

ANNEX A

Public

OTP's 3 rd Application pursuant to Reg 55(2) ¹	Defence Submission
Para. 13: <i>"There is overwhelming evidence on the record that YEKATOM was indeed the military commander of an Anti-Balaka group, or was effectively acting as such, during the relevant time period."</i>	This allegation was made in the Prosecution's Document Containing the Charges ('DCC')² at paras. 4 and 21. The PTC considered this allegation at Confirmation of Charges Decision ('CoCD')³ paras. 58, 65, 69. The OTP relied on this allegation in the rejected Second Application⁴: - See Defence Response, Annex A⁵ at p. 1-3.
Para. 14, pt. 1: <i>"YEKATOM's group was organised in a military-like hierarchy with elements organised into companies and sections under a functioning command structure, with clear reporting lines between subordinates and superiors."</i>	This allegation was made in DCC at paras. 4, 21 and 185. The PTC considered this allegation at CoCD para. 69. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 2.
Para. 14, pt. 2: <i>"Witness [REDACTED]."</i>	The Anti-Balaka's alleged military structure was mentioned in DCC paras. 4, 21, 185 and examined by the PTC at CoCD paras. 62, 69.

¹ ICC-01/14-01/18-1973-Conf

² ICC-01/14-01/18-282

³ ICC-01/14-01/18-403-Conf-Corr

⁴ ICC-01/14-01/18-1345-Conf

⁵ ICC-01/14-01/18-1378-Conf-AnxA

Para. 14, pt. 3: <i>“Witness [REDACTED] provided evidence that the Anti-Balaka group at Yamwara base was composed of approximately 1,000 elements divided into ten companies with four sections per company. FACA members led the companies and sections.”</i>	This allegation was made in DCC at para. 210. The PTC considered this allegation at CoCD para. 113. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 4.
Para. 15, pt. 1: <i>“The sub-commanders, who were mainly FACA, oversaw the companies and the sections, and reported directly to YEKATOM and to his Deputy (caporal chef Freddy OUANDJIO (aka Coeur de Lion); then Habib BEINA following OUANDJIO’s death.”</i>	This allegation was made in DCC at paras. 21, 41, 186 and 208. The PTC considered this allegation at CoCD paras. 62, 69. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 5.
Para. 15, pt. 2: <i>“In this regard, [REDACTED] testified that YEKATOM and other commanders, such as OUANDJIO, communicated through mobile phones.”</i>	This allegation was made in DCC at paras. 47, 204 and at fn. 98, 481, 558.
Para. 15, pt. 3: <i>“Both OUANDJIO and BEINA were subordinate to YEKATOM - the Chief/Commander of the group.”</i>	This allegation was made in DCC at paras. 44, 186 and 223. The PTC considered this allegation at CoCD fn. 145 and 200.

Para. 16, pt. 1: <i>“As the Commander of his group, YEKATOM had the power to replace subordinates when needed. For instance, P-1647 provided evidence that after OUANDJIO was killed in Boda in February 2014, YEKATOM named BEINA as his “new deputy”.</i>	This allegation was made in DCC at paras. 44 and 208.
Para. 16, pt. 2: <i>“[REDACTED].”</i>	This allegation was made in DCC at para. 214. The PTC considered this allegation at CoCD para. 98 and fn. 232. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 12.
Para. 17, pt. 1: <i>“Witness [REDACTED] testified that only YEKATOM, along with OUANDJIO and BEINA, had the power to issue or give orders to the members of their Anti-Balaka group.”</i>	This allegation was made in DCC at paras. 211, 212 and 214. The PTC considered this allegation at CoCD para. 98 and fn. 232. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 9.
Para. 17, pt. 2: <i>“However, OUANDJIO and BEINA were at all times subordinate to YEKATOM.”</i>	This allegation was made in DCC at paras. 44, 186 and 223. The PTC considered this allegation at CoCD fn. 145 and 200.

Para. 17, pt. 3: <i>“As the “supreme leader”, YEKATOM’s authority over his subordinates was such that [REDACTED] did not remember anyone ever disobeying YEKATOM.”</i>	This allegation was made in DCC at para. 215. The PTC considered this allegation at CoCD para. 65. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 12.
Para. 18, pt. 1: <i>“YEKATOM’s subordinates, including the civilian elements of his group, were trained and taught discipline. They complied with his orders. [REDACTED].”</i>	This allegation was made in DCC at paras. 215 and 217. The PTC considered this allegation at CoCD para. 65.
Para. 18, pt. 2: <i>“[REDACTED] testified that when YEKATOM gave orders his elements had to obey, if not “he would hit you or you would be killed”. According to [REDACTED], YEKATOM’s orders were obeyed without question - even his FACA elements were afraid of him.”</i>	This allegation was made in DCC at paras. 77, 215 and 227. The PTC considered this allegation at CoCD para. 65. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 12.
Para. 18, pt. 3: <i>“[REDACTED] testified that nothing was done without the approval of YEKATOM : “[REDACTED]”.</i>	This allegation was made in DCC at paras. 77, 214, 215 and fn. 496. The PTC considered this allegation at CoCD para. 65.

	The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 12.
Para. 18, pt. 4: <i>“Video evidence also shows YEKATOM’s elements complying with his orders.”</i>	The allegation that Mr Yekatom issued orders that were subsequently complied with was considered by the PTC at paras. 94, 98, 99, 115, 116, 125, 149, 154 and 155.
Para. 19, pt. 1: <i>“The evidence before the Chamber shows that YEKATOM had the power to issue orders to his elements, including that of engaging in hostilities. YEKATOM’s group obeyed his order to attack Bangui on 5 December 2013 and undertook the attack with the instruction of killing all “Muslims and Selekas” and destroying their property—as instructed by him. YEKATOM’s group followed these orders during their attack on Bangui and subsequent advance and takeover of villages along the PK9-Mbaïki Axis, as this was a standing order valid until they were able to “liberate the country”.</i>	This allegation was made in DCC at paras. 212, 219, 227 and 258. The PTC considered this allegation at CoCD paras. 85 and 86.
Para. 19, pt. 2: <i>“In this regard, [REDACTED] testified that the order to kill “Muslims” in relation to the 5 December attack was still “mandatory”</i>	This allegation was made in DCC at paras. 209 and 342. The PTC considered this allegation at CoCD paras. 85, 94 and 139.

<i>[REDACTED]. Similarly, P-1839 testified that, while on the Mbaiki road, YEKATOM and OUANDJIO instructed the elements to “kill all the Muslims” who were in the area.”</i>	
Para. 20, pt. 1: <i>“YEKATOM had the capacity to discipline elements that disobeyed his orders or the rules of the group, thus ensuring their compliance with his orders and maintaining his ultimate authority. [REDACTED].</i>	This allegation was made in DCC at paras. 77, 215 and 227. The PTC considered this allegation at CoCD para. 65. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 12.
Para. 20, pt. 2: <i>“P-1647 stated that YEKATOM was “in charge of discipline” in the group and that for instance when elements would erect illegal checkpoints, he would find out who was responsible and would personally punish the commanders.”</i>	Mr Yekatom’s alleged authority over his elements and alleged disciplinary measures were mentioned in DCC at paras. 77, 215 and considered by the PTC in CoCD para. 65.
Para. 21: <i>“YEKATOM’s authority was such that he could order the killing of elements or others if he believed them to be thieves or traitors. YEKATOM made this clear to his elements. P- 1839 described how YEKATOM shot an element from his group who had stolen and then ordered his subordinates MOMOKAMA and BEINA to kill him.</i>	Mr Yekatom’s alleged authority over his elements and alleged violent retaliation acts were mentioned in DCC at para. 226 and considered by the PTC in CoCD para. 65.

<i>[REDACTED]. Further, video evidence shows YEKATOM disciplining his elements."</i>	
Para. 22, pt. 1: <i>"The evidence demonstrates that YEKATOM controlled the finances of his group. [REDACTED]."</i>	This allegation was made in DCC at paras. 218, 343, 350. The PTC considered this allegation at CoCD para. 136.
Para. 22, pt. 2: <i>[REDACTED].</i>	This allegation was made in DCC at para. 216. The PTC considered this allegation at CoCD fn. 315.
Para. 22, pt. 3: <i>[REDACTED].</i>	Mr Yekatom's alleged involvement in the redistribution of goods pillaged by his elements was mentioned in DCC at para. 343 and considered by the PTC in CoCD fn. 315.
Para. 23, pt. 1: <i>[REDACTED].</i>	This allegation was made in DCC at para. 216. The PTC considered this allegation at CoCD para. 84.
Para. 23, pt. 2: <i>[REDACTED].</i>	Mr Yekatom's alleged involvement in the acquisition of weapons and ammunition was mentioned in DCC at para. 216 and considered by the PTC in CoCD para. 84.
Para. 23, pt. 3: <i>"Further, witness [REDACTED] states having seen YEKATOM's men armed with</i>	This allegation was made in DCC at para. 216.

<i>machetes, guns, AK-47s, and rocket launchers with petrol bombs attached to the rockets when they arrived in Mbaiki— during their advance and takeover of villages along the PK9-Mbaiki Axis.”</i>	The PTC considered this allegation at CoCD para. 84 and mentioned it in its findings p. 107.
Para. 23, pt. 4: [REDACTED].	Mr Yekatom’s alleged involvement in the acquisition of weapons and ammunition was mentioned in DCC at para. 216 and considered by the PTC in CoCD para. 84 and in its findings p. 107.
Para. 31, pt. 1: <i>“YEKATOM ‘s group was organised in a military-like hierarchy with elements organised into sections and companies.”</i>	This allegation was made in DCC at paras. 4, 21 and 185. The PTC considered this allegation at CoCD para. 69. The OTP relied on this allegation in the rejected Second Application: - See Defence Response, Annex A at p. 2.
Para. 31, pt. 2: <i>“This enabled YEKATOM to order his elements to conduct attacks on the “Muslims and Selekas” during the relevant time period.”</i>	This allegation was made in DCC at paras. 212, 219, 227 and 258. The PTC considered this allegation at CoCD paras. 85 and 86.
Para. 31, pt. 3: <i>“YEKATOM also supplied his elements with the necessary war weaponry and ammunition to engage in these attacks including MAS 36 rifles, Ak-47s, and grenades.”</i>	This allegation was made in DCC at para. 216. The PTC considered this allegation at CoCD para. 84 and mentioned it in its findings p. 107.

Para. 32, pt. 1: <i>“Under YEKATOM’s authority, while still in the bush, section leaders provided military training to the members of the group including new recruits, which included instructions on hand-to-hand combat and how to use weapons such as the MAS-36 and Ak-47s.”</i>	This allegation was made in DCC at paras. 210 and 217. The PTC considered this allegation at CoCD paras. 69, 84 and 113.
Para. 32, pt. 2: <i>“Video evidence shows that the military training continued after the 5 December attack on Bangui: a video from around 7 December 2013 shows YEKATOM speaking about the military training for his elements including recruits.”</i>	This specific piece of evidence was mentioned in DCC at fn. 486. The PTC considered this allegation at CoCD para. 113.
Para. 33, pt. 1: <i>“YEKATOM ordered that all the elements be assembled, told them to be prepared for the attack on Bangui and instructed them on how to conduct the attack.”</i>	This allegation was made in DCC at paras. 212 and 214. The PTC considered this allegation at CoCD paras. 63 and 85.
Para. 33, pt. 2: <i>“YEKATOM deployed— and personally led—one of the columns of his group’s best elements [REDACTED] in preparation for the attack.”</i>	This allegation was made in DCC at paras. 224 and 225. The PTC considered this allegation at CoCD paras. 86 and 87.

Para. 33, pt. 3: <i>“It was YEKATOM—leading his elements—[REDACTED].</i>	This allegation was made in DCC at paras. 225 and 259. The PTC considered this allegation at CoCD para. 87.
Para. 33, pt. 4: <i>“YEKATOM participated in the attack along with OUANDJIO, BEINA and ALKANTO [REDACTED]. YEKATOM remained the leader of his group throughout the relevant time period.”</i>	Mr Yekatom’s alleged direction of the attack on Bangui was mentioned in DCC at paras. 212, 225, 259 and considered by the PTC in CoCD paras. 86, 87.
Para. 34, pt. 1: <i>“YEKATOM issued orders to his group prior to and during their attack on Bangui and subsequently during their advance and takeover of villages along the PK9-Mbaïki Axis. YEKATOM ordered his group to attack Bangui on 5 December [REDACTED].</i>	This allegation was made in DCC at paras. 212, 224 and 225. The PTC considered this allegation at CoCD paras. 86, 87, 91, 98 and 124.
Para. 34, pt. 2: <i>“In this regard, [REDACTED] testified that YEKATOM instructed his elements to kill the Seleka and the “Muslims”, including their children as well No one was to be spared. [REDACTED]. YEKATOM and his commanders did not differentiate between “Muslims and Selekas”: the</i>	This allegation was made in DCC at paras. 219, 221, 227 and 258. The PTC considered this allegation at CoCD paras. 85, 86, 87 and 94.

<i>elements were instructed to kill all “Muslims” because they were all Seleka.”</i>	
Para. 34, pt. 3: <i>“YEKATOM also ordered his elements to destroy their property.”</i>	This allegation was made in DCC at para. 228. The PTC considered this allegation at CoCD para. 85.
Para. 35, pt. 1: <i>“[REDACTED] joined YEKATOM’s group when he was less than 15 years of age [REDACTED].”</i>	This allegation was made in DCC at paras. 237 and 359. The PTC considered this allegation at CoCD paras. 145 and 146.
Para. 35, pt. 2: <i>“P-2084 stated that on 30 January 2014, he saw children—as young as 10 years old—who were with the Anti-Balaka wearing gris-gris and armed with knives and machetes amongst the adult Anti-Balaka members that were maintaining security in PISSA.”</i>	The alleged presence of children under the age of 15 years old within the Anti-Balaka ranks was mentioned in DCC at para. 361 and considered by the PTC in CoCD paras. 148, 149.
Para. 35, pt. 3: <i>“[REDACTED]. P-1974 testified that [REDACTED], he saw and/or spoke with Anti-Balaka members (children) under the age of 15 years old at the Sekia and Pissa checkpoints—some of whom were manning the barrier.”</i>	This allegation was made in DCC at paras. 114, 237 and 359. The PTC considered this allegation at CoCD paras. 145, 146 and 148.

Para. 35, pt. 4: <i>[REDACTED]</i>.	Mr Yekatom's alleged involvement in the demobilisation efforts of alleged child-soldiers within the Anti-Balaka ranks was mentioned in DCC at paras. 360, 364 and considered by the PTC in CoCD para. 152.
Para. 35, pt. 5: <i>[REDACTED]</i>. Para. 36, pt. 1: <i>[REDACTED]</i>.	This allegation was made in DCC at paras. 237, 360 and 364. The PTC considered this allegation at CoCD para. 152.
Para. 36: <i>[REDACTED]</i>.	Mr Yekatom's alleged control over the alleged child-soldiers within the Anti-Balaka ranks was mentioned in DCC at paras. 361, 363 and considered by the PTC in CoCD para. 150.