2024 (the "Third Decision on Participation"); the "Fourth Decision Authorising Victims to Participate in Proceedings" (Trial Chamber VI), [No. ICC-01/14-01/21-812](#), 22 July 2024; the "Fifth Decision Authorising Victims to Participate in the Proceedings" (Trial Chamber VI), [No. ICC-01/14-01/21-906](#), 13 December 2024; and the "Sixth Decision on Victims' Participation" (Trial Chamber VI), [No. ICC-01/14-01/21-960](#), 9 April 2025. For completeness, Annex A to this closing brief sets out the full historical background concerning victim participation in the present proceedings.

⁴ See [T-101 \[ENG\]](#), p. 40, lines 1-2; [T-101 \[FR\]](#), p. 41, lines 27-28.

⁵ See e.g. the "Decision on Common Legal Representative's request for reconsideration of Trial Chamber VI's decision denying Victim a/70286/22 authorisation to participate in the proceedings" (Trial Chamber VI), [No. ICC-01/14-01/21-813](#), 24 July 2024, para. 10. The Legal Representative recalls that victims cannot request leave to appeal decisions that impact their personal interests. This possibility is only provided for in relation to reparation orders (see Article 82(4)). Accordingly, victims cannot appeal decisions that affect them directly, such as a decision not granting applicants victim status allowing them to participate in the proceedings.

A. THE ROLE OF VICTIMS IN TRIAL PROCEEDINGS

8. Article 68(3) of the Rome Statute (the “Statute”)⁶ provides victims in a clear and non-ambiguous manner with the right to participate, through their legal representative(s), in proceedings before this Court when their personal interests are affected.⁷ While victims’ interests are, to some extent, aligned with those of the Prosecutor, they undoubtedly have an independent role and voice in this Court’s proceedings,⁸ including *vis-à-vis* the Prosecutor.⁹ Accordingly, their role is unique.¹⁰

9. Indeed, the Prosecution’s very interest in the trial proceedings before this Court is to bring evidence with a view to establishing, beyond reasonable doubt, the criminal responsibility of an accused, under the Statute, for the crimes charged.¹¹ By contrast, besides the interest to receive reparations¹² – which is far from being the sole

⁶ Unless otherwise specified, references to the term ‘Article’ in the present closing brief shall be understood as referring to the [Rome Statute of the International Criminal Court](#).

⁷ The analysis of the preparatory works of said provision leaves no doubt as to the possibility for victims to participate at all stages of the proceedings before this Court. See *e.g.* the Proposal submitted by France, UN Doc. [PCNICC/1999/DP.2](#), 1 February 1999, p. 7; the Proposal submitted by Costa Rica, UN Doc. [PCNICC/1999/WGRPE/DP.3](#), 24 February 1999; and the Proposal submitted by Colombia, UN Doc. [PCNICC/1999/WGRPE/DP.37](#), 10 August 1999. See also BITTI (G.) & FRIMAN (H.), “Participation of Victims in the Proceedings”, in LEE (R.S.) (ed.), *The International Criminal Court: Element of Crimes and Rules of Procedure and Evidence*, Transnational Publishers, Inc. New York, 2001, pp. 456-474; and *e.g.* the “Decision on victims’ applications for participation a/0010/06, a/0064/06 to a/0070/06, a/0081/06 to a/0104/06 and a/0111/06 to a/0127/06” (Pre-Trial Chamber II), [No. ICC-02/04-101](#), 10 August 2007, paras. 8-10.

⁸ In this sense, see Judge Tomoko Akane, President of the International Court, “[Presentation of the Court’s Annual Report to the United Nations](#)”, United Nations General Assembly, 28 October 2024, p. 7: “*In these unfortunate times that we live in, the Court remains conscious of its mandate towards victims of mass atrocities. Victims are not mere observers but remain important participants in proceedings before the Court and reparations is an integral part of ICC proceedings*” (emphasis added).

⁹ See *e.g.* the “Decision on the Applications for Participation in the Proceedings of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6” (Pre-Trial Chamber I), [No. ICC-01/04-101](#), 18 January 2006, para. 51; and the “Decision on ‘Prosecutor’s Application to attend 12 February hearing’” (Pre-Trial Chamber II), [No. ICC-02/04-01/05-155](#), 9 February 2007, p. 4.

¹⁰ See *e.g.* the “Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled ‘*Décision sur la demande de mise en liberté provisoire de Thomas Lubanga Dyilo*’” (Appeals Chamber), [No. ICC-01/04-01/06-824 OA7](#), 13 February 2007, para. 55.

¹¹ See the “Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008” (Appeals Chamber), [No. ICC-01/04-01/06-1432 OA9 OA10](#), 11 July 2008, para. 93.

¹² In this sense, see *e.g.* AMBOS (K.), “[El Marco Jurídico de la Justicia de Transición](#)”, Temis, Bogotá, 2008, notes 107-112. See also the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations

motivation of victims¹³ – the core interest of victims in the proceedings is to effectively exercise their rights to truth and justice. These rights have been generally recognised by international human rights law,¹⁴ the doctrine¹⁵ and the constant jurisprudence of

of International Humanitarian Law, adopted by the General Assembly of the United Nations in its resolution 60/147 in the 64th plenary meeting, UN Doc. [A/RES/60/147](#), 16 December 2005, paras. 15 and ff and KEBURIYA (K.O), and SOLNTSEV (A.M). “[The Significance of the 2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation](#)”, *Moscow Journal of International Law*, Vol. 2, 2021, pp. 78-98. See also LAMBERT (E.). “The ICC Regime of Victims’ Reparations: More Uncertainties and Inconsistencies Brought to Light by Recent Cases”, *Australian International Law Journal*, Vol. 23, 2017, pp. 1-19; and OTTENDOERFER, (E). “[Translating Victims’ ‘Right to Reparations’ into Practice: A Framework for Assessing the Implementation of Reparations Programs from a Bottom-up Perspective](#)”, *Human Rights Quarterly*, Vol. 40, No. 4, 2018, pp. 906-912.

¹³ See the Note prepared by the former Special Rapporteur of the Sub-Commission, Mr. Theo van Boven, in accordance with paragraph 2 of Sub-Commission resolution 1996/28, UN Doc. [E/CN.4/1997/104](#), 16 January 1997, pp. 2-5. See also the Final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119, Question of the impunity of perpetrators of human rights violations (civil and political), UN Doc. [E/CN.4/Sub.2/1997/20/REV.1](#), 2 October 1997, pp. 3 and ff. See also the “Decision on victims’ participation” (Trial Chamber I), [No. ICC-01/04-01/06-1119](#), 18 January 2008, para. 98.

¹⁴ See e.g. IACHR, *La Cantuta v. Peru*, [Judgment of 29 November 2006](#), Series C, No. 162, para. 222; *Vargas-Areco v. Paraguay*, [Judgment of 26 September 2006](#), Series C, No. 155, paras. 153; *Almonacid-Arellano et al v. Chile*, [Judgment of 26 September 2006](#), Series C, No. 154, para. 148; *Moiwana Community v. Suriname*, [Judgment of 15 June 2005](#), Series C, No. 124, para. 204; and *Velasquez-Rodriguez v. Honduras*, [Judgment of 29 July 1988](#), Series C, No. 7, paras. 162-166 and 174, *The Massacres of El Mozote and nearby places v. El Salvador*, [Judgment of 25 October 2012](#), Series C, No. 252, paras. 297-301; *Gelman v. Uruguay*, [Judgment, 24 February 2011](#), Series C, No. 221, para. 243; *Contreras et al. v. El Salvador*, [Judgment of 31 August 2011](#), Series C, No. 232, para. 173; and *Myrna Mack Chang v. Guatemala*, [Judgment of 25 November 2013](#), Series C, No. 101, para. 274. See also ECHR, *Hugh Jordan v. UK*, Application 24746/94, [Judgment of 4 May 2001](#), paras. 16, 23, 157 and 160; *Selmouni v. France*, Application 25803/94, [Judgment of 28 July 1999](#), para. 79; *Kurt v. Turkey*, Application 24276/94, [Judgment of 25 May 1998](#), para. 140; *Selcuk and Asker v. Turkey*, Application 23184/94, [Judgment of 24 April 1998](#), para. 96; *Aydin v. Turkey*, Application 23178/94, [Judgment of 25 September 1997](#), para. 103; *Aksoy v. Turkey*, Application 21987/93, [Judgment of 18 December 1996](#), para. 98; *Aslakhanova and others v. Russia*, Applications 2944/06 and 8300/07, 50184/07, 332/08, 42509/10, [Judgment of 18 December 2012](#), paras. 60-61; *Mocanu and others v. Romania*, Applications Nos 10865/09, 45886/07 and 32431/08, [Judgment of 17 September 2014](#), para. 144; *El-Masri v. the former Yugoslav Republic of Macedonia* Applications no. 39630/09, [Judgment of 13 December 2012](#), para. 191; *Al Nashiri v. Poland*, Application 28761/11, [Judgment of 24 July 2014](#), paras. 482-483 and 495; *Husayn (Abu Zubaydah) v. Poland*, Application 7511/13, [Judgment of 24 July 2014](#), paras. 206, 473 and 489. See also United Nations Human Rights Council, “Right to the Truth”, UN Doc. [A/HRC/RES/9/11](#), 18 September 2008, and UN Doc. [A/HRC/RES/12/12](#), 1 October 2009. See also ECOSOC, “Study on the right to the truth. Report of the Office of the United Nations High Commissioner for Human Rights”, UN Doc. [E/CN.4/2006/91](#), 8 February 2006. See also UNHRC, “Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff”, UN Doc. [A/HRC/24/42](#), 28 August 2013, paras. 18-20.

¹⁵ See e.g. DONAT-CATTIN (D.), “Article 68”, in AMBOS (K.) (ed.), *Rome Statute of the International Criminal Court: Article-by-Article Commentary*, C.H. Beck, Hart, Nomos, München, Oxford, Baden-Baden, 4th Edition, 2022, pp. 2001-2036; NAQVI (Y.), “[The right to the truth in international law: fact or fiction?](#)”, in ICRC *International Review*, vol. 88, 2006, pp. 267-268; MENDEZ (J.), “The Right to Truth”, in JOYNER (Ch.) (ed.), *Reigning in Impunity for International Crimes and Serious Violations of Fundamental Human Rights’ Proceedings of the Siracusa Conference*, 17-21 September 1998, Eres, Toulouse, 1998, pp. 257 and ff; AMBOS (K.), *op. cit.*, *supra* note 12, pp. 42-44; GROOME (D.). “[The Right to Truth in the Fight against](#)

this Court as essential for the persons directly affected by the crimes under its jurisdiction.¹⁶

10. The participation of victims in the proceedings before this Court in an effective and efficient manner is a necessary mechanism to implement their right to justice and is an essential element of the full realisation of the other elements of that right, namely to know the truth and to obtain reparations.¹⁷ Such participation can only be deemed meaningful, as opposed to purely symbolic, if victims are entitled to positively contribute to the search for the truth – which may, in turn, eventually lead to the punishment of given individuals and reparation of the harm caused. In this respect, any form of positive contribution from victims appears indispensable for the

[Impunity](#)”, *Berkeley Journal of International Law*, Vol. 29, No. 1, 2011, pp. 177-199; KLINKNER (M.) and DAVIS (H.), *The Right to Truth in International Law: Victims’ Rights in Human Rights and International Criminal Law*, Routledge, Oxon, New York, 2020, Chapter 10, pp. 201-231; VAN NOORLOOS (M.), [“A Critical Reflection on the Right to the Truth about Gross Human Rights Violations”](#), *Human Rights Law Review*, Vol. 21, No. 4, 2021 pp. 874-898; KLINKNER (M.) and SMITH (E.). “The right to truth, appropriate forum and the International Criminal Court”, in SZABLEWSKA (N.) and BACHMANN (S.) (eds.), *Current Issues in Transitional Justice: Towards a More Holistic Approach*, Springer Series in Transitional Justice, Springer, 2015, pp. 3-29; and BILSKY (L.), [“The Right to Truth in International Criminal Law”](#), in HELLER (K. J.), MÉGRET (F.), NOUWEN (S. M. H.), OHLIN (J. D.) and ROBINSON (D.) (eds.), *The Oxford Handbook of International Criminal Law*, Oxford University Press, 2020, pp. 473-493.

¹⁶ See e.g. the “Decision on victims’ participation in trial proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-449](#), 6 February 2015, paras. 52-56; the “Decision on the conduct of proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-619](#), 2 June 2015, paras. 63-70; and the “Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case” (Pre-Trial Chamber I), [No. ICC-01/04-01/07-474](#), 15 May 2008, paras. 31-44; the “Decision on victims’ representation and participation” (Trial Chamber V), [No. ICC-01/09-02/11-498](#), 3 October 2012, paras. 29-32, 47-54, and 66; and the “Decision on victim participation” (Trial Chamber I), [No. ICC-02/11-01/11-800](#), 6 March 2015, para. 20. See also TAYLOR (D.), [Discussion Paper, Victims Participation in Transitional Justice Mechanisms: Real Power or Empty Ritual?](#), Impunity Watch, April 2014, at pp. 10-12, 20-21, 30, and 35-37.

¹⁷ See DONAT-CATTIN (D.), *op. cit.*, *supra* note 15, pp. 2001-2036. See also e.g. the “Judgment on the Appeals of The Prosecutor and The Defence against Trial Chamber I’s Decision on Victims’ Participation of 18 January 2008”, *supra* note 11, para. 97; the “Decision on victims’ representation and participation” (Trial Chamber V), [No. ICC-01/09-01/11-460](#), 3 October 2012, para. 10; the “Decision on victims’ representation and participation” (Trial Chamber V), [No. ICC-01/09-02/11-498](#), 3 October 2012, para. 9; the “Decision on common legal representation of victims for the purpose of trial” (Trial Chamber III), [No. ICC-01/05-01/08-1005](#), 10 November 2010, para. 9(a); the “Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case”, *idem*, para. 53; the “Decision on the Modalities of Victim Participation at Trial” (Trial Chamber II), [No. ICC-01/04-01/07-1788](#), 22 January 2010, para. 59; and the “Decision on matters relating to the participation of victims during the trial”, (Trial Chamber VI), [No. ICC-01/14-01/21-278](#), 13 April 2022, paras. 15 and 45. See also YANG (Y.), [“The Gap between the International Criminal Court and Victims: Criminal Trial Reparations as a Case Study”](#), *Laws*, Vol. 12, 2023.

accomplishment of this Court's function.¹⁸ The Appeals Chamber specifically reminded that "[t]o give effect to the spirit and intention of article 68 (3) of the Statute in the context of the trial proceedings it must be interpreted so as to make participation by victims meaningful. [...] If victims were generally and under all circumstances precluded from tendering evidence relating to the guilt or innocence of the accused and from challenging the admissibility or relevance of evidence, their right to participate in the trial would potentially become ineffectual".¹⁹

11. Contrary to this existing and undisputed jurisprudence, the Chamber adopted a systematically restrictive approach, drastically limiting the role of the participating victims in the present proceedings thereby reducing their involvement to a merely symbolic participation.

B. OBSERVATIONS ON PROCEDURAL EVENTS LEADING TO RESTRICTING THE ROLE OF VICTIMS TO A MERELY SYMBOLIC ONE

12. In September 2022, the Chamber issued a very restrictive decision on the scope of the charges in the present case – limiting said scope to specific incidents examples confirmed by Pre-Trial Chamber II (the "Pre-Trial Chamber") in its Confirmation Decision,²⁰ despite said Chamber's clarification that "[its] indication of specific examples relating to the victims of the confirmed crimes in the Confirmation Decision [...] **therefore ought not to be understood as limitative or restrictive: the indication of examples is not**

¹⁸ See e.g. DONAT-CATTIN (D.), *op. cit.*, *supra* note 15, pp. 2001-2036; PENA (M.) and CARAYON (G.), "[Is the ICC making the most of victim participation?](#)", *International Journal of Transitional Justice*, Vol. 7, 2013, pp. 518-535; PANEPINTO (A.M.) "[The right to the truth in international law: The significance of Strasbourg's contributions](#)", *Legal Studies*, 2017, Legal Studies, Vol. 37, pp. 739-764; KLINKNER (M.) and DAVIS (H.), *op. cit.*, *supra* note 15, pp. 211-213; and WHEELER (C.H.), "[No Longer Just a Victim: The Impact of Victim Participation on Trial Proceedings at the International Criminal Court](#)", *International Criminal Law Review*, Vol. 16, 2016, pp. 525-546.

¹⁹ See the "Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I's Decision on Victims' Participation of 18 January 2008", *supra* note 11, para. 97.

²⁰ See the "Decision on the Scope of the Charges" (Trial Chamber VI), [No. ICC-01/14-01/21-472](#), 6 September 2022. See also the "Decision on the confirmation of charges against Mahamat Said Abdel Kani" (Pre-Trial Chamber II), [No. ICC-01/14-01/21-218-Red](#) and [No. ICC-01/14-01/21-218-Red](#), 9 December 2021. In this sense, see also VICTIMS' RIGHTS WORKING GROUP, [Turning Rhetoric into Reform: Strengthening Outreach and Victim Participation at the ICC](#), July 2025, p. 15.

a finding that there can be no further instances beyond those specifically mentioned”²¹ and that “the extent of the victimisation in connection with the confirmed charges [is] broader than the individual examples it specifically mentioned in the operative part of the Confirmation Decision”.²² By virtue of this ruling, the Chamber ordered the Registry to proceed with reassessing all victim applications – including those of 20 victims already admitted to participate by the very same Chamber²³ – arguing that in order to be granted participating status, victims need to demonstrate that “events described in the victims’ application forms correspond to at least one of the alleged crimes which have been confirmed”.²⁴ The Chamber ultimately revoked the previously granted status to one participating victim²⁵ and, applying the same approach, rejected the applications of five additional victims of crimes committed at the OCRB between April and August 2013.²⁶

13. However, in accordance with the constant jurisprudence of this Court, in order to be allowed to participate in the proceedings, victims need **only** to demonstrate *prima facie* that they are victims within the meaning of rule 85 of the Rules of Procedure and Evidence,²⁷ in accordance with the following criteria: (i) the applicant has established his/her identity as a natural person; (ii) the applicant is alleged to have suffered harm; and (iii) the personal harm reported by the applicant resulted from an incident falling within the temporal, geographic and material parameters of the case.²⁸ However, by

²¹ See the “Decision on the ‘Prosecution’s application to amend the charges’” (Pre-Trial Chamber II), [No. ICC-02/05-01/20-626](#), 14 March 2022, para. 16 (emphasis added).

²² *Idem*, para. 20.

²³ See the First Decision on Participation, *supra* note 3.

²⁴ See the “Order for the Reassessment of Victims Applications” (Trial Chamber VI), [No. ICC-01/14-01/21-490](#), 27 September 2022, para. 6.

²⁵ See First and the Third Decisions on Participation, *supra* note 3. See also the “Decision on Common Legal Representative’s request for reconsideration of Trial Chamber VI’s decision denying Victim a/70286/22 authorisation to participate in the proceedings”, *supra* note 5.

²⁶ See the Third Decision on Participation, *supra* note 3. The Legal representative notes that having been explained the Chamber’s markedly restrictive approach, three victims decided not to maintain their requests to participate in the present proceedings. In this sense, see also VICTIMS’ RIGHTS WORKING GROUP, *op. cit. supra* note 16, p. 15.

²⁷ Unless otherwise specified, references to the term ‘Rule’ in the present closing brief shall be understood as referring to the [Rules of Procedure and Evidence](#).

²⁸ See e.g. the “Fifteenth Decision on Victims’ Participation in Trial Proceedings (Group A)” (Trial Chamber V), [No. ICC-01/14-01/18-1391](#), 5 May 2022, para. 1, referring to the “Decision Establishing the Principles Applicable to Victims’ Applications for Participation” (Pre-Trial Chamber II), [No. ICC-01/14-01/18-141](#), 5 March 2019, paras. 29-41. See also the “First decision on the admission of victims to

limiting the scope of the charges to the specific incidents examples mentioned by the Pre-Trial Chamber in its Confirmation Decision, the Chamber excluded all other victims who were detained at the OCRB between 12 April 2013 and 30 August 2013 – as confirmed by the Pre-Trial Chamber and expressly recognised by the latter²⁹ – because they could not establish a direct link to the specific incidents listed as examples in the Confirmation Decision.³⁰ This was all the more unexpected given that the judges composing the Chamber abide by the Practice Manual, which states that “[t]he description of the facts and circumstances in the charges as confirmed by the Pre-Trial Chamber is binding on the Trial Chamber”; that “[a]ny discussion [...] in terms of [the] scope [of the charges], content and parameters ends with the confirmation decision, and no issues in this respect can be entertained by the Trial Chamber”;³¹ and that “the confirmation decision constitutes the final, authoritative document setting out the charges, and by doing so the scope of the trial”.³²

14. As repeatedly argued,³³ and contrary to the Chamber’s finding in this regard,³⁴ this approach undoubtedly constitutes an unprecedented step backwards for the rights of victims to participate in proceedings before this Court, and runs contrary to the victim-centred spirit of the Statute and the interpretation of the relevant founding

participate in trial proceedings” (Trial Chamber I), [No. ICC-02/05-01/20-556](#), 14 January 2022, para. 4; the “Decision Establishing the Principles Applicable to Victims’ Applications for Participation” (Pre-Trial Chamber I, Single Judge), [No. ICC-01/12-01/18-37-tENG](#), 24 May 2018, para. 48; and the “Second decision on victims’ participation in trial proceedings” (Trial Chamber VI), [No. ICC-01/04-02/06-650](#), 16 June 2015, paras. 10 and 18.

²⁹ See *supra* para. 12.

³⁰ In this sense, see the “Common Legal Representative of Victims, Victims’ response to the Prosecution’s application to amend the charges (ICC-01/14-01/21-294-Red)”, [No. ICC-01/14-01/21-310-Conf-Exp](#) and [No. ICC-01/14-01/21-310-Red](#), 16 May 2022. See also the Second Decision on Participation and the Third Decision on Participation, *supra* note 3.

³¹ See the [Chambers Practice Manual](#), para. 58.

³² *Idem*, para. 57.

³³ See the “Common Legal Representative of Victims’ response to the ‘Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-498)”, [No. ICC-01/14-01/21-512](#), 24 October 2022, paras. 3, and 22-24; the “Public Redacted Version of ‘Victims’ response to the ‘Prosecution’s application to amend the charges’ (ICC-01/14-01/21-294-Red)’ No. ICC-01/14-01/21-310-Conf-Exp, dated 16 May 2022”, *supra* note 30, paras. 16-19; and the “Victims’ observations on the ‘Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-650)”, [No. ICC-01/14-01/21-657-Red](#), 5 December 2023, para. 17.

³⁴ See the Second Decision on Participation, *supra* note 3, para. 37.

texts of this Court by all other chambers having ruled on the participation of victims.³⁵ Indeed, victims who have demonstrated a *prima facie* link to the charges as confirmed by the Pre-Trial Chamber³⁶ – but no *prima facie* link to one of the examples of incidents as per the Chamber’s restrictive interpretation – have not been allowed to participate in the trial proceedings even though they were detained at or around the same time as other victims who are allowed to participate in the proceedings because they fall within the scope of one of said examples.³⁷

15. By way of illustration of the absurdity of said approach, the Legal Representative reminds the Chamber that it did not authorise Victim a/70447/22 to participate without even questioning the credibility of his account.³⁸ Indeed, the Chamber specifically observed that Victim a/70447/22 was arrested by the Séléka in the presence of SAÏD, and taken to the OCRB where he had “*various interactions with [SAÏD], who released him the same day*”.³⁹ Despite the Accused’s active role in Victim a/70447/22’s arrest and detention at the OCRB, within the temporal scope of the charges, the Chamber did not authorise Victim a/70447/22 to participate arguing that “[a]lthough there is some potential temporal overlap with Incidents (c) and (h), which make reference to other individuals in addition to identified victims, [...] the description of events by a/70447/22 does not appear to correspond to the facts alleged in these Incidents”.⁴⁰

16. In the same vein, the Chamber went far beyond the ‘*prima facie*’ applicable standard when it rejected, on two occasions, Victim a/70286/22’s request to participate in the present proceedings. Indeed, despite the applicable standard,⁴¹ the Chamber

³⁵ See e.g. the “Fifteenth Decision on Victims’ Participation in Trial Proceedings (Group A)”, *supra* note 28, para. 1, referring to the “Decision Establishing the Principles Applicable to Victims’ Applications for Participation” (Pre-Trial Chamber II), *supra* note 28, paras. 29-41; the “Decision on victims’ participation at the confirmation of charges hearing and in the related proceedings” (Pre-Trial Chamber II), [No. ICC-01/04-02/06-211](#), 15 January 2014, para. 25; and the “Decision on the Applications for Participation in the Proceedings of VPRS 1, VPRS 2, VPRS 3, VPRS 4, VPRS 5 and VPRS 6”, *supra* note 9, para. 79.

³⁶ See the “Decision on the confirmation of charges against Mahamat Said Abdel Kani”, *supra* note 20.

³⁷ See the “Victims’ observations on the ‘Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-650)”, *supra* note 33, para. 17.

³⁸ *Ibid.*

³⁹ See the Second Decision on Participation, *supra* note 3, para. 64.

⁴⁰ *Idem*, para. 65.

⁴¹ See *supra* para. 13.

clearly admitted to applying a much stricter burden when it stated that it could not “give the applicant the benefit of the doubt”.⁴² The Legal Representative recalls that Victim a/70286/22 is an indirect victim whose relative died as a result of the cruel treatments suffered while held in detention at the ORCB, during the period covered by the charges, without having had the strength to speak once released.⁴³ Owing to the generally admitted jurisprudence on the standard of proof required for requests to participate,⁴⁴ coupled with the generally accepted principle that indirect victims cannot be expected to recount the circumstances of a direct victim’s victimisation with the same degree of detail as the direct victim,⁴⁵ the Legal Representative requested reconsideration of the Chamber’s decision not to authorise Victim a/70286/22’s participation,⁴⁶ but to no avail.⁴⁷ She maintains that these decisions are manifestly flawed, and that their consequences are manifestly unsatisfactory, not only for Victims a/70447/22 and a/70286/22 in particular, but also for victims seeking to participate in proceedings before this Court more generally.⁴⁸

17. In electing to limit the scope of the charges to specific incidents listed as mere examples by the Pre-Trial Chamber in the Confirmation Decision,⁴⁹ and in deciding to

⁴² See the Third Decision on Participation, *supra* note 3, para. 20.

⁴³ See the “Common Legal Representative of Victims’ response to the ‘Updated Registry Assessment Report on Previously Transmitted Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-498)”, [No. ICC-01/14-01/21-512](#), 24 October 2022, para. 39, and footnote 55. See also the “Victims’ observations on the ‘Report on the Status of Eight Incomplete Victim Applications for Participation in Trial Proceedings’ (ICC-01/14-01/21-650)”, *supra* note 33, para. 22.

⁴⁴ See *supra* para. 13.

⁴⁵ See the “Corrected Version of the ‘Decision Setting the Size of the Reparations Award for which Thomas Lubanga Dyilo is Liable’” (Trial Chamber II), [No. ICC-01/04-01/06-3379-Red-Corr](#), 21 December 2017, para. 161. See also, for a recent application of the principle, the “Addendum to the Reparations Order of 8 March 2021, ICC-01/04-02/06-2659” (Trial Chamber II), [No. ICC-01/04-02/06-2858-Red](#), 14 July 2023, para. 106.

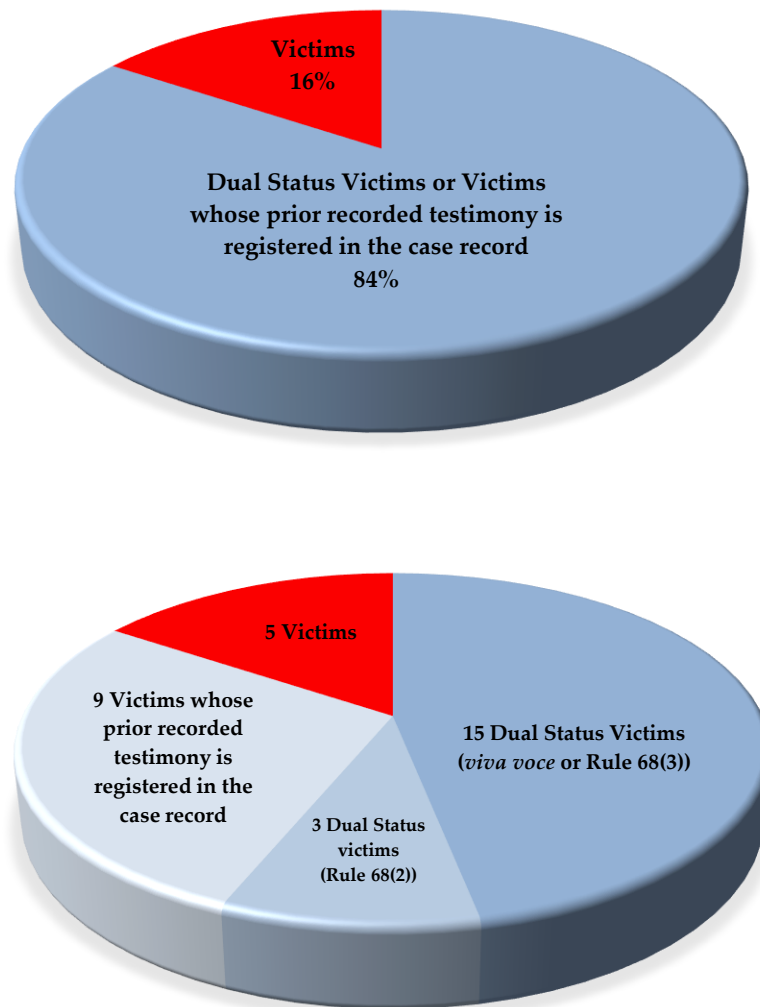
⁴⁶ See the “Common Legal Representative’s request for reconsideration of Trial Chamber VI’s decision denying Victim a/70286/22 authorisation to participate in the proceedings”, [No. ICC-01/14-01/21-744-Conf-Exp](#), [No. ICC-01/14-01/21-744-Conf-Red2](#) and [No. ICC-01/14-01/21-744-Red](#), 16 April 2024.

⁴⁷ See the “Decision on Common Legal Representative’s request for reconsideration of Trial Chamber VI’s decision denying Victim a/70286/22 authorisation to participate in the proceedings”, *supra* note 5.

⁴⁸ In this sense, see the “Common Legal Representative’s request for reconsideration of Trial Chamber VI’s decision denying Victim a/70286/22 authorisation to participate in the proceedings”, *supra* note 46, para. 21.

⁴⁹ See *supra* paras. 12 and 13.

reassess all victims' applications in this light,⁵⁰ the Chamber created an entirely unprecedented situation in which 84% of victims (*i.e.* 27 individuals) authorised to participate in the proceedings are also Prosecution witnesses, as illustrated in the pie charts *infra*.⁵¹ This starkly contrasts with all other cases before this Court, in which only a marginal proportion of the participating victims are also Prosecution witnesses,⁵² and fails to capture the broader scope of victimisation relevant to these proceedings.



18. Similarly, the rights of the very few victims admitted to participate in the present case have been curtailed by the Chamber's restrictive approach to

⁵⁰ See the "Order for the Reassessment of Victims Applications", *supra* note 24, para. 8.

⁵¹ Among these individuals, 18 are witnesses who either testified at trial or had their statements submitted pursuant to Rule 68(2)(b), while the remaining nine are witnesses whom the Prosecution chose not to call but whose statements are nonetheless available in the case record.

⁵² In this sense see the "Victims' observations pursuant to the Third Directions on the Conduct of Proceedings", [No. ICC-01/14-01/21-879](#), 18 October 2024, paras. 3 and 16.

victimisation, which appears to run counter to the well-established principle, recalled *supra*, that victims' participation must be effective, as opposed to symbolic.⁵³

19. First, the Legal Representative was not allowed to question insider witnesses. Indeed, while ruling on a request to question an insider witness who was present at the time of the detention of all direct participating victims, the Chamber ruled that "*the proposed topics [for questioning] [were] too broadly formulated and [did] not specifically relate to victims she represents*",⁵⁴ thereby expressly limiting the Legal Representative's questioning to "*matters relevant to the personal interests of the victims, such as harm the victim may have personally suffered or observed*".⁵⁵ This narrow interpretation of the personal interests of the victims *de facto* silenced them, leaving their legal representative no choice but to question only her clients in order to safeguard what remained of the victims' participatory rights.⁵⁶ As a result, victims were not only deprived of the opportunity to meaningfully contribute to the establishment of the truth, but the Chamber was also likewise precluded from fully appreciating the victims' experiences and the extent of their victimisation, as counsel was compelled to overlook numerous issues directly relevant to the victims' personal interests,⁵⁷ with all due respect to the Chamber.

20. Similarly, in the "Decision on matters relating to the participation of victims during the trial", the Chamber directed the Legal Representative to file any request for leave to call witnesses "*no later than five days after the opening statement(s) at the*

⁵³ See *supra* para. 10.

⁵⁴ See [T-017 \[ENG\]](#), p. 39, lines 20-21; [T-107 \[FR\]](#), p. 41, lines 23-24.

⁵⁵ *Idem*, p. 39, line 24, to p. 40, line 1; *idem*, p. 41, line 27 to p. 42, line 2.

⁵⁶ In this sense, see also VICTIMS' RIGHTS WORKING GROUP, *op. cit. supra* note 16, pp. 17-18.

⁵⁷ In this sense, see *e.g.* the "Decision (i) ruling on legal representatives' applications to question Witness 33 and (ii) setting a schedule for the filing of submissions in relation to future applications to question witnesses" (Trial Chamber III), [No. ICC-01/05-01/08-1729](#), 9 September 2011, para. 15: "*In the view of the Chamber, the interests of victims are not limited to the physical commission of the alleged crimes under consideration. Rather, their interests extend to the question of the person or persons who should be held liable for those crimes, whether physical perpetrators or others. In this respect, victims have a general interest in the proceedings and in their outcome. As such, they have an interest in making sure that all pertinent questions are put to witnesses. This is borne out by Rule 91(3) of the Rules, which provides that legal representatives may be permitted to question experts and the accused, as well as fact witnesses*" (emphasis added).

commencement of the trial".⁵⁸ However, since the evidence to be presented by the Legal Representative cannot be duplicative of that which was already presented by the Prosecution, according to the constant jurisprudence of this Court, as upheld by the Appeals Chamber,⁵⁹ and endorsed by the Chamber,⁶⁰ it was virtually impossible for her to comply with the time limit imposed. Indeed, five days after the opening statements she was in no position to evaluate how the expected testimonies of witnesses she would propose to call would "*relate to other evidence that has already been submitted to the Chamber and why it is not cumulative*",⁶¹ nor whether those testimonies would be "*necessary for the determination of the truth*", or "*appropriate*", as required by the Chamber.⁶² This timing *de facto* deprived the victims of a meaningful opportunity to exercise their participatory rights. Once again, as a result, victims were denied their right to contribute to the search for the truth in the present case.

21. Last but not least, the Chamber's unduly narrow understanding of victimisation in the present case culminated in its adoption of the "Fourth Directions on the Conduct of Proceedings".⁶³ Although paragraph 25 thereof might seem to be in line with the existing jurisprudence of this Court, upheld by the Appeals Chamber,⁶⁴

⁵⁸ See the "Decision on matters relating to the participation of victims during the trial", *supra* note 17, para. 46.

⁵⁹ See the "Judgment on the Appeals of The Prosecutor and The Defence against Trial Chamber I's Decision on Victims' Participation of 18 January 2008, *supra* note 11, paras. 3-4, and 93-104; the "Judgment on the Appeal of Mr Katanga Against the Decision of Trial Chamber II of 22 January 2010 Entitled 'Decision on the Modalities of Victim Participation at Trial'" (Appeals Chamber), [No. ICC-01/04-01/07-2288 OA11](#), 16 July 2010, paras. 3-114. See also "Decision on LRVs requests to present evidence and views and concerns" (Trial Chamber X), [No. ICC-01/12-01/18-2063-Red](#), 9 December 2021, para. 12; the "Public Redacted Version of Decision on the Legal Representatives for Victims Requests to Present Evidence and Views and Concerns and related requests" (Trial Chamber IX), [No. ICC-02/04-01/15-1199-Red](#), 6 March 2018, para. 17; and the "Order regarding applications by victims to present their views and concerns or to present evidence" (Trial Chamber III), [No. ICC-01/05-01/08-1935](#), 22 November 2011, para. 3.

⁶⁰ See the "Decision on matters relating to the participation of victims during the trial", *supra* note 17, paras. 45 and 49.

⁶¹ *Idem*, para. 47, sub-paragraph 6.

⁶² *Idem*, para. 45. See also the "Victims' observations pursuant to the Third Directions on the Conduct of Proceedings", *supra* note 52, paras. 10-14.

⁶³ See the "Fourth Directions on the Conduct of Proceedings" (Trial Chamber VI), [No. ICC-01/14-01/21-932](#), 5 March 2025.

⁶⁴ See *supra* para. 10, and the "Judgment on the appeals of The Prosecutor and The Defence against Trial Chamber I's Decision on Victims' Participation of 18 January 2008", *supra* note 11, para. 97.

the reference to paragraphs 33, 38, and especially 44 of its “Decision on matters relating to the participation of victims during the trial”⁶⁵ in footnote 21 imposes an unprecedented and unwarranted limitation of the victims’ right at this juncture of the proceedings. Indeed, paragraph 44 reads as follows:

*“Statements by the CLR or individual victims should be confined to setting out the views and concerns of the participating victims and should not stray into evidentiary statements or commentary on the elements of the crimes charged or the accused’s alleged role in their commission, which is the role of the Parties”.*⁶⁶

22. Once again, the Chamber affirms a principle, but makes it impossible for the victims to effectively exercise their rights, thus rendering their participation in the present case meaningless.⁶⁷ This is all the more unfortunate given that neither the victims, nor their Legal Representative for that matter, ever abused their – overly limited – rights throughout the present proceedings.

23. The Chamber would undoubtedly have benefited from allowing said victims to fully present their views and concerns. To that end, they should have been given the opportunity, in accordance with the founding texts of this Court, to participate meaningfully in the search for the truth, rather than being silenced. Victims are not prosecutors *bis*. They are not seeking to deceive anyone. They are simply trying to get closer to the truth and, perhaps, to shed light on the facts from a different perspective. Simply, but completely. Victims deserve to be heard, and the present closing brief is submitted in that spirit, in compliance with the Chamber’s instructions and the Statute.

⁶⁵ See the “Decision on matters relating to the participation of victims during the trial”, *supra* note 17.

⁶⁶ *Idem*, para. 44.

⁶⁷ Incidentally, the Legal Representative notes that the Chamber did not consider it necessary to take her closing brief into account when determining the deadline for the submission of the Defence’s Brief. See the “Fourth Directions on the Conduct of Proceedings”, *supra* note 63, para. 22: “*The Defence must submit its Closing Brief no later than two weeks after Mr Said has received a non-revised French translation of the Prosecution Brief*”.

IV. VICTIMS' CONCERNS ON THE EVALUATION OF THE EVIDENCE THEY PROVIDED

24. Pursuant to Article 66(2), the onus to prove the guilt of an accused lies with the Prosecutor. Accordingly, mindful of her specific mandate, the Legal Representative limits her observations to legal and factual submissions strictly relevant to the personal interests of her clients.

25. While, as described *supra*,⁶⁸ it is the Legal Representative's position that issues concerning the guilt or innocence of the Accused fall squarely within the remit of the personal interests of victims, the Legal Representative abides by the Chamber's instruction and limits her observations to aspects concerning the credibility of her clients and the contextual elements relating to war crimes and crimes against humanity. Both aspects directly affect the personal interests of the victims and gave rise to some *concerns* amongst the victims.

26. While the determination of Mr SAÏD's guilt for the crimes with which he is charged lies beyond the victims' control, they unanimously expressed to Counsel their hope that the judgment will faithfully reflect the realities of their experiences.⁶⁹ In this regard, the suggestion that the crimes they endured were not international crimes but rather isolated acts perpetrated by individuals acting outside any organised plan or policy is, for the victims, profoundly unjust and difficult to accept. They are acutely aware that their victimisation stemmed from being perceived as supporters of BOZIZÉ, based, *inter alia*, on their ethnicity, religion, neighbourhood, or professional affiliation.⁷⁰

27. The Legal Representative shares her clients' concerns in respect of both aspects, in light of the legal standards briefly summarised *infra*.

⁶⁸ See *supra* paras. 19 and 21.

⁶⁹ See also *supra* paras. 4 and 5.

⁷⁰ See *infra* paras. 86, and 98-116.

A. RELEVANT APPLICABLE STANDARDS

1. Standard of proof

28. From a legal point of view, to secure the conviction of an accused person, the Prosecution must prove its case “*beyond reasonable doubt*”, as set out in Article 66(3) and in line with this Court’s consistent jurisprudence. This standard must be applied to the facts that are indispensable for entering a conviction, namely those that constitute the elements of the crimes and modes of liability charged.⁷¹ This does not apply to collateral facts or other sets of facts.⁷²

29. Of particular relevance to the present case is the fact that it is legally required that **reasonable doubts are grounded in reasons**. More specifically, the reasonable doubt cannot simply be based on a mere imaginary or a speculative doubt. To accept such a proposition would be akin to requiring proof **beyond all doubt**, whereas the Statute requires proof **beyond reasonable doubt**. Said doubt must be rationally linked to the evidence – or lack thereof, or to inconsistencies in the evidence. The reasonable alternative hypothesis must be compatible with at least some of the facts or evidence

⁷¹ See *e.g.* the “Public redacted Judgment on the appeal of Mr Thomas Lubanga Dyilo against his conviction”, [No. ICC-01/04-01/06-3121-Red A5](#), 1 December 2014 (the “*Lubanga* Appeals Judgment”), para. 22; and the “Judgment on the appeals of Mr Jean-Pierre Bemba Gombo, Mr Aimé Kilolo Musamba, Mr Jean-Jacques Mangenda Kabongo, Mr Fidèle Babala and Mr Narcisse Arido against the Decision of Trial Chamber VII entitled “Judgment pursuant to Article 74 of the Statute (Appeals Chamber), [No. ICC-01/05-01/13-2275-Red A A2 A3 A4 A5](#), 8 March 2018 (the “*Bemba et al.* Appeals Judgment”), paras. 96 and 868. See also, the “Public redacted version of Trial Judgment” (Trial Chamber X), [No. ICC-01/12-01/18-2594-Red](#), 26 June 2024 (the “*Al Hassan* Trial Judgment”), para. 19; the “Public Redacted Trial Judgment” (Trial Chamber IX), [No. ICC-02/04-01/15-1762-Red](#), 4 February 2021 (the “*Ongwen* Trial Judgment”), para. 229; and the “Judgement” (Trial Chamber V), [No. ICC-01/14-01/18-2784-Red](#), 24 July 2025 (the “*Yekatom and Ngaïssona* Judgment”), para. 127.

⁷² See the “Judgment on the appeals of Mr Lubanga Dyilo and the Prosecutor against the Decision of Trial Chamber I of 14 July 2009 entitled ‘Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court’” (Appeals Chamber), [No. ICC-01/04-01/06-2205 OA15 OA16](#), 8 December 2009, footnote 163. See also the “Judgment on the appeal of Mr Germain Katanga against the decision of Trial Chamber II of 21 November 2012 entitled ‘Decision on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons’” (Appeals Chamber), [No. ICC-01/04-01/07-3363 OA13](#), 27 March 2013, para. 50; the “Judgment on the Prosecutor’s appeal against the decision of Trial Chamber II entitled ‘Judgment pursuant to article 74 of the Statute’” (Appeals Chamber), [No. ICC-01/04-02/12-271-Corr A](#), 7 April 2015 (the “*Ngudjolo* Appeal Judgment”), para. 125; and the *Bemba et al.* Appeals Judgment, *supra* note 71, para. 868. See also the *Yekatom and Ngaïssona* Judgment, *supra* note 71, paras. 128.

of the case.⁷³ The mere possibility that unavailable evidence might contain exculpatory information is too speculative, on its own, to constitute a reasonable doubt.⁷⁴ Accordingly, speculative or irrational alternatives advanced by the Defence do not suffice to raise a reasonable doubt and the Defence's mere contestation of evidence does not, in itself, create doubt. Rather, it is for the Trial Chamber to assess and resolve any inconsistencies arising from the evidence.⁷⁵

2. Evidence need not always be corroborated

30. Additionally, neither the applicable texts nor this Court's jurisprudence require that facts be established through multiple sources. There is indeed no legal prerequisite for corroboration, even though in some instances, chambers have deemed it necessary for certain facts to be established through various pieces of evidence.⁷⁶ In these cases, chambers have not required the evidence to be identical. Rather, they have assessed whether additional evidence supports previously analysed material, albeit in a different way.⁷⁷

⁷³ See *Ngudjolo* Appeal Judgment, *idem*, para. 109, referring to ICTR, *Rutaganda*, Case No. ICTR-96-3-A, [Judgment](#) (Appeals Chamber), 26 May 2003, para. 488. See also, the *Ongwen* Trial Judgment, *supra* note 71, paras. 228-220. See also the *Yekatom and Ngaïssona* Judgment, *supra* note 71, para. 128.

⁷⁴ See the *Yekatom and Ngaïssona* Judgment, *supra* note 71, para. 129.

⁷⁵ See the *Lubanga* Appeal Judgment, *supra* note 71, para. 23, referring to ICTY, *Kupreškić et al.*, Case No. IT-95-16-A, [Appeal Judgement](#) (Appeals Chamber), 23 October 2001, para. 31.

⁷⁶ See Rule 63(4). See also *e.g.* the "Public Redacted Judgment on the appeal of Mr Ongwen against the decision of Trial Chamber IX of 4 February 2021 entitled 'Trial Judgment'" (Appeals Chamber), [No. ICC-02/04-01/15-2022-Red A](#), 15 December 2022 (the "*Ongwen* Appeals Judgment"), footnote 1249: "*The Appeals Chamber notes that in any event, there is no strict legal requirement that a certain item of evidence has to be corroborated by another item of evidence in order for the Trial Chamber to be able to rely on it*". See also the *Lubanga* Appeal Judgment, *supra* note 71, para. 218; See also the *Yekatom and Ngaïssona* Judgment, *supra* note 71, paras. 138-139.

⁷⁷ See *e.g.* the "Judgment in the appeal of the Prosecutor against Trial Chamber I's decision on the no case to answer motions" (Appeals Chamber), [No. ICC-02/11-01/15-1400 A](#), 31 March 2021, para. 357; and the "Public redacted version of Judgment on the appeals of Mr Bosco Ntaganda and the Prosecutor against the decision of Trial Chamber VI of 8 July 2019 entitled 'Judgment'" (Appeals Chamber), [No. ICC-01/04-02/06-2666-Red](#), 30 March 2021, para. 672 and references contained therein.

3. Evaluation of inconsistencies and competing evidence

31. In assessing the credibility and reliability of the evidence, the Chamber must consider the totality of the evidence to determine which is considered the most probative.

32. Furthermore, the Chamber can rely on parts of a witness's testimony and reject others,⁷⁸ as the same witness may be reliable in one part of his or her testimony but not in another.⁷⁹

33. Imprecision and discrepancies within a testimony do not necessarily make said testimony unreliable.⁸⁰ Similarly, some discrepancies or incoherences between the live testimony and the prior recorded statement do not necessarily evidence a lack of credibility of the witness or of the information they provide. In any event, when evaluating inconsistencies between a witness's testimony and his or her prior statement, or any other documents emanating from the witness, chambers take into account all the circumstances of the prior account, including but not limited to the accuracy, content and nature of the previous statement, and the context in which it was made. They also take into account any explanation provided by the witness with respect to said discrepancy.⁸¹

34. Additionally, the passage of time, and in some instances the trauma experienced, must also be factored into the analysis of the witness's credibility, and as a result, appropriate allowance must be made for any lack of clarity, imprecisions

⁷⁸ See the "Judgment pursuant to Article 74 of the Statute" (Trial Chamber I), [No. ICC-01/04-01/06-2842](#), 14 March 2012 (the "*Lubanga* Trial Judgment"), para. 339; the "Judgment pursuant to article 74 of the Statute" (Trial Chamber II), [No. ICC-01/04-01/07-3436](#), 7 March 2014 (the "*Katanga* Trial Judgment"), para. 84; the "Public redacted version of Judgment pursuant to Article 74 of the Statute" (Trial Chamber VII), [No. ICC-01/05-01/13-1989-Red](#), 19 October 2016 (the "*Bemba et al.* Trial Judgment"), paras. 202 and 204; and the *Ongwen* Appeals Judgment, *supra* note 76, para. 524. See also ICTY, *Haradinaj et al.*, Case No. IT-04-84-A, [Judgement](#) (Appeals Chamber), 19 July 2010, para. 201.

⁷⁹ See the *Ongwen* Trial Judgment, *supra* note 71, para. 256; the *Al Hassan* Trial Judgment, *supra* note 71, para. 37; and the *Yekatom and Ngaïssona* Judgment, *supra* note 71, para. 205.

⁸⁰ See the *Ongwen* Trial Judgment, *supra* note 71, para. 258; the *Al Hassan* Trial Judgment, *supra* note 71, para. 37.

⁸¹ See the *Ongwen* Trial Judgment, *supra* note 71, para. 256; the *Al Hassan* Trial Judgment, *supra* note 71, para. 38. See also the *Yekatom and Ngaïssona* Judgment, *supra* note 71, paras. 198-199.

and/or contradictions.⁸² This stems not only from this Court's jurisprudence, but was also powerfully expressed by Witness P-1264, who explained that she wondered whether she would be able to remember everything she had suffered, because she had been advised and encouraged to turn the page and move on to something else.⁸³ This is particularly important in the present case where 84% of the participating victims are also Prosecution witnesses.⁸⁴ Failing to allow for minor discrepancies, as has been done in every other case before this Court, would be akin to promoting impunity by making it virtually impossible to convict accused individuals. Indeed, trauma and the passage of time inevitably lead to minor imprecisions and discrepancies in witnesses' accounts. When evaluating the weight to be given to said minor discrepancies, the Chamber should be particularly mindful of the trauma experienced by the witnesses, their age and their individual circumstances. It should also consider the different circumstances in which accounts are given, such as when providing information for the purpose of participating in the proceedings for dual status witnesses, or when giving a statement or testifying in court.

B. VICTIMS' CONCERNS IN RELATION TO THE EVIDENCE

35. Throughout the proceedings, the Trial Chamber afforded the Defence ample opportunity to present its case, be it by allowing for flexibility in the way cross-examinations were conducted, or by ensuring the Defence had sufficient time to prepare for its case.⁸⁵

⁸² See the *Ngudjolo* Appeal Judgment, *supra* note 72, para. 53; the *Al Hassan* Trial Judgment, *supra* note 71, paras. 40-41; the *Ongwen* Trial Judgment, *supra* note 71, para. 258; the *Bemba et al.* Trial Judgment, *supra* note 78, para. 203; and the *Yekatom and Ngaïssona* Judgment, *supra* note 71, para. 201.

⁸³ P-1264: [T-098 \[ENG\]](#), p. 23, line 22 – p. 24, line 1; [T-098 \[FR\]](#), p. 22, line 24 – p. 23, line 1. See also *e.g.* P-0481: [T-073 \[ENG\]](#), p. 42, lines 11-12; [T-073 \[FR\]](#), p. 43, lines 17-19.

⁸⁴ See *supra* para. 17.

⁸⁵ See the "Order in relation to the Defence Notification of its Preliminary List of Witnesses" (Trial Chamber VI), [No. ICC-01/14-01/21-909](#), 25 January 2025, para. 5. See also the "Decision on the Defence's Request for an Extension of Time to File its Final List of Witnesses, List of Evidence and Complete Disclosure" (Trial Chamber VI), [No. ICC-01/04-01/21-920-Conf](#) and [No. ICC-01/04-01/21-920-Red](#), 21 February 2025; the "Decision on the Defence's Request for an Extension of Time to File Requests to Submit Evidence other than through a Witness" (Trial Chamber VI), [No. ICC-01/14-01/21-942](#), 20 March 2025; the "Decision on the Defence's Request for Additional Time to Complete Its Investigation" (Trial

36. Making use of this time and flexibility, the Defence freely elected to present a case that they deemed “[TRANSLATION] *useful, focused and therefore limited in terms of witnesses*”.⁸⁶ Yet, at the close of the presentation of evidence, the Defence failed to cast doubt on the evidence brought forward by the Prosecution.

1. The Defence did not cast doubt on the credibility of the Legal Representative’s clients

37. *The Defence limited its case to an analysis of the CAR context from a Western perspective* – An analysis of the items disclosed and used by the Defence, as well as the few witnesses it called, is striking: the Defence ultimately presented no evidence on the crimes, on SAÏD’s role, or on the credibility of Prosecution witnesses. Instead, its case focused on a Western-centred analysis of the political context prevailing in CAR around the time of the charges, coupled with methodological commentary on the investigation.

38. *Documentary evidence* – Aside from the documents disclosed in preparation for the testimony of witness P-0036, approximately, the majority of the evidence disclosed by the Defence by the time it closed its case on 2 September 2025⁸⁷ consists of press articles or video footages from media outlet and relate mostly to the political situation in the CAR around the time of the charges.

39. Similarly, the elements the Defence sought to introduce through the bar table overwhelmingly concerned contextual elements of war crimes and crimes against humanity. Again, the vast majority of these documents are press articles or reports, primarily authored by French and Francophone sources, thus reflect an external

Chamber VI), [No. ICC-01/14-01/21-955-Conf](#) and [No. ICC-01/14-01/21-955-Red](#), 1 April 2025; and the “Decision Setting Final Deadlines for the Defence’s Presentation of Evidence and Related Directions” (Trial Chamber VI), [No. ICC-01/14-01/21-986-Conf-Red](#) and [No. ICC-01/14-01/21-986-Red](#), 23 June 2025.

⁸⁶ See the “Version publique expurgée des ‘Observations de la Défense conformément à l’ordonnance rendue par la Chambre le 24 janvier 2025 (ICC-01/14-01/21-909)’, ICC-01/14-01/21-912-Conf-Exp”, [No. ICC-01/14-01/21-912-Red](#), 3 February 2025, para. 17: “il s’agit pour [la Défense] de présenter un cas de la Défense **utile, ciblé et donc limité en termes de témoins**” (emphasis added).

⁸⁷ See the “Notification par la Défense de Monsieur Said de la clôture de son cas”, [No. ICC-01/14-01/21-1020](#), 2 Septembre 2025.

perspective rather than that of those directly affected by the events in the CAR. A smaller portion of the Defence's proposed documents aim at challenging the credibility of certain witnesses. Even then, however, the credibility at issue primarily concerns witnesses who testified about contextual elements, aside from a few documents related to the Seduction bar arrests, contact reports between the Prosecution and certain witnesses, and some identity documents.

40. *Testimonial evidence (including prior recorded testimony)* – Most strikingly, except for the P-0405's prior recorded testimony, the Defence's final list of witnesses consisted exclusively of international actors – researchers, jurists and journalists – mostly French or Francophone.

41. The four prior recorded testimonies introduced (P-0405, P-2926, P-0035 and P-0037) concerned only background information and the contextual elements,⁸⁸ and all were deemed to be cumulative of oral evidence already on the record.⁸⁹

42. Ultimately, only three witnesses came to testify, and their testimonies were limited either to the contextual elements of war crimes and crimes against humanity or to the methodological aspects of the investigation.

43. The Legal Representative leaves it to the Chamber to appreciate the probative value of this evidence, but she notes that the testimony of P-0022 concerned a period mostly outside of the charges,⁹⁰ and was otherwise relying on information given to him

⁸⁸ See the "Decision on the Defence's Request under Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0015, P-0025, P-2926 and P-0405", [No. ICC-01/14-01/21-957-Conf](#) and [No. ICC-01/14-01/21-957-Red](#), 2 April 2025, paras 21-26, in particular para. 23 and paras. 27-31, in particular para. 30; the "Decision on Defence's Requests pursuant to Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0035 and P-0037", [No. ICC-01/14-01/21-1014-Conf](#) and [No. ICC-01/14-01/21-1014-Red](#), 26 August 2025, para. 20.

⁸⁹ See the "Decision on the Defence's Request under Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0015, P-0025, P-2926 and P-0405", *idem*, para. 24 (P-2926), and para. 30 (P-0405); the "Decision on Defence's Requests pursuant to Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0035 and P-0037", *idem*, paras. 22-23 (P-0035 and P-0037); and the "Decision Setting a Deadline in Respect of P-0405" (Trial Chamber VI), [No. ICC-01/14-01/21-1002-Conf-Red](#) and [No. ICC-01/14-01/21-1002-Red](#), 25 July 2025, para. 13 (P-0405).

⁹⁰ **P-0022**: [T-134 \[ENG\]](#), p. 26 lines 22-24, and p. 57, lines 1-23; [T-134 \[FR\]](#) p. 30, lines 11-13 and, p. 63, line 13 – p. 64, line 8.

by other sources, including P-2926.⁹¹ Concerning P-0015, whose account focused merely on her article,⁹² her testimony showed obvious lacunas in her knowledge of the basic facts concerning the events and important contradictions in her analysis of the situation prevailing at the time of the charges.⁹³ Lastly, the sole purpose of P-0036's testimony was to provide her observations on a mission she carried out which purpose was to *"conduct a topographical analysis of the OCRB itself and [...] to take measurements and make a sketch that will be useful to the parties"*⁹⁴ based on the indications provided by a person who was not working at the OCRB at the time of the events.⁹⁵ The Legal Representative notes that there were already dozens of sketches, maps, and pictures of the OCRB on the record, prior to this testimony, including some drawn by individuals present at the OCRB at the time of the charges.⁹⁶

44. *Use of courtroom time to explore the personal background of the witnesses –* While lines of questioning aimed at testing the credibility of Prosecution witnesses are expected during cross-examination, in the present case, the Defence devoted a disproportionate amount of courtroom time exploring witnesses' personal background, without focussing on matters relevant to the charges. By way of example, amongst a multitude of others, the Legal Representative notes that the Defence never questioned the occurrence of the incident addressed in dual status P-0547's testimony, but instead focused its cross-examination on his personal background, and his

⁹¹ P-0022: [T-134 \[ENGL\]](#), p. 21, lines 14-20; [T-134 \[FR\]](#), p. 23, line 25 – p. 24, line 3.

⁹² P-0015: [CAR-D33-0014-1617](#); BELLAL (A.), "Central African Republic: From conflict to chaos and back again", in CASEY-MASLEN (S.) (ed), *The War Report 2013*, Oxford University Press, 2014, pp. 411-428.

⁹³ See *infra* paras. 78-79.

⁹⁴ P-0036: [T-139 \[ENG-CONF\]](#), p. 11, lines 23-24; [T-139 \[FR-CONF\]](#), p. 12, lines 7-9.

⁹⁵ P-0036: [T-139 \[ENG-CONF\]](#), p. 53, lines 16-20; [T-139 \[FR-CONF\]](#), p. 55, lines 21-25. For the sake of clarity, the Legal Representative indicates that the English version does not correctly reflect the meaning of P-0036's words which clearly indicate that the Deputy Director of the OCRB was not present in 2013.

⁹⁶ See e.g. the annotated pictures by P-2105: [CAR-REG-0002-0038](#), [CAR-REG-0002-0039](#), [CAR-OTP-2022-0151](#); the annotated picture by P-2178: [CAR-REG-0002-0076](#); annotated pictures by P-1167: [CAR-REG-0002-0077](#), as well as pictures he commented on: [CAR-OTP-2033-7718](#) and shown [CAR-OTP-2033-7337](#), including annotated picture of the inside of the compound: [CAR-REG-0002-0078](#) and [CAR-REG-0002-0079](#); the annotated sketch by P-0787: [CAR-REG-0002-0095](#); and the annotated sketch by P-1737: [CAR-REG-0002-0102](#). See also [CAR-OTP-2050-0190](#), [CAR-OTP-2053-0382](#), [CAR-OTP-2055-0157](#), [CAR-OTP-2066-0936](#), and [CAR-OTP-2066-0937](#).

activities before and after the events, including his participation as a witness and victim in the present proceedings.⁹⁷

45. This is also illustrated by the fact that the Presiding Judge repeatedly encouraged the Defence to focus on relevant issues, rather than delving into matters well outside the temporal scope of the charges or limited to the witnesses' personal backgrounds.⁹⁸

46. *Failed attempts to cast doubt on the credibility by hinting at unformulated credibility issues* – Most of the Defence's questioning aimed at casting doubt as to the credibility of the witness by hinting at **unformulated potential issues**. Yet, said issues were ultimately never brought forward by the Defence, neither through calling a witness nor through tendering evidence via the bar table. For instance, during the cross-examination of Prosecution witness P-0787, when asked by the Presiding Judge about the relevance of obtaining a copy of the witness's police officer's card and whether the Defence was challenging his quality as police officer, the Defence indicated: *"I haven't even finished my investigations. And I cannot offer an answer now. It is dynamic. We can only speak to the credibility of this witness at the closure of this judicial process, when the Prosecution rests its case, and if there's ever a presentation of a Defence case"*.⁹⁹

47. The Defence adopted this strategy with virtually every Prosecution witness. Yet, nearly three years after into the trial, it is evident that the Defence elected to present a case focussing only on very discreet aspects of the case, and did not present any evidence to challenge the credibility of the Prosecution witnesses. It remains

⁹⁷ See e.g. P-0547: T-014 [ENG], pp. 41-74; T-014 [FR], pp. 41-76; T-015 [ENG], pp. 3-29, and 37-41; T-015 [FR], pp. 3-30 and pp. 38-42; T-016 [ENG], pp. 37-58; T-016 [FR], p. 38, line 15 – p. 62; and T-017 [ENG], pp. 20-24; T-017 [FR], pp. 22-26.

⁹⁸ See e.g. P-2241: T-048 [ENG], p. 3, lines 11-13; T-048 [FR], p. 3, lines 11-13; P-1743: T-089 [ENG], p. 48, lines 19-21; T-089 [FR], p. 52, lines 2-5; and P-2328: T-128 [ENG], p. 52, lines 7-15, and p. 53, line 16 – p. 54, line 6; T-128 [FR], p. 56, lines 2-10 and p. 58, line 11 – p. 59, line 1. In other instances, the Chamber allowed these lines of questioning while suggesting that their relevance would be evaluated in the judgment. See e.g. P-2563: T-114 [ENG], p. 43, lines 2-6; T-114 [FR], p. 42, line 25 – p. 43, line 2.

⁹⁹ See e.g. P-0787: T-038 [ENG], pp. 25-30, in particular, p. 27, lines 1-4; T-038 [FR], pp. 27-32, in particular p. 29, lines 9-14.

unclear whether the Defence's investigations ultimately confirmed the reliability of the Prosecution witnesses, or whether the Defence considers that doubt was casted merely by asking these vague and irrelevant questions. In either case, the Defence failed.

48. Additionally, when questioning witnesses on their personal backgrounds, the Defence often created the appearance of casting doubt on the witnesses' credibility, using vague and blanket statements such as *"we will at the appropriate moment make or draw the appropriate conclusion"*,¹⁰⁰ without, however, deeming it necessary to clarify the nature of the alleged doubt with the witness concerned, thereby denying the Chamber the opportunity to hear the witness's position.¹⁰¹

49. This reflects a misinterpretation of the legal standards to be met. Indeed, when the Presiding Judge drew the Defence's attention to the fact that it did not make use of cross-examination to explore potentially relevant topics, the Defence indicated that *"it was advantageous for us to leave things as they were, as you can understand very well. So, as the element of doubt was beneficial to the accused, we left things as they were"*,¹⁰² suggesting that the mere presence of an alleged doubt was sufficient.

50. However, as detailed *supra*, it is legally required that **reasonable** doubts are **grounded in reasons** and a speculative doubt is not a reasonable doubt.¹⁰³ Even more, in the *Al Hassan* case, Trial Chamber X explicitly indicated that it did not address *"lines of questioning which hint at possible evidentiary challenges that were never advanced or developed in relation to the evidence presented at trial"*.¹⁰⁴ In short, none of these extensive lines of questioning about the witnesses' backgrounds are sufficient to cast any doubt on their credibility.

¹⁰⁰ The Defence blankly stated "nous en tirerons toutes les conséquences". See P-0358: [T-070 \[ENG\]](#), p. 62, lines 20-21; [T-070 \[FR\]](#), p. 66, lines 17-18.

¹⁰¹ P-2504: [T-064 \[ENG\]](#), p. 23, lines 16-20; [T-064 \[FR\]](#), p. 26, lines 14-20. See also the remarks by the Prosecution in this regard on p. 24, lines 12-16.

¹⁰² See e.g. P-1743: [T-089 \[ENG\]](#), p. 53, line 23 to p. 54, line 1; [T-089 \[FR\]](#) p. 56, lines 15-17

¹⁰³ See *supra* para. 29.

¹⁰⁴ See the *Al Hassan* Trial Judgment, *supra* note 71, para. 31.

51. In the same vein, the Defence opposed the introduction of the prior recorded testimony of a number of witnesses under Rule 68(2)(b), raising a number of issues on which the Chamber would benefit from hearing from the witnesses.¹⁰⁵ The Chamber granted the Defence's requests in some instances, rejecting the introduction of the prior recorded testimony and ordering that these witnesses be called under Rule 68(3) or *viva voce*.¹⁰⁶ However, once on the stand, none of the issues raised by the Defence in its responses to the requests were ultimately explored with the relevant witnesses.

52. It is worth noting in this regard that the Chamber provided the Defence with ample opportunity to rectify this course of events by underlining that none of these topics were being explored. For instance, during the testimony of P-1743, the Presiding Judge underlined that the Defence decided to "*largely not cross-examine [them] on the substance of the witness's evidence, including the specific issues raised by the Defence, in its responses to the Prosecution's Rule 68 applications*".¹⁰⁷ In some instances, the Chamber even proceeded to step up and to question the witness itself, in lieu of the Defence, considering that the Defence did not make proper use of its opportunity to explore the issues it had hinted at during cross-examination.¹⁰⁸

¹⁰⁵ See e.g. the "*Version publique expurgée de la 'Réponse de la Défense à la Prosecution first request to introduce prior recorded testimony pursuant to Rule 68(2)(b)' (ICC-01/14-01/21-289-Conf) déposée le 29 avril 2022' déposée le 9 juin 2022 (ICC-01/14-01/21-349-Conf)*", [No. ICC-01/14-01/21-349-Red](#), 16 June 2022; and the "*Version Publique Expurgée de la 'Demande d'autorisation d'interjeter appel de la Decision on the Prosecution's First, Second and Fourth Requests Pursuant to Rule 68(2)(b) of the Rules (ICC-01/14-01/21-507-Conf)' (ICC-01/14-01/21-524-Conf)*", [No. ICC-01/14-01/21-524-Red](#), 9 November 2022.

¹⁰⁶ See e.g. the "Decision on the Prosecution Requests pursuant to Rule 68(2)(b) to Introduce the Prior Recorded Testimony of P-0358, P-1180, P-2263 and P-2295" (Trial Chamber VI), [No. ICC-01/14-01/21-556](#), 21 November 2022, paras. 26 and 30; and the "Decision on the Prosecution's Request under Rule 68(3) to Introduce the Prior Recorded Testimony of P-1339 and Order in Respect of Related Matters" (Trial Chamber VI), [No. ICC-01/14-01/21-685-Conf](#) and [No. ICC-01/14-01/21-685-Red](#), 31 January 2024.

¹⁰⁷ **P-1743**: [T-089 \[ENG\]](#), p. 48, line 24 – p. 49, line 1; [T-089 \[FR\]](#), p. 52, lines 8-11. See also **P-0787**: [T-070 \[ENG\]](#), p. 61, line 22 – p. 62, line 14; [T-070 \[FR\]](#), p. 64, line 13 – p. 65, line 6.

¹⁰⁸ **P-2239**: [T-123 \[ENG\]](#), p. 30, line 15 – p. 31, line 19; [T-123 \[FR\]](#), p. 32, line 11 – p. 33, line 19; [T-122 \[ENG\]](#), p. 27, lines 9-12; [T-122 \[FR\]](#), p. 28, lines 10-13. See also the "Decision on the Certification of Accompanying Declarations Made by Witnesses Pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence" (Trial Chamber VI), [No. ICC-01/14-01/21-833-Conf](#) and [No. ICC-01/14-01/21-833-Red](#), 2 August 2024, paras. 49-52; and the "*Observations de la Défense sur la 'Registry's Transmission of the Amendments to the Prior Recorded Testimonies of Witnesses P-1523, P-0529, P-0882, P-1825, P-1427, P-1432, P-1970, P-2042, P-2087, P-0100, P-2239, P-0966, P-2386 and P-2337 pursuant to Rule 68(2)(b) of the Rules of Procedure and Evidence' (ICC-01/14-01/21-705-Conf)*" (Trial Chamber VI), [No. ICC-01/14-01/21-721-Conf](#) and [No. ICC-01/14-01/21-721-Red](#), 13 March 2024, paras. 25-34.

53. Yet, instead of proceeding to ask relevant questions to the witness, Defence counsel often elected to place information on the record themselves.

54. *Testimony by Defence Counsel* – On numerous occasions, Defence Counsel placed on the record substantial amounts of information themselves prior to putting a question to the witness.¹⁰⁹ At times, this information was not only unfounded but entirely inaccurate. For instance, during the testimony of P-0834, Defence Counsel asserted, with no basis whatsoever, that “*what is of interest to me is whether the investigators asked you to present a document and you say no*”.¹¹⁰ Yet, when the Presiding Judge posed the question directly, the witness confirmed that he had indeed presented the document.¹¹¹

55. While it is unclear to the Legal Representative whether this was part of a deliberate strategy, as the attempt to add Associate Counsel to the list of Defence witnesses would tend to indicate,¹¹² or not, and while the Legal Representative took no issue with the fact that the Chamber adopted a flexible approach in permitting those narratives to be made prior to a question being put to the witnesses, she trusts that no

¹⁰⁹ See e.g. **P-2161**: [T-108 \[ENG\]](#), p. 43, lines 2-17; [T-108 \[FRA\]](#), p. 43, line 18 – p. 44, line 9 (the Defence reformulates a response and changes its meaning entirely); **P-2563**: [T-114 \[ENG\]](#), p. 33, line 6 – p. 34, line 9; p. 35, lines 13-16, p. 38, line 3 – p. 39, line 4; [T-114 \[FRA\]](#), p. 33, line 17 – p. 34, line 19, p. 34, lines 24-27, p. 38, line 17 – p. 39, line 16 (the Defence acknowledges the fact that the type of leading questions they ask affects the credibility of the witness); [T-115 \[ENG\]](#), p. 8 line 10 – p. 9, line 4, p. 52, line 7 – p. 53, line 2, p. 54, lines 10-24; [T-115 \[FRA\]](#), p. 8, lines 1-23, p. 49, line 16 – p. 50, line 10, p. 51, line 23 – p. 52, line 12; and **P-2563**: [T-115 \[ENG\]](#), p. 22, lines 6-23; [T-115 \[FRA\]](#), p. 20, lines 8-22 (the witness attempts to actually testify, they get interrupted by Defence counsel).

¹¹⁰ **P-0834**: [T-127 \[ENG\]](#), p. 47, lines 15-16; [T-127 \[FRA\]](#), p. 47, lines 21-22.

¹¹¹ **P-0834**: [T-127 \[ENG\]](#), p. 47, line 2 – p. 48, line 16; [T-127 \[FRA\]](#), p. 47, line 11 – p. 48, line 21. See in the same vein, **P-2328**: [T-129 \[ENG\]](#), p. 46, line 23 – p. 47, line 17; [T-129 \[FRA\]](#), p. 47, line 17 – p. 48, line 9.

¹¹² See the “*Notification de la liste de témoins et de la liste des éléments de preuve de la Défense conformément à la ‘Third Directions on the Conduct of Proceedings’ (ICC-01/14-01/21-873) rendue par la Chambre de première instance VI le 8 octobre 2024*”, [No. ICC-01/14-01/21-921-Conf](#) and [No. ICC-01/14-01/21-921](#), 21 February 2025, together with annexes 2 and 3 thereof. See also the “*Requête visant à introduire la Déclaration Antérieure des témoins P-0015, P-0025, P-2926 et P-0405 en vertu de la Règle 68(2)(b) du Règlement de procédure et de preuve*”, [No. ICC-01/14-01/21-931-Conf](#) and [No. ICC-01/14-01/21-931-Red](#), 11 March 2025; and the “*Observations de la Défense sur le cadre du témoignage du Conseil Associé permettant d’assurer l’égalité des armes entre Accusation et Défense et le principe du contradictoire, garantis du procès équitable et réponse à la demande de l’Accusation ICC-01/14-01/21-928*”, [No. ICC-01/14-01/21-930-Conf](#) and [No. ICC-01/14-01/21-930-Red](#), 28 February 2025. See also the “*Decision on the Prosecution’s Request for an Order to Exclude Defence Counsel from the Defence’s List of Witnesses and Evidence*” (Trial Chamber VI), [No. ICC-01/14-01/21-935](#), 11 March 2025.

weight whatsoever will be given to these portions of the record containing views of Defence Counsel.¹¹³

56. Not only did the Defence use courtroom time to “testify” themselves,¹¹⁴ but they also spent a considerable amount of time trying to cast doubt on the Legal Representative’s clients by hinting at some unformulated and unestablished conflict of interest.

57. *The irrelevance of the Legal Representative’s Field Counsel office location* – The Defence spent a certain amount of time attempting to cast doubt on the credibility of dual status witnesses on the basis that the Legal Representative’s Field Counsel shared an office building with the former prime minister, that is Prosecution witness P-0291.¹¹⁵

58. As set out *supra*, doubt must be grounded in reasons,¹¹⁶ and doubt is not being raised when some potential issues are merely hinted at.¹¹⁷ Thus, absent the formulation of a concrete doubt, the Legal Representative fails to see how the mere fact that her Field Counsel shared an office building with another legal professional somewhat otherwise involved in the present case is sufficient to cast any doubt on the credibility of the victims she represents.

59. That being said, for the sake of completeness, the Legal Representative recalls that the involvement of Maître Dibert-Bekoy in the case was known to the parties and the Chamber from the opening statements.¹¹⁸ Additionally, when she noted that the

¹¹³ In this sense see *e.g.* the interventions of the Presiding Judge: [T-134 \[ENG\]](#), p. 62 lines 19-22, and p. 69, lines 9-11; [T-134 \[FR\]](#), p. 68, lines 24-27, and p. 75, lines 7-9.

¹¹⁴ See also *supra* note 112 and accompanying text.

¹¹⁵ See *e.g.* P-3056: [T-021 \[ENG\]](#), p. 82, line 18 – p. 83, line 5; [T-021 \[FR\]](#), p. 85, line 24 – p. 86, line 9; P-2400: [T-031 \[ENG\]](#), p. 30, line 23 – p. 31, line 1; [T-031 \[FR\]](#), p. 29, lines 20-23; P-1429: [T-040 \[ENG\]](#), p. 69, line 15 – p. 70, line 1; [T-040 \[FR\]](#), p. 71, line 20 – p. 72, line 6; P-2931: [T-046 \[ENG\]](#), p. 72, line 4 – p. 73, line 16; [T-046 \[FR\]](#), p. 71, line 22 – p. 73, line 8; P-1289: [T-051 \[ENG\]](#), p. 30, line 23 – p. 31, line 19; [T-051 \[FR\]](#), p. 32, line 22 – p. 33, line 20; P-1180: [T-068 \[ENG\]](#), p. 78, line 21 – p. 79, line 5; [T-068 \[FR\]](#), p. 81, line 22 – p. 82, line 3; and P-1743: [T-089 \[ENG\]](#), p. 20, line 20 – p. 21, line 21; [T-089 \[FR\]](#), p. 21, line 7 – p. 22, line 11.

¹¹⁶ See *supra* para. 29.

¹¹⁷ See *supra* paras. 46-50.

¹¹⁸ See [T-010 \[ENG\]](#), p. 67, lines 5-9; [T-010 \[FR\]](#), p. 69, lines 13-19.

Defence had engaged in investigative lines of questioning concerning her Field Counsel and an alleged involvement of P-0291 in their legal representation, the Legal Representative shared, with the parties and the Chamber, details on the scope of the Field Counsel's involvement in the case *"in order to avoid future unnecessary litigation and insinuations concerning the composition of her team"*,¹¹⁹ to no avail.¹²⁰

60. Moreover, the Legal Representative underlines that the fact that her Field Counsel works in P-0291's law firm is similar to the Defence's office being located in the Court building with the other parties in this case, or as matter of fact, with Prosecution witnesses P-3108, P-3112, and P-3114. It is indeed standard practice for legal professionals to share a space while ensuring the protection of confidential information (and in the present case only the entrance and sanitary spaces are shared). Suggesting that this may have affected the testimony of the individuals represented jointly by Maître Dibert-Bekoy is tantamount to questioning his professional integrity, without any basis whatsoever.

61. In any event, when questioned by the Defence about this issue, P-0291 stated that Maître Dibert-Bekoy is an employee at his law firm and indicated that he was unaware that Maître Dibert-Bekoy was representing the victims in the present case.¹²¹ The witness further explained that he could not talk about other colleagues within his law firm as he was not contacted personally and did not know about any of this.¹²² The suggestion that Maître Dibert-Bekoy and P-0291 allegedly shared meeting rooms, which would affect the witness's credibility according to the Defence, is purely

¹¹⁹ See the "Common Legal Representative of Victims' response to the Defence's request to lift redactions concerning P-2400 (a/70304/22)", [No. ICC-01/14-01/21-518-Conf-Exp](#), [No. ICC-01/14-01/21-518-Conf-Red](#) and [No. ICC-01/14-01/21-518-Red](#), 11 November 2022, para. 34.

¹²⁰ *Idem*, paras. 31-39. See also the Legal Representative's email dated 8 February 2024 at 13:36, titled "RE: Prosecution request – witness preparation video of P-1289", addressed to Trial Chamber VI, wherein she reiterated the contents of paragraph 37 for the benefit of both the Chamber and the parties.

¹²¹ **P-0291**: [T-062 \[ENG\]](#), p. 44, lines 8-16; [T-062 \[FR\]](#), p. 48, line 27 – p. 49, line 3.

¹²² **P-0291**: [T-062 \[ENG\]](#), p. 44, lines 1-4; [T-062 \[FR\]](#), p. 50, lines 17-20.

speculative and based solely on the latter's assertions when testifying in lieu of the witness.¹²³

62. In relation to other unsubstantiated lines of questioning by the Defence regarding the completion of the participation forms, the Legal Representative posits that she and all her team members are bound, and must abide, by the Code of Professional Conduct for Counsel.¹²⁴ She consistently stated, when questioning each and every dual status witness, that she assisted them – as well as other victims – in filling out their participation forms.¹²⁵

63. At the end of the presentation of evidence, aside from those vague and unpursued allusions as to the lack of credibility of Prosecution witnesses – which do not warrant consideration by the Chamber – the Defence's case focused almost exclusively on challenging the chapeau elements of war crimes and crimes against humanity.

2. The Defence's few additional challenges do not undermine the credibility of the evidence

64. Leaving aside these Defence's comments on the credibility of Prosecution witnesses, only three substantive challenges remain: (a) the Defence suggests that legal procedures were adhered to concerning the detention of witnesses arrested in the context of the Flyers incident; (b) the Defence challenges that the contextual elements of war crimes, in particular the organisation and intensity requirements, are met; and (c) the Defence challenges that the contextual elements of crimes against humanity, in particular the policy requirement, are met.

¹²³ P-0291: T-062 [ENG], p. 47, line 24 – p. 48, line 21; T-062 [FR], p. 52, lines 11 – p. 53, line 5.

¹²⁴ In this sense, see the "Common Legal Representative of Victims' response to the Defence's request to lift redactions concerning P-2400 (a/70304/22)", *supra* note 119, para. 37.

¹²⁵ In this sense, see also *idem*, para. 39.

a. The Flyers incident

65. The Defence pursued various strategies to demonstrate the purported lawfulness of the detention of individuals detained in connection with the so-called Flyers incident (incident h), involving the arrest of a large group allegedly planning to distribute anti-DJOTODIA leaflets. Three observations are in order.

66. Firstly, the Defence's assertion that the individuals were lawfully detained is largely based on information that were placed on the record by Counsel themselves, which accordingly cannot be given any weight whatsoever. For instance, during the cross-examination of P-1180, Defence Counsel indicated: *"I want to give you my understanding of the documents that we have"*.¹²⁶

67. Secondly, when the information was properly placed on the record, that is by the witnesses themselves, it is equally of very limited value. Indeed, instead of calling witnesses who could testify to the alleged respect of the proceedings, the Defence questioned lay individuals about legal documents.¹²⁷

68. Lastly, as pointed out by the Presiding Judge, the documents relied upon by the Defence were generated *ex post facto*, that is in [REDACTED] while the witnesses were arrested in July.¹²⁸ Therefore little to no weight should be given to these documents when evaluating the lawfulness of the detention of the Flyers incident detainees.

b. The contextual elements of war crimes are met

69. The Defence challenge concerning contextual elements of war crimes appears to be twofold: a legal challenge and a factual challenge.

¹²⁶ P-1180: T-068 [ENG], p. 48, lines 19-20; T-068 [FR], p. 49, line 14.

¹²⁷ P-2263: T-059 [ENG], p. 4, lines 15-24, and p. 16, lines 5-17; T-059 [FR], p. 5, lines 2-7, and p. 17, lines 1-18. See also P-1180: T-068 [ENG], p. 48, lines 2-8, p. 51, lines 4-17, p. 52, line 5 – p. 53, line 4; T-068 [FR], p. 48, line 26 – p. 49 line 2, p. 51, line 27 – p. 52, line 23, p. 53, line 9 – p. 54, line 9; T-088 [ENG], p. 14, lines 3-5, p. 16, lines 5-15, p. 21, lines 4-20; T-088 [FR], p. 14, lines 5-8, p. 16, lines 1-12, p. 21, line 2-22.

¹²⁸ P-1180: T-068 [ENG], p. 50, lines 10-20; T-068 [FR], p. 52, lines 7-17.

70. *Legal challenge* – Throughout the proceedings, the Defence consistently disputed that the Séléka and the Anti-Balaka groups were sufficiently organised for the purpose of meeting the organisational requirement of Article 8(2), insisting in particular on the fact that the Séléka was merely a coalition of various groups that lacked unity and did not meet the organisation criterion.¹²⁹

71. To establish that the parties to the conflict are sufficiently organised for the purpose of Articles 8(2)(d) and 8(2)(f), chambers of this Court have taken into account the following factors: (i) the existence of a command structure, the existence of headquarters, the issuing of political statements, the use of official spokespersons as well as the group's internal hierarchy; (ii) the military capacity of the armed group, such as for instance its ability to define a strategy, to use military tactics, its ability to carry out large scale or coordinated operations, the control of the territory and having territorial division into zones of responsibility; (iii) the logistical capacity of the armed group, such as for instance the existence of a supply chain for equipment or the group's ability to move train or recruit and train personnel; (iv) the existence of an internal disciplinary system and the ability to implement international humanitarian law; and (v) the group's ability to speak with one voice, such as for instance the ability of the leadership to act on behalf of the group and conclude agreements (peace agreements or cease-fire).¹³⁰

72. The Legal Representative posits that the Defence misunderstands the organisational requirement. First, chambers of this Court have consistently found that the organisational requirement is met even when **only some** of the five factors listed

¹²⁹ See e.g. the "*Mémoire de première instance de la Défense*", [No. ICC-01/14-01/21-449-Conf](#) and [No. ICC-01/14-01/21-449-Red](#), 12 August 2022 ("Defence Trial Brief"), paras. 256-274. See e.g. **P-2105**: [T-023 \[ENG\]](#), pp. 14-15; [T-023 \[FR\]](#), pp. 15-16; **P-0884**: [T-077 \[ENG\]](#), p. 22, line 19 – p. 24, line 5; [T-077 \[FRA\]](#), p. 22, line 12 – p. 23, line 26; **P-2563**: [T-112 \[ENG\]](#), p. 11 lines 12-25, p. 37, lines 6-14; [T-112 \[FRA\]](#), p. 11, line 16 – p. 12, line 1, p. 37, lines 14-24; **P-0022**: [T-134 \[ENG\]](#), p. 25, line 2 – p. 26, line 9; [T-134 \[FRA\]](#), p. 28, line 13 – p. 29, line 23.

¹³⁰ See the *Al Hassan* Trial Judgment, *supra* note 71, para. 1096 and references contained therein.

supra exist and that none of them is individually required.¹³¹ Second, nowhere do the Statute or the Elements of the Crimes require that the notion of organisation be assessed against Western standards. On the contrary, the Statute is of universal application, and the Legal Representative cautions against a Western-centric interpretation of the texts that would *de facto* render them inapplicable to other contexts.

73. The Defence has also consistently disputed the occurrence of protracted armed violence between the Séléka and the pro-Bozizé forces for the purpose of meeting the intensity requirement of Article 8(2).¹³²

74. In order to determine the ‘protracted’ character with a view to assessing the intensity of the conflict, chambers of this Court have considered the following factors: (i) the seriousness and frequency of attacks and armed clashes; (ii) the spread of clashes over territory and the group’s ability to control territory over a period of time; (iii) whether any ceasefire orders had been issued or agreed to; (iv) the type and number of armed forces deployed, including any involvement of the government; (v) the type of weapons used; (vi) whether the situation had attracted the attention of the UN Security Council, or involvement of other international organisations; (vii) whether those fighting considered themselves bound by international humanitarian law; and (viii) the effects of the violence on the civilian population, including the extent to which civilians left the relevant area, the extent of destruction, and the number of persons killed.¹³³ Chambers have further considered that “*the intensity and ‘protracted armed conflict’ criteria do not require fighting to take place continuously and be entirely uninterrupted; it is sufficient for the Chamber to find that violence goes beyond isolated or sporadic acts*”.¹³⁴ In the present case, the armed hostilities were

¹³¹ *Idem*, para. 1096 and footnote 3761; and para. 1256 and references contained therein. See also the *Katanga* Trial Judgment, *supra* note 78, para. 1186 and references contained therein; and the *Lubanga* Trial Judgment, *supra* note 78, para. 537.

¹³² See e.g. the Defence Trial Brief, *supra* note 129, paras. 289-300. P-0022: [T-134 \[ENG\]](#), p. 33, line 22 – p. 34, line 23; [T-134 \[FRA\]](#), p. 37, line 20 – p. 38, line 21.

¹³³ See the *Al Hassan* Trial Judgment, *supra* note 71, para. 1097 and references contained therein.

¹³⁴ *Ibid.*

protracted and exceeded, in intensity, internal disturbances and tensions, such as riots, and isolated and sporadic acts of violence.¹³⁵

75. *On the nexus requirement* – The Defence appears to dispute that the nexus requirement was established on the basis of the fact that it would be required to demonstrate the knowledge of the armed conflict at the time of it taking place, which in the view of the Defence cannot be established considering that certain evidence reveals that there was a debate as to the nature of the conflict at the time.¹³⁶

76. This reading is incorrect as demonstrated by a plain reading of the Elements of the crimes. Indeed, what is required is that the Accused was aware of the factual circumstances prevailing at the time.¹³⁷ It is not required that the Accused had knowledge of the appropriate legal characterisation of said circumstances. The fact that the adequate legal characterisation of the events was debated at the time is of no relevance whatsoever to establishing whether SAÏD had knowledge of the factual circumstances.

77. *On the findings of Trial Chamber V in the Yekatom and Ngaïssona case* – In its Judgment, Trial Chamber V found that an armed conflict existed from at least September 2013.¹³⁸ This does not preclude finding that an armed conflict existed earlier in 2013 in the present case. Indeed, the charges in the *Yekatom and Ngaïssona* case were different, with the Prosecution alleging the existence of an armed conflict from September 2013 onwards and crimes occurring from December 2013 onwards.¹³⁹ Accordingly, no evidence was adduced in that case to establish that the contextual elements of war crimes were met prior to September 2013. In contrast, the present case

¹³⁵ See *infra* paras. 80-81.

¹³⁶ See e.g. the “*Mémoire de première instance de la Défense*”, *supra* note 129, paras. 301-306.

¹³⁷ See e.g. the *Al Hassan* Trial Judgment, *supra* note 71, para. 1101.

¹³⁸ See the *Yekatom and Ngaïssona* Judgment, *supra* note 71, e.g. paras. 27-31, 50, 66, 3888, and 3898.

¹³⁹ See the “Public Redacted Corrected version of ‘Decision on the confirmations of charges against Alfred Yekatom and Patrice-Edouard Ngaïssona’ (Pre-Trial Chamber II), [No. ICC-01/14-01/18-403-Red-Corr](#), 14 May 2020, pp. 100-108.

is supported by substantial evidence demonstrating the existence of an armed conflict earlier in 2013, as discussed *infra*.

78. **Factual challenge** – Defence witness P-0015 testified that, based on her research and analysis, the two criteria for the existence of an armed conflict – the organisational requirement and the requirement of protracted armed violence – were not met between March 2013 and March 2014, and that, accordingly, international humanitarian law did not apply during that period.¹⁴⁰ However, P-0015's testimony revealed that she had no information whatsoever regarding the organisation of the pro-Bozizé forces within the CAR, acknowledging: "*I am not aware in what manner those forces were organised or reorganised*".¹⁴¹ Indeed, she was unaware that, during the period of the charges, these forces recruited new members, conducted military training, acquired weapons, coordinated their operations using mobile phones, and appointed zone commanders as part of their fight against the Séléka.¹⁴²

79. Furthermore, P-0015's analysis and testimony contain significant internal contradictions. For instance, her claim according to which the "*Séléka had seized not only Bangui but had also taken control of the entire territory, politically and militarily*",¹⁴³ cannot be reconciled with her concurrent assertion that "[t]he structure and chain of command of the Séléka was at best decentralized and certainly not very organized"¹⁴⁴ between March 2013 and March 2014.¹⁴⁵ Likewise, her suggestion that the Séléka's military operation in Boy Rabe in August 2013¹⁴⁶ should be characterised as "*a law enforcement operation*" on the basis that the Séléka were part of the new government,¹⁴⁷ is incompatible with her

¹⁴⁰ P-0015: [CAR-D33-0014-1617](#) at 1618, and 1623-1624. See also [T-135 \[ENG\]](#), p. 19, line 17 – p. 20, line 21, and p. 32, line 3 – p. 33, line 7; [T-135 \[FR\]](#), p. 20, line 23 – p. 22, line 1, and p. 33, line 23 – p. 35, line 3; [T-136 \[ENG\]](#), p. 8, lines 10-19, and p. 9, lines 13-23; [T-136 \[FR\]](#), p. 8, lines 18-28, and p. 9, line 19 – p. 10, line 5.

¹⁴¹ P-0015: [T-136 \[ENG\]](#), p. 10, lines 2-3; [T-136 \[FR\]](#), p. 10, lines 9-10.

¹⁴² P-0015: [T-136 \[ENG\]](#), p. 6, line 23 – p. 10, line 3; [T-136 \[FR\]](#), p. 7, line 5 – p. 10, line 10.

¹⁴³ P-0015: [CAR-D33-0014-1617](#) at 1620.

¹⁴⁴ P-0015: [CAR-D33-0014-1617](#) at 1623.

¹⁴⁵ P-0015: [T-135 \[ENG\]](#), p. 39, line 15 – p. 44, line 4; [T-135 \[FR\]](#), p. 41, line 23 – p. 46, line 15.

¹⁴⁶ See also *infra* paras. 108-109, and 114-116.

¹⁴⁷ P-0015: [T-136 \[ENG\]](#), p. 12, lines 13-19; [T-136 \[FR\]](#), p. 12, lines 18-25.

statement that “most state structures had effectively collapsed”, rendering the CAR “a failed state”.¹⁴⁸

80. Regarding the organisation of those involved in the conflict,¹⁴⁹ the Legal Representative notes the evidence in the case record attesting to the creation and organisation of the Anti-Balaka soon after the Séléka takeover. In particular, according to P-2232 and P-2269, the Anti-Balaka movement emerged approximately one to two months after the Séléka took power in Bangui.¹⁵⁰ The movement was set up in Bossangoa.¹⁵¹ After attacking the Séléka at the *gendarmerie* station in Bozoum, Anti-Balaka fighters withdrew to Gobere, which became a key point for recruitment and coordination. From Gobere, the movement expanded gradually, mobilising village by village.¹⁵² Several professional soldiers – FACA members – also joined and provided combat training in the run-up to their attacks on 5 December 2013.¹⁵³ Witnesses described the Anti-Balaka as well organised, structured, and coordinated.¹⁵⁴

¹⁴⁸ **P-0015:** [CAR-D33-0014-1617](#) at 1621. See also [T-135 \[ENG\]](#), p. 32, line 14 – p. 33, line 7, and p. 43, line 14 – p. 44, line 4; [T-135 \[FR\]](#), p. 34, line 7 – p. 35, line 3, and p. 45, line 18 – p. 46, line 15.

¹⁴⁹ Concerning the organisation of the Séléka, see *infra* paras. 95-97, 107-109, and 117-122.

¹⁵⁰ **P-2232:** [T-102 \[ENG\]](#), p. 24, lines 18-21; [T-102 \[FR\]](#), p. 23, lines 17-20. **P-2269:** [CAR-OTP-2111-0336-R01 \[ENG\]](#) at 0339-0341, paras. 25, and 35-36; [CAR-OTP-2118-2197-R01 \[FR\]](#) at 2202-2203, paras. 25, and 35-36.

¹⁵¹ **P-2232:** [T-102 \[ENG\]](#), p. 21, line 23 – p. 22, line 3; [T-102 \[FR\]](#), p. 22, lines 1-7. **P-2269:** [CAR-OTP-2111-0336-R01 \[ENG\]](#) at 0341-0342, paras. 35-42; [CAR-OTP-2118-2197-R01 \[FR\]](#) at 2203-2204, paras. 35-42.

¹⁵² **P-2232:** [T-102 \[ENG\]](#), p. 22, lines 3-4; [T-102 \[FR\]](#), p. 22, lines 6-8; [T-102 \[ENG\]](#), p. 22, lines 5-10, p. 25, lines 2-19, and p. 53, lines 10-22; [T-102 \[FR\]](#), p. 21, lines 8-15, p. 23, line 25 – p. 24, line 17, and p. 52, lines 11-23; [T-104 \[ENG\]](#), p. 22, lines 6-14; [T-104 \[FR\]](#), p. 23, lines 8-18. **P-2269:** [CAR-OTP-2111-0336-R01 \[ENG\]](#) at 0343-0344, paras. 53, and 56; [CAR-OTP-2118-2197-R01 \[FR\]](#) at 2206, paras. 53, and 56. **P-0975:** [CAR-OTP-2033-7885-R01 \[ENG\]](#) at 7888-7889, paras. 25-29; [CAR-OTP-2107-1329-R01 \[FR\]](#) at 1334, paras. 25-29. **P-0966:** [CAR-OTP-2031-0241-R01 \[ENG\]](#) at 0245-0246, paras. 23, 25, 28, and 30; [CAR-OTP-2102-0078-R01 \[FR\]](#) at 0084-0086, paras. 23, 25, 28, and 30.

¹⁵³ **P-2232:** [T-102 \[ENG\]](#), p. 25, lines 17-19; [T-102 \[FR\]](#), p. 24, lines 14-17. **P-0884:** [T-076 \[ENG\]](#), p. 45, lines 17-19; [T-076 \[FR\]](#), p. 45, line 26 – p. 46, line 1. **P-0975:** [CAR-OTP-2033-7885-R01 \[ENG\]](#) at 7889, paras. 28-29; [CAR-OTP-2107-1329-R01 \[FR\]](#) at 1334, paras. 28-29. **P-0966:** [CAR-OTP-2031-0241-R01 \[ENG\]](#) at 0246, para. 28; [CAR-OTP-2102-0078-R01 \[FR\]](#) at 0085, para. 28.

¹⁵⁴ **P-2232:** [T-102 \[ENG\]](#), p. 22, lines 13-15, p. 26, lines 16-24, p. 36, lines 13-23, p. 39, line 17 – p. 42, line 20, p. 44, lines 17-24, and p. 50, lines 2-25; [T-102 \[FR\]](#), p. 22, lines 18-20, p. 26, lines 11-22, p. 36, lines 7-17; p. 39, line 8 – p. 42, line 6, p. 44, lines 1-9, and p. 50, line 20 – p. 51, line 19; [T-102 \[ENG\]](#), p. 22, lines 11-13, p. 25, line 2 – p. 26, line 4, p. 32, line 16 – p. 35, line 6, p. 37, line 8 – p. 38, line 2, and p. 39, lines 3-7; [T-102 \[FR\]](#), p. 22, lines 16-18, p. 23, line 25 – p. 24, line 26, p. 31, line 15 – p. 33, line 28, p. 35, line 28 – p. 36, line 20, and p. 37, lines 17-22. **P-0966:** [CAR-OTP-2031-0241-R01 \[ENG\]](#) at 0246-0248, paras. 29, 31, and 33-39; [CAR-OTP-2102-0078-R01 \[FR\]](#) at 0085-0087, paras. 29, 31, and 33-39. **P-2269:** [CAR-OTP-2111-0336-R01 \[ENG\]](#) at 0342-0345, paras. 46-58, and 67-69; [CAR-OTP-2118-2197-R01 \[FR\]](#) at 2205-2208,

81. Regarding the intensity of the conflict, the Legal Representative notes that several witnesses substantiated the occurrence of numerous attacks and clashes between the Séléka and the Anti-Balaka throughout the period of the charges, well before the Anti-Balaka attacks on 5 December 2013.¹⁵⁵ P-2232, for instance, explained that the Séléka attacked villages and Anti-Balaka bases, for instance in Berberati, Bambari and Bria, between 24 March and 5 December 2013,¹⁵⁶ and that the Anti-Balaka conducted a large-scale, well-coordinated attack on Ndjo about three or four months after the Seleka's arrival in Bangui.¹⁵⁷ P-0966 described other Anti-Balaka attacks on, *inter alia*, Bouca, Ouham-Bac, Benzambe, and Bossangoa,¹⁵⁸ stating that the Anti-Balaka's strategy was to "*target little villages occupied by the Seleka around BOSSANGOA in order to defeat smaller groups of Seleka and seize their weapons. Then we'd become strong enough to attack BOSSANGOA where the Seleka were numerous*".¹⁵⁹

82. In conclusion, the Defence's challenge to the contextual elements of war crimes is unsuccessful, as the evidence clearly demonstrates the existence of a protracted armed conflict between two well-organised groups at the time of the charges.

paras. 46-58, and 67-69. **P-0975:** [CAR-OTP-2033-7885-R01 \[ENG\]](#) at 7889, and 7892, paras. 29, and 48; [CAR-OTP-2107-1329-R01 \[FR\]](#) at 1334, and 1337. paras. 29, and 48.

¹⁵⁵ **P-2232:** [T-102 \[ENG\]](#), p. 30, lines 7-17; [T-102 \[FR\]](#), p. 30, lines 1-13; [T-102 \[ENG\]](#), p. 30, line 18 – p. 31, line 2, and p. 53, line 16 – p. 55, line 12; [T-102 \[FR\]](#), p. 29, lines 14-24, and p. 52, line 16 – p. 54, line 2. **P-0966:** [CAR-OTP-2031-0241-R01 \[ENG\]](#) at 0246, and 0248-0251, paras. 27, and 40-55; [CAR-OTP-2102-0078-R01 \[FR\]](#) at 0085, and 0087-0090, paras. 27, and 40-55. **P-2269:** [CAR-OTP-2111-0336-R01 \[ENG\]](#) at 0357, paras. 157-158; [CAR-OTP-2118-2197-R01 \[FR\]](#) at 2221, paras. 157-158. **P-0975:** [CAR-OTP-2033-7885-R01 \[ENG\]](#) at 7890, paras. 32, and 36; [CAR-OTP-2107-1329-R01 \[FR\]](#) at 1335-1336, paras. 32, and 36.

¹⁵⁶ **P-2232:** [T-102 \[ENG\]](#), p. 30, lines 7-17; [T-102 \[FR\]](#), p. 30, lines 1-13; [T-102 \[ENG\]](#), p. 30, line 18 – p. 31, line 2; [T-102 \[FR\]](#), p. 29, lines 14-24.

¹⁵⁷ **P-2232:** [T-102 \[ENG\]](#), p. 46, line 6 – p. 47, line 25; [T-102 \[FR\]](#), p. 44, line 21 – p. 46, line 15; [T-102 \[ENG\]](#), p. 48, line 10 – p. 49, line 4; [T-102 \[FR\]](#), p. 48, line 28 – p. 49, line 25.

¹⁵⁸ **P-0966:** [CAR-OTP-2031-0241-R01 \[ENG\]](#) at 0248, and 0250-0251, paras. 42, and 49-55; [CAR-OTP-2102-0078-R01 \[FR\]](#) at 0088-0090, para. 42, and 49-55. See also **P-0015:** [T-136 \[ENG\]](#), p. 10, line 21 – p. 11, line 1; [T-136 \[FR\]](#), p. 11, lines 1-6.

¹⁵⁹ **P-0966:** [CAR-OTP-2031-0241-R01 \[ENG\]](#) at 0249, para. 44; [CAR-OTP-2102-0078-R01 \[FR\]](#) at 0088, para. 44.

c. The contextual elements of crimes against humanity are met

83. The Defence challenge concerning the contextual elements of crimes against humanity equally appears to be twofold: a legal challenge and a factual challenge.

84. *Legal challenge* – In its Trial Brief, the Defence contests the existence of a policy, in particular on the basis that the Prosecution has not presented any specific evidence to that effect.¹⁶⁰

85. This is based on a misunderstanding of the law. Indeed, the jurisprudence of this Court is consistent in holding that the policy can be **inferred** and that, while it may include a pre-established design or plan, it may also crystallise and evolve as the perpetrators take action. As a matter of fact, chambers have consistently inferred the policy taking into account the following factors: (i) a recurrent pattern of violence; (ii) the existence of preparations or collective mobilisation orchestrated and coordinated by the organisation; (iii) the use of public or private resources to further the policy; (iv) the involvement of organisational forces in the commission of crimes; (v) statements, instructions or documentation attributable to the organisation condoning or encouraging the commission of crimes; and (vi) an underlying motivation.¹⁶¹

86. *Evidentiary challenge* – When cross-examining Prosecution witnesses, the Defence attempted to show that people were targeted not because they were members of FACA or lived in Boy Rabe but because they had valuable goods.¹⁶² Yet, and as

¹⁶⁰ See the “*Mémoire de première instance de la Défense*”, *supra* note 136, paras. 307-343, in particular, paras. 309-315.

¹⁶¹ See e.g. the *Al Hassan* Trial Judgment, *supra* note 71, para. 1110; the *Ongwen* Trial Judgment, *supra* note 71, paras. 2679 and 2802 (finding that the repeated occurrence of attacks on individual civilians revealed that the acts were conducted pursuant to a policy to attack the civilian population); the “Judgment” (Trial Chamber VI), [No. ICC-01/04-02/06-2359](#), 8 July 2019, para. 674 and references contained therein; and paras. 682-689 finding notably that the fact that the group promoted peace at times did not disturb the fact that they it acted pursuant to a policy promoting supplementary objectives, which is established *inter alia* by the way the attacks were planned and unfolded; and the *Katanga* Trial Judgment, *supra* note 78, paras. 1108-1110, and 1142-1156.

¹⁶² See e.g. [T-057 \[ENG\]](#), p. 12, lines 7-22; [T-057 \[FR\]](#), p. 11, line 14 – p. 12, line 4; and [T-084 \[ENG\]](#), p. 33, lines 1-8; [T-084 \[FR\]](#), p. 30, lines 18-26.

further demonstrated *infra*, these lines of questioning only served to reinforce the evidence that the targeting of Boy Rabe was motivated for ethnic and religious reasons.¹⁶³

87. This is likewise inconsistent with the substantial body of evidence presented by the Prosecution. For instance, witness P-1563 was in no way a rich man. He was [REDACTED] at the time of the charges and gave detailed evidence on his standard of living and his monthly salary of 20,000 FCFA,¹⁶⁴ yet the Séléka took his possessions when they left.¹⁶⁵

88. In short, except for these three limited and unsuccessful challenges regarding the flyers incident, and the chapeau elements of war crimes and of crimes against humanity, the Defence only presented frivolous challenges to the credibility of the Prosecution's evidence. These challenges do not even require to be entertained by the Chamber.

V. IMPACT OF THE CRIMES UPON VICTIMS AND THEIR COMMUNITIES

89. The Chamber's duty to determine the truth is not limited to establishing the guilt or innocence of the Accused. Part of the truth to be determined by the Chamber is the victimisation, the suffering and harm caused to those who were directly or indirectly affected by the crimes committed. During the trial, the Chamber heard evidence about the crimes committed, as well as factual and emotional accounts of the agony suffered by the victims, their relatives, and the community. When evaluating the evidence, the Chamber should therefore give due consideration to the victims' accounts and the harm they suffered.

90. While the extent of the victimisation is an issue that will be developed further for sentencing purposes – and, subsequently, for reparations, if the Accused is found guilty – this final section intends to summarise the main harms suffered by the victims

¹⁶³ See *infra* paras. 98-116.

¹⁶⁴ P-1563: [T-117 \[ENG\]](#), p. 14, lines 15-25; [T-117 \[FR\]](#), p. 14, lines 17-26.

¹⁶⁵ P-1563: [T-117 \[ENG\]](#), p. 31, lines 19-24; [T-117 \[FR\]](#), p. 31, lines 6-11.

as a consequence of the crimes committed and their impact on their lives, in order for the Chamber to better understand the gravity and scale of the crimes charged. Said summary is limited to the participating victims and crimes-based witnesses who testified before the Chamber. However, the Legal Representative posits that it does not reflect the full extent of the victims' suffering in the present case, due to the excessively limited scope of victims participation adopted by the Chamber.¹⁶⁶

91. Moreover, the Legal Representative recalls that the crimes charged pertain solely to acts committed at the OCRB between April and August 2013.¹⁶⁷ The OCRB indeed played a central role in the Séléka's control over Bangui following the March coup. However, the events that took place there represent only a fraction of the broader suffering endured by the victims. During their time in power – from March 2013 to January 2014, the Séléka committed widespread crimes and human rights abuses across the CAR, targeting civilians and consolidating control through violence. Consequently, thousands of people suffered at the hands of the Séléka, not only at the OCRB or in Bangui, but throughout the country.

92. Similarly, the suffering experienced by Central Africans eventually detained at the OCRB did not begin within its walls. For many, it began in their own neighbourhoods, following targeted attacks, violent arrests, and abductions carried out by Séléka commanders and their elements. Victims were often singled out based on their perceived opposition to DJOTODIA because of their religion, ethnicity, neighbourhood, or social ties, and were forcibly taken from their homes or the streets. Some were first taken to other Séléka bases – such as *Camp de Roux*, *Camp des Sapeurs-Pompiers*, *Camp Kassai*, or other OCRB outposts like the OCRB Ngouciment – where they were held, mistreated, and interrogated before being transferred to the main

¹⁶⁶ See *supra* paras. 12-23.

¹⁶⁷ See the "Decision on the confirmation of charges against Mahamat Said Abdel Kani", *supra* note 20. See also the "Prosecution's Trial Brief", [No. ICC-01/14-01/21-359-Conf](#), and [No. ICC-01/14-01/21-359-Red](#), 13 June 2022

OCRB facility. Others were brought to the OCRB directly, where their suffering continued under conditions marked by beatings, torture, and inhumane treatments.

93. Victims described the suffering they experienced at the hands of SAÏD, who commanded the Séléka elements based at the OCRB and targeted individuals perceived to be BOZIZÉ supporters. The prejudice experienced is wide-ranging in scope, and complex in nature. Victims suffered physical harm and injuries, including chronic and long-lasting health ailments and impairments. Some of their injuries have never properly healed because they are the consequence of tortures and serious beatings. The crimes also had a profound psychological impact on victims, who suffered severe emotional harm because of, *inter alia*, the tortures and cruel treatments, the inhumane detention conditions, and the loss of relatives. In addition, victims suffered substantial material harm as a result of the crimes. They reported, *inter alia*, losing income due to their detention, having to pay exorbitant ransoms for their release, caring for dependents of those detained or killed, and the looting and destruction of their properties.

A. WIDESPREAD HARM INFLICTED IN BANGUI AND BEYOND

1. Emergence and ascendancy of the Séléka

94. Prior to the emergence of the Séléka, the Muslim and Christian communities lived a peaceful life in the CAR. When community members are asked about their lives before the conflict broke out, they describe it as very harmonious. Life was calm and they were free to go about their daily business.¹⁶⁸

95. Suddenly, everything changed. In 2012, a coalition of Muslim rebel groups, called Séléka, appeared in the northern areas of the country. Clashes occurred between the Séléka and the national armed forces, and – due to its superior firepower and

¹⁶⁸ **P-0312:** [T-097 \[ENG\]](#), p. 10, line 16 – p. 11, line 9; [T-097 \[FR\]](#), p. 10, line 22 – p. 11, line 14. See also **P-1297:** [CAR-OTP-2039-0167-R01 \[ENG\]](#) at 0170, and 0181, paras. 22, and 96; [CAR-OTP-2107-1354-R01 \[FR\]](#) at 1358, and 1370, paras. 22, and 96. **P-1004:** [CAR-OTP-2043-0536-R01 \[ENG\]](#) at 0538, para. 14; [CAR-OTP-2130-1736-R01 \[FR\]](#) at 1739, para. 14.

numbers – the Séléka advanced swiftly, ultimately overthrowing the government of BOZIZÉ in Bangui on 24 March 2013. During their advance, the Séléka conducted acts of violence and abuses against non-Muslims, which led some non-Muslims to organise themselves to constitute a group called the Anti-Balaka.¹⁶⁹

96. To consolidate their newly acquired power, the Séléka carried out widespread acts of violence and human rights abuses in order to suppress and pre-empt any resistance from those who might oppose their rule. As expressed by dual status P-3056:

*“The arrival of the Seleka did not bring any type of peace to my country. Quite on the contrary. In fact, we went through a nightmare. [...] In my district, there [were] scenes of oppression, and degrading treatment could be observed on a daily basis by all those living in the area. We saw Seleka troops coming in by day or by night into the district. They would arrest people who were allegedly their enemies. They would take them away to unknown places. There were cases of forced disappearance. And that was a routine occurrence in my neighbourhood. [...] [T]he entire city of Bangui and certain other provinces had the same experience because the Seleka went pretty much everywhere and took the place of the local authorities, in Bangui and in the provinces. And those scenes which I have described were recurrent. Mistreatment, forced disappearances, random arrests, that was part of daily life in the Central African Republic”.*¹⁷⁰

97. P-0291, who served as the country’s prime minister at the time,¹⁷¹ also attested to the widespread nature of the Séléka’s crimes, stating that “[t]hey took the control of the whole country, [...] wherever the Séléka were, there were crimes committed against [...] the civilian population, that’s absolutely uncontestable”.¹⁷²

¹⁶⁹ **P-0291:** [T-060 \[ENG\]](#), p. 11, line 4 – p. 12, line 9; [T-060 \[FR\]](#), p. 11, line 16 – p. 12, line 19. **P-2232:** [T-103 \[ENG\]](#), p. 16, line 3 – p. 17, line 5, and p. 18, lines 2-13; [T-103 \[FR\]](#), p. 16, line 9 – p. 17, line 9, and p. 18, lines 6-15. See also *supra* paras. 78-81; and **P-2269:** [CAR-OTP-2111-0336-R01 \[ENG\]](#) at 0339, para. 21; [CAR-OTP-2118-2197-R01 \[FR\]](#) at 2201, para. 21.

¹⁷⁰ **P-3056:** [T-020 \[ENG\]](#), p. 11, line 17 – p. 12, line 16; [T-020 \[FR\]](#), p. 11, line 17 – p. 12, line 13. See also **P-0100:** [CAR-OTP-2027-2535-R01 \[ENG\]](#) at 2539, para. 25; [CAR-OTP-2118-6331-R01 \[FR\]](#) at 6337, para. 25: “Some people were happy to see them and to see BOZIZE leave but that soon changed after the Seleka began committing crimes against the population”.

¹⁷¹ **P-0291:** [T-060 \[ENG\]](#), p. 9, line 19 – p. 10, line 24; [T-060 \[FR\]](#), p. 10, line 7 – p. 11, line 11.

¹⁷² **P-0291:** [CAR-OTP-00001091 \[ENG\]](#), p. 50, lines 3-10; [CAR-OTP-00001092 \[FR\]](#), p. 54, line 22 – p. 55, line 2.

2. Targeting of perceived opponents

98. Victims of the Séléka often possessed characteristics which were associated with support for BOZIZÉ. As stated by P-2573, “[e]ach person suspected of supporting Bozizé was condemned to death”.¹⁷³ Specifically, the Séléka targeted Christians,¹⁷⁴ individuals of Gbaya ethnicity (like BOZIZÉ),¹⁷⁵ inhabitants of the Boy Rabe neighbourhood,¹⁷⁶ and individuals who had worked under the BOZIZÉ regime, such as former government employees, and members of the FACA or the Presidential Guard.¹⁷⁷

99. Dual status P-2692 – [REDACTED] and Protestant of Gbaya ethnicity¹⁷⁸ – recounted how a co-detainee and himself were being transferred to the OCRB when the Séléka in the vehicle “address[ed] us saying that us Christians had been ruling the country for 50 years and that now they had come to develop the country. They said we were now disturbing them but they were the good ones. I don’t know what the Seleka meant when he said we were disturbing them”.¹⁷⁹ At the OCRB, SAÏD and his elements questioned and threatened P-2692 nearly every day [REDACTED], [REDACTED].¹⁸⁰

100. Dual status P-0547 – [REDACTED] of Gbaya ethnicity¹⁸¹ – was arrested by the Séléka and brought to the OCRB, where one of their leaders – BACHAR – violently slapped him across the face¹⁸² and told him: “You, Bozizé’s mercenaries, we are going to kill you one by one, get rid of you”.¹⁸³ P-0547 thought he was about to die, because “[a]t that time, when they talked to you like that, it meant that they certainly would carry out their

¹⁷³ P-2573: [T-091 \[ENG\]](#), p. 7, line 5; [T-091 \[FR\]](#), p. 7, lines 15-16.

¹⁷⁴ See *infra* paras. 99, 102-104, and 110.

¹⁷⁵ See *infra* paras. 99-100, 102, 104, and 106. See also e.g. P-0547: [T-012 \[ENG\]](#), p. 29, line 4; [T-012 \[FR\]](#), p. 29, line 11.

¹⁷⁶ See *infra* paras. 99, and 106-116.

¹⁷⁷ See *infra* paras. 101, 103-104, 106, 112, and 115-116.

¹⁷⁸ P-2692: [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0922; [CAR-OTP-2130-6685-R01 \[FR\]](#) at 6686.

¹⁷⁹ P-2692: [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0925, para. 20; [CAR-OTP-2130-6685-R01 \[FR\]](#) at 6689, para. 20. See, similarly, P-2240: [CAR-OTP-00000455 \[FR\]](#) at 000002, para. 33: “De nombreuses arrestations par les Seleka étaient des vengeances sur les chrétiens comme les Musulmans étaient au pouvoir désormais”.

¹⁸⁰ P-2692: [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0927-0928, paras. 30-31; [CAR-OTP-2130-6685-R01 \[FR\]](#) at 6692, paras. 30-31.

¹⁸¹ P-0547: [T-012 \[ENG\]](#), p. 7, line 10, and p. 8, lines 7-8; [T-012 \[FR\]](#), p. 7, line 26, and p. 8, lines 17-18.

¹⁸² P-0547: [T-012 \[ENG\]](#), p. 36, lines 8-14, and p. 44, lines 11-16; [T-012 \[FR\]](#), p. 36, lines 5-12, and p. 44, lines 15-21.

¹⁸³ P-0547: [T-012 \[ENG\]](#), p. 36, lines 14-15; [T-012 \[FR\]](#), p. 36, lines 12-13.

threat".¹⁸⁴ Thereafter, about ten Séléka soldiers hit P-0547 with the butts of their rifles all over his body like a wild animal.¹⁸⁵

101. On the evening of [REDACTED] July 2013, SAÏD sent some of his elements to arrest and detain Oswald SANZE, a member of the FACA, because he suspected him of being a member of the Anti-Balaka. The Séléka shot and killed SANZE, arrested dual status P-2931 – [REDACTED] – and another man [REDACTED], and detained them at the OCRB.¹⁸⁶

102. P-0622 – a Christian of Gbaya ethnicity¹⁸⁷ – described how he was arrested, [REDACTED], by the Séléka and brought to the OCRB,¹⁸⁸ where "[s]ome Séléka soldiers threatened us, telling us in Sango that we, BOZIZÉ's people, would be sorry, and that they were going to kill us all".¹⁸⁹ At one point during their detention, Nouradine Adam ("ADAM") came to the OCRB and instructed the Séléka soldiers to throw them in the torture room,¹⁹⁰ adding "[y]ou lot are animals who support BOZIZÉ. We, the Séléka, we're going to be running this country for 15 to 20 years, and we're going to kill the lot of you. [...] A cockerel is worth more than a human being".¹⁹¹

¹⁸⁴ P-0547: [T-012 \[ENG\]](#), p. 36, lines 20-21; [T-012 \[FR\]](#), p. 36, lines 19-20.

¹⁸⁵ P-0547: [T-012 \[ENG\]](#), p. 36, lines 22-24, and p. 44, lines 16-20; [T-012 \[FR\]](#), p. 36, lines 21-24, and p. 44, lines 21-26.

¹⁸⁶ P-2931: [CAR-OTP-2135-4093-R01 \[ENG\]](#) at 4097-4099, paras. 17-34; [CAR-OTP-2135-2245-R01 \[FR\]](#) at 2248-2250, paras. 17-34; [CAR-OTP-2135-4106-R01 \[ENG\]](#) at 4109, paras. 11-18; [CAR-OTP-2135-2260-R01 \[FR\]](#) at 2262-2263, paras. 11-18. See also insider witness P-2105: [T-024 \[ENG\]](#), p. 16, line 14 – p. 18, line 4; [T-024 \[FR\]](#), p. 16, line 17 – p. 18, line 6.

¹⁸⁷ P-0622: [CAR-OTP-2029-0210-R01 \[ENG\]](#), at 0211; [CAR-OTP-2022-0121-R01 \[FR\]](#), at 0121.

¹⁸⁸ P-0622: [CAR-OTP-2029-0210-R01 \[ENG\]](#), at 0215-0218, paras. 33-34, 36-39, and 51-52; [CAR-OTP-2022-0121-R01 \[FR\]](#), at 0126, and 0128, paras. 33-34, 36-39, and 51-52. See also P-0622: [T-071 \[ENG\]](#), p. 52, line 12 – p. 53, line 4; [T-071 \[FR\]](#), p. 55, line 14 – p. 56, line 6.

¹⁸⁹ P-0622: [CAR-OTP-2029-0210-R01 \[ENG\]](#), at 0218, para. 54; [CAR-OTP-2022-0121-R01 \[FR\]](#), at 0128, para. 54.

¹⁹⁰ P-0622: [CAR-OTP-2029-0210-R01 \[ENG\]](#), at 0219, paras. 64-65; [CAR-OTP-2022-0121-R01 \[FR\]](#), at 0129, paras. 64-65.

¹⁹¹ P-0622: [CAR-OTP-2029-0210-R01 \[ENG\]](#), at 0219, paras. 65-66; [CAR-OTP-2022-0121-R01 \[FR\]](#), at 0129, paras. 65-66.

103. Dual status P-1289 – a Christian¹⁹² – was arrested by the Séléka because they “[REDACTED]”.¹⁹³ After one night of detention at the OCRB, SAÏD drove P-1289, on ADAM’s order, to the Ministry of Public Security,¹⁹⁴ where ADAM interrogated him regarding [REDACTED], and threatened to kill him if he continued to support the latter.¹⁹⁵

104. Similarly, the Séléka arrested P-0481 – a Christian of Gbaya ethnicity¹⁹⁶ [REDACTED]¹⁹⁷ – because they wanted to obtain information from him on [REDACTED]:

*“When the Seleka arrived, they would take it out on those who were [REDACTED], and because they were in the know that I was [REDACTED], they were seeking to arrest me. They said that I had a great deal of information about him and they wanted to know how [REDACTED] and why it was that some personalities on their side had been killed. That is why the Seleka arrested me in order to do me harm”.*¹⁹⁸

During P-0481’s detention at the OCRB, ADAM interrogated him,¹⁹⁹ asking: “[REDACTED]?”²⁰⁰

105. P-2232 explained that he had to flee from Bangui in order to save his life:

“We were fleeing death. You see, when the Seleka came in, they were killing all Bozize’s supporters, including anybody wearing a T-shirt with Bozize’s effigy. They would shoot at the effigy, they would shoot at any fabrics with Bozize’s image and they killed and they forcibly took over people’s homes, they raped many women, and we fled because we

¹⁹² P-1289: [T-050 \[ENG\]](#), p. 8, line 6; [T-050 \[FR\]](#), p. 8, line 12.

¹⁹³ P-1289: [CAR-OTP-2053-0359-R01 \[ENG\]](#) at 0366, para. 37; [CAR-OTP-2127-7632-R01 \[FR\]](#) at 7640, para. 37. See also P-1289: [CAR-OTP-2053-0359-R01 \[ENG\]](#) at 0361, para. 13; [CAR-OTP-2127-7632-R01 \[FR\]](#) at 7635, para. 13; [T-050 \[ENG\]](#), p. 50, line 17 – p. 51, line 13; [T-050 \[FR\]](#), p. 54, line 13 – p. 55, line 11.

¹⁹⁴ P-1289: [T-050 \[ENG\]](#), p. 31, line 17 – p. 33, line 18; [T-050 \[FR\]](#), p. 33, line 1 – p. 34, line 28.

¹⁹⁵ P-1289: [CAR-OTP-2053-0359-R01 \[ENG\]](#) at 0373-0375, paras. 80-85, and 90; [CAR-OTP-2127-7632-R01 \[FR\]](#) at 7648-7650, paras. 80-85, and 90.

¹⁹⁶ P-0481: [T-072 \[ENG\]](#), p. 6, lines 21-25; [T-072 \[FR\]](#), p. 6, lines 23-28.

¹⁹⁷ P-0481: [T-072 \[ENG\]](#), p. 6, lines 16-20, and p. 7, lines 1-24; [T-072 \[FR\]](#), p. 6, lines 17-22, and p. 7, lines 1-28. See also [CAR-OTP-2018-0642](#) for [REDACTED].

¹⁹⁸ P-0481: [T-072 \[ENG\]](#), p. 32, lines 16-21; [T-072 \[FR\]](#), p. 32, lines 7-12.

¹⁹⁹ P-0481: [T-072 \[ENG\]](#), p. 32, line 24 – p. 33, line 18; [T-072 \[FR\]](#), p. 32, line 15 – p. 33, line 7.

²⁰⁰ P-0481: [T-072 \[ENG\]](#), p. 33, lines 13-14; [T-072 \[FR\]](#), p. 33, line 1.

wanted to protect ourselves. [REDACTED]. [...] Clearly, if I had remained in Bangui, I wouldn't be appearing before you today".²⁰¹

106. The Séléka regarded the Boy Rabe neighbourhood as a “resistance hotbed and a pro-BOZIZE area”,²⁰² because there were “many people of Gbaya ethnicity [whom] are considered BOZIZE loyalists since they share his ethnicity [as well as] many FACA military”.²⁰³ P-1970 explained that ADAM hated the neighbourhood and had once stated that “the people of Boy-Rabé are very stubborn and one day [I] will burn them”.²⁰⁴

107. As a result, Boy Rabe was heavily targeted by the Séléka during their time in power. As observed by P-0100:

“Throughout 2013, the Seleka militants killed a countless number of BOY RABE residents, raped many women and girls, looted almost every house and stole almost every vehicle there. Many residents were detained and tortured, some were never found while others' bodies were later found discarded in the streets. This was a constant pattern, with certain peak periods [...] [T]hese Seleka operations were not spontaneous but rather organized and many were planned in advance. [...] I saw Seleka commanders in charge, commanding their elements during these operations and indicateurs hired to point out the targeted houses. [...] During these operations, especially the one in April, the Seleka had shut off the electricity and water during those three days”.²⁰⁵

108. In particular, the Séléka conducted major military operations in Boy Rabe on – at least – two occasions, starting on or about 14 April 2013 and 20 August 2013

²⁰¹ P-2232: [T-102 \[ENG\]](#), p. 15, line 21 – p. 16, line 3; [T-102 \[FR\]](#), p. 16, lines 7-15.

²⁰² P-0100: [CAR-OTP-2027-2535-R01 \[ENG\]](#) at 2540, para. 29; [CAR-OTP-2118-6331-R01 \[FR\]](#) at 6338, para. 29. See also P-0342: [T-124 \[ENG\]](#), p. 33, lines 9-12; [T-124 \[FR\]](#), p. 35, lines 4-7.

²⁰³ P-0787: [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0416, para. 31; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0900, para. 31. See also P-1524: [CAR-OTP-2062-0468-R01 \[ENG\]](#) at 0471-0472, paras. 20, and 22; [CAR-OTP-2130-1902-R01 \[FR\]](#) at 1906-1907, paras. 20, and 22. P-2042: [CAR-OTP-2074-0002-R01 \[ENG\]](#) at 0007, paras. 23-24; [CAR-OTP-2130-5296-R01 \[FR\]](#) at 5302, paras. 23-24. P-0435: [CAR-OTP-2017-0036-R01 \[ENG\]](#) at 0060, paras. 138, and 140; [CAR-OTP-2104-0954-R01 \[FR\]](#) at 0980, paras. 138, and 140. P-1313: [CAR-OTP-2038-0098-R01 \[ENG\]](#) at 0100-0101, para. 17; [CAR-OTP-2130-5284-R01 \[FR\]](#) at 5287-5288, para. 17.

²⁰⁴ P-1970: [CAR-OTP-2087-9396-R01 \[ENG\]](#) at 9404, para. 34; [CAR-OTP-2070-0995-R01 \[FR\]](#) at 1002, para. 34. See also P-2042: [CAR-OTP-2074-0002-R01 \[ENG\]](#) at 0005, para. 17; [CAR-OTP-2130-5296-R01 \[FR\]](#) at 5300-5301, para. 17.

²⁰⁵ P-0100: [CAR-OTP-2027-2535-R01 \[ENG\]](#) at 2541, and 2562, paras. 34, and 161; [CAR-OTP-2118-6331-R01 \[FR\]](#) at 6339, and 6361-6362, paras. 34, and 161. See also P-1313: [CAR-OTP-2038-0098-R01 \[ENG\]](#) at 0100-0101, para. 17; [CAR-OTP-2130-5284-R01 \[FR\]](#) at 5287-5288, para. 17.

respectively, resulting in killings, rapes, looting, arbitrary arrests, tortures, severe beatings and other violence.²⁰⁶

109. Several witnesses testified that the Séléka leadership fully planned, coordinated and actively oversaw both attacks. P-0435 described seeing [REDACTED],²⁰⁷ and P-1825 stated seeing DJOTODIA driving a vehicle in Boy Rabe and talking to some Séléka elements on the first day of said attack.²⁰⁸ P-1297 explained that DJOTODIA, during the attack in August, instructed his elements to kill and take everything, after which they “*fired their weapons at everything that moved*”.²⁰⁹ P-1297 [REDACTED].²¹⁰ During the same attack, P-1970 saw ADAM gesticulating with his arms and his walking stick before his men, after which they started going from door to door, firing

²⁰⁶ See for both attacks, *inter alia*: P-1524: [CAR-OTP-2062-0468-R01 \[ENG\]](#) at 0472-0486, paras. 24-89; [CAR-OTP-2130-1902-R01 \[FR\]](#) at 1907-1923, paras. 24-89. P-0100: [CAR-OTP-2027-2535-R01 \[ENG\]](#) at 2543-2549, and 2562, paras. 45-83, and 161; [CAR-OTP-2118-6331-R01 \[FR\]](#) at 6341-6348, and 6361-6362, paras. 45-83, and 161. P-1825: [CAR-OTP-2079-0315-R01 \[ENG\]](#) at 0317-0324, paras. 14-51; [CAR-OTP-2130-2169-R01 \[FR\]](#) at 2172-2180, paras. 14-51. P-1277: [CAR-OTP-2051-0966-R01 \[ENG\]](#) at 0970-0974, paras. 19-26, 35, and 38; [CAR-OTP-2039-0419-R01 \[FR\]](#) at 0423-0426, paras. 19-26, 35, and 38.

See for the April attack, *inter alia*: P-0119: [T-082 \[ENG\]](#), p. 16, lines 7-10, p. 18, line 23 – p. 21, line 10, and p. 29, lines 2-25; [T-082 \[FR\]](#), p. 16, lines 6-10, p. 19, line 2 – p. 21, line 17, and p. 29, line 19 – p. 30, line 15. P-1264: [T-098 \[ENG\]](#), p. 8, line 14 – p. 10, line 25; [T-098 \[FR\]](#), p. 8, line 8 – p. 10, line 12. P-1313: [CAR-OTP-2038-0098-R01 \[ENG\]](#) at 0101-0104, paras. 18-47; [CAR-OTP-2130-5284-R01 \[FR\]](#) at 5288-5291, paras. 18-47. P-0834: [CAR-OTP-2048-0310-R01 \[ENG\]](#) at 0314-0317, paras. 19-43; [CAR-OTP-2029-0248-R01 \[FR\]](#) at 0251-0255, paras. 19-43. P-0787: [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0416, paras. 30-33; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0900, paras. 30-33.

See for the August Attack, *inter alia*: P-0547: [T-012 \[ENG\]](#), p. 18, line 23 – p. 23, line 6; [T-012 \[FR\]](#), p. 19, line 9 – p. 23, line 6. P-1297: [CAR-OTP-2039-0167-R01 \[ENG\]](#) at 0173-0176, paras. 44-60; [CAR-OTP-2107-1354-R01 \[FR\]](#) at 1362-1364, paras. 44-60. P-2179: [CAR-OTP-2088-2250-R01 \[ENG\]](#) at 2254-2258, paras. 19-39; [CAR-OTP-2130-2342-R01 \[FR\]](#) at 2347-2352, paras. 19-39. P-1424: [CAR-OTP-2049-0198-R01 \[ENG\]](#) at 0201-0203, paras. 15-30; [CAR-OTP-2043-0306-R01 \[FR\]](#) at 0308-0310, paras. 15-30. P-1427: [CAR-OTP-2051-0180-R01 \[ENG\]](#) at 0183-0185, paras. 13-34; [CAR-OTP-2043-0363-R01 \[FR\]](#) at 0365-0367, paras. 13-34; [CAR-OTP-2043-0422](#). P-1970: [CAR-OTP-2087-9396-R01 \[ENG\]](#) at 9404-9405, para. 36; [CAR-OTP-2070-0995-R01 \[FR\]](#) at 1002-1003, para. 36. P-1263: [T-104 \[ENG\]](#), p. 48, lines 12-16; [T-104 \[FR\]](#), p. 49, lines 2-5; [T-105 \[ENG\]](#), p. 3, line 22 – p. 4, line 7; [T-105 \[FR\]](#), p. 3, line 28 – p. 4, line 10. P-2042: [CAR-OTP-2074-0002-R01 \[ENG\]](#) at 0006-0010, paras. 20-36; [CAR-OTP-2130-5296-R01 \[FR\]](#) at 5301-5305, paras. 20-36. P-1523: [CAR-OTP-2134-2637-R01 \[FR\]](#) at 2640-2643, paras. 23-41.

²⁰⁷ P-0435: [CAR-OTP-2017-0036-R01 \[ENG\]](#) at 0061, para. 147; [CAR-OTP-2104-0954-R01 \[FR\]](#) at 0981, para. 147.

²⁰⁸ P-1825: [CAR-OTP-2079-0315-R01 \[ENG\]](#) at 0323, para. 43; [CAR-OTP-2130-2169-R01 \[FR\]](#) at 2178-2179, para. 43.

²⁰⁹ P-1297: [CAR-OTP-2039-0167-R01 \[ENG\]](#) at 0174-0175, paras. 45-46, and 49-52; [CAR-OTP-2107-1354-R01 \[FR\]](#) at 1362-1363, paras. 45-46, and 49-52.

²¹⁰ P-1297: [CAR-OTP-2039-0167-R01 \[ENG\]](#) at 0175, paras. 52-55; [CAR-OTP-2107-1354-R01 \[FR\]](#) at 1363-1364, paras. 52-55.

their weapons.²¹¹ Similarly, P-2400 stated that the August attack was led by ADAM, with the support of all Séléka generals, including ARDA, SALLEH, MOUSSA, and BICHARA.²¹² Finally, several Boy Rabe residents recounted how a Séléka commander threatened the population by stating that “[a] *chicken is more expensive than a human life*”.²¹³

110. P-0119 witnessed the attack in April 2013 first-hand:

*“The Seleka arrived and at that time there [were] gunshots and people were seeking refuge here and there. The Seleka came to Boy-Rabe, they were armed, in various vehicles. They fired in the neighbourhoods, they fired above people’s houses and [...] they used a heavy weapon and fired at Cité Jean XXIII and it killed many people. [...] [T]hey had ropes, very thick ropes, which are used to tie cattle. Now, when they arrested their victims, they would tie them up according to the [arbatachar] system [...] Looting took place both in the day and at night. They would go from door to door to empty people’s homes. Whenever they met the owner of the house at home, the outcome was generally death”.*²¹⁴

P-0119 was able to save her own life by covering her head with a veil, and by placing a container used by Muslims for their ablutions at the door of her house. A Muslim trader at the market had advised her to do so,²¹⁵ because “*the Seleka had told them, that they intended to attack Christians and that, if they found an ablution pot at the door, they would understand that the house was inhabited by a Muslim person*”.²¹⁶

²¹¹ P-1970: [CAR-OTP-2087-9396-R01 \[ENG\]](#) at 9404-9405, para. 36; [CAR-OTP-2070-0995-R01 \[FR\]](#) at 1002-1003, para. 36. See also P-1427: [CAR-OTP-2051-0180-R01 \[ENG\]](#) at 0185, para. 33; [CAR-OTP-2043-0363-R01 \[FR\]](#) at 0367, para. 33.

²¹² P-2240: [CAR-OTP-2107-8860-R01 \[ENG\]](#) at 8870, paras. 41-42; [CAR-OTP-2110-0780-R01 \[FR\]](#) at 0792, paras. 41-42; [CAR-OTP-00000455 \[FR\]](#) at 000003-000004, para. 41.

²¹³ P-1825: [CAR-OTP-2079-0315-R01 \[ENG\]](#) at 0322, para. 40; [CAR-OTP-2130-2169-R01 \[FR\]](#) at 2178, para. 40. P-1524: [CAR-OTP-2062-0468-R01 \[ENG\]](#) at 0482, para. 68; [CAR-OTP-2130-1902-R01 \[FR\]](#) at 1918, para. 68. P-1297: [CAR-OTP-2039-0167-R01 \[ENG\]](#) at 0171, para. 29; [CAR-OTP-2107-1354-R01 \[FR\]](#) at 1359, para. 29. P-2042: [CAR-OTP-2074-0002-R01 \[ENG\]](#) at 0007, para. 25; [CAR-OTP-2130-5296-R01 \[FR\]](#) at 5302-5303, para. 25.

²¹⁴ P-0119: [T-082 \[ENG\]](#), p. 19, lines 2-7, p. 20, lines 19-21, and p. 20, line 25 – p. 21, line 2; [T-082 \[FR\]](#), p. 19, lines 6-12, p. 20, line 27 – p. 21, line 2, and p. 21, lines 6-9. Regarding the *arbatachar* torture, see *infra* para. 136.

²¹⁵ P-0119: [T-082 \[ENG\]](#), p. 22, line 4 – p. 28, line 10; [T-082 \[FR\]](#), p. 22, line 11 – p. 29, line 1. See also [CAR-OTP-2032-0788](#) for the type of ablution container mentioned by P-0119.

²¹⁶ P-0119: [T-082 \[ENG\]](#), p. 28, lines 8-10; [T-082 \[FR\]](#), p. 28, line 27 – p. 29, line 1.

111. Witnesses P-1264 and P-1313 described being gang-raped by armed Séléka during the attack in April,²¹⁷ and P-0834 recounted how he was severely beaten by armed Séléka [REDACTED] and then kill [REDACTED].²¹⁸ In the words of P-1264: *“One of [the Séléka elements][...] saw that even if I did not have any material possessions to hand over to them, he said that I could offer them my body. There were three of them. They were armed. And all that I could do was undress, entirely. [...] And they raped me. They remained in my house for three days and I had to cook for them and I had to do everything for them”*.²¹⁹

112. Before being raped, P-1313 was told by the perpetrator: “[REDACTED]. [REDACTED]”.²²⁰ She explained how these events affected her life as follows:

“The Seleka ruined my life. I am always not feeling well physically and mentally, especially when I think about what they did to me. The syphilis and the other pelvic pains and symptoms that I experienced started after the Seleka slept with me. They stole all of my house property and my money. I lost my business and I have no income now. My husband left me as a result of what they did. The Seleka took my dignity and I am always being humiliated in the community because of what happened. Men and women in the community call me and other female victims ‘the women of the Seleka’. This is known in our community as an insult and it means that we have no value in society. Men in our society do not want to marry women with such a reputation. This leaves us alone to have to look after our children. I have not recovered and I fear that I may never be able to recover”.²²¹

113. The attack caused an influx of victims and corpses at the *Hôpital Communautaire* of Bangui. P-0358, [REDACTED],²²² stated that [REDACTED] *“a lot of injured people”* on

²¹⁷ **P-1264:** [T-098 \[ENG\]](#), p. 14, line 10 – p. 16, line 24; [T-098 \[FR\]](#), p. 13, line 19 – p. 15, line 27. **P-1313:** [CAR-OTP-2038-0098-R01 \[ENG\]](#) at 0103-0106, paras. 35-40, 45-56, and 62-63; [CAR-OTP-2130-5284-R01 \[FR\]](#) at 5290-5293, paras. 35-40, 45-56, and 62-63. See also **P-1524:** [CAR-OTP-2062-0468-R01 \[ENG\]](#) at 0483-0484, para. 77; [CAR-OTP-2130-1902-R01 \[FR\]](#) at 1919-1920, para. 77; and [CAR-OTP-2062-0495](#), for a non-exhaustive list of victims raped by the Séléka in Lando 2 (part of Boy Rabe) which includes P-1264 (at number 16).

²¹⁸ **P-0834:** [CAR-OTP-2048-0310-R01 \[ENG\]](#) at 0316-0317, paras. 33-37; [CAR-OTP-2029-0248-R01 \[FR\]](#) at 0253-0254, paras. 33-37; [CAR-OTP-2029-0309](#); and [CAR-OTP-2029-0310](#).

²¹⁹ **P-1264:** [T-098 \[ENG\]](#), p. 15, lines 7-11; [T-098 \[FR\]](#), p. 14, lines 16-21.

²²⁰ **P-1313:** [CAR-OTP-2038-0098-R01 \[ENG\]](#) at 0103, para. 34; [CAR-OTP-2130-5284-R01 \[FR\]](#) at 5290, para. 34.

²²¹ **P-1313:** [CAR-OTP-2038-0098-R01 \[ENG\]](#) at 0106, paras. 62-63; [CAR-OTP-2130-5284-R01 \[FR\]](#) at 5293, paras. 62-63.

²²² **P-0358:** [T-070 \[ENG\]](#), p. 5, line 24 – p. 6, line 10; [T-070 \[FR\]](#), p. 6, lines 7-21.

14 April 2013, because *“the Seleka militants were doing door to door house searches that day, especially in Boy Rabe, victimizing many civilians along their way”*.²²³ [REDACTED] P-0342 [REDACTED] at the *Hôpital Communautaire* that day [REDACTED] the victims, who were primarily civilians. The next day, on 15 April 2013 [REDACTED] “[REDACTED]”²²⁴ [REDACTED], [REDACTED]: “[REDACTED]”.²²⁵

114. The attack of August 2013 took place in a similar manner. Dual status P-0547 recounted how the Séléka *“were firing at everybody, even the disabled and pregnant women. Everybody was under attack. The women, children - everyone was trying to escape. They were carrying out their operations indiscriminately. And my proof is that I was attacked. I was a victim, even though I had nothing to do with what happened”*.²²⁶ He fled Boy Rabe to save his own life,²²⁷ but was arrested the next day and brought to the OCB.²²⁸

115. P-1523 explained that the Séléka accused her husband of being a member of the FACA, even though he had never been a soldier nor involved in any resistance against them, and that they subsequently tortured and killed him in front of their home.²²⁹

²²³ P-0358: [CAR-OTP-2043-0433-R01 \[ENG\]](#) at 0443, para. 72; [CAR-OTP-2118-0750-R01 \[FR\]](#) at 0762, para. 72. See also para. 26 at 0437 [ENG] and at 0755 [FR], referring to a peak in the number of victims brought to the hospital on 14 April 2013, [REDACTED] ([REDACTED]).

²²⁴ P-0342: [T-124 \[ENG\]](#), p. 39, lines 12-13; [T-124 \[FR\]](#), p. 41, line 14.

²²⁵ P-0342: [T-124 \[ENG\]](#), p. 41, lines 23-24; [T-124 \[FR\]](#), p. 44, lines 9-10. For the sake of clarity, the Legal Representative cites the original French because the English version does not correctly reflect the meaning of P-0342’s words: “[REDACTED]”. See also, generally, P-0342: [T-124 \[ENG\]](#), p. 32, line 20 – p. 34, line 7, p. 36, line 19 – p. 39, line 25, and p. 40, line 22 – p. 42, line 12; [T-124 \[FR\]](#), p. 34, line 16 – p. 36, line 4, p. 38, line 14 – p. 42, line 2, and p. 43, line 1 – p. 44, line 26. And some of the [REDACTED]: [CAR-OTP-2074-1335](#); [CAR-OTP-2074-1316](#); and [CAR-OTP-2074-1337](#).

²²⁶ P-0547: [T-012 \[ENG\]](#), p. 20, lines 21-25; [T-012 \[FR\]](#), p. 20, line 26 – p. 21, line 2.

²²⁷ P-0547: [T-012 \[ENG\]](#), p. 26, line 22 – p. 27, line 1; [T-012 \[FR\]](#), p. 27, lines 5-11.

²²⁸ P-0547: [T-012 \[ENG\]](#), p. 36, lines 8-13, and p. 38, lines 17-19; [T-012 \[FR\]](#), p. 36, lines 5-11, and p. 38, lines 16-18. See also P-1297: [CAR-OTP-2039-0167-R01 \[ENG\]](#) at 0176, para. 58; [CAR-OTP-2107-1354-R01 \[FR\]](#) at 1364, para. 58.

²²⁹ P-1523: [CAR-OTP-2134-2637-R01 \[FR\]](#) at 2641, paras. 24-28; and [CAR-OTP-2005-3227-R01](#) at 3228-3236 which contains: [REDACTED] ([REDACTED], and [REDACTED]) and by P-1523 [REDACTED] ([REDACTED]) [REDACTED]; death certificates of P-1523’s husband (3233-3234); and photographs of P-1523’s deceased husband’s corpse at the morgue, showing clear marks cause by whipping (3235-3236). See also P-1297: [CAR-OTP-2039-0167-R01 \[ENG\]](#) at 0173-0175, paras. 44, and 53; [CAR-OTP-2107-1354-R01 \[FR\]](#) at 1362-1363, paras. 44, and 53, referring to a notebook with incidents containing a description of events matching P-1523’s testimony ([CAR-OTP-2039-0184-R01](#) at 0192-0193), and to a list of victims which includes the name of P-1523’s husband ([CAR-OTP-2039-0213-R01](#) at 0213, entry 5).

“La mort de mon mari [...] a été un choc psychologique pour moi et tous nos enfants. J’ai vu mon mari se faire fouetter et exécuter devant moi par les Seleka. Je suis encore traumatisée par la scène quand les enfants sont sortis de leur cachette et ont vu leur père sans vie”.²³⁰

116. P-2179 and his neighbour [REDACTED], both members of the FACA, were severely beaten and arrested by the Séléka, after they found them hiding under a bed in P-2179’s home.²³¹ One of the elements told them that they had come to Boy Rabe “to arrest every FACA, because [of their alleged involvement] in the shelling of the National Assembly, during the Presidential inauguration”.²³² At Camp de Roux, the Séléka tied them both up in the *arbatachar* way.²³³ A Séléka element recognised [REDACTED] and kicked him hard in the stomach, saying: “[y]ou have finished eating, and now it is over for you”.²³⁴ Shortly afterwards, P-2179 witnessed four Séléka elements dragging [REDACTED] away, following General ARDA’s orders, to be killed. P-2179 himself was taken to the OCRB.²³⁵

B. HARM INFLICTED AT THE OCRB

117. Far from being an isolated detention site, the OCRB was a crucial instrument in the Séléka’s strategy to consolidate power. It served not only to eliminate real or perceived threats, but also to instil fear in the broader population, suppressing dissent, and demonstrating the coalition’s capacity for violence and control over Bangui and beyond. Through the systematic use of institutions such as the OCRB, the Séléka were able to extend their authority beyond the battlefield and into the daily lives of civilians, effectively turning State structures into tools of repression.

²³⁰ P-1523: [CAR-OTP-2134-2637-R01 \[FR\]](#) at 2643, para. 39.

²³¹ P-2179: [CAR-OTP-2088-2250-R01 \[ENG\]](#) at 2255-2256, paras. 27-31; [CAR-OTP-2130-2342-R01 \[FR\]](#) at 2348-2349, paras. 27-31.

²³² P-2179: [CAR-OTP-2088-2250-R01 \[ENG\]](#) at 2257, para. 34; [CAR-OTP-2130-2342-R01 \[FR\]](#) at 2350, para. 34.

²³³ P-2179: [CAR-OTP-2088-2250-R01 \[ENG\]](#) at 2261, para. 57; [CAR-OTP-2130-2342-R01 \[FR\]](#) at 2355, para. 57. See also *infra* para. 136.

²³⁴ P-2179: [CAR-OTP-2088-2250-R01 \[ENG\]](#) at 2262, paras. 60-61; [CAR-OTP-2130-2342-R01 \[FR\]](#) at 2356, paras. 60-61.

²³⁵ P-2179: [CAR-OTP-2088-2250-R01 \[ENG\]](#) at 2264-2265, paras. 70-74; [CAR-OTP-2130-2342-R01 \[FR\]](#) at 2358-2359, paras. 70-74.

1. Séléka organisation and leadership

118. Upon returning to the OCRB to resume their duties, police officers were compelled to operate under Séléka control, with limited autonomy over their functions. As stated by P-0787, “[REDACTED]. [REDACTED]. [...] [REDACTED]. [REDACTED]”.²³⁶ P-2478, [REDACTED], explained that “[REDACTED]. [REDACTED] [...] [REDACTED], [REDACTED]. [REDACTED]”.²³⁷

119. P-0338 recounted that the difference between the time before the Séléka and the time they were in power was like “*night and day*”,²³⁸ explaining:

*“Prior to the Seleka, we had rule of law, and institutions operated normally. At the OCRB, the criminal investigation division worked under the chief of prosecutions of the republic. And that prosecutor would visit the OCRB at any time or send one of his assistant prosecutors to verify information at the OCRB at any time. But during the period of the Seleka, institutions only existed in a nominal fashion. It’s true that we, the civil servants, were present, but we had no decision-making power. [...] [P]rior to the Seleka, [...] I dealt with [individuals] in line with the Criminal Code of the Central African Republic. [...] There was no comparison after the Seleka arrived. [...] the number of people per cell was not their problem. [...] If there was room, they would just push [people] in there. [...] Nobody was keeping a tally of numbers. Nobody was carrying out checks”.*²³⁹

120. As Minister of Public Security, General Nouradine ADAM exercised authority over the OCRB and transformed it into a key Séléka stronghold, placing his elements there under the command of his trusted associate Colonel Mahamat SAÏD, who reported directly to ADAM.²⁴⁰ The Séléka elements stationed at the OCRB were issued

²³⁶ P-0787: [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0418, para. 41; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0902, para. 41.

²³⁷ P-2478: [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8839-8840, para. 17; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0748-0749, para. 17. See also [T-034 \[ENG\]](#), p. 10, line 13 – p. 11, line 22; [T-034 \[FR\]](#), p. 11, line 5 – p. 12, line 19.

²³⁸ P-0338: [T-018 \[ENG\]](#), p. 62, line 10; [T-018 \[FR\]](#), p. 65, line 17.

²³⁹ P-0338: [T-018 \[ENG\]](#), p. 61, line 17 – p. 62, line 24; [T-018 \[FR\]](#), p. 64, line 26 – p. 66, line 4. See also [T-018 \[ENG\]](#), p. 58, line 9 – p. 61, line 10; [T-018 \[FR\]](#), p. 60, line 27 – p. 64, line 19; [T-019 \[ENG\]](#), p. 47, lines 4-18; [T-019 \[FR\]](#), p. 48, lines 3-20. See also P-0787: [T-038 \[ENG\]](#), p. 88, line 18 – p. 89, line 3; [T-038 \[FR\]](#), p. 99, lines 3-16. See also *supra* paras. 65-68.

²⁴⁰ P-0338: [T-017 \[ENG\]](#), p. 63, line 14 – p. 65, line 4, and p. 72, line 20 – p. 73, line 5; [T-017 \[FR\]](#), p. 64, line 24 – p. 66, line 11, and p. 74, lines 4-17. P-1004: [CAR-OTP-2043-0536-R01 \[ENG\]](#) at 0541, para. 33;

identification badges signed by ADAM and containing a reference to section “CMSAK”, which is short for Colonel Mahamat Saïd Abdel Kani.²⁴¹ They wore uniforms with armbands bearing the OCRB insignia,²⁴² and were “*extremely well-armed*”, carrying “*AK-47s, RPG-7s, Pangs, FALs, [and] grenades*”.²⁴³ There were many Séléka elements – P-2563 estimated about 40 to 50 – who all worked under SAÏD’s command.²⁴⁴ His closest associates were YAYA and TAHIR.²⁴⁵

121. As the top-ranking Séléka official at the OCRB, SAÏD oversaw the site’s operations and exercised effective control over the elements.²⁴⁶ He convened daily

[CAR-OTP-2130-1736-R01 \[FR\]](#) at 1742, para. 33. **P-2240:** [CAR-OTP-2107-8860-R01 \[ENG\]](#) at 8867, para. 29; [CAR-OTP-2110-0780-R01 \[FR\]](#) at 0788-0789, para. 29; [CAR-OTP-00000455 \[FR\]](#) at 000002, para. 29. **P-0349:** [CAR-OTP-2075-0812-R01 \[ENG\]](#) at 0822-0823, paras. 54, and 56; [CAR-OTP-2074-0041-R01 \[FR\]](#) at 0051, paras. 54, and 56.

²⁴¹ **P-1737:** [T-044 \[ENG\]](#), p. 26, line 25 – p. 28, line 19; [T-044 \[FR\]](#), p. 26, line 21 – p. 28, line 14; [CAR-OTP-2055-0194](#) and [CAR-OTP-2055-0195](#). See also **P-1167:** [T-034 \[ENG\]](#), p. 68, line 8 – p. 69, line 9; [T-034 \[FR\]](#), p. 71, line 20 – p. 73, line 1; [CAR-OTP-2094-1898](#) and [CAR-OTP-2094-1899-R01](#).

²⁴² **P-2563:** [T-114 \[ENG\]](#), p. 8, line 11 – p. 9, line 15, and p. 11, line 23 – p. 12, line 15; [T-114 \[FR\]](#), p. 8, line 27 – p. 10, line 5, and p. 12, line 18 – p. 13, line 13; [CAR-REG-0002-0139](#) and [CAR-REG-0002-0142](#). **P-1004:** [CAR-OTP-2043-0536-R01 \[ENG\]](#) at 0541, para. 35; [CAR-OTP-2130-1736-R01 \[FR\]](#) at 1742, para. 35. **P-2478:** [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8842, para. 25; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0751, para. 25.

²⁴³ **P-2504:** [T-063 \[ENG\]](#), p. 42, lines 17-21; [T-063 \[FR\]](#), p. 41, lines 18-23. See also **P-2478:** [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8842, para. 26; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0751, para. 26.

²⁴⁴ **P-2563:** [T-113 \[ENG\]](#), p. 17, line 23 – p. 18, line 4, and p. 19, lines 5-9; [T-113 \[FR\]](#), p. 17, lines 3-10, and p. 18, lines 9-13. See also **P-2478:** [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8840, para. 18; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0749, para. 18. **P-2105:** [T-024 \[ENG\]](#), p. 26, line 21, and p. 28, line 9 – p. 30, line 10; [T-024 \[FR\]](#), p. 27, line 12, and p. 29, line 6 – p. 30, line 9; and [CAR-OTP-2081-0062-R02](#).

²⁴⁵ **P-2563:** [T-113 \[ENG\]](#), p. 18, lines 8-12, and p. 19, lines 11-13; [T-113 \[FR\]](#), p. 17, lines 14-19, and p. 18, lines 16-19. **P-2105:** [T-024 \[ENG\]](#), p. 13, line 14 – p. 14, line 2; [T-024 \[FR\]](#), p. 13, line 17 – p. 14, line 4. **P-0338:** [T-017 \[ENG\]](#), p. 69, line 23 – p. 72, line 17, and p. 78, line 19 – p. 79, line 1; [T-017 \[FR\]](#), p. 71, line 11 – p. 74, line 1, and p. 80, lines 17-25.

²⁴⁶ **P-1737:** [T-044 \[ENG\]](#), p. 21, line 23 – p. 22, line 13, p. 33 lines 14-18, and p. 34, lines 21-24; [T-044 \[FR\]](#), p. 21, line 20 – p. 22, line 6, p. 33, lines 2-7, and p. 34, lines 9-13. **P-0338:** [T-017 \[ENG\]](#), p. 64, line 14 – p. 65, line 4; [T-017 \[FR\]](#), p. 65, line 23 – p. 66, line 11; [T-018 \[ENG\]](#), p. 3, lines 19-23, and p. 24, lines 14-22; [T-018 \[FR\]](#), p. 3, lines 23-27, and p. 25, line 22 – p. 26, line 2; [T-019 \[ENG\]](#), p. 46, line 7 – p. 48, line 1; [T-019 \[FR\]](#), p. 47, line 5 – p. 48, line 28. **P-2563:** [T-113 \[ENG\]](#), p. 19, lines 5-9; [T-113 \[FR\]](#), p. 18, lines 9-13; [T-115 \[ENG\]](#), p. 25, line 23 – p. 29, line 22; [T-115 \[FR\]](#), p. 23, line 14 – p. 27, line 4. **P-0787:** [T-038 \[ENG\]](#), p. 89, line 17 – p. 90, line 9; [T-038 \[FR\]](#), p. 100, line 9 – p. 101, line 1; [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0418, 0422-0423, 0426, and 0429-0431, paras. 41, 57-59, 74-75, 92, and 97-98; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0902, 0907, 0911, and 0915-0916, paras. 41, 57-59, 74-75, 92, and 97-98. **P-2478:** [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8839-8841, 8843-8844, and 8846-8850, paras. 16-21, 29-31, 44, 50, 53, and 57; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0748-0750, 0752-0753, 0755-0759, paras. 16-21, 29-31, 44, 50, 53, and 57; [T-034 \[ENG\]](#), p. 10, line 13 – p. 11, line 22; [T-034 \[FR\]](#), p. 11, line 5 – p. 12, line 19. **P-1004:** [CAR-OTP-2043-0536-R01 \[ENG\]](#) at 0540-0541, and 0545, paras. 32-33, 36, 38-39, and 66; [CAR-OTP-2130-1736-R01 \[FR\]](#) at 1742-1743, and 1746-1747, paras. 32-33, 36, 38-39, and 66.

meetings, assigned tasks, and relayed instructions received from ADAM.²⁴⁷ He managed patrol schedules,²⁴⁸ controlled access to weapons and uniforms,²⁴⁹ and handled the organisation of food.²⁵⁰ Present at the OCRB every day, SAÏD installed himself at a desk in the courtyard, where he monitored activities and issued orders.²⁵¹ He had the final say over the treatment and detention of individuals, including decisions on beatings, interrogations, and placement in cells – such as the underground cell beneath his own office in the main building.²⁵² SAÏD routinely authorised and directly ordered acts of torture and ill-treatment, including the *arbatachar* method, which were carried out under his supervision.²⁵³ Families of

²⁴⁷ **P-1737:** [T-044 \[ENG\]](#), p. 22, lines 4-9, and p. 34, line 23 – p. 35, line 4; [T-044 \[FR\]](#), p. 21, line 26 – p. 22, line 2, and p. 34, lines 12-17. **P-0338:** [T-018 \[ENG\]](#), p. 3, lines 19-23; [T-018 \[FR\]](#), p. 3, lines 23-27; [T-019 \[ENG\]](#), p. 46, line 7 – p. 48, line 1, and p. 51, line 1 – p. 53, line 1; [T-019 \[FR\]](#), p. 47, line 5 – p. 48, line 28, and p. 52, line 4 – p. 53, line 25.

²⁴⁸ **P-1737:** [T-044 \[ENG\]](#), p. 35, lines 4-10; [T-044 \[FR\]](#), p. 34, line 18-21. **P-0338:** [T-019 \[ENG\]](#), p. 51, line 1 – p. 53, line 1; [T-019 \[FR\]](#), p. 52, line 4 – p. 53, line 25.

²⁴⁹ **P-1737:** [T-045 \[ENG\]](#), p. 9, line 24 – p. 10, line 14, and p. 11, lines 15-21; [T-045 \[FR\]](#), p. 10, lines 12-28, and p. 11, line 27 – p. 12, line 5.

²⁵⁰ **P-1737:** [T-045 \[ENG\]](#), p. 9, lines 9-22; [T-045 \[FR\]](#), p. 9, line 22 – p. 10, line 10. **P-0338:** [T-018 \[ENG\]](#), p. 3, lines 19-23; [T-018 \[FR\]](#), p. 3, lines 23-27. **P-2478:** [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8840, para. 18; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0749, para. 18.

²⁵¹ **P-1737:** [T-044 \[ENG\]](#), p. 22, lines 10-13; [T-044 \[FR\]](#), p. 22, lines 3-6. **P-2105:** [T-023 \[ENG\]](#), p. 53, lines 1-5; [T-023 \[FR\]](#), p. 55, lines 7-11. **P-2563:** [T-113 \[ENG\]](#), p. 28, line 13 – p. 29, line 6; [T-113 \[FR\]](#), p. 27, line 21 – p. 28, line 15; [CAR-REG-0002-0134](#); [T-114 \[ENG\]](#), p. 27, line 19 – p. 28, line 3; [T-114 \[FR\]](#), p. 28, lines 11-20. **P-0787:** [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0418, 0422, and 0431, paras. 41, 57, and 98; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0902, 0907, and 0916, paras. 41, 57, and 98.

²⁵² **P-2105:** [T-023 \[ENG\]](#), p. 52, line 1 – p. 53, line 10; [T-023 \[FR\]](#), p. 53, line 13 – p. 54, line 19; [T-024 \[ENG\]](#), p. 57, line 23 – p. 58, line 21; [T-024 \[FR\]](#), p. 56, line 28 – p. 57, line 23. **P-0338:** [T-018 \[ENG\]](#), p. 12, line 19 – p. 15, line 11, p. 23, line 17 – p. 24, line 22, p. 27, lines 18-22, p. 28, line 16 – p. 29, line 24, and p. 35, line 15 – p. 39, line 20; [T-018 \[FR\]](#), p. 14, line 6 – p. 16, line 13, p. 24, line 25 – p. 26, line 2, p. 28, line 25 – p. 29, line 1, p. 29, line 22 – p. 31, line 5, and p. 36, line 18 – p. 40, line 25. **P-2563:** [T-113 \[ENG\]](#), p. 21, line 24 – p. 22, line 15, p. 31, line 11 – p. 32, line 8, and p. 38, line 11 – p. 39, line 2; [T-113 \[FR\]](#), p. 21, lines 7-24, p. 30, line 24 – p. 31, line 23, and p. 38, lines 2-18; [CAR-REG-0002-0136](#). **P-0787:** [T-038 \[ENG\]](#), p. 89, line 17 – p. 90, line 9; [T-038 \[FR\]](#), p. 100, line 9 – p. 101, line 1; [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0418, 0422-0423, and 0429-0431, paras. 41, 57-59, 92, and 97-98; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0902, 0907, and 0915-0916, paras. 41, 57-59, 92, and 97-98. **P-2478:** [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8846-8850, paras. 44, 50, 53, and 57; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0755-0759, paras. 44, 50, 53, and 57. **P-1004:** [CAR-OTP-2043-0536-R01 \[ENG\]](#) at 0541, and 0545, paras. 38-39, and 66; [CAR-OTP-2130-1736-R01 \[FR\]](#) at 1742-1743, and 1746-1747, paras. 38-39, and 66. See also **P-1289:** [T-050 \[ENG\]](#), p. 33, lines 16-18; [T-050 \[FR\]](#), p. 34, lines 26-28.

²⁵³ **P-1737:** [T-044 \[ENG\]](#), p. 47, lines 15-24, and p. 58, lines 23-25; [T-044 \[FR\]](#), p. 46, lines 18-27, and p. 57, lines 20-22. **P-0338:** [T-018 \[ENG\]](#), p. 28, line 16 – p. 29, line 24; [T-018 \[FR\]](#), p. 29, line 22 – p. 31, line 5. **P-2105:** [T-028 \[ENG\]](#), p. 43, line 3 – p. 44, line 1; [T-028 \[FR\]](#), p. 41, line 26 – p. 42, line 21. **P-2563:** [T-113 \[ENG\]](#), p. 21, line 24 – p. 22, line 15; [T-113 \[FR\]](#), p. 21, lines 7-24; [T-114 \[ENG\]](#), p. 26, line 11 – p. 28, line 3; [T-114 \[FR\]](#), p. 27, line 5 – p. 28, line 20. **P-0787:** [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0431, paras. 97-98; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0916, paras. 97-98. **P-2478:** [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8848,

detainees were often forced to pay for their release, a practice he personally oversaw.²⁵⁴ Therefore, his authority extended to every aspect of life at the OCRB, making him the central figure in its operation.

122. Under SAÏD's authority and leadership, the OCRB became a symbol of repression in Bangui, where civilians were subjected to arbitrary detention, mistreatment, and abuse as part of a broader effort to silence opposition and consolidate power:

"[T]he prisoners [...] were people who at all times [...] were persecuted. They were [...] tortured, not [only] physical[ly] but also psychological[ly]. Every day, day in and day out".²⁵⁵

2. Inhumane conditions of detention

123. Victims recounted enduring inhumane conditions of detention at the OCRB. Detainees were kept in small and overcrowded cells, with no room to sleep. The cells had cement floors and ceilings, and were dark, without any windows. Prisoners were denied proper hygiene, and confined – except for short visiting moments – without access to toilets, relying instead on buckets in their cells. Food was not provided by the Séléka. Detainees depended on relatives for meals, which were only delivered if approved by the Séléka, and passed through SAÏD. Water was only given sporadically, or sometimes not at all.²⁵⁶

para. 50; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0757, para. 50. **P-1004:** [CAR-OTP-2043-0536-R01 \[ENG\]](#) at 0541, and 0545, paras. 39, and 66; [CAR-OTP-2130-1736-R01 \[FR\]](#) at 1743, and 1746-1747, paras. 39, and 66. See also *infra* para. 136.

²⁵⁴ **P-0338:** [T-018 \[ENG\]](#), p. 59, line 4 – p. 60, lines 23; [T-018 \[FR\]](#), p. 61, line 28 – p. 64, line 3. **P-2478:** [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8841, and 8846-8847, paras. 21, and 44; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0750, and 0755-0756, paras. 21, and 44. **P-0787:** [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0426, paras. 74-75; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0911, paras. 74-75. See also *infra* paras. 155-157.

²⁵⁵ **P-0338:** [T-018 \[ENG\]](#), p. 26, lines 5-7; [T-018 \[FR\]](#), p. 27, lines 7-11.

²⁵⁶ **P-1743:** [T-086 \[ENG\]](#), p. 43, line 25 – p. 44, line 20; [T-086 \[FR\]](#), p. 44, line 19 – p. 45, line 13; [T-087 \[ENG\]](#), p. 4, lines 2-10, and p. 37, lines 13-25; [T-087 \[FR\]](#), p. 4, lines 4-13, and p. 38, lines 6-20. **P-0547:** [T-012 \[ENG\]](#), p. 39, line 21 – p. 40, line 6; [T-012 \[FR\]](#), p. 39, line 19 – p. 40, line 3. **P-2931:** [CAR-OTP-2135-4093-R01 \[ENG\]](#) at 4100, para. 41; [CAR-OTP-2135-2245-R01 \[FR\]](#) at 2251, para. 41. **P-2239:** [CAR-OTP-2104-0918-R01 \[ENG\]](#) at 0929, paras. 48, and 51-52; [CAR-OTP-2130-4729-R01 \[FR\]](#) at 4741-4742, paras. 48, and 51-52. **P-2400:** [CAR-OTP-2104-0424-R01 \[ENG\]](#) at 0435, para. 53; [CAR-OTP-2130-4712-R01 \[FR\]](#) at 4724-4725, para. 53. **P-2263:** [CAR-OTP-2091-3074-R01 \[ENG\]](#) at 3079-3080, para. 23; [CAR-OTP-2127-9708-R01 \[FR\]](#) at 9715, para. 23. **P-2692:** [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0927-0928, paras. 29, and 31;

124. Dual status P-0547 described the conditions of detention as follows:

“I was led to a cell, which was in the middle. When I entered the cell, it was very sad. I saw people lying down who were wounded, who could barely move at all. I saw people sitting around a bucket which was used for defecation. [...] There were others who were urinating in plastic bottles. Really, there were many, many people in that cell. I can’t give you an exact number. [...] There was a wounded person who was next to me who asked me if I could help him to move. It was a human being. I helped him to move around a bit. Everybody was on the ground. [...] I helped him to lean against the wall. I couldn’t sleep”.²⁵⁷

125. Dual status P-2263 gave the following description of the courtyard cells:

“Inside the cells there was no food, water or place to go to the toilet. There was a toilet outside but it was full of faeces. The cell was about 4 meters by 3 meters in size. The ceiling was just over 2 meters in height. There was a metal door and no windows that I can remember. [...] The floor was cement but it was a rough surface, so hard to sleep on. It was very hard to sleep; we could all lie down if we put each other’s legs between the legs of others. It was extremely cramped and hot; all 15 of us were in this one cell. [...] During the first couple of days we did not eat so the lack of a toilet was not a problem. We were given bottles of water by the Seleka [...] from the second day onwards if we asked for it. We used these to urinate into”.²⁵⁸

126. Victims consistently reported receiving no medical care from the Séléka. Detainees who were injured – often as a result of tortures and beatings – or ill, received no treatment. Instead, they relied on relatives to bring medication – if their families knew where they were being held, and were able to intervene.²⁵⁹

[CAR-OTP-2130-6685-R01 \[FR\]](#) at 6691-6692, paras. 29, and 31. **P-2519:** [CAR-OTP-2127-9471-R01 \[ENG\]](#) at 9479, para. 59; [CAR-OTP-2130-5310-R01 \[FR\]](#) at 5319-5320, para. 59. **P-3047:** [CAR-OTP-2130-6904-R01 \[FR\]](#) at 6910, and 6912, paras. 36, and 43. **P-1180:** [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0504, paras. 155-156; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7622-7623, paras. 155-156. See also insider **P-0338:** [T-018 \[ENG\]](#), p. 26, line 9 – p. 28, line 6, and p. 62, lines 18-24; [T-018 \[FR\]](#), p. 27, line 14 – p. 29, line 11, and p. 65, line 26 – p. 66, line 4.

²⁵⁷ **P-0547:** [T-012 \[ENG\]](#), p. 39, line 21 – p. 40, line 6; [T-012 \[FR\]](#), p. 39, line 19 – p. 40, line 3.

²⁵⁸ **P-2263:** [CAR-OTP-2091-3074-R01 \[ENG\]](#) at 3079-3080, para. 23; [CAR-OTP-2127-9708-R01 \[FR\]](#) at 9715, para. 23.

²⁵⁹ **P-2400:** [T-030 \[ENG\]](#), p. 44, lines 17-21; [T-030 \[FR\]](#), p. 48, lines 8-12; [CAR-OTP-2104-0424-R01 \[ENG\]](#) at 0433, para. 44; [CAR-OTP-2130-4712-R01 \[FR\]](#) at 4722-4723, para. 44. **P-2337:** [CAR-OTP-2104-0411-R01 \[ENG\]](#) at 0418, para. 37; [CAR-OTP-2130-4699-R01 \[FR\]](#) at 4707-4708, para. 37. **P-1762:** [T-080 \[ENG\]](#), p. 17, lines 2-8; [T-080 \[FR\]](#), p. 16, line 26 – p. 27, line 4; [CAR-OTP-2073-0568-R01 \[ENG\]](#) at 0580, para. 70; [CAR-OTP-2130-2147-R01 \[FR\]](#) at 2161, para. 70. **P-1180:** [T-068 \[ENG\]](#), p. 13, lines 18-21; [T-068 \[FR\]](#), p. 14,

127. Inside the cells, detainees lived in a constant state of fear, uncertainty, and hypervigilance. As stated by P-0481: “[...] quand vous êtes dans une cellule, vous êtes entre la vie et la mort ; vous n’avez donc pas sommeil. Vous êtes en alerte, et à chaque fois qu’il y a le moindre bruit, vous vous levez pour savoir ce qu’il arrive. [...] Vous êtes dans une cellule, tout ce que vous avez à faire, c’est d’être en alerte et de prier”.²⁶⁰ Similarly, dual status P-3047 recounted an inability to sleep and a persistent state of fear throughout his detention, because the Séléka would take a detainee from their cell each night to be killed.²⁶¹ In his own words: “Chaque fois que les Seleka frappaient à la porte de notre cellule pendant la nuit, j’étais effrayé et je croyais qu’ils prononceraient mon nom”.²⁶² The bodies of those killed were later found at Ndress cemetery.²⁶³

128. Some detainees were kept in a hidden underground cell – also referred to as ‘the hole’ or ‘the basement’ – located beneath or near SAÏD’s office, accessed through a plank-covered hole in the floor. The space was dark, cold, and filthy – its air thick with the stench of human waste, rot, and damp paper. Prisoners detained there were crammed together, forced to eat and sleep amid excrement, insects, and vermin, with no proper ventilation or light, save for faint daylight through cracks or a partially

lines 12-15. **P-2263:** [T-058 \[ENG\]](#), p. 22, lines 9-13; [T-058 \[FR\]](#), p. 22, lines 7-12. **P-3047:** [T-065 \[ENG\]](#), p. 15, lines 13-18; [T-065 \[FR\]](#), p. 16, lines 19-24. **P-2519:** [CAR-OTP-2127-9471-R01 \[ENG\]](#) at 9483, para. 84; [CAR-OTP-2130-5310-R01 \[FR\]](#) at 5323, para. 84. **P-1004:** [CAR-OTP-2043-0536-R01 \[ENG\]](#) at 0545, para. 69; [CAR-OTP-2130-1736-R01 \[FR\]](#) at 1747, para. 69. **P-0481:** [T-072 \[ENG\]](#), p. 38, lines 9-14; [T-072 \[FR\]](#), p. 38, lines 2-8.

²⁶⁰ **P-0481:** [T-073 \[ENG\]](#), p. 50, lines 11-15; [T-073 \[FR\]](#), p. 51, lines 15-20. For the sake of clarity, the Legal Representative cites the original French because the interpreted English contains a mistake (“wake up” instead of “stand up”): “[...] when you’re in a cell you are caught between life and death. You can’t sleep. You are constantly vigilant and when there is the slightest of noise, you will wake up [sic] to find out what’s going to happen. [...] You’re in a cell and the only thing you can do is be vigilant and pray”.

²⁶¹ **P-3047:** [CAR-OTP-2130-6904-R01 \[FR\]](#) at 6911-6913, paras. 38-39, and 41-45.

²⁶² **P-3047:** [CAR-OTP-2130-6904-R01 \[FR\]](#) at 6912, para. 43.

²⁶³ **P-3047:** [CAR-OTP-2130-6904-R01 \[FR\]](#) at 6911, para. 38.

uncovered stone.²⁶⁴ One witness reported encountering a dead body in the cell,²⁶⁵ and another stated hearing SAÏD's voice above them throughout the entire time as he gave orders.²⁶⁶ The cell was used to isolate prisoners deemed dangerous or politically significant, those considered close to the former regime or handpicked by SAÏD, DJOTODIA and ADAM.²⁶⁷ SAÏD personally oversaw its use and confirmed that detainees were held there in secrecy.²⁶⁸

129. As stated by dual status P-3064:

"It was a place where one could not live. It was unliveable. There was human faeces within the hole, there were insects which crawled on our bodies while we were within the hole. It was not possible to stand nor to sit in the hole because it was full of human faeces. [...] So the living conditions in that hole were very difficult and I kept wondering what had I done [...] to find myself in such a hole and to suffer so much. [...] I asked for water, but no one brought me water. I asked for food and no one brought me food. [...] That is how we spent the night. But I can tell you that, under those conditions, we could not sleep".²⁶⁹

130. Dual status P-2400 described the underground cell as follows:

"The basement where we were detained was very dirty. The floor was covered with waste, [...] and it smelt like faeces and urine. There were four other male prisoners in the basement and because there was not

²⁶⁴ **P-0547:** [T-012 \[ENG\]](#), p. 62, line 23 – p. 63, line 6; [T-012 \[FR\]](#), p. 64, lines 5-15; [T-013 \[ENG\]](#), p. 3, line 11 – p. 4, line 18; [T-013 \[FR\]](#), p. 3, line 18 – p. 4, line 27. **P-3056:** [T-020 \[ENG\]](#), p. 21, line 2 – p. 22, line 24, and p. 23, line 24 – p. 25, line 12; [T-020 \[FR\]](#), p. 20, line 28 – p. 22, line 24, p. 23, line 23 – p. 25, line 7. **P-3064:** [T-074 \[ENG\]](#), p. 21, line 6 – p. 23, line 24; [T-074 \[FR\]](#), p. 20, line 24 – p. 23, line 11. **P-2400:** [T-031 \[ENG\]](#), p. 24, lines 11-23; [T-031 \[FR\]](#), p. 23, lines 11-22; [CAR-OTP-2104-0424-R01 \[ENG\]](#) at 0433-0434, paras. 43-47; [CAR-OTP-2130-4712-R01 \[FR\]](#) at 4722-4723, paras. 43-47. **P-1762:** [CAR-OTP-2073-0568-R01 \[ENG\]](#) at 0578-0580, paras. 60-61, 66-71, and 74; [CAR-OTP-2130-2147-R01 \[FR\]](#) at 2159-2161, paras. 60-61, 66-71, and 74. **P-3053:** [CAR-OTP-2130-6359-R01 \[FR\]](#) at 6365-6366, paras. 40-41, and 43-45.

²⁶⁵ **P-0547:** [T-012 \[ENG\]](#), p. 63, lines 1-4; [T-012 \[FR\]](#), p. 64, lines 10-13; [T-013 \[ENG\]](#), p. 3, lines 11-15; [T-013 \[FR\]](#), p. 3, lines 18-21.

²⁶⁶ **P-3056:** [T-020 \[ENG\]](#), p. 39, lines 12-17; [T-020 \[FR\]](#), p. 38, lines 17-22.

²⁶⁷ **P-3056:** [T-020 \[ENG\]](#), p. 21, lines 20-24, and p. 22, lines 11-24; [T-020 \[FR\]](#), p. 21, lines 21-25, and p. 22, lines 10-24. **P-0338:** [T-018 \[ENG\]](#), p. 13, line 2 – p. 15, line 11; [T-018 \[FR\]](#), p. 14, line 15 – p. 16, line 13. **P-2240:** [CAR-OTP-2107-8860-R01 \[ENG\]](#) at 8867, para. 29; [CAR-OTP-2110-0780-R01 \[FR\]](#) at 0788-0789, para. 29; [CAR-OTP-00000455 \[FR\]](#) at 000002, para. 29. See also **P-3053:** [CAR-OTP-2130-6359-R01 \[FR\]](#) at 6365-6366, paras. 40-41.

²⁶⁸ **P-0338:** [T-018 \[ENG\]](#), p. 13, line 2 – p. 15, line 11; [T-018 \[FR\]](#), p. 14, line 15 – p. 16, line 13. See also **P-3056:** [T-020 \[ENG\]](#), p. 22, lines 11-20, p. 24, lines 5-8, and p. 27, lines 3-6; [T-020 \[FR\]](#), p. 22, lines 10-20, p. 24, lines 2-4, and p. 26, lines 26-28. **P-3053:** [CAR-OTP-2130-6359-R01 \[FR\]](#) at 6365-6366, paras. 40-41.

²⁶⁹ **P-3064:** [T-074 \[ENG\]](#), p. 21, line 21 – p. 22, line 22; [T-074 \[FR\]](#), p. 21, line 13 – p. 22, line 11.

*enough space for the five of us to lie down and sleep, some of us would sit and sleep while sitting with our back against the wall”.*²⁷⁰

3. Physical abuse and torture

131. Beyond the inhumane conditions in the cells, detainees were routinely subjected to physical abuse and torture under SAÏD’s orders. Beatings, psychological torment, and degrading treatment were part of daily life at the OCRB, carried out in the open, and often in SAÏD’s presence.

132. One particularly brutal episode of mistreatment took place when a large group of detainees – arrested in connection with alleged plans to distribute anti-DJOTODIA leaflets – was brought to the OCRB (the so-called “Flyers incident”).²⁷¹ Upon arrival, the detainees were stripped, forced to lie face down, and had mud deliberately spread across their bare backs before being viciously beaten with whips, ropes, cords, and other instruments – some of which were dipped in sand or gravel to intensify the pain – by several Séléka elements. The detainees were also kicked, punched, and threatened with death.²⁷² Some witnesses stated that the Séléka elements carried out the beatings under direct orders from SAÏD, who was present throughout.²⁷³ As they struck the detainees, Séléka members shouted insults linking them to former President BOZIZÉ,²⁷⁴ saying, “[y]ou and Bozizé, you reigned for 10 years and what did you do that was

²⁷⁰ P-2400: [CAR-OTP-2104-0424-R01 \[ENG\]](#) at 0433, para. 45; [CAR-OTP-2130-4712-R01 \[FR\]](#) at 4723, para. 45.

²⁷¹ See also *supra* paras. 65-68.

²⁷² P-1743: [T-086 \[ENG\]](#), p. 43, lines 1-24; [T-086 \[FR\]](#), p. 43, line 23 – p. 44, line 18; [T-087 \[ENG\]](#), p. 4, line 15 – p. 5, line 25, and p. 36, lines 14-17; [T-087 \[FR\]](#), p. 4, line 17 – p. 6, line 5, and p. 37, lines 7-10. P-1180: [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0504, paras. 153-155; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7622, paras. 153-155. P-2263: [CAR-OTP-2091-3074-R01 \[ENG\]](#) at 3079, paras. 21-22; [CAR-OTP-2127-9708-R01 \[FR\]](#) at 9714, paras. 21-22. P-2295: [CAR-OTP-2130-9460-R01 \[ENG\]](#) at 9465, para. 25; [CAR-OTP-2135-1852-R01 \[FR\]](#) at 1858, para. 25. P-2692: [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0928-0929, para. 33; [CAR-OTP-2130-6685-R01 \[FR\]](#) at 6692-6693, para. 33.

²⁷³ P-2263: [CAR-OTP-2091-3074-R01 \[ENG\]](#) at 3079, paras. 21-22; [CAR-OTP-2127-9708-R01 \[FR\]](#) at 9714, paras. 21-22; [T-058 \[ENG\]](#), p. 17, line 11 – p. 18, line 12; [T-058 \[FR\]](#), p. 17, line 12 – p. 18, line 11. P-2692: [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0928-0929, para. 33; [CAR-OTP-2130-6685-R01 \[FR\]](#) at 6692-6693, para. 33. See also P-2295: [CAR-OTP-2130-9460-R01 \[ENG\]](#) at 9465, para. 25; [CAR-OTP-2135-1852-R01 \[FR\]](#) at 1858, para. 25.

²⁷⁴ P-1743: [T-087 \[ENG\]](#), p. 5, lines 14-20; [T-087 \[FR\]](#), p. 5, lines 20-28. P-2295: [CAR-OTP-2130-9460-R01 \[ENG\]](#) at 9465, paras. 26-27; [CAR-OTP-2135-1852-R01 \[FR\]](#) at 1858, paras. 26-27.

good for the country?”²⁷⁵ For some of the detainees, said abuse took place in full view of their family members, adding a layer of humiliation and psychological harm. The violence was not only intended to punish, but also to degrade and break the spirit of both the victims and those who cared for them.²⁷⁶ Victims continue to suffer lasting physical and psychological effects, including visible scarring, chronic pain, reduced physical strength, impaired vision, and long-term trauma.²⁷⁷ As explained by dual status P-1743:

*“You know, when you are sprinkled with water and clay and then [...] you are whipped, you feel pain, and you feel it to your bones. These are wounds that we still have today -- wounds to our backs, that is. [...] I have experienced a good deal of prejudice [...] and harm, without knowing the reasons for that. I’ve been humiliated in front of the members of my family. I have lost all. In fact, my career has been impacted, and that applies to my whole life. [...] We were arrested and tortured for no reason whatsoever. We were attacked, humiliated, tied up, and treated like animals for no reason whatsoever. [...] [W]e wonder to oursel[ves] why it is that we had to endure all of that”.*²⁷⁸

133. At some point during P-0481’s detention at the OCRB, ADAM interrogated him about [REDACTED].²⁷⁹ When ADAM left the OCRB, his men beat P-0481 while he was on the ground with his hands tied, and burned his hands using plastic material, leaving permanent scars. The beatings only stopped once ADAM returned to the OCRB, after which they untied him. When the Public Prosecutor (*Procureur de la*

²⁷⁵ **P-1743:** [T-087 \[ENG\]](#), p. 5, lines 17-18; [T-087 \[FR\]](#), p. 5, lines 24-25.

²⁷⁶ **P-1743:** [T-086 \[ENG\]](#), p. 43, lines 21-24; [T-086 \[FR\]](#), p. 44, lines 14-18; [T-087 \[ENG\]](#), p. 36, lines 12-20, and p. 36, line 25 – p. 37, line 11; [T-087 \[FR\]](#), p. 37, lines 5-13, and p. 37, line 18 – p. 38, line 5. **P-1180:** [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0504, para. 156; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7622, para. 156.

²⁷⁷ **P-1743:** [T-087 \[ENG\]](#), p. 5, lines 11-13, p. 31, line 22 – p. 32, line 6, p. 36, lines 12-20, and p. 36, line 25 – p. 37, line 11; [T-087 \[FR\]](#), p. 5, lines 17-19, p. 32, lines 18-26, p. 37, lines 5-13, and p. 37, line 18 – p. 38, line 5; [T-087 \[ENG\]](#), p. 36, lines 21-25; [T-087 \[FR\]](#), p. 37, lines 13-18; and [CAR-OTP-2135-3787-R01](#) at 3797-3798. **P-1180:** [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0509, paras. 195-196; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7627, paras. 195-196; [T-068 \[ENG\]](#), p. 13, lines 6-16, and p. 79, line 7 – p. 80, line 1; [T-068 \[FR\]](#), p. 13, line 27 – p. 14, line 10, and p. 82, lines 5-28; and [CAR-OTP-2135-3799-R01](#) at 3811. **P-2263:** [T-058 \[ENG\]](#), p. 22, line 18 – p. 23, line 4; [T-058 \[FR\]](#), p. 22, lines 17-27; and [CAR-OTP-00025571-R01](#) at 00014-00015. **P-2295:** [CAR-OTP-2130-9460-R01 \[ENG\]](#) at 9465, para. 25; [CAR-OTP-2135-1852-R01 \[FR\]](#) at 1858, para. 25; and [CAR-OTP-2135-3907-R01](#) at 3918.

²⁷⁸ **P-1743:** [T-087 \[ENG\]](#), p. 5, lines 11-13, and p. 40, lines 5-17; [T-087 \[FR\]](#), p. 5, lines 17-19, and p. 40, line 24 – p. 41, line 7.

²⁷⁹ See also *supra* para. 104.

République) visited the OCRB that afternoon, he saw P-0481's injuries but said nothing – at the time, he had no power, and speaking out could have cost him his position.²⁸⁰

P-0481 described his suffering as follows:

*"It was atrocious, what I lived through, and I don't want to come back to this because it really does bring back very painful memories. [...] I was on the floor and they burnt me and they started beating me up. I was rolling on the ground because my hands were tied. I was in great pain. I was turning on the ground. I could not defend myself".*²⁸¹

134. Similarly, during an interrogation at the OCRB, dual status P-3047 [REDACTED], causing bleeding and leaving visible scars. When P-3047 refused to answer further questions, some Séléka elements beat him while returning him to his cell.²⁸² As articulated by P-3047:

*"[I]t completely [...] put my life on its head and I think about it all the time. [...] I lost everything. I was made a fragile person as a result".*²⁸³

135. Dual status P-2400 recalled being brought before a Séléka officer at the OCRB who questioned him about his identity, affiliations, and the circumstances of his arrest. After answering, he was suddenly kicked by another man who accused him of lying and took out a knife threatening to kill him. The man boasted that he *"had already killed 199 people"* and that P-2400 would be *"the 200th person"* if he *"didn't tell the truth"*.²⁸⁴ Another Séléka member also questioned P-2400 and ultimately gave the order that he be held at the OCRB, pending further instructions from SAÏD.²⁸⁵

136. One of the most excruciating torture methods used at the OCRB was known as *"arbatachar"*. Under SAÏD's watch and with his approval, detainees were bound with

²⁸⁰ **P-0481:** [T-072 \[ENG\]](#), p. 32, line 24 – p. 38, line 8; [T-072 \[FR\]](#), p. 32, line 15 – p. 38, line 1; [T-073 \[ENG\]](#), p. 37, line 23 – p. 39, line 23; [T-073 \[FR\]](#), p. 39, line 1 – p. 40, line 26; and [CAR-OTP-2018-0639](#), [CAR-OTP-2018-0640](#), and [CAR-OTP-2018-0641](#) (photographs of P-0481's scars). See also *supra* para. 119 regarding the limited role of the Public Prosecutor under the Séléka regime.

²⁸¹ **P-0481:** [T-072 \[ENG\]](#), p. 34, lines 1-3, and p. 36, lines 20-22; [T-072 \[FR\]](#), p. 33, lines 18-20, and p. 36, lines 15-17.

²⁸² **P-3047:** [T-065 \[ENG\]](#), p. 15, line 13 – p. 16, line 13; [T-065 \[FR\]](#), p. 16, line 19 – p. 17, line 14; [CAR-OTP-2130-6904-R01 \[FR\]](#) at 6913, para. 46; and [CAR-OTP-00025572-R01](#) at 00012.

²⁸³ **P-3047:** [T-065 \[ENG\]](#), p. 16, lines 19-23; [T-065 \[FR\]](#), p. 17, lines 22-25.

²⁸⁴ **P-2400:** [T-031 \[ENG\]](#), p. 21, lines 20-21; [T-031 \[FR\]](#), p. 20, line 28 – p. 21, line 1.

²⁸⁵ **P-2400:** [T-031 \[ENG\]](#), p. 21, lines 13-25; [T-031 \[FR\]](#), p. 20, line 19 – p. 21, line 6.

their arms and legs tied behind their back in a tightly compressed position forcing their elbows and ankles together, arching the chest unnaturally. This technique – compared to the way cattle are tied – caused extreme pain, restricted blood flow, and often led to paralysis and observable scars. Victims were left immobilised, beaten, and whipped while on the ground. Witnesses reported hearing screams throughout the compound, while SAÏD dismissed concerns, by saying the detainees had deserved it and that this was the fastest way to force confessions.²⁸⁶ Several victims described being tortured by the Séléka using the *arbatachar* torture method and being severely beaten, causing paralysis, lasting pain, discomfort, trembling, visible scarring, and difficulty properly using their limbs to this day.²⁸⁷

137. Dual status P-0547, for instance, recounted how the Séléka took him out of the underground cell and brought him to a small area in the compound, where they – on the orders of [REDACTED]²⁸⁸ – tied him up *arbatachar* and hung him from the barbed

²⁸⁶ **P-0338:** [T-018 \[ENG\]](#), p. 28, line 16 – p. 30, line 17; [T-018 \[FR\]](#), p. 29, line 22 – p. 31, line 27. **P-1167:** [T-035 \[ENG\]](#), p. 20, lines 18-23, and p. 25, line 12 – p. 26, line 21; [T-035 \[FR\]](#), p. 21, lines 1-6, and p. 26, line 1 – p. 27, line 11; [T-036 \[ENG\]](#), p. 61, lines 7-21; [T-036 \[FR\]](#), p. 69, line 28 – p. 70, line 16. **P-2105:** [T-024 \[ENG\]](#), p. 41, line 13 – p. 42, line 17; [T-024 \[FR\]](#), p. 41, line 2 – p. 42, line 7. **P-0481:** [T-072 \[ENG\]](#), p. 46, lines 1-6; [T-072 \[FR\]](#), p. 45, lines 20-23. **P-2573:** [T-091 \[ENG\]](#), p. 7, lines 14-19; [T-091 \[FR\]](#), p. 7, line 25 – p. 8, line 1.

²⁸⁷ **P-0547:** [T-013 \[ENG\]](#), p. 5, lines 6-16, p. 7, line 22 – p. 8, line 3, p. 17, lines 5-9, and p. 21, lines 5-7; [T-013 \[FR\]](#), p. 5, line 14 – p. 6, line 1, p. 8, lines 9-15, p. 17, lines 13-18, and p. 21, lines 20-25; [T-014 \[ENG\]](#), p. 37, lines 9-20; [T-014 \[FR\]](#), p. 37, line 20 – p. 38, line 5. **P-2400:** [T-030 \[ENG\]](#), p. 44, line 22 – p. 48, line 11; [T-030 \[FR\]](#), p. 48, line 13 – p. 52, line 5; [CAR-OTP-2104-0424-R01 \[ENG\]](#) at 0430-0431, and 0437, paras. 31-34, and 63; [CAR-OTP-2130-4712-R01 \[FR\]](#) at 4719-4720, and 4726-4727, paras. 31-34, and 63; [CAR-OTP-2104-0440](#); [CAR-OTP-2104-0441](#); [CAR-OTP-2104-0442](#). P-2400's account is corroborated by **P-2337:** [CAR-OTP-2104-0411-R01 \[ENG\]](#) at 0418, para. 35; [CAR-OTP-2130-4699-R01 \[FR\]](#) at 4707, para. 35. **P-1762:** [CAR-OTP-2073-0568-R01 \[ENG\]](#) at 0572-0573, paras. 23, and 28-29; [CAR-OTP-2130-2147-R01 \[FR\]](#) at 2152-2154, paras. 23, and 28-29; [T-080 \[ENG\]](#), p. 17, lines 9-16; [T-080 \[FR\]](#), p. 17, lines 5-12. **P-1432:** [CAR-OTP-2073-0743-R01 \[ENG\]](#) at 0747, paras. 20, 22, and 24; [CAR-OTP-2050-0172-R01 \[FR\]](#) at 0175, paras. 20, 22, and 24; [CAR-OTP-2050-0183](#); [CAR-OTP-2050-0184](#); [CAR-OTP-2050-0185](#); [CAR-OTP-2050-0186](#); [CAR-OTP-00025569-R01](#) at 00012. **P-2692:** [T-043 \[ENG\]](#), p. 17, lines 5-11; [T-043 \[FR\]](#), p. 17, line 26 – p. 18, line 3; [T-043 \[ENG\]](#), p. 18, line 25 – p. 19, line 7; [T-043 \[FR\]](#), p. 19, lines 18-25; [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0924, para. 16; [CAR-OTP-2130-6685-R01 \[FR\]](#) at 6688, para. 16. **P-2519:** [CAR-OTP-2127-9471-R01 \[ENG\]](#) at 9478-9479, and 9483, paras. 46-52, 55-58, and 84; [CAR-OTP-2130-5310-R01 \[FR\]](#) at 5318-5319, and 5323, paras. 46-52, 55-58, and 84; [T-053 \[ENG\]](#), p. 44, lines 12-15; [T-053 \[FR\]](#), p. 47, lines 23-26. **P-2179:** [CAR-OTP-2088-2250-R01 \[ENG\]](#) at 2261, and 2268, paras. 57, and 90; [CAR-OTP-2130-2342-R01 \[FR\]](#) at 2355, and 2362, paras. 57, and 90.

²⁸⁸ **P-0547:** [T-013 \[ENG\]](#), p. 29, lines 20-22; [T-013 \[FR\]](#), p. 30, lines 12-14. See also *supra* paras. 120-122 for SAÏD's role [REDACTED]; and **P-2105:** [T-028 \[ENG\]](#), p. 43, lines 15-19; [T-028 \[FR\]](#), p. 42, lines 11-15, [REDACTED]: "[REDACTED]. [REDACTED], [REDACTED]. [REDACTED]" (emphasis added).

wire on one of the OCRB's outer walls, after which they started kicking and beating him with the butts of their rifles and sticks. [REDACTED] threatened P-0547 with a gun to his head, and ordered the elements to beat him up because he did not want to reveal the names of his supposed accomplices. They beat P-0547 up like savages during several hours, until [REDACTED] intervened to have him taken down and untied, thus preventing his imminent death.²⁸⁹ As a result of the tortures, P-0547's hands were paralysed and his wounds began to develop gangrene.²⁹⁰ After his release, P-0547's family washed him and took care of his injuries and scars, as he was unable to do so due to the paralysis.²⁹¹ He [REDACTED], [REDACTED].²⁹² To this day, P-0547 suffers from headaches, insomnia, hyper-tension and gastric problems as a result of the events. He feels "*completely unbalanced*", his life has been "*completely destroyed*", and he thinks he will "*have to learn to live with the consequences of the torture until the end of [his] days*".²⁹³

²⁸⁹ **P-0547:** [T-013 \[ENG\]](#), p. 4, line 19 – p. 7, line 25, and p. 26, line 25 – p. 28, line 24; [T-013 \[FR\]](#), p. 4, line 27 – p. 8, line 13, and p. 27, line 23 – p. 29, line 17; [T-013 \[ENG\]](#), p. 37, line 23 – p. 38, line 6; [T-013 \[FR\]](#), p. 38, line 16 – p. 39, line 1; [T-017 \[ENG\]](#), p. 34, line 18 – p. 35, line 13; [T-017 \[FR\]](#), p. 36, line 24 – p. 37, line 18; [CAR-REG-0002-0001](#) (annotated photograph of the exact place where P-0547 was tortured). P-0547's account is corroborated by numerous witnesses: **P-0119:** [T-083 \[ENG\]](#), p. 22, lines 3-15, and p. 24, line 18 – p. 25, line 20; [T-083 \[FR\]](#), p. 20, line 26 – p. 21, line 9, and p. 23, line 13 – p. 24, line 12; [T-084 \[ENG\]](#), p. 23, lines 3-15; [T-084 \[FR\]](#), p. 20, line 27 – p. 21, line 11. **P-1297:** [CAR-OTP-2039-0167-R01 \[ENG\]](#) at 0176, paras. 58-60; [CAR-OTP-2107-1354-R01 \[FR\]](#) at 1364, paras. 58-60. **P-0338:** [T-018 \[ENG\]](#), p. 15, line 5 – p. 17, line 11, and p. 46, line 4 – p. 47, line 9; [T-018 \[FR\]](#), p. 16, line 7 – p. 18, line 13, and p. 47, line 15 – p. 48, line 19; [CAR-OTP-2018-0598](#) (photograph of P-0547 recognised by P-0338). **P-2280:** [CAR-OTP-2116-0725-R01](#) at 0729-0730, and 0733; [CAR-OTP-2102-0637](#) ([REDACTED]); [CAR-OTP-2102-0614-R01](#) ([REDACTED]). **P-0787:** [CAR-OTP-2036-0410-R01 \[ENG\]](#) at 0423-0424, paras. 61-63; [CAR-OTP-2130-0893-R01 \[FR\]](#) at 0908, paras. 61-63. **P-3053:** [CAR-OTP-2130-6359-R01 \[FR\]](#) at 6367, and 6371, paras. 47, and 71. **P-3056:** [T-020 \[ENG\]](#), p. 26, lines 6-8, and p. 42, lines 12-21; [T-020 \[FR\]](#), p. 26, lines 2-4, and p. 41, lines 7-16. **P-1762:** [CAR-OTP-2073-0568-R01 \[ENG\]](#) at 0579-0581, paras. 62-63, 65, 70, 72-74, and 77; [CAR-OTP-2130-2147-R01 \[FR\]](#) at 2159-2162, paras. 62-63, 65, 70, 72-74, and 77. **P-1432:** [CAR-OTP-2073-0743-R01 \[ENG\]](#) at 0750-0751, paras. 45, and 55; [CAR-OTP-2050-0172-R01 \[FR\]](#) at 0178-0179, paras. 45, and 55.

²⁹⁰ **P-0547:** [T-013 \[ENG\]](#), p. 7, line 22 – p. 8, line 3, p. 17, lines 5-9, and p. 21, lines 5-7; [T-013 \[FR\]](#), p. 8, lines 9-15, p. 17, lines 13-18, and p. 21, lines 20-25.

²⁹¹ **P-0547:** [T-013 \[ENG\]](#), p. 50, line 12 – p. 59, line 9; [T-013 \[FR\]](#), p. 51, line 2 – p. 60, line 6. See also the photographs taken by his family members: [CAR-OTP-2018-0586](#), [CAR-OTP-2018-0598](#), [CAR-OTP-2018-0594](#), [CAR-OTP-2018-0592](#), [CAR-OTP-2018-0590](#), and [CAR-OTP-2018-0600](#).

²⁹² **P-0547:** [T-013 \[ENG\]](#), p. 61, line 23 – p. 62, line 2, and p. 64 line 4 – p. 69, line 19; [T-013 \[FR\]](#), p. 62, lines 16-21, and p. 64, line 16 – p. 69, line 22; [T-014 \[ENG\]](#), p. 37, lines 9-20; [T-014 \[FR\]](#), p. 37, line 20 – p. 38, line 5; [T-017 \[ENG\]](#), p. 31, line 23 – p. 32, line 17; [T-017 \[FR\]](#), p. 34, lines 3-24. See also [REDACTED]: [CAR-OTP-2018-0420-R01](#) and [CAR-OTP-2018-0421](#); and the photograph taken [REDACTED]: [CAR-REG-0002-0016](#).

²⁹³ **P-0547:** [T-014 \[ENG\]](#), p. 37, line 25 – p. 38, line 14; [T-014 \[FR\]](#), p. 38, lines 10-26.

138. On the day he was brought to the OCRB, dual status P-2519 was severely beaten and tortured by the Séléka. In particular, he described how the Séléka hit him with the butts of their rifles and tied him up using the *arbatachar* method, after which they continued beating and whipping him all over his body with horsehide whips, while pouring buckets of water over him. As they were beating him, the Séléka kept repeating that he was an “*askar*”, which he understood to mean ‘soldier’ in their language. P-2519 passed out during the beating.²⁹⁴ As a result of the *arbatachar* torture and the beatings he underwent, P-2519’s hand and arm were left paralysed. Despite seeking traditional treatment, to this day, he still experiences recurring pain. His arm still trembles, and his hands are weaker than they used to be – at times feeling as if they are paralysed. He also suffers from chest pain and occasionally spits blood.²⁹⁵ P-2519 specified:

“My suffering could have led me to death. My family members thought I was going to die and it was only thanks to the grace of God that I am still alive today. [...] I still suffer from the trauma that I experienced. I haven’t been able to go back to my usual work”.²⁹⁶

139. Dual status P-2692 depicted being tortured by the Séléka at *Camp Kassai* as follows:

“I was tied up arbatacha[r], whereby my legs and arms were tied behind me so that my feet [were] practically touching my head. This is extremely painful as the body is stretched so much. I was like a ball and I fell onto my side. The Seleka poured water on me and it felt like being cut with knives. I had a large stone thrown against the side of my head and broken bricks thrown at me. I ended up with a swollen painful head and cuts to my ear from the sharp bricks being thrown. Being tied up like this makes it also very hard to breathe and I passed out at some point. The pain was unimaginable”.²⁹⁷

²⁹⁴ P-2519: [CAR-OTP-2127-9471-R01 \[ENG\]](#) at 9478-9479, paras. 46, 48-51, and 55; [CAR-OTP-2130-5310-R01 \[FR\]](#) at 5318-5319, paras. 46, 48-51, and 55.

²⁹⁵ P-2519: [CAR-OTP-2127-9471-R01 \[ENG\]](#) at 9478, and 9483, paras. 47, and 84; [CAR-OTP-2130-5310-R01 \[FR\]](#) at 5318, and 5323, paras. 47, and 84; [T-053 \[ENG\]](#), p. 44, lines 12-15; [T-053 \[FR\]](#), p. 47, lines 23-26.

²⁹⁶ P-2519: [T-053 \[ENG\]](#), p. 16, lines 17-22; [T-053 \[FR\]](#), p. 17, lines 1-7.

²⁹⁷ P-2692: [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0924, para. 16; [CAR-OTP-2130-6685-R01 \[FR\]](#) at 6688, para. 16.

140. One night during his detention at the OCRB, P-0481 witnessed how seven detainees were taken out of the underground cell and tied up by Séléka elements using the *arbatachar* method. The Séléka elements then fatally stabbed the detainees in the neck with a metal object, after which their bodies were placed in bags to conceal their identities. P-0481 and another detainee were forced to help the Séléka with the disposal of the seven bodies by throwing them into the Oubangui river.²⁹⁸

4. Extrajudicial killings and threats of execution

141. This was not an isolated incident. Other witnesses described further killings at the OCRB, thereby underscoring its function as a site of extrajudicial executions under Séléka control. In at least one case, SAÏD was directly involved in both the arrest and subsequent execution of a detainee, highlighting his personal role in the violence.

142. P-2504 witnessed the arrest of a FACA soldier by SAÏD and his elements. He followed the Séléka to the OCRB, where SAÏD personally ordered that the soldier be placed in a cell. When P-2504 inquired about the detainee, SAÏD dismissed him, saying he was busy and telling him to come back the following day. Upon his return, the OCRB chief jailer informed P-2504 that SAÏD had already taken the soldier to Andja, where he had been executed.²⁹⁹ P-2504's account is corroborated by P-2607, [REDACTED],³⁰⁰ who added the following:

"Said was all powerful. He could do whatever he liked. [...] [H]e had the power, he had all the elements, he could decide on the death or life of someone. But as far as me, I had nothing, could do nothing. [...] At that time, we were very scared of him".³⁰¹

²⁹⁸ P-0481: [T-072 \[ENG\]](#), p. 43, lines 11-24; [T-072 \[FR\]](#), p. 43, lines 9-22. See also [T-072 \[ENG\]](#), p. 44, line 9 – p. 47, line 3, and p. 49, lines 1-15; [T-072 \[FR\]](#), p. 44, line 6 – p. 46, line 15, and p. 48, line 15 – p. 49, line 2; [T-073 \[ENG\]](#), p. 49, line 19 – p. 55, line 7; [T-073 \[FR\]](#), p. 50, line 25 – p. 55, line 26.

²⁹⁹ P-2504: [T-063 \[ENG\]](#), p. 22, line 13 – p. 25, line 17; [T-063 \[FR\]](#), p. 21, line 19 – p. 24, line 23.

³⁰⁰ P-2607: [T-042 \[ENG\]](#), p. 15, line 15 – p. 19, line 5, p. 49, line 21 – p. 58, line 21, and p. 75, line 23 – p. 76, line 7; ; [T-042 \[FR\]](#), p. 16, line 25 – p. 20, line 27, p. 54, line 25 – p. 64, line 22, and p. 83, line 22 – p. 84, line 4; [CAR-OTP-2125-0855-R01 \[ENG\]](#) at 0857-0860, paras. 12-38; [CAR-OTP-2127-9527-R01 \[FR\]](#) at 9530-9534, paras. 12-38; [CAR-OTP-2116-0992-R01](#) and [CAR-OTP-2116-0994](#) (death certificates).

³⁰¹ P-2607: [T-042 \[ENG\]](#), p. 46, line 8, and p. 47, line 22 – p. 48, line 1; [T-042 \[FR\]](#), p. 49, line 26, and p. 51, lines 20-24.

143. Several witnesses – who had been arrested and were being transported by Séléka forces – recounted how two men from their group were executed near the Oubangui river. The detainees were forced to lie face down in the vehicle and told not to look. However, they heard gunshots after two men were pulled from the vehicle and taken to the riverside.³⁰² The victims were innocent civilians,³⁰³ selected on the basis of suspicion tied to their ethnic background.³⁰⁴ One witness was ordered to weigh the bodies down with rocks and rope before throwing them into the river.³⁰⁵ The Séléka warned the surviving detainees to remain silent, threatening to kill them if they ever spoke about what had happened.³⁰⁶

144. As mentioned *supra*,³⁰⁷ according to P-3047, the Séléka would take a detainee from their OCRB cell each night to be killed, with the bodies later discovered in the Ndress cemetery.³⁰⁸ Dual status P-2692 also attested to the fact that the Séléka would often take prisoners away in vehicles at night. He himself was taken one night and brought to the Ndress cemetery, where the Séléka threatened to bury him – as they had done to other prisoners – if he did not speak the truth.³⁰⁹

145. One night, SAÏD personally removed dual status P-3056 from the underground cell at the OCRB and subjected him to a terrifying ordeal. After inspecting the detainees in the courtyard, SAÏD selected P-3056, handcuffed him, and placed a black plastic hood over his head – despite his plea that he suffered from asthma. SAÏD drove P-3056 around Bangui for hours, questioning him about alleged ties to BOZIZÉ and

³⁰² **P-1743:** [T-086 \[ENG\]](#), p. 26, line 20 – p. 27, line 10; [T-086 \[FR\]](#), p. 28, lines 13-28. **P-1180:** [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0497, paras. 97-102; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7614-7615, paras. 97-102; [T-068 \[ENG\]](#), p. 81, lines 23-25; [T-068 \[FR\]](#), p. 87, lines 12-15. **P-2263:** [CAR-OTP-2089-1229-R01 \[ENG\]](#) at 1235-1236, paras. 42-48; [CAR-OTP-2130-6271-R01 \[FR\]](#) at 6278-6279, paras. 42-48.

³⁰³ **P-1180:** [T-068 \[ENG\]](#), p. 82, lines 8-11; [T-068 \[FR\]](#), p. 85, lines 25-27.

³⁰⁴ **P-1180:** [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0497, para. 99; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7615, para. 99.

³⁰⁵ **P-1180:** [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0498, paras. 103-104; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7615-7616, paras. 103-104; [T-068 \[ENG\]](#), p. 82, lines 1-7; [T-068 \[FR\]](#), p. 87, lines 16-24.

³⁰⁶ **P-2263:** [CAR-OTP-2089-1229-R01 \[ENG\]](#) at 1236, para. 50; [CAR-OTP-2130-6271-R01 \[FR\]](#) at 6279, para. 50.

³⁰⁷ See *supra* para. 127, *in fine*.

³⁰⁸ **P-3047:** [CAR-OTP-2130-6904-R01 \[FR\]](#) at 6911-6913, paras. 38-39, and 41-45.

³⁰⁹ **P-2692:** [CAR-OTP-2125-0922-R01 \[ENG\]](#) at 0929, para. 35; [CAR-OTP-2130-6685-R01 \[FR\]](#) at 6693, para. 35.

other former regime figures, probing his ethnicity, and threatening his life, saying: “[a]s you do not want to tell me the truth, pray. I will send you to the Father”.³¹⁰ Eventually, SAÏD stopped near a construction site, loaded a pistol fitted with a silencer, and struck P-3056 violently at the base of the neck, leaving him semi-conscious on the ground. After a brief retreat, SAÏD returned and ordered his men to take P-3056 to the 2nd arrondissement police station to be killed and thrown into the Oubangui river. The execution was not carried out, and he was instead brought back to the OCRB and returned to his cell.³¹¹ P-3056 described the profound impact of the ordeal as follows:

*“I still have scars in me. I have a wound that is far from healed, in psychological terms. I continue to see those scenes again in my head, the scenes of the day when I was beaten by Said. [...] Very often when I am asleep at night, in my dreams I see this. It comes back to me in my dreams. I can see people in military attire hunting me down with either bladed weapons or firearms virtually daily. [...] When these thoughts spring to my mind, I feel terrible because these images have a direct link with what I experienced during my arrest. And these images are kind of enshrined in my subconscious”.*³¹²

5. Psychological harm

146. Many more victims attested to the deep and lasting psychological harm caused by the crimes, much of which remains untreated.³¹³ In their testimonies and application

³¹⁰ P-3056: T-021 [ENG], p. 7, lines 10-11; T-021 [FR], p. 7, lines 14-15.

³¹¹ P-3056: T-020 [ENG], p. 27, line 2 – p. 33, line 17, and p. 45, lines 1-13; T-020 [FR], p. 26, line 25 – p. 32, line 21, and p. 43, line 25 – p. 44, line 9; T-021 [ENG], p. 5, line 25 – p. 8, line 1; T-021 [FR], p. 5, line 27 – p. 8, line 3; CAR-OTP-2130-6655 (sketch made by P-3056). P-3056’s account is corroborated by his fellow detainees: P-3064: T-074 [ENG], p. 24, line 19 – p. 26, line 13; T-074 [FR], p. 24, line 3 – p. 25, line 19; and P-3053: CAR-OTP-2130-6359-R01 [FR] at 6369, paras. 56-58.

³¹² P-3056: T-020 [ENG], p. 33, lines 20-22; T-020 [FR], p. 32, lines 24-27; T-021 [ENG], p. 22, lines 13-22; T-021 [FR], p. 23, line 26 – p. 24, line 9.

³¹³ P-3056: T-021 [ENG], p. 22, lines 10-11; T-021 [FR], p. 23, lines 22-24. P-1429: T-040 [ENG], p. 23, lines 1-2; T-040 [FR], p. 22, lines 18-20. P-2241: T-048 [ENG], p. 17, lines 13-16; T-048 [FR], p. 17, lines 3-8. P-1289: T-050 [ENG], p. 42, line 24 – p. 43, line 4; T-050 [FR], p. 44, line 28 – p. 45, line 7. P-2263: T-058 [ENG], p. 23, lines 6-8; T-058 [FR], p. 23, lines 1-2. P-3047: T-065 [ENG], p. 17, lines 1-4; T-065 [FR], p. 17, line 27 – p. 28, line 3. P-1180: T-068 [ENG], p. 14, lines 6-8; T-068 [FR], p. 14, lines 25-27. P-3064: T-075 [ENG], p. 18, lines 1-4; T-075 [FR], p. 18, lines 24-27. P-1762: T-080 [ENG], p. 18, lines 8-11; T-080 [FR], p. 17, lines 25-28. P-1743: T-087 [ENG], p. 38, lines 12-14; T-087 [FR], p. 39, lines 5-7. P-2239: T-122 [ENG], p. 48, lines 4-5; T-122 [FR], p. 49, lines 13-15.

forms, they described feelings of fear, frustration, sadness, anger, anguish, stress, discomfort, humiliation, stigma, insomnia, nightmares, and suicidal thoughts.³¹⁴

147. For instance, dual status P-3064 expressed his mental suffering in the following words:

*“I no longer wish to see the OCRB. I don’t even want to think about it. [...] When I see soldiers who are dressed in their uniform, [...] I am afraid. [...] When I think about what happened to me, I get very angry very easily and I get carried away by it very easily. I’m very nervous. [...] [S]ometimes I have nightmares. I remember what happened and I tremble, I tremble. I have great anguish when I am alone. It happens to me often. [...] Why was I subjected to all this? I keep asking myself that question, and to this date I have no answers to that question. Why was I tortured at that time? To this date I don’t know why I was tortured. [...] I feel everything to my very, very bones. It’s as if I only just experienced all of that. I am deeply saddened. Since then, I haven’t received any help. I have been deeply affected by all these things”.*³¹⁵

148. Dual status P-2241 stated feeling “deeply uncomfortable”³¹⁶ when thinking back to her time in detention:

³¹⁴ **P-3056:** [T-020 \[ENG\]](#), p. 33, lines 20-22; [T-020 \[FR\]](#), p. 32, lines 24-27; [T-021 \[ENG\]](#), p. 22, line 13 – p. 23, line 6; [T-021 \[FR\]](#), p. 23, line 26 – p. 24, line 18; [CAR-OTP-2135-3851-R01 \[FR\]](#) at 3854-3855. **P-2241:** [T-048 \[ENG\]](#), p. 17, line 1 – p. 18, line 14; [T-048 \[FR\]](#), p. 16, line 20 – p. 18, line 10; [CAR-OTP-00037539-R01 \[FR\]](#) at 0004-0005. **P-1289:** [T-050 \[ENG\]](#), p. 42, line 6 – p. 43, line 4; [T-050 \[FR\]](#), p. 44, line 4 – p. 45, line 7; [CAR-OTP-2135-3776-R01 \[FR\]](#) at 3779-3780. **P-2263:** [T-058 \[ENG\]](#), p. 22, line 23 – p. 23, line 4; [T-058 \[FR\]](#), p. 22, lines 22-27; [CAR-OTP-00025571-R01 \[FR\]](#) at 00004-00005. **P-3047:** [T-065 \[ENG\]](#), p. 16, lines 18-24; [T-065 \[FR\]](#), p. 17, lines 20-26; [CAR-OTP-00025572-R01 \[FR\]](#) at 00004-00005. **P-1180:** [T-068 \[ENG\]](#), p. 13, line 22 – p. 14, line 4; [T-068 \[FR\]](#), p. 14, lines 16-23; [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0509-0511, paras. 196 and 208; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7627, and 7629, paras. 196, and 208; [CAR-OTP-2135-3799-R01 \[FR\]](#) at 3802-3803. **P-3064:** [T-075 \[ENG\]](#), p. 8, lines 5-10, and p. 16, line 13 – p. 18, line 12; [T-075 \[FR\]](#), p. 8, lines 20-26, and p. 17, line 14 – p. 19, line 5; [CAR-OTP-00025573-R01 \[FR\]](#) at 00004-00005. **P-1762:** [T-080 \[ENG\]](#), p. 17, line 21 – p. 19, line 5; [T-080 \[FR\]](#), p. 17, line 17 – p. 18, line 20. **P-1743:** [T-087 \[ENG\]](#), p. 32, lines 4-6, p. 36, lines 14-20, p. 37, lines 9-11, p. 39, lines 6-8, and p. 40, lines 5-17; [T-087 \[FR\]](#), p. 32, lines 25-27, p. 37, lines 7-13, p. 38, lines 2-5, p. 39, lines 25-27, and p. 40, line 24 – p. 41, line 7; [CAR-OTP-2135-3787-R01 \[FR\]](#) at 3790-3791. **P-2239:** [T-122 \[ENG\]](#), p. 47, line 21 – p. 48, line 2; [T-122 \[FR\]](#), p. 49, lines 6-12; [CAR-OTP-2135-3826-R01 \[FR\]](#) at 3829. **P-0547:** [T-014 \[ENG\]](#), p. 37, line 25 – p. 40, line 12; [T-014 \[FR\]](#), p. 38, line 10 – p. 41, line 1; [CAR-OTP-2135-3862-R01 \[FR\]](#) at 3865-3866. **P-2400:** [T-030 \[ENG\]](#), p. 48, lines 12-22; [T-030 \[FR\]](#), p. 52, lines 7-18; [CAR-OTP-2135-3882-R01 \[FR\]](#) at 3885-3886. **P-2931:** [T-046 \[ENG\]](#), p. 23, line 22 – p. 24, line 19; [T-046 \[FR\]](#), p. 23, line 28 – p. 24, line 22; [CAR-OTP-2135-3765-R01 \[FR\]](#) at 3768-3769. **P-2519:** [T-053 \[ENG\]](#), p. 15, lines 14-24; [T-053 \[FR\]](#), p. 16, lines 1-9; [CAR-OTP-00025568-R01 \[FR\]](#) at 00004-00005. See also **P-1432:** [CAR-OTP-00025569-R01 \[FR\]](#) at 00004-00005. **P-2295:** [CAR-OTP-2135-3907-R01 \[FR\]](#) at 3910-3911. **P-2692:** [CAR-OTP-2135-3812-R01 \[FR\]](#) at 3815.

³¹⁵ **P-3064:** [T-075 \[ENG\]](#), p. 16, line 14 – p. 18, line 12; [T-075 \[FR\]](#), p. 17, line 14 – p. 19, line 5.

³¹⁶ **P-2241:** [T-048 \[ENG\]](#), p. 17, line 5; [T-048 \[FR\]](#), p. 16, line 24.

*“When I think about it, I become ill and my head is not right. [...] When I was detained at the OCRB, there was an attempted rape by the Séléka and when I think about that, this upsets me greatly”.*³¹⁷

149. Despite his efforts, dual status P-1289 “cannot forget”³¹⁸ what he went through at the OCRB. He explained:

*“[W]henever I go past that place, I am reminded that some others like me are no longer here with us today. [...] [J]ustice should serve everyone. It can’t be accepted that people are arbitrarily arrested just to destroy their lives. This is not good. [...] It’s difficult for me to describe what I feel. I was humiliated. [...] They had the right of life or death against everyone. And many other people like me experienced similar things but they can’t speak about them because they don’t have the courage”.*³¹⁹

150. Dual status P-1180 emphasised that the pain caused by his detention extended beyond him to his family and the families of many other detainees:

*“[T]he Seleka, they have caused me, my wife, my parents and my brothers and sisters a lot of suffering especially during the time that I was in detention. I also witnessed them cause a lot of suffering to those who I met while in detention and consequently to their families. I hope that I will be able to put all of this behind me one day and to move on with my life with the grace of god”.*³²⁰

6. Material harm

151. In addition to the physical and psychological suffering they endured, victims also experienced significant material harm as a direct result of the crimes. Upon arrival at the OCRB, many victims recounted that SAÏD and other OCRB Séléka elements confiscated their money and other personal belongings, which were usually never

³¹⁷ P-2241: [T-048 \[ENG\]](#), p. 17, lines 5-6, and p. 18, lines 13-14; [T-048 \[FR\]](#), p. 16, lines 24-25, and p. 18, lines 8-10. See also [CAR-OTP-2092-3851-R01 \[ENG\]](#) at 3861-3862, paras. 56-58; [CAR-OTP-2127-9409-R01 \[FR\]](#) at 9421-9422, paras. 56-58.

³¹⁸ P-1289: [T-050 \[ENG\]](#), p. 42, line 8; [T-050 \[FR\]](#), p. 44, lines 6-7.

³¹⁹ P-1289: [T-050 \[ENG\]](#), p. 42, lines 12-22; [T-050 \[FR\]](#), p. 44, lines 13-24.

³²⁰ P-1180: [CAR-OTP-2043-0483-R01 \[ENG\]](#) at 0510-0511, para. 208; [CAR-OTP-2127-7599-R01 \[FR\]](#) at 7629, para. 208.

returned.³²¹ Some victims described how Séléka elements looted or destroyed personal property – including homes, businesses, possessions, and even vehicles – around the time of their arrest, leaving them with nothing to return to.³²² Others lost their sources of income simply because they were arbitrarily detained and therefore unable to work. Some also lost their jobs entirely or were forced to flee the city, while others continue to struggle financially due to long-term physical impairments caused by torture and beatings.³²³

152. These combined losses have left long-term scars on livelihoods, with many victims still struggling to recover from the material consequences of their persecution, and having to rely on relatives for support. Families are often left without support, leaving dependents with no reliable means of survival. The consequences extend beyond the individual victims to their wider households.

153. As stated by dual status P-0547:

³²¹ **P-1289:** [T-050 \[ENG\]](#), p. 42, lines 8-10; [T-050 \[FR\]](#), p. 45, lines 3-5. **P-3047:** [CAR-OTP-2130-6904-R01 \[FR\]](#) at 6910, para. 35; [CAR-OTP-00025572-R01 \[FR\]](#) at 00004. **P-3056:** [T-021 \[ENG\]](#), p. 16, line 3 – p. 17, line 3; [T-021 \[FR\]](#), p. 17, line 2 – p. 18, line 7. **P-0547:** [T-017 \[ENG\]](#), p. 11, lines 5-14; [T-017 \[FR\]](#), p. 11, line 20 – p. 12, line 5. **P-0481:** [T-073 \[ENG\]](#), p. 36, line 17 – p. 37, line 5, and p. 41, line 15 – p. 42, line 12; [T-073 \[FR\]](#), p. 37, line 27 – p. 38, line 12, and p. 42, line 26 – p. 43, line 19. **P-3053:** [CAR-OTP-2130-6359-R01 \[FR\]](#) at 6365, para. 36. **P-2239:** [CAR-OTP-2104-0918-R01 \[ENG\]](#) at 0928, para. 45; [CAR-OTP-2130-4729-R01 \[FR\]](#) at 4741, para. 45. **P-2519:** [CAR-OTP-2127-9471-R01 \[ENG\]](#) at 9477-9478, paras. 41, and 44; [CAR-OTP-2130-5310-R01 \[FR\]](#) at 5317-5318, paras. 41, and 44.

³²² **P-2931:** [T-046 \[ENG\]](#), p. 25, line 1 – p. 26, line 23; [T-046 \[FR\]](#), p. 25, line 1 – p. 26, line 26; [CAR-OTP-2135-3765-R01 \[FR\]](#) at 3768-3769. **P-2263:** [T-058 \[ENG\]](#), p. 23, line 23 – p. 24, line 2; [T-058 \[FR\]](#), p. 23, lines 19-23; [CAR-OTP-00025571-R01 \[FR\]](#) at 00004. **P-0547:** [T-014 \[ENG\]](#), p. 38, line 15 – p. 40, line 12; [T-014 \[FR\]](#), p. 38, line 28 – p. 41, line 1; [CAR-OTP-2135-3862-R01 \[FR\]](#) at 3865-3866. **P-2239:** [T-122 \[ENG\]](#), p. 48, line 21 – p. 49, line 5; [T-122 \[FR\]](#), p. 50, lines 3-10; [CAR-OTP-2135-3826-R01 \[FR\]](#) at 3829-3830. **P-1432:** [CAR-OTP-2073-0743-R01 \[ENG\]](#) at 0747, paras. 21, and 23; [CAR-OTP-2050-0172-R01 \[FR\]](#) at 0175, paras. 21, and 23; [CAR-OTP-00025569-R01 \[FR\]](#) at 00004-00005.

³²³ **P-2692:** [T-043 \[ENG\]](#), p. 18, lines 15-20; [T-043 \[FR\]](#), p. 19, lines 5-11; [CAR-OTP-2135-3812-R01 \[FR\]](#) at 3815-3816. **P-1289:** [T-050 \[ENG\]](#), p. 44, line 18 – p. 45, line 14; [T-050 \[FR\]](#), p. 47, line 22 – p. 48, line 22; [CAR-OTP-2135-3776-R01 \[FR\]](#) at 3779. **P-2519:** [T-053 \[ENG\]](#), p. 17, line 7 – p. 18, line 12; [T-053 \[FR\]](#), p. 18, line 19 – p. 19, line 24; [CAR-OTP-00025568-R01 \[FR\]](#) at 00004. **P-3047:** [T-065 \[ENG\]](#), p. 18, line 6 – p. 19, line 9, and p. 38, lines 13-24; [T-065 \[FR\]](#), p. 19, line 7 – p. 20, line 11, and p. 39, lines 16-27; [CAR-OTP-00025572-R01 \[FR\]](#) at 00004. **P-1180:** [T-068 \[ENG\]](#), p. 14, lines 10-19; [T-068 \[FR\]](#), p. 15, lines 1-10; [CAR-OTP-2135-3799-R01 \[FR\]](#) at 3802-3803. **P-3064:** [T-075 \[ENG\]](#), p. 19, lines 23-24; [T-075 \[FR\]](#), p. 20, lines 20-21; [CAR-OTP-00025573-R01 \[FR\]](#) at 00004-00005. **P-1743:** [T-087 \[ENG\]](#), p. 40, lines 7-8; [T-087 \[FR\]](#), p. 40, lines 25-26; [T-087 \[ENG\]](#), p. 38, line 21 – p. 39, line 8; [T-087 \[FR\]](#), p. 39, lines 14-27; [CAR-OTP-2135-3787-R01 \[FR\]](#) at 3790-3791. **P-2400:** [T-030 \[ENG\]](#), p. 49, lines 3-8; [T-030 \[FR\]](#), p. 52, line 25 – p. 53, line 2.

"I haven't been working anymore for the last 9 years, soon 10 years. I can't even afford to send my children to school. [...] I am like a shadow of myself. [...] Everything I've lost, almost 10 years, how am I going to rebuild myself? It's lost. I'm counting perhaps on my children, if God is merciful and if they are successful. [...] Today I have absolutely nothing that I can give to them. I've been completely destroyed".³²⁴

154. Dual status P-2519 described the lasting impact of his detention on his ability to support his family as follows:

"I think of myself as still living in a kind of prison. [...] [W]hen I was in prison, I couldn't do my usual activities and when I got out, I wasn't able to resume my work and that caused various problems within my family. [...] I was the one who provided for my family and their needs. After the events, everything was blocked. I had to fight left and right to provide for my family. [...] I can't meet all the needs of my family. And we are still having trouble, difficulties".³²⁵

155. Several victims and their families were also compelled to pay exorbitant ransoms in the hope of securing release – leaving them in significant debt or forcing them to sell their possessions. SAÏD personally oversaw this practice, and, in some instances, families paid the money directly to him.³²⁶ According to dual status P-2241:

"[M]y mother spent a lot of money [...] because I had been locked up and Mahamat Said asked that a sum of money be given to him in order for me to be released. [...] My mother didn't have that sum of money. She had to request aid from her brothers and sisters and they gathered together the money that had been requested. [...] I wasn't able to [take up work again after my release] [...] [b]ecause the little money that

³²⁴ P-0547: T-014 [ENG], p. 39, lines 6-7, and 18, and p. 40, lines 5-12; T-014 [FR], p. 39, lines 19-20, p. 40, line 6, and p. 40, line 21 – p. 41, line 1.

³²⁵ P-2519: T-053 [ENG], p. 17, lines 13-14, and p. 17, line 24 – p. 18, line 12; T-053 [FR], p. 18, lines 26-27, and p. 19, lines 11-24.

³²⁶ P-2692: CAR-OTP-2125-0922-R01 [ENG] at 0926, and 0929, paras. 23, and 38; CAR-OTP-2130-6685-R01 [FR] at 6690, and 6694, paras. 23, and 38; T-043 [ENG], p. 28, line 8 – p. 29, line 6; T-043 [FR], p. 29, line 9 – p. 30, line 6. P-2400: CAR-OTP-2104-0424-R01 [ENG] at 0435, and 0437, paras. 52 and 60; CAR-OTP-2130-4712-R01 [FR] at 4724, and 4726, paras. 52 and 60. P-1180: CAR-OTP-2043-0483-R01 [ENG] at 0505, paras. 158-159; CAR-OTP-2127-7599-R01 [FR] at 7623, paras. 158-159. P-3053: CAR-OTP-2130-6359-R01 [FR] at 6370, para. 65. P-2241: T-048 [ENG], p. 18, line 21 – p. 20, line 9; T-048 [FR], p. 18, line 15 – p. 19, line 25; T-049 [ENG], p. 22, lines 8-19; T-049 [FR], p. 24, lines 4-15; CAR-OTP-2092-3851-R01 [ENG] at 3871, paras. 98-100; CAR-OTP-2127-9409-R01 [FR] at 9431, paras. 98-100; CAR-OTP-00037539-R01 [FR] at 0005. P-2239: CAR-OTP-2104-0918-R01 [ENG] at 0933-0934, and 0936, paras. 69-70, 74, and 82; CAR-OTP-2130-4729-R01 [FR] at 4746-4747, and 4749, paras. 69-70, 74, and 82. See also *supra* para. 121.

I had had been used by my mother, together with what her brothers and sisters had given her. She'd used it to pay for my release".³²⁷

156. P-2478 stated that "[a]rresting and imprisoning people at the OCRB was a business for the Séléka",³²⁸ describing the practice as follows:

"[REDACTED]. [...] [REDACTED], [REDACTED]. [REDACTED], [REDACTED]. [REDACTED]. [...] [REDACTED] [REDACTED]".³²⁹

157. Similarly, P-0338 noted that extorting detainees' relatives was a "recurring practice"³³⁰ at the OCRB:

"You see, sometimes when you arrest someone, they do it because they want money, even though you have done nothing at all. If you are two or three young people standing on the streets, they ask you, "What are you doing there?" And they take you in custody. And if the parents ask, they say that they were gathered there and they were protesting, and they will find a reason to extort money from the parents. The parents would be crying on their knees. And if they have some money, they would give them money, and the person would be freed. [...] [I]t's Said who would give instructions so that the business is resolved. If the parents had to pay a lump sum amount, the parents would pay the amount, which will be given to Said or Yaya, the lieutenant. And it's the same thing for equipment, vehicles and motorcycles, or for all the vehicles that are confiscated".³³¹

158. Families were also impacted in other ways. In addition to paying ransoms, many had to assume financial responsibility for the dependents of those who were detained, disappeared, or killed – often without knowing if or when their loved ones would return. This was also the case when detainees returned but were unable to work due to lasting injuries. This placed a heavy burden on already strained households.³³²

³²⁷ P-2241: [T-048 \[ENG\]](#), p. 19, lines 8-25; [T-048 \[FR\]](#), p. 18, line 26 – p. 19, line 14.

³²⁸ P-2478: [CAR-OTP-2107-8835-R01 \[ENG\]](#) at 8841, para. 21; [CAR-OTP-2110-0745-R01 \[FR\]](#) at 0750, para. 21.

³²⁹ P-2478: *Ibid.* See also *idem*, para. 44 at 8846-8847 [ENG] and at 0755-0756 [FR].

³³⁰ P-0338: [T-018 \[ENG\]](#), p. 60, line 19; [T-018 \[FR\]](#), p. 63, line 27.

³³¹ P-0338: [T-018 \[ENG\]](#), p. 60, lines 4-17; [T-018 \[FR\]](#), p. 63, lines 5-24. See also [T-018 \[ENG\]](#), p. 58, line 22 – p. 59, line 9; [T-018 \[FR\]](#), p. 61, line 18 – p. 62, line 9.

³³² P-2692: [T-043 \[ENG\]](#), p. 18, lines 21-24; [T-043 \[FR\]](#), p. 19, lines 12-16. P-1180: [T-068 \[ENG\]](#), p. 14, lines 20-24; [T-068 \[FR\]](#), p. 15, lines 12-16. P-2239: [T-122 \[ENG\]](#), p. 49, lines 7-10; [T-122 \[FR\]](#), p. 50, lines 12-16. P-2400: [CAR-OTP-2135-3882-R01 \[FR\]](#) at 3885.

159. P-2607, for instance, described the immense responsibility he took on after the death of [REDACTED] at the OCRB,³³³ expressing the hardship of caring for the orphaned children without support:

*“Apart from me, there’s no one. I saw the children who were complaining and crying that they would be put out. Therefore, I had to fight. I fought in order to be able to assume the responsibility for the children, his children, these orphans. [...] There are many children, they don’t go to school, but it is God who looks after those children and keeps them alive. May I have the force, the strength [...] to look after those children. I have no help at all. Personally, I have a lot of problems, but God gave me the strength to look after these orphans. One day I know that I will be able to do better, to look after them properly. Today I am worried for these children, because I don’t know what their fate will be tomorrow”.*³³⁴

160. In conclusion, the crimes had a multifaceted and deeply disruptive impact on victims and their families, resulting in physical injury, psychological trauma, economic devastation, and social marginalisation. The harm suffered was not limited to the period of detention or abuse but continues to affect victims’ daily lives – compromising their health, livelihoods, education, dignity, and sense of security. For many, the consequences have extended across years and generations, leaving them without support, recognition, or redress. The scale and persistence of this suffering highlight the profound and enduring nature of the harm inflicted. It is therefore essential that all aspects of this harm are meaningfully addressed, so that victims can begin to rebuild their lives and move towards a more stable and dignified future.

161. In the words of dual status P-2263:

“My expectations of the trial against Mr Said are that everything that I lost, whether it be the death of my father, or my niece who gave up schooling and fell pregnant, and all of the property that I lost, will be, to some extent, compensated for. [...] I would like to [...] help justice in my country, for human rights to be respected and in order for such treatment never to happen again. And that those who intend to commit such acts in the future can understand that justice does exist. That is why I decided

³³³ See *supra* para. 142.

³³⁴ P-2607: [T-042 \[ENG\]](#), p. 74, line 12 – p. 75, line 8; [T-042 \[FR\]](#), p. 81, lines 3-27.

*to testify, for justice and human rights to be respected for everyone the world over".*³³⁵

VI. CONCLUSION

162. The Legal Representative submits that there is sufficient evidence to conclude, beyond reasonable doubt, that the Accused is responsible for all the crimes charged, and respectfully requests the Chamber to declare Mr SAÏD guilty of all the charges alleged against him and to acknowledge the harm suffered by the victims of said crimes.



Sarah Pellet
Common Legal Representative of the Victims

Dated this 8th day of January 2026

At The Hague, The Netherlands

³³⁵ P-2263: [T-058 \[ENG\]](#), p. 24, lines 5-15; [T-058 \[FR\]](#), p. 23, line 26 – p. 24, line 9. See also P-0547: [T-014 \[ENG\]](#), p. 40, lines 1-12; [T-014 \[FR\]](#), p. 40, line 17 – p. 41, line 1.