

ANNEX B

Confidential

From: [REDACTED]
Sent: 10 June 2020 15:47
To: Vanderpuye, Kweku
Cc: OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; Geert-Jan Knoops
Subject: Ngaïssona team - Table of proposed agreed facts
Attachments: Ngaïssona - First Proposal of Agreements as to Evidence.pdf

Dear Mr Vanderpuye,

In light of the upcoming Status Conference and the proposed agreed facts you submitted on 19 May 2020, please find as an attachment, the table containing our responses to your proposals. We thank you for the proposals and for your efforts in advancing the proceedings.

As you will notice in the table, we have not provided reasons to support our refusal of a specific proposition or a certain phrasing as you had suggested. We would rather explain the main reasons leading to the rejection of the proposals. In this regard, *first*, the major part of the propositions have been debated during the confirmation of charges hearings and will be debated during the trial as well, after we have completed our investigations. *Second*, some other propositions and titles were considered either too vague or potentially misleading, or the Defence was not in a position to confirm the information contained therein. These grounds justified our selective approach concerning your proposals.

As a last point, we would like to stress that the proposed phrasing under entry D.9. shall not be seen as any form of acceptance or agreement on the nature or unity of the Anti-Balaka movement.

We thank you again for your propositions,

[REDACTED]
on behalf of the Ngaïssona Defence team

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Cour
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Internationale

International
Criminal
Court



Original: **English**
Source: **Defence of Patrice-Edouard Ngaïssona**

No.: **ICC-01/14-01/18**
Date: **10 June 2020**

The Prosecutor v. Alfred YEKATOM and Patrice-Edouard NGAISSONA
Defence Response to “First Proposal of Agreements as to Evidence”, 19 May 2020

The Office of the Prosecutor (“Prosecution”), pursuant to rule 69 of the Rules of Procedure, presents the Defence with its First Proposal of Agreed Facts (“Proposal”). The Proposal contains 58 stipulations in accordance with the Prosecution’s prior communications on the matter.

Agreement that a proposed stipulation is not contested should be expressed by checking the relevant box. Disagreement with a proposed stipulation should be accompanied by a brief explanation below the unchecked box as to the reasons of the disagreement. If the Defence teams agree to the fact with a slight reformulation they should indicate the proposed re-wording. Each box provides an empty space to this effect.

Contents

A. FACTS ALLEGED BY THE PROSECUTION RELATING TO YEKATOM’S BACKGROUND 2

B. FACTS ALLEGED BY THE PROSECUTION RELATING TO NGAISSONA’S BACKGROUND 2

C. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF THE CRIMES..... 3

D. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE FORMATION OF THE ANTI-BALAKA AND ITS COMPOSITION DURING THE RELEVANT PERIOD.. 8

E. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE FORMATION AND COMPOSITION OF YEKATOM’S GROUP 12

A. FACTS ALLEGED BY THE PROSECUTION RELATING TO YEKATOM'S BACKGROUND

A	Proposed Fact	Source	Defence for YEKATOM
A.1	Accused Alfred YEKATOM is a national of the Central African Republic ("CAR"), born on 23 January 1975 in Bimbo, the CAR.	Confirmation Decision ¹ , p.3.	☐ Non-Applicable
A.2	YEKATOM is also known as Alfred SARAGBA", "ROMBHOT", "RAMBO", "RAMBOT", "ROMBOT", "RHOMBOT", 'ROMBOHT' or "ROMBO".	Confirmation Decision, p.3.	☐ Non-Applicable
A.3	YEKATOM is a former Member of Parliament in CAR.	Warrant of Arrest for YEKATOM ² , p.3.	☐ Non-Applicable
A.4	YEKATOM is a former <i>caporal-chef</i> in the <i>Forces Armées Centrafricaines</i> , bearing the <i>matricule</i> number 2004-1-1718.	Warrant of Arrest for YEKATOM, p.3.	☐ Non-Applicable

B. FACTS ALLEGED BY THE PROSECUTION RELATING TO NGAISSONA'S BACKGROUND

C	Proposed Fact	Source	Defence for NGAISSONA
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¹ICC-01/14-01/18-403-Conf, Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaissona("Confirmation Decision").

²ICC-01/14-01/18-1-Red, Warrant of Arrest for Alfred Yekatom ("Warrant of Arrest for YEKATOM").

B.1	Accused Patrice-Edouard NGAISSONA is national of the Central African Republic (“CAR”), born on 30 June 1967 in Begoua, the CAR.	Confirmation Decision, p.3.	☒ Accepted
B.2	NGAISSONA was appointed President of the Central African Football Federation in 2008.	Confirmation Decision, para.75.	☐ Rejected Suggested rephrasing: NGAISSONA was elected President of the Central African Football Federation in 2008.
B.3	NGAISSONA was elected to represent the town of Nana-Bakassa on behalf of then President BOZIZÉ’s political party, the <i>Kwa na Kwa</i> , in January 2011.	Confirmation Decision, para.75.	☐ Rejected Suggested rephrasing: NGAISSONA was elected to represent the town of Nana-Bakassa in January 2011.
B.4	At some point prior to the 24 March 2013 coup, NGAISSONA became Minister of Youth, Sports, Arts and Culture in the administration of then President BOZIZÉ.	Confirmation Decision, para.78.	☐ Rejected Suggested rephrasing: By decree 13.035 dated 3 February 2013, NGAISSONA became Minister of Youth, Sports, Arts and Culture within the Government of National Unity.

C. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF THE CRIMES

C	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
C.1	An armed conflict not of an international character, within the meaning of article 8(2)(d) and (f) of the Statute was ongoing in the territory of the CAR from September 2013 until at least December 2014 between the SELEKA and the ANTI-BALAKA.	Confirmation Decision, para.72.	☐	☐ Rejected
C.2	The United Nations Security Council ("UNSC") passed six resolutions between January 2013 and October 2014 addressing the situation in the CAR. These resolutions recognised the existence of an armed conflict and ultimately authorised foreign military interventions.	Confirmation Decision, para.66. DCC ³ , para.620.	☐	☐ Rejected
C.3	There were several failed attempts to bring about the cessation of hostilities between SELEKA and ANTI-BALAKA, including, the 16 June 2014 PARETO mediation agreement, the 23 July 2014 peace agreement signed by the SELEKA and the ANTI-BALAKA in Brazzaville, Republic of the Congo, and the Nairobi Agreement signed in April 2015.	Confirmation Decision, para.66.	☐	☐ Rejected
C.4	On 24 March 2013, the SELEKA took control of Bangui forcing François BOZIZÉ to flee to Cameroon.	Confirmation Decision, para.61.	☐	☐ Rejected

³ ICC-01/14-01/18-282-Conf-AnxB1, Document Containing the Charges, ("DCC").

C.5	From September 2013 onwards, the ANTI-BALAKA engaged in attacks against the SELEKA in and around Bossangoa and Bouca (Ouham Prefecture), Beloko, Bohong and Bouar (Nana-Mambéré Prefecture), as well as Bossembélé and Gaga(Ombella-M'Poko), with the aim of removing Michel DJOTODIA from power and ousting the SELEKA from the CAR.	Confirmation Decision, para.63.	☐	☐ Rejected
C.6	Along with their primary objective to overthrow the SELEKA regime and oust them from the CAR, the ANTI-BALAKA also developed a criminal policy of targeting the Muslim population in western CAR.	Confirmation Decision, para.64.	☐	☐ Rejected
C.7	From September 2013 onwards, the Muslim population became the target of deliberate attacks carried out by ANTI-BALAKA groups as a form of retributive violence throughout Bangui, including Boeing and Bimbo, and across western CAR Prefectures, including Ouham (Bossangoa), Mambere-Kadei (Berbérati,Carnot, Guen), Lobaye (Boda), Ouham-Pende(Bossemptélé) and Ombella-M'Poko(Yaloké, Gaga,Zawa,Boali).	Confirmation Decision, para.64.	☐	☐ Rejected
C.8	Hostilities between the ANTI-BALAKA and the SELEKA culminated on 5 December 2013 in a coordinated attack on Bangui and later on the same day, on Bossangoa.	Confirmation Decision, para.63.		☐ Rejected

C.9	More than 1500 ANTI-BALAKA elements – including the group commanded by YEKATOM –attacked Bangui in the early hours of 5 December 2013, from different directions.	Confirmation Decision, para.63.	☐	☐ Rejected
C.10	From September 2013 until December 2014, the ANTI-BALAKA carried out attacks pursuant to an organisational policy of a criminal nature targeting the Muslim civilian population in western CAR who, based on their religious or ethnic affiliation, were perceived as collectively responsible for the crimes allegedly committed by the SELEKA, complicit with, or supportive of the SELEKA.	Confirmation Decision, para.70.	☐	☐ Rejected
C.11	It is estimated that the SELEKA numbers grew from 5,000 elements in March 2013 to between 15,000 and 20,000 in November 2013.	Confirmation Decision, para.61.	☐	☐ Rejected
C.12	From June 2013 onwards, the ANTI-BALAKA developed a military-like structure, with elements organised into sections and companies, under a functioning command structure with clear reporting lines.	Confirmation Decision, para.69.	☐	☐ Rejected
C.13	By February 2014, the ANTI-BALAKA numbered some 52,000 members throughout the entire country	Confirmation Decision, para.65.	☐	☐ Rejected
C.14	The ANTI-BALAKA recruits received training from former FACA members.	Confirmation Decision, para.69.	☐	☐

				Rejected
C.15	The number of internally displaced persons reached 825,000 in January 2014 and remained at 430,000 in November 2014. The number of refugees reached more than 420,000 by November 2014.	Confirmation Decision, para.66.	☐	☐ Rejected
Pertaining to the nature and extent of SELEKA crimes				
C.16	Around August 2012, a coalition of armed groups opposing then President François BOZIZÉ emerged in north-eastern CAR under the name of the 'SELEKA.'	Confirmation Decision, para.61.	☐	☐ Rejected
C.17	From late 2012 to early 2013, the SELEKA advanced southwards towards Bangui attacking several towns and regional capitals, occupying military bases and targeting those suspected of supporting François BOZIZÉ.	Confirmation Decision, para.61.	☐	☐ Rejected
C.18	After the 24 March 2013 coup, the SELEKA expanded their territorial control, suppressing resistance in regions associated with François BOZIZÉ and his Gbaya ethnic group, and subjecting the mainly non-Muslim civilian population to attacks and atrocities.	Confirmation Decision, para.61.	☐	☐ Rejected

D. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE FORMATION OF THE ANTI-BALAKA AND ITS COMPOSITION DURING THE RELEVANT PERIOD

D	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
D.1	Following then President BOZIZÉ's speech, on 27 December 2012, two militias or 'auto-defence groups' were created, namely the <i>comité d'organisation des actions citoyenne</i> led by Steve YAMBETÉ and the <i>coalition citoyenne d'opposition aux rebellions armées</i> led by Lévy YAKITÉ.	Confirmation Decision, para.77.	☐	☐ Rejected
D.2	François BOZIZÉ and others created the <i>Front pour le retour à l'ordre constitutionnel en Centrafrique</i> in August 2013 to advocate for François BOZIZÉ's return to power.	Confirmation Decision, para.82.	☐	☐ Rejected
D.3	Links were established between members of the FACA and the <i>Garde Présidentielle</i> who remained loyal to François BOZIZÉ, on the one hand, and pre-existing self-defence groups which had formed in different parts of the CAR, on the other hand.	Confirmation Decision, para.62.	☐	☐ Rejected
D.4	From June 2013 onwards, the former members of the FACA and the <i>Garde Présidentielle</i> merged with the pre-existing and new self-defence groups, organised them into a military-like structure and assumed and/or shared command over them.	Confirmation Decision, para.62.	☐	☐ Rejected

D.5	The self-defence groups were gathered in Gobere (near Bossangoa) where (i) the men were organised into companies, each numbering between 500 and 1000 members, further divided into sections; (ii) new recruits were registered and assigned to a company; (iii) a command structure was set up, with Maxime MOKOM as coordinator of operations; (iv) recruits received training from former FACA members; and (v) were provided with fetishes, known as <i>gris-gris</i> . The movement came to be known as the ‘ANTI-BALAKA.’	Confirmation Decision, para.62.	☐	☐ Rejected
D.6	Soon after the 24 March 2013 coup, François BOZIZÉ, together with NGAISSONA, Bernard MOKOM, Maxime MOKOM, and others, began planning a response to the SELEKA offensive and BOZIZÉ’s return to power.	Confirmation Decision, para.62.	☐	☐ Rejected
D.7	In an interview, François BOZIZÉ indicated that, following his departure from Bangui on 24 March2013, he went to Yaoundé in Cameroon.	Confirmation Decision, para.79.	☐	☐ Rejected
D.8	With a view to engaging with the transitional government, the existing de facto ANTI-BALAKA structure was formalised beginning in January 2014 through the establishment of an ANTI-BALAKA National Coordination.	Confirmation Decision, para.65.	☐	☐ Rejected
D.9	On 14 January 2014, following DJOTODIA’s resignation, NGAISSONA returned to Bangui from Cameroon and was designated National General	Confirmation Decision, para.167.	☐	☐

	Coordinator of the ANTI-BALAKA.			Rejected Suggested rephrasing: On 14 January 2014, following DJOTODIA's resignation, NGAISSONA returned to Bangui from Cameroon and later became National General Coordinator of the ANTI-BALAKA.
D.10	As National General Coordinator, NGAISSONA designated or confirmed as ComZones the <i>de facto</i> leaders of the ANTI-BALAKA groups in Bangui and the province.	Confirmation Decision, para.168.	☐	☐ Rejected
D.11	The National Coordination included the positions of National General Coordinator(held by NGAISSONA), Deputy National Coordinator, National Coordinator of Operations (held by Maxime MOKOM), Chief of Staff, Spokesperson and Secretary.	Confirmation Decision, para.65.	☐	☐ Rejected
D.12	Commanders of ANTI-BALAKA groups were formally appointed as Zone-Commanders (known as 'ComZones') to control specific areas and discipline their respective groups.	Confirmation Decision, para.65.	☐	☐ Rejected
D.13	The ComZones in the provinces mirrored the National Coordination's structure, in their local area of control, comprising a local "Committee",	DCC, para.46.	☐	☐

	Coordinator, Deputy Coordinator, and sometimes a Spokesperson and Secretary.			Rejected
D.14	In BANGUI and the provinces, especially in larger areas, ComZones could have Deputies and several ComZones could be accountable to one local Coordinator, a “Zone Coordinator” or “Coordinator of the Prefecture” or directly to NGAISSONA or MOKOM.	DCC, para.47.	☐	☐ Rejected
D.15	NGAISSONA was a member of <i>Front pour le retour à l'ordre constitutionnel en Centrafrique</i> .	Confirmation Decision, para.82.	☐	☐ Rejected
D.16	The National Coordination also issued ID Cards to ANTI-BALAKA members.	Confirmation Decision, para.65.	☐	☐ Rejected
Pertaining to ANTI-BALAKA National Coordination members at various times during the Relevant Period				
D.17	NGAISSONA was the National General Coordinator.	Confirmation Decision, para.167.	☐	☐ Rejected
D.18	Maxime MOKOM was the ANTI-BALAKA National Coordinator of Operations.	Confirmation Decision, para.62 and 65. DCC, para.63.	☐	☐ Rejected
D.19	Sylvestre YAGOUZOU was the Zone Coordinator of the ANTI-BALAKA National Coordination.	DCC, para.63.	☐	☐

				Rejected
D.20	The Chief of Staff of the ANTI-BALAKA National Coordination was Richard BEJOUANE.	DCC, para.63.	☐	☐ Rejected
D.21	The Deputy Chief of Staff of the ANTI-BALAKA National Coordination was Côme Hyppolite AZOUNOU.	DCC, para.63.	☐	☐ Rejected
D.22	Spokesperson(s) of the ANTI-BALAKA National Coordination were Brice Emotion NAMSIO and Sébastien WENEZOU.	DCC, para.63.	☐	☐ Rejected
D.23	Secretary of the ANTI-BALAKA National Coordination was Judicael OROFEI MOGANAZOUM.	DCC, para.63.	☐	☐ Rejected
D.24	The General Treasurer was Vivien BEINA.	DCC, para.526.	☐	☐ Rejected

E. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE FORMATION AND COMPOSITION OF YEKATOM'S GROUP

E	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
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E.1	YEKATOM was a ComZone.	Confirmation Decision, para.65.	☐	☐ Non-Applicable
E.2	YEKATOM was in command of an active group of ANTI-BALAKA which at one point numbered 3,000 members.	Confirmation Decision, para.65.	☐	☐ Non-Applicable
E.3	YEKATOM's group was first located in Cattin, Boeing and Bimbo and, later on, in the Lobaye Prefecture along the Bangui-Mbaïki axis.	Confirmation Decision, para.65.	☐	☐ Non-Applicable
E.4	YEKATOM's ANTI-BALAKA group established a base at the Yamwara School at one point in December 2013 following the 5December 2013 Attack.	Confirmation Decision, para.113.	☐	☐ Non-Applicable
E.5	YEKATOM was in charge of the Yamwara School base.	Confirmation Decision, para.113.	☐	☐ Non-Applicable
E.6	YEKATOM and his Anti-Balaka group also set up a new base at PK9.	Confirmation Decision, para.129.	☐	☐ Non-Applicable
E.7	YEKATOM's group was hierarchically organised into sub-groups headed by commanders.	Warrant of Arrest for YEKATOM, para.14.	☐	☐ Non-Applicable
E.8	YEKATOM's group's command structure comprised his deputy, FACA <i>caporal-chef</i> Freddy Ouandjio (killed on or about 4 February 2014), his replacement, FACA	Warrant of Arrest for YEKATOM, para.14.	☐	☐ Non-Applicable

	<i>caporal</i> Habib Beina, and other FACA members.			
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Respectfully submitted,



Mr Knoops, Lead Counsel for Patrice-Edouard Ngaïssona

Dated this 10 June 2020,

At The Hague, the Netherlands.

[REDACTED]

From: Dimitri, Mylene
Sent: 10 July 2020 13:53
To: Vanderpuye, Kweku
Cc: OTP CAR IIB Operations; [REDACTED] D30 Ngaissona Defence Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Second Proposal of Agreements as to Evidence

Dear Kweku,

Now that the Prosecution has responded to our pending disclosure requests, we are, as promised, giving you our response to your proposed agreed facts.

Since the majority of the agreed facts relate to Mr. Ngaissona, and since there is no point to an agreed fact with only one party, we are deferring to the Ngaissona team and would be likely to go along with any facts upon which you and the Ngaissona team agree to.

With respect to those few agreed facts relating only to Mr. Yekatom, we choose not to agree to any of those facts. Our reasons are that (1) as reflected in your remarks at the Status Conference as to those facts agreed to by Mr. Ngaissona, we are unlikely to benefit or get any credit for having agreed to such facts; and (2) we do not see that your witness or exhibit list would be reduced in any way by our agreement to those facts.

We maintain committed to a focused presentation at the trial, as we did at the confirmation hearing, and look forward to working together in other ways to make the trial as efficient as possible.

Kind regards,
Mylène

From: [REDACTED]
Sent: 25 June 2020 18:22
To: D30 Ngaissona Defence Team; D29 Yekatom Defence Team
Cc: OTP CAR IIB Operations; [REDACTED]
Subject: Second Proposal of Agreements as to Evidence

Dear Ms. Dimitri, dear Mr. Knoops,

The Office of the Prosecutor ("Prosecution"), pursuant to rule 69 of the Rules of Procedure, presents the Defence with its Second Proposal of Agreed Facts ("Proposal"). The Proposal contains 106 stipulations in accordance with the Prosecution's prior communications on the matter.

Best regards,

[REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: 29 July 2020 10:54
To: Dimitri, Mylene; Vanderpuye, Kweku
Cc: OTP CAR IIB Operations; [REDACTED] D30 Ngaissona Defence Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Second Proposal of Agreements as to Evidence
Attachments: 29072020 - CARIIB - OTP Second Proposal of Agreements as to Evidence - PEN Response.pdf

Dear Mr Vanderpuye,

Please find attached the table containing our responses to your Second Proposal of Agreed Facts. We thank you for accepting our suggested changes.

Having carefully analysed your new proposals, we were not able to accept most of them for the following reasons. *First*, a lot of the geographical propositions refer to locations that are no longer part of the confirmed charges. We recall in this regard Judge Schmitt's encouragement during the Status Conference (ICC-01/14-01/18-T-012-ENG ET WT 09-07-2020, p. 50, lns 6-9 and 16-19,) to concentrate our efforts on facts and allegations that are currently part of the litigation. *Second*, some other propositions will be part of the debate and challenged during trial. *Finally*, certain proposed facts, and particularly in Section F, should be assessed by experts. As a result, we are not in a position to accept them for now.

We thank you again for your propositions and remain available for further discussions on this matter.

Kind regards,

From: Dimitri, Mylene
Sent: 10 July 2020 13:53
To: Vanderpuye, Kweku
Cc: OTP CAR IIB Operations; [REDACTED] D30 Ngaissona Defence Team; D29 Yekatom Defence Team; [REDACTED]
Subject: RE: Second Proposal of Agreements as to Evidence

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With respect to those few agreed facts relating only to Mr. Yekatom, we choose not to agree to any of those facts. Our reasons are that (1) as reflected in your remarks at the Status Conference as to those facts agreed to by Mr. Ngaissona, we are unlikely to benefit or get any credit for having agreed to such facts; and (2) we do not see that your witness or exhibit list would be reduced in any way by our agreement to those facts.

We maintain committed to a focused presentation at the trial, as we did at the confirmation hearing, and look forward to working together in other ways to make the trial as efficient as possible.



Original: **English**

Source: **Defence of Patrice-Edouard Ngaïssona**

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

Date: **29 July 2020**

The Prosecutor v. Alfred YEKATOM and Patrice-Edouard NGAISSONA
Second Proposal of Agreements as to Evidence

The Office of the Prosecutor (“Prosecution”), pursuant to rule 69 of the Rules of Procedure, presents the Defence with its Second Proposal of Agreed Facts (“Proposal”). The Proposal contains 106 stipulations in accordance with the Prosecution’s prior communications on the matter.

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Contents

A. FACTS ALLEGED BY THE PROSECUTION RELATING TO NGAISSONA’S BACKGROUND	2
B. FACTS ALLEGED BY THE PROSECUTION RELATING TO GEOGRAPHY	2
C. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF WAR CRIMES	4
D. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY.....	7
E. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE FORMATION OF THE ANTI-BALAKA AND ITS COMPOSITION DURING THE RELEVANT PERIOD	14
F. OTHER FACTS ALLEGED BY THE PROSECUTION	18

A. FACTS ALLEGED BY THE PROSECUTION RELATING TO NGAISSONA'S BACKGROUND¹

A	Proposed Fact	Source	Defence for NGAISSONA
A.1	NGAISSONA was elected President of the Central African Football Federation in 2008.	Confirmation Decision ² , para.75.	☒
A.2	NGAISSONA was elected to represent the town of Nana-Bakassa in January 2011.	Confirmation Decision, para.75.	☒
A.3	By decree 13.035 dated 3 February 2013, NGAISSONA became Minister of Youth, Sports, Arts and Culture within the Government of National Unity.	Confirmation Decision, para.78.	☒

B. FACTS ALLEGED BY THE PROSECUTION RELATING TO GEOGRAPHY

B	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
B.1	The LOBAYE Prefecture is one of 16 in CAR.	DCC ³ , para.335.	☐	☒
B.2	The LOBAYE Prefecture is located in the southwest part of CAR, it borders the Republic of the Congo and	DCC, para.335.	☐	☒

¹ The propositions relating to NGAISSONA's background adopt the language counter-proposed by Defence for NGAISSONA in response to Prosecution's First Proposal of Agreements as to Evidence.

² ICC-01/14-01/18-403-Conf-Corr, Corrected version of 'Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaissona' ("Confirmation Decision").

³ ICC-01/14-01/18-282-Conf-AnxB1, Document Containing the Charges, ("DCC").

	the DRC.			
B.3	The capital of LOBAYE is MBAIKI	DCC, para.335.	☐	☒
B.4	BOSSANGO is the capital of the OUHAM Prefecture, located about 300 km north of BANGUI and 200 km south of the Chadian border.	DCC, para.374.	☐	☒
B.5	YALOKÉ is located about 250 km north-west of BANGUI.	DCC, para.405.	☐	☐ Rejected
B.6	GAGA is a mining village located about 25-35 km northwest of YALOKÉ in the direction of BOSSEMPTELE.	DCC, para.405.	☐	☐ Rejected
B.7	ZAWA is located about 15-20 km south of GAGA and about 15 km west of YALOKÉ.	DCC, para.405.	☐	☐ Rejected
B.8	BOSSEMPTELE is in the OUHAM-PENDE Prefecture located about 369 km northwest of BANGUI and 87 km south of BOZOU.	DCC, para.441.	☐	☐ Rejected
B.9	BODA is a town in the LOBAYE Prefecture located about 160 km west of BANGUI.	DCC, para.472.	☐	☐ Rejected
B.10	CARNOT is a sub-prefecture in the MAMBERE-KADEI Prefecture.	DCC, para.510.	☐	☐ Rejected
B.11	CARNOT is located in the southwest part of CAR about 215 km from the Cameroonian border, 100 km	DCC, para.510.	☐	☐

	north of BERBERATI, 100 km west of GUEN, and some 400 km west of BANGUI.			Rejected
B.12	BERBERATI is the capital of the MAMBERE-KADEI Prefecture.	DCC, para.538.	☐	☐ Rejected
B.13	BERBERATI is located in the southwest part of CAR about 85 km east of GAMBOULA near the Cameroonian border, 95 km south of CARNOT, and over 500 km west of BANGUI.	DCC, para.538.	☐	☐ Rejected
B.14	GUEN is a village in the MAMBERE-KADEI Prefecture, located about 10 km west of the GADZI Sub-Prefecture and 100 km east of CARNOT	DCC, para.575.	☐	☐ Rejected

C. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF WAR CRIMES

C	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
C.1	On 11 January 2013, François BOZIZE negotiated and signed the first ceasefire agreement with the SELEKA in LIBREVILLE.	DCC, para.30.	☐	☐ Rejected
C.2	An armed conflict not of an international character in CAR commenced in at least March 2013 between the FACA/pro-BOZIZE forces and SELEKA forces, and continued between the ANTI BALAKA and the SELEKA until at least December 2014.	DCC para.617.	☐	☐ Rejected

C.3	During the relevant period, the SELEKA operated under a military framework, with prominent SELEKA commanders controlling groups of foot-soldiers (“elements”), within their respective bases in BANGUI and geographic areas of responsibility.	DCC, para.619.	☐	☐ Rejected
C.4	The SELEKA possessed military equipment, including firearms and heavy weapons, and demonstrated the ability to plan and carry out sustained military operations over a prolonged period including the 24 March 2013 Coup itself.	DCC, para.619.	☐	☐ Rejected
C.5	Despite their official disbanding in mid-September 2013, SELEKA forces were not effectively disarmed or demobilised and the factions that constituted the group remained intact.	DCC, para.619.	☐	☐ Rejected
C.6	By September 2013, the ANTI-BALAKA was engaged in a sustained and intense armed conflict against the SELEKA in western CAR.	DCC, para.50.	☐	☐ Rejected
C.7	ANTI-BALAKA attacks began near BOSSANGO in September 2013, and spread east to BOUCA in OUHAM Prefecture, west to BELOKO, BOHONG, and BOUAR in NANA-MAMBERE Prefecture, and then south, to BOSSEMBELE and BOALI in OMBELLA-M’POKO Prefecture.	DCC, para.50.	☐	☐ Rejected
C.8	SELEKA numbers grew from 5,000 fighters in March 2013 to between 15,000 and 20,000 in November 2013.	DCC, para.619.	☐	☐ Rejected
C.9	Around mid-November 2013, under MOKOM’s coordination, ANTI-BALAKA groups from	DCC, para.51.	☐	☐

	BOSSANGO, BOUCA, BOUAR, and BOSSEMBELE marched south to carry out the 5 December 2013 Attack.			Rejected
C.10	The SELEKA left BOSSEMPTELE on 17 January 2014.	DCC, para.444.	☐	☐ Rejected
C.11	The SELEKA withdrew from BODA, on or around 28 January 2014.	DCC, para.473.	☐	☐ Rejected
C.12	The SELEKA withdrew from BERBERATI around the end of January 2014.	DCC, para.539.	☐	☐ Rejected
C.13	The SELEKA withdrew from CARNOT at the end of January 2014.	DCC, para.511.	☐	☐ Rejected
C.14	The SELEKA withdrew from GUEN and GADZI on or about 30 January 2014.	DCC, para.576.	☐	☐ Rejected
C.15	On 16 June 2014, NGAISSONA (representing the ANTI-BALAKA) and SELEKA representative Eric MASSI signed a mediation engagement to address the crises caused by both groups, under the auspices of the conflict resolution group PARETO.	DCC, para.115.	☐	☐ Rejected
C.16	From 4 to 11 May 2015, the transition government held a national reconciliation conference in BANGUI.	DCC, para.118.	☐	☒ Accepted

D. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY

D	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
D.1	The attack carried out by the ANTI-BALKA against the Muslim population involved the commission of murder, deportation and forcible transfer of population, imprisonment and other forms of severe deprivation of physical liberty, torture, rape, persecution and other inhumane acts.	Confirmation Decision, para.64.	☐	☐ Rejected
Pertaining to the locations comprising the widespread attack				
D.2	On 5 December 2013, the ANTI-BALAKA elements attacked multiple locations, including Camp Kassai (a Seleka-held base), Camp de roux, Camp des sapeurs pompiers, Assemblée Nationale, and the Centre protestant pour la jeunesse ("CPJ").	DCC, para.54.	☐	☐ Rejected
D.3	The ANTI-BALAKA also attacked other western CAR towns on 5 December 2013, including BOSSANGO, the capital of the OUHAM Prefecture.	DCC, para.57.	☐	☐ Rejected
D.4	ANTI-BALAKA elements, divided into two groups respectively led by Florent KEMA and by Théophile DANGBA, carried out an attack on the town of BOSSANGO that lasted approximately from 13:00 to between 17:00 and 18:30 on 5 December.	Confirmation Decision, para.105.	☐	☐ Rejected

D.5	On or about 20 January 2014, the ANTI-BALAKA, YALoke Group ⁴ attacked ZAWA.	DCC, para.408.	☐	☐ Rejected
D.6	The ANTI-BALAKA, YALoke Group launched a first major attack against the Muslim civilian population in YALoke on or about 22 January 2014.	DCC, para.410.	☐	☐ Rejected
D.7	On or about 26 January 2014, the ANTI-BALAKA, YALoke Group launched their second major attack against the Muslim civilian population in YALoke.	DCC, para.410.	☐	☐ Rejected
D.8	The ANTI-BALAKA, CARNOT Group ⁵ attacked the town's Muslim civilian population in early February 2014, after taking control of the town.	DCC, para.513.	☐	☐ Rejected
D.9	In or around the beginning of February 2014, the first group of ANTI-BALAKA, led by Rocco MOKOM arrived from GAMBOULA, to BERBERATI.	DCC, para.540.	☐	☐ Rejected
D.10	On or around 10 February 2014, the ANTI-BALAKA BERBERATI Group ⁶ attacked the town's civilian Muslim population, particularly in the POTO-POTO, DJAMBALA, and BABA-NANI neighbourhoods.	DCC, para.542 to 543.	☐	☐ Rejected
D.11	The ANTI-BALAKA GUEN Group ⁷ attacked GUEN's Muslim civilian population from their arrival on 1 February 2014 throughout their occupation.	DCC, para.578.	☐	☐ Rejected

⁴ The YALoke Group is defined in proposed fact D.32.

⁵ The CARNOT Group is defined in proposed fact D.38.

⁶ The BERBERATI Group is defined in proposed fact D.39.

⁷ The GUEN Group is defined in proposed fact D.40.

D.12	The attack and occupation of the village by the GUEN Group lasted until around early April 2014.	DCC, para.577.	☐	☐ Rejected
D.13	By August 2014, some 20,000 displaced Muslims were confined in nine major enclaves in western and central CAR, aware that in leaving these sites they risked attack.	DCC, para.111.	☐	☐ Rejected
D.14	The 5 December attack resulted in the displacement of Muslim civilians in CATTIN and BOEING to the PK5 Enclave in BANGUI.	DCC, para.253.	☐	☐ Rejected
D.15	By the end of December 2013, the <i>École de la Liberté</i> in BOSSANGOA sheltered over 7,000 displaced persons, mostly women and children from the Muslim neighbourhood of BORO.	DCC, para.382.	☐	☐ Rejected
D.16	The BOSSANGOA enclave lasted until at least April 2014.	DCC, para.397.	☐	☐ Rejected
D.17	Throughout 2014 and into 2015, the displaced Peuhls were confined to the YALoke enclave.	DCC, para.419.	☐	☐ Rejected
D.18	By the end of January 2014, the <i>“Sainte-Thérèse”</i> Catholic Mission sheltered some 1,500 Muslim civilians who had fled the BOSSEMPTELE attack.	DCC, para.452.	☐	☐ Rejected
D.19	The last Muslims were still present in the BOSSEMPTELE enclave in January 2015.	DCC, para.453.	☐	☐ Rejected

D.20	The BODA attack forced the Muslim civilians to flee to the enclave which comprised a handful of central neighbourhoods, including ALI, ARAB, BAGUIRA and BINDOO.	DCC, para.480.	☐	☐ Rejected
D.21	The BODA enclave had over 11,000 Muslims and it lasted from early February 2014 to at least December 2014.	DCC, para.480. DCC, para.500.	☐	☐ Rejected
D.22	About 3,000 displaced Muslim civilians, who had fled the CARNOT attack, were registered at <i>Saint Martyr de l'Ouganda</i> Church, where they were enclaved from February 2014 onwards.	DCC, para.517.	☐	☐ Rejected
D.23	The CARNOT enclave lasted for over two years.	DCC, para.518.	☐	☐ Rejected
D.24	Around 500 remained confined in the CARNOT enclave until early 2016.	DCC, para.519.	☐	☐ Rejected
D.25	The first night of the attack in BERBERATI, over 400 Muslims fled to the <i>St Basile</i> Church before being evacuated by the MISCA to Bishop Isaie KOFFIA ("Bishop") at <i>Ste Anne</i> Church, where Muslims fleeing ANTI-BALAKA attacks in surrounding towns had already settled.	DCC, para.546.	☐	☐ Rejected
D.26	Around 400 Muslims were forced to live at the <i>Ste Anne</i> IDP site until July 2015 when they moved back to their neighbourhoods under the protection of international forces.	DCC, para.553.	☐	☐ Rejected

Organisational Policy to commit an attack directed against a civilian population (article 7(3) of the Elements)				
D.27	The Comité d'organisation des actions citoyenne ("COAC") and the <i>Coalition citoyenne d'opposition aux rébellions armées</i> ("COCORA") erected barricades and checkpoints throughout BANGUI and BIMBO, aimed at identifying Muslims aligned with the SELEKA.	DCC, para.29.	☐	☐ Rejected
D.28	From its founding in August 2013, FROCCA Coordinator Lin BANOUKEPA's public statements included claims that local Muslims were in collaboration with the SELEKA, and that the intention of the SELEKA and its supporters was to "islamisé[e]" CAR.	DCC, para.48.	☐	☐ Rejected
D.29	As the 5 December 2013 attack was underway, FROCCA Coordinator Lin BANOUKEPA announced: <i>" Le rétablissement de l'ordre constitutionnel en cours aujourd'hui à BANGUI ...Nous nous revendiquons l'espace, l'organe politique pour sauver nos citoyens au FROCCA. Et nous revendiquons aujourd'hui notre part auprès de vos jeunes frères et sœurs si, eux, sont en action. Donc, nous sommes ensemble et nous sommes la tête politique [...] En ce jour du 5 décembre j'appelle tous les Centrafricains à se lever comme un seul homme pour botter hors de notre territoire la composante islamique étrangère, envahissante, criminogène [phon], qui sévit, qui humilie. C'est l'objet de notre appel au soutien de l'action de libération de ce 5 décembre de nos jeunes, sœurs et frères des Balakas [...]."</i>	DCC, para.49.	☐	☐ Rejected

D.30	The ANTI-BALAKA groups committing crimes in areas far removed from the capital of Bangui (BERBERATI, BODA, BOSSEMPTELE, CARNOT, GUEN, YALOKÉ, GAGA and ZAWA - <i>i.e.</i> , the locations of “remaining incidents”), were formally and politically under the umbrella of the National Coordination.	Confirmation Decision, para.164.	☐	☐ Rejected
Relating to the involvement of ANTI-BALAKA members in the widespread attack				
D.31	The 5 December BOSSANGOYA Attack, was led by FACA Caporal KEMA and his deputies Alexis MANDAGO (aka “Sol-Sol”) and Théophile DANGBA and involved other local ANTI-BALAKA elements (“BOSSANGOYA Group”).	DCC, para.375.	☐	☐ Rejected
D.32	Séverin NDOGUIA (aka “Le Bleu”) and Richard BOZANDO (aka “Colonel Richard”), who was an ANTI-BALAKA ComZone in YALOKÉ, led ANTI-BALAKA elements (“YALOKÉ Group”) in an attack on GAGA on or about 17 January 2014.	DCC, para.407.	☐	☐ Rejected
D.33	NDOGUIA and BOZANDO were assisted by other ANTI-BALAKA leaders, including Emmanuel BOUYEMBE (aka “Chief Lampeti”) and Thierry TITE.	DCC, para.427.	☐	☐ Rejected
D.34	On 18 January 2014, NDOUROU and Deputy Gervain YAPENDE (aka “GERVAIN”, “Gervais 12 puissances”, “Gervais YAPENDE”, “Gervais POUTHIA MANGELE”, “Gervais LA GUERRE”) and second Deputy RODRIGUE led hundreds of ANTI-BALAKA elements armed with machetes, bows, and hunting rifles in the attack on BOSSEMPTELE, proceeding	DCC, para.444.	☐	☐ Rejected

	from three directions (“BOSSEMPTELE Group”).			
D.35	Hippolyte YAMINI led ANTI-BALAKA elements in an attack on the BODA’s Muslim civilian population on or around 28 January 2014.	DCC, para.473.	☐	☐ Rejected
D.36	In the early morning on or about 5 February 2014, the “BODA Group” carried out the planned coordinated attack, which ended with the arrival of SANGARIS forces.	DCC, para.477.	☐	☐ Rejected
D.37	On 5 February 2014, the “BODA Group” was reinforced by a group of ANTI-BALAKA who arrived in BODA led by WITTE and his deputy Firmin DOPANI .	DCC, para.477.	☐	☐ Rejected
D.38	ComZone Aimé Blaise ZAOROYANGA (aka “ZOWORO”), along with ‘Mission Chiefs’ including Sylvestre SINAKOLO (aka “Sylvain SINAKOLO”, “SINACOLO”) and Barthelemy NAMSENMO led around 1,000 to 2,000 elements, which included locals and others from surrounding areas of CARNOT, BOSSEMPTELE, BAORO, BOUAR, BOSSANGO, YALOKÉ, and BOZOU (“CARNOT Group”).	DCC, para.512.	☐	☐ Rejected
D.39	On or around 10 February 2014, Chrysostome YAPELET led a second group of ANTI -BALAKA to BERBERATI coming from the direction of CARNOT to the north, in an attack of BERBERATI, together with local ANTI-BALAKA elements, such as Nestor NGOUMBOU (“BERBERATI Group”).	DCC, para.542.	☐	☐ Rejected
D.40	Beginning on or about 1 February 2014, about 100 to 400 ANTI -BALAKA with firearms and ‘armes blanches’ led by Edmond BEINA and his	DCC, para.577.	☐	☐

	deputies, including Mathurin KOMBO, Armand GUIDO (aka “SEGBAM” or “SAKPEM”), and “Gyve” (“GUEN Group”) attacked GUEN from all sides.			Rejected
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E. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE FORMATION OF THE ANTI-BALAKA AND ITS COMPOSITION DURING THE RELEVANT PERIOD

E	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
E.1	By 11 February 2014, the ANTI-BALAKA comprised at least 50,000 elements.	DCC, para.69.	☐	☐ Rejected
E.2	NGAISSONA stated that he controlled some 50,000-70,000 ANTI-BALAKA members.	CAR-OTP-2001-2769, at 2829.	☐	☐ Rejected
E.3	The ANTI-BALAKA often wore ad hoc distinctive accessories, such as armbands and headbands during operations.	DCC, para.88.	☐	☐ Rejected
E.4	Traditional rituals (“ <i>vaccinations</i> ”) and fetishes (“ <i>gris-gris</i> ”) were also particularly identifying group traits of the ANTI-BALAKA.	DCC, para.88.	☐	☐ Rejected
E.5	By July 2014, the National Coordination had issued about 10,000 identification badges.	DCC, para.89.	☐	☐ Rejected

E.6	Identification badges contained a number, picture, name, address, and function of the ANTI-BALAKA member.	DCC, para.89.	☐	☐ Rejected
E.7	The National Coordination formalised the pre-existing de facto ANTI-BALAKA structure in BANGUI and CAR's western provinces.	DCC, para.64.	☐	☐ Rejected
E.8	At the end of November 2014, NGAISSONA announced the conversion of the ANTI-BALAKA into a political party, the <i>Parti centrafricain pour l'unité et le développement</i> ("PCUD").	DCC, para.116.	☐	☐ Rejected
E.9	NGAISSONA in his speech at the Extraordinary General Assembly announced that the ANTI-BALAKA, henceforth, would like to be recognised as a political party and will no longer use weapons.	CAR-OTP-2030-0255.	☐	☐ Rejected
E.10	The CARNOT Group fell under the National Coordination.	DCC, para.527.	☐	☐ Rejected
E.11	The leadership of the BERBERATI Group acknowledged their subordination to the National Coordination.	DCC, para.561.	☐	☐ Rejected
E.12	YEKATOM represented the ANTI-BALAKA at high-level meetings and negotiations including, for example, with the transition President SAMBA-PANZA in January 2014, and at the BRAZZAVILLE Summit.	DCC, para.222.	☐	☐ Non-applicable
Pertaining to high-level ANTI-BALAKA ComZones				

E.13	ANTI-BALAKA ComZone from BANGUI, Thierry LEBENE was a member of the PCUD, as listed on a 10 December 2014 PCUD membership document (“PCUD membership-list”), signed by NGAISSONA.	CAR-OTP-2030-0445, at 0450.	☐	☐ Rejected
E.14	ANTI-BALAKA ComZone from BANGUI, Thierry LEBENE was an ANTI-BALAKA representative from KEMO, as listed on a document signed by NGAISSONA containing the list of participants to the BRAZZAVILLE Summit (“BRAZZAVILLE-participation list”).mokom	CAR-OTP-2030-0267 at 0268.	☐	☐ Rejected
E.15	ANTI-BALAKA ComZone from YALOKÉ, Richard BOZANDO was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0446.	☐	☐ Rejected
E.16	ANTI-BALAKA ComZone from BANGUI, Yvone DONOH was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0449.	☐	☐ Rejected
E.17	ANTI-BALAKA ComZone from BOSSANGO, Florent KEMA was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0447.	☐	☐ Rejected
E.18	ANTI-BALAKA ComZones from BOSSEMPTELE, Gervain YAPENDE was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0447.	☐	☐ Rejected
E.19	ANTI-BALAKA ComZone from BOSSEMPTELE, Banafei RODRIGUE was a member of the PCUD, as	CAR-OTP-2030-0445, at	☐	☐

	listed on the PCUD membership-list.	0447.		Rejected
E.20	ANTI-BALAKA ComZone from BODA, Vivien Rodrigue KARAMOKONDJI was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0452.	☐	☐ Rejected
E.21	ANTI-BALAKA ComZone from BERBERATI, Chrysostome YAPELET was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0453.	☐	☐ Rejected
E.22	ANTI-BALAKA ComZone from CARNOT, Chrysostome Aimé Blaise ZAOROYANGA is listed was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0453.	☐	☐ Rejected
E.23	ANTI-BALAKA ComZone Thierry YAPELE was an ANTI-BALAKA representative from MAMBERE-KADEI, as listed on the BRAZZAVILLE-participation list.	CAR-OTP-2030-0267 at 0268.	☐	☐ Rejected
E.24	ANTI-BALAKA ComZone Florent KEMA was an ANTI-BALAKA representative from OUHAM, as listed on the BRAZZAVILLE-participation list.	CAR-OTP-2030-0267 at 0268.	☐	☐ Rejected
E.25	YEKATOM, Yvon KONATE, Romaric VOMITIADE, Dieudonne HOURONTI, Basile MBOMON, Dieudonne NDOMATE and Emotion Brice NAMSIO were ANTI-BALAKA representatives from BANGUI, as listed on the BRAZZAVILLE-participation list.	CAR-OTP-2030-0267 at 0267.	☐	☐ Rejected

F. OTHER FACTS ALLEGED BY THE PROSECUTION

F	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
F.1	There were 53 children (46 boys and 7 girls) aged between 11 and 17 years associated with ANTI-BALAKA groups in Bangui's PK10 neighbourhood as of May 2014.	Confirmation Decision, footnote.324.	☐	☐ Non-Applicable
F.2	Together with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic ("MINUSCA"), the United Nations International Children's Emergency Fund ("UNICEF") came to identify '1,114 children associated with ANTI-BALAKA groups' in various locations as of October 2014.	Confirmation Decision, footnote.324.	☐	☐ Non-Applicable
F.3	YEKATOM attended the 4 August 2014 demobilisation ceremony organised by local NGO, "Enfants Sans Frontières" ("ESF"), in PISSA.	CAR-OTP-2068-0558, at 0560.	☐	☐ Non-Applicable
F.4	At the demobilisation ceremony, YEKATOM signed an agreement to (i) demobilise 153 children in his group; and (ii) refrain from recruiting them.	CAR-OTP-2068-0558, at 0559-0560.	☐	☐ Non-Applicable
F.5	Satellite imagery dated January and March 2014 confirms that hundreds of buildings, reportedly at least 1,234 according to the United Nations Institute for Training and Research's Operational Satellite Applications Programme ("UNOSAT"), mostly of a residential nature and located in Muslim neighbourhoods such as BORO, were destroyed in	Confirmation Decision, para.108.	☐	☐ Rejected

	BOSSANGOYA by then.			
F.6	Between 22 February 2014 and 6 June 2014, 871 structures were severely damaged or destroyed, of which 496 were in BANGUI's 3 rd arrondissement, which includes PK5 and KOKORO.	DCC, para.106.	☐	☐ Rejected
F.7	The 5 December 2013 Attack and its aftermath caused the number of internally displaced people in the 3 rd arrondissement to increase by 100,000 in the first month thereafter alone, before being dropped to 20,000 in early March, as people fled BANGUI and BOEING.	DCC, para.253.	☐	☐ Rejected
F.8	In June 2014, the National Coordination recognised that around 10% of CAR's population, <i>i.e.</i> 480,000 individuals, had fled the violence.	DCC, para.112.	☐	☐ Rejected

Respectfully submitted,



Mr Knoops, Lead Counsel for Patrice-Edouard Ngaïssona

Date this 29 July 2020
At The Hague, the Netherlands

From: [REDACTED]
Sent: 08 January 2021 17:53
To: Dimitri, Mylene; Massidda, Paolina; Vanderpuye, Kweku
Cc: V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team
Subject: RE: Chamber's direction regarding agreed facts/maps
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Vanderpuye,

I take this opportunity to wish you and your team our best wishes for 2021.

First, thank you for opening the discussion about the maps. Among the maps our team identified in the documents disclosed by the Prosecution, we have three categories of objections :

- 1) the first category of maps features maps that were too imprecise or on the contrary too precise, and contained information that our team was not in a position to verify (density of population, displacement camps...).
- 2) the second category of maps are those that are annexed to witness statements or expert-witnesses or to UN and NGO reports and therefore cannot be severed from the supporting documents.
- 3) the last category of maps features maps containing details that have yet to be discussed during trial (places of alleged incidents for example).

We reached a final agreement and have no objections on the following maps :

- CAR-OTP-2057-0965
- CAR-OTP-2062-0666
- CAR-OTP-2070-0267
- CAR-OTP-2070-0268
- CAR-OTP-2070-0274
- CAR-OTP-2126-2710
- CAR-OTP-2126-2711
- CAR-OTP-2069-0658
- CAR-OTP-2070-0277
- CAR-OTP-2070-0280
- CAR-OTP-2108-0517
- CAR-OTP-2108-0537
- CAR-OTP-2118-9140
- CAR-OTP-2118-9146

The Chamber in the decision on the Scope of the charges states at para. 48 that “the Chamber considers that, while Mr Ngaissona is not charged with crimes allegedly committed by the Anti-Balaka in Yaloké, Gaga, Zawa, Bossemtélé, Boda, Carnot, Berbérati and Guen (the ‘Provincial Incidents’), the facts relating to these locations, as recalled above, pertain to the contextual elements of the charged crimes and form part of the ‘facts and circumstances’ of the case”. (ICC-01/14-01/18-703-Conf). We are therefore willing to cooperate and include maps of the said locations. We will also review the agreed facts in light of the decision on the scope of the charges and revert back to you with our changes.

Thank you for your cooperation on the above,

Kind regards,

On behalf of the Ngaissona Defence team

From: Dimitri, Mylene [REDACTED]
Sent: 18 December 2020 15:34
To: [REDACTED]
 Vanderpuye, Kweku [REDACTED]
Cc: V44 LRV Team <[REDACTED]>; [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB Managers <[REDACTED]>; OTP CAR IIB Case Management <[REDACTED]>; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team <[REDACTED]>
Subject: Re: Chamber's direction regarding agreed facts/maps

Dear Kweku,

We are also still reviewing the various maps disclosed. Given that there are over 100 maps disclosed and or referred to in your Trial Brief, we will need a bit more time to get back to you. We will certainly agree on several maps. However, I cannot give you an exact figure or any specifics at the moment.

Kind regards,
 Mylene

From: [REDACTED]
Sent: 18 December 2020 14:26
To: Paolina Massidda [REDACTED]; Vanderpuye, Kweku [REDACTED]
Cc: V44 LRV Team [REDACTED] V44LRVTeam-OPCV [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB Managers [REDACTED] OTP CAR IIB Case Management <[REDACTED]>; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Subject: RE: Chamber's direction regarding agreed facts/maps

Dear Mr Vanderpuye,

Thank you for your email. Considering the substantial amount of material to review, we will revert back to you as soon as possible with our assessment concerning maps illustrating the geographical locations of sites relevant to the facts and circumstances of the case. We are also reviewing the agreements on facts and will revert back to you with changes, if any.

Kind regards,

On behalf of the Defence team of Mr Patrice-Edouard Ngaissona

From: Massidda, Paolina [REDACTED]
Sent: 17 December 2020 12:00
To: Vanderpuye, Kweku [REDACTED]
Cc: V44 LRV Team; V44LRVTeam-OPCV; V45 LRV Team; OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team
Subject: RE: Chamber's direction regarding agreed facts/maps

Dear Kweku,
 The Common Legal Representatives do not have any objections about the maps.
 As far as agreement on other facts are concerned, we will wait for more information from the parties in due course.

Best regards,
Paolina and Dmytro

From: Vanderpuye, Kweku [REDACTED]
Sent: 15 December 2020 10:08
To: OTP CAR IIB Managers [REDACTED]; OTP CAR IIB Case Management [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Cc: V44 LRV Team [REDACTED]; V44LRVTeam-OPCV [REDACTED]; V45 LRV Team [REDACTED]
Subject: RE: Chamber's direction regarding agreed facts/maps
Importance: High

Dear Counsel,

Regarding the Chamber's direction below, please let us know if you have any specific objections concerning maps illustrating the geographical locations of sites relevant to the facts and circumstances of the case. These would normatively comprise maps set out in the Annexes to the DCC and/or Trial Brief, as well as those found in materials regularly disclosed, including reports of international organisations, governments, NGOs, and the prospective expert report on satellite imagery.

Concerning agreements on other facts, the Prosecution invites the Defence to re-visit its previous proposals.

If you could let us know by the end of this week if you have any fundamental objections to the introduction or use of relevant maps, as well as, whether you intend to re-consider agreement on facts previously proposed, we would appreciate that. Thank you.

Kind regards,

Kweku Vanderpuye

From: Trial Chamber V Communications [REDACTED]
Sent: 26 November 2020 19:19
To: OTP CAR IIB Managers [REDACTED]; OTP CAR IIB Case Management [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Cc: V44 LRV Team [REDACTED]; V44LRVTeam-OPCV [REDACTED]; V45 LRV Team [REDACTED]; Trial Chamber V Communications [REDACTED]
Subject: Chamber's direction regarding agreed facts/maps

Dear counsel,

The Chamber recalls that it encouraged the parties to 'reach agreement on facts under Rule 69 of the Rules to the extent possible' and to submit a joint filing in this regard by 11 January 2021 (*see* ICC-01/14-01/18-589, para. 22).

In the interests of efficiency, the Chamber particularly urges the parties to agree on maps which illustrate the geographical locations of the sites relevant to the facts and circumstances of the present case. The Chamber considers that such an agreement in advance of trial would significantly facilitate discussions related to the geographical location of these sites during trial and thereby expedite the proceedings.

The parties are instructed to inform the Chamber of such agreement as part of their joint submission on agreed facts.

Kind regards, TC V

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FW: Chamber's direction regarding agreed facts/maps

Date: Friday, 08 Jan 2021, 6:39 PM

Cc: V44 LRV Team <[REDACTED]>, V44 LRV Team OPCV <[REDACTED]>, V45 LRV Team <[REDACTED]>, OTP CAR IIB Managers <[REDACTED]>, OTP CAR IIB Case Management <[REDACTED]>, D29 Yekatom Defence Team <[REDACTED]>, D30 Ngaissona Defence Team <[REDACTED]>, Massidda, Paolina <[REDACTED]>, Dimitri, Mylene <[REDACTED]>, <[REDACTED]>

Subject: RE: Chamber's direction regarding agreed facts/maps

Dear Mr. Vanderpuye,

I wish you and your team our best wishes for the new year.

We have no objections to any joint agreements on the 14 maps identified by the Ngaïssona team. As indicated during your phone conversation with Me Dimitri, you can therefore include our agreement in the join agreement filing.

Thank you for your cooperation.

Kind regards,

Case manager
Yekatom Defence

De : [REDACTED]
Envoyé : vendredi 8 janvier 2021 17:53
À : Dimitri, Mylene <[REDACTED]> [REDACTED] [REDACTED]>; Vanderpuye, Kweku [REDACTED]>
Cc : V44 LRV Team [REDACTED]; V44LRVTeam-OPCV [REDACTED] V45 LRV Team [REDACTED]>; OTP CAR IIB Managers [REDACTED]>; OTP CAR IIB Case Management [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Objet : RE: Chamber's direction regarding agreed facts/maps

Dear Mr Vanderpuye,

I take this opportunity to wish you and your team our best wishes for 2021.

First, thank you for opening the discussion about the maps. Among the maps our team identified in the documents disclosed by the Prosecution, we have three categories of objections :

- 1) the first category of maps features maps that were too imprecise or on the contrary too precise, and contained information that our team was not in a position to verify (density of population, displacement camps...).
- 2) the second category of maps are those that are annexed to witness statements or expert-witnesses or to UN and NGO reports and therefore cannot be severed from the supporting documents.
- 3) the last category of maps features maps containing details that have yet to be discussed during trial (places of alleged incidents for example).

From: [REDACTED]
Sent: 11 January 2021 14:57
To: Vanderpuye, Kweku; D30 Ngaissona Defence Team; D29 Yekatom Defence Team
Cc: [REDACTED] OTP CAR IIB Operations; OTP CAR IIB Case Management; V44 LRV Team OPCV; [REDACTED] V44 LRV Team; Massidda, Paolina
Subject: RE: Joint Submission on Agreed Facts
Attachments: 20200111 - CARIIB - Third Proposal of Agreements as to Evidence-PEN.pdf

Dear Mr Vanderpuye,

Thank you for your draft of the joint submission on agreed facts and maps. Please find attached a revised version of the table on agreed facts. In accordance with our position on maps, we agreed on the geographical facts contained under section B with very small changes to the facts contained under entries B.5 ; B.6 ; B.7 ; B.8. We would like to inform you as well that we liaised with the Defence team for Mr Yekatom that confirmed their agreement on this last version of the agreed facts.

In order to reflect our position, could you please amend the Joint submission at para. 2, 16. and 17 in order to change the number of agreed facts from 9 to 18 ? Could you please also take into account this last procedural step in the "procedural background" ?

Thank you for your propositions and for your cooperation,

Kind regards,

[REDACTED]
On behalf of the Ngaissona Defence

De : Vanderpuye, Kweku [REDACTED]
Envoyé : dimanche 10 janvier 2021 12:31
À : D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]
Cc : [REDACTED] OTP CAR IIB Operations
 <[REDACTED]>; OTP CAR IIB Case Management <[REDACTED]>;
 V44 LRV Team OPCV <[REDACTED]>; [REDACTED] <[REDACTED]>
 V44 LRV Team <[REDACTED]>; [REDACTED]
Objet : Joint Submission on Agreed Facts

Dear All,

Attached please find a draft filing regarding the joint submission on agreed facts and maps.

Please Let us know if you have any comments or concerns. We propose to file it as a Prosecution submission – with your agreement - in the same manner as was done with the joint filing on experts. Note that our *inter partes* communications and the proposed facts are not appended to the draft. However, they will be added as 'confidential' annexes, as indicated.

If you could revert to us early tomorrow, that would be very much appreciated.

Kind regards,

Cour
Pénale
Internationale

International
Criminal
Court



Original: **English**
Source: **Defence of Patrice-Edouard Ngaïssona**

No.: **ICC-01/14-01/18**
Date: **01 January 2021**

The Prosecutor v. Alfred YEKATOM and Patrice-Edouard NGAISSONA
Second Proposal of Agreements as to Evidence

The Office of the Prosecutor (“Prosecution”), pursuant to rule 69 of the Rules of Procedure, presents the Defence with its Second Proposal of Agreed Facts (“Proposal”). The Proposal contains 106 stipulations in accordance with the Prosecution’s prior communications on the matter.

Agreement that a proposed stipulation is not contested should be expressed by checking the relevant box. Disagreement with a proposed stipulation should be accompanied by a brief explanation below the unchecked box as to the reasons of the disagreement. If the Defence teams agree to the fact with a slight reformulation they should indicate the proposed re-wording. Each box provides an empty space to this effect.

Contents

A. FACTS ALLEGED BY THE PROSECUTION RELATING TO NGAISSONA’S BACKGROUND.....	2
B. FACTS ALLEGED BY THE PROSECUTION RELATING TO GEOGRAPHY	3
C. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF WAR CRIMES	4
D. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY	7
E. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE FORMATION OF THE ANTI-BALAKA AND ITS COMPOSITION DURING THE RELEVANT PERIOD	14

F. OTHER FACTS ALLEGED BY THE PROSECUTION 18

A. FACTS ALLEGED BY THE PROSECUTION RELATING TO NGAISSONA’S BACKGROUND¹

A	Proposed Fact	Source	Defence for NGAISSONA
A.1	NGAISSONA was elected President of the Central African Football Federation in 2008.	Confirmation Decision ² , para.75.	☒
A.2	NGAISSONA was elected to represent the town of Nana-Bakassa in January 2011.	Confirmation Decision, para.75.	☒
A.3	By decree 13.035 dated 3 February 2013, NGAISSONA became Minister of Youth, Sports, Arts and Culture within the Government of National Unity.	Confirmation Decision, para.78.	☒

¹ The propositions relating to NGAISSONA’s background adopt the language counter-proposed by Defence for NGAISSONA in response to Prosecution’s First Proposal of Agreements as to Evidence.

² ICC-01/14-01/18-403-Conf-Corr, Corrected version of ‘Decision on the confirmation of charges against Alfred Yekatom and Patrice-Edouard Ngaissona’(“Confirmation Decision”).

B. FACTS ALLEGED BY THE PROSECUTION RELATING TO GEOGRAPHY

B	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
B.1	The LOBAYE Prefecture is one of 16 in CAR.	DCC ³ , para.335.	☐	☒
B.2	The LOBAYE Prefecture is located in the southwest part of CAR, it borders the Republic of the Congo and the DRC.	DCC, para.335.	☐	☒
B.3	The capital of LOBAYE is MBAIKI	DCC, para.335.	☐	☒
B.4	BOSSANGOA is the capital of the OUHAM Prefecture, located about 300 km north of BANGUI and 200 km south of the Chadian border.	DCC, para.374.	☐	☒
B.5	YALOKÉ is located about 225 km north-west of BANGUI.	DCC, para.405.	☐	☒
B.6	GAGA is located about 35 km northwest of YALOKÉ in the direction of BOSSEMPTELE.	DCC, para.405.	☐	☒
B.7	ZAWA is located about 35 km south of GAGA and about 23 km west of YALOKÉ.	DCC, para.405.	☐	☒
B.8	BOSSEMPTELE is in the OUHAM-PENDE Prefecture located about 300 km northwest of BANGUI and 87 km south of BOZOUM.	DCC, para.441.	☐	☒
B.9	BODA is a town in the LOBAYE Prefecture located about 160 km west of BANGUI.	DCC, para.472.	☐	☒

³ ICC-01/14-01/18-282-Conf-AnxB1, Document Containing the Charges, (“DCC”).

B.10	CARNOT is a sub-prefecture in the MAMBERE-KADEI Prefecture.	DCC, para.510.	☐	☒
B.11	CARNOT is located in the southwest part of CAR about 215 km from the Cameroonian border, 100 km north of BERBERATI, 100 km west of GUEN, and some 400 km west of BANGUI.	DCC, para.510.	☐	☒
B.12	BERBERATI is the capital of the MAMBERE-KADEI Prefecture.	DCC, para.538.	☐	☒
B.13	BERBERATI is located in the southwest part of CAR about 85 km east of GAMBOULA near the Cameroonian border, 95 km south of CARNOT, and over 500 km west of BANGUI.	DCC, para.538.	☐	☒
B.14	GUEN is a village in the MAMBERE-KADEI Prefecture, located about 10 km west of the GADZI Sub-Prefecture and 100 km east of CARNOT	DCC, para.575.	☐	☒

C. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF WAR CRIMES

C	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
C.1	On 11 January 2013, François BOZIZE negotiated and signed the first ceasefire agreement with the SELEKA in LIBREVILLE.	DCC, para.30.	☐	☐ Rejected
C.2	An armed conflict not of an international character in CAR commenced in at least March 2013 between the FACA/pro-BOZIZE forces and SELEKA forces, and	DCC para.617.	☐	☐ Rejected

	continued between the ANTI BALAKA and the SELEKA until at least December 2014.			
C.3	During the relevant period, the SELEKA operated under a military framework, with prominent SELEKA commanders controlling groups of foot-soldiers (“elements”), within their respective bases in BANGUI and geographic areas of responsibility.	DCC, para.619.	☐	☐ Rejected
C.4	The SELEKA possessed military equipment, including firearms and heavy weapons, and demonstrated the ability to plan and carry out sustained military operations over a prolonged period including the 24 March 2013 Coup itself.	DCC, para.619.	☐	☐ Rejected
C.5	Despite their official disbanding in mid-September 2013, SELEKA forces were not effectively disarmed or demobilised and the factions that constituted the group remained intact.	DCC, para.619.	☐	☐ Rejected
C.6	By September 2013, the ANTI-BALAKA was engaged in a sustained and intense armed conflict against the SELEKA in western CAR.	DCC, para.50.	☐	☐ Rejected
C.7	ANTI-BALAKA attacks began near BOSSANGO in September 2013, and spread east to BOUCA in OUHAM Prefecture, west to BELOKO, BOHONG, and BOUAR in NANA-MAMBERE Prefecture, and then south, to BOSSEMBELE and BOALI in OMBELLA-M’POKO Prefecture.	DCC, para.50.	☐	☐ Rejected
C.8	SELEKA numbers grew from 5,000 fighters in March 2013 to between 15,000 and 20,000 in November 2013.	DCC, para.619.	☐	☐ Rejected

C.9	Around mid-November 2013, under MOKOM's coordination, ANTI-BALAKA groups from BOSSANGO, BOUCA, BOUAR, and BOSSEMBELE marched south to carry out the 5 December 2013 Attack.	DCC, para.51.	☐	☐ Rejected
C.10	The SELEKA left BOSSEMPTELE on 17 January 2014.	DCC, para.444.	☐	☐ Rejected
C.11	The SELEKA withdrew from BODA, on or around 28 January 2014.	DCC, para.473.	☐	☐ Rejected
C.12	The SELEKA withdrew from BERBERATI around the end of January 2014.	DCC, para.539.	☐	☐ Rejected
C.13	The SELEKA withdrew from CARNOT at the end of January 2014.	DCC, para.511.	☐	☐ Rejected
C.14	The SELEKA withdrew from GUEN and GADZI on or about 30 January 2014.	DCC, para.576.	☐	☐ Rejected
C.15	On 16 June 2014, NGAISSONA (representing the ANTI-BALAKA) and SELEKA representative Eric MASSI signed a mediation engagement to address the crises caused by both groups, under the auspices of the conflict resolution group PARETO.	DCC, para.115.	☐	☐ Rejected
C.16	From 4 to 11 May 2015, the transition government held a national reconciliation conference in BANGUI.	DCC, para.118.	☐	☒

				Accepted
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D. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE CONTEXTUAL ELEMENTS OF CRIMES AGAINST HUMANITY

D	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
D.1	The attack carried out by the ANTI-BALKA against the Muslim population involved the commission of murder, deportation and forcible transfer of population, imprisonment and other forms of severe deprivation of physical liberty, torture, rape, persecution and other inhumane acts.	Confirmation Decision, para.64.	☐	☐ Rejected
Pertaining to the locations comprising the widespread attack				
D.2	On 5 December 2013,the ANTI-BALAKA elements attacked multiple locations, including Camp Kassai (a Seleka-held base),Camp de roux, Camp des sapeurs pompiers, Assemblée Nationale, and the Centre protestant pour la jeunesse (“CPJ”).	DCC, para.54.	☐	☐ Rejected
D.3	The ANTI-BALAKA also attacked other western CAR towns on 5 December 2013, including BOSSANGO, the capital of the OUHAM Prefecture.	DCC, para.57.	☐	☐ Rejected
D.4	ANTI-BALAKA elements, divided into two groups respectively led by Florent KEMA and by Théophile DANGBA, carried out an attack on the town of	Confirmation Decision, para.105.	☐	☐ Rejected

	BOSSANGOA that lasted approximately from 13:00 to between 17:00 and 18:30 on 5 December.			
D.5	On or about 20 January 2014, the ANTI-BALAKA, YALOKÉ Group ⁴ attacked ZAWA.	DCC, para.408.	☐	☐ Rejected
D.6	The ANTI-BALAKA, YALOKÉ Group launched a first major attack against the Muslim civilian population in YALOKÉ on or about 22 January 2014.	DCC, para.410.	☐	☐ Rejected
D.7	On or about 26 January 2014, the ANTI-BALAKA, YALOKÉ Group launched their second major attack against the Muslim civilian population in YALOKÉ.	DCC, para.410.	☐	☐ Rejected
D.8	The ANTI-BALAKA, CARNOT Group ⁵ attacked the town's Muslim civilian population in early February 2014, after taking control of the town.	DCC, para.513.	☐	☐ Rejected
D.9	In or around the beginning of February 2014, the first group of ANTI-BALAKA, led by Rocco MOKOM arrived from GAMBOULA, to BERBERATI.	DCC, para.540.	☐	☐ Rejected
D.10	On or around 10 February 2014, the ANTI-BALAKA BERBERATI Group ⁶ attacked the town's civilian Muslim population, particularly in the POTO-POTO, DJAMBALA, and BABA-NANI neighbourhoods.	DCC, para.542 to 543.	☐	☐ Rejected

⁴ The YALOKÉ Group is defined in proposed fact D.32.

⁵ The CARNOT Group is defined in proposed fact D.38.

⁶ The BERBERATI Group is defined in proposed fact D.39.

D.11	The ANTI-BALAKA GUEN Group ⁷ attacked GUEN's Muslim civilian population from their arrival on 1 February 2014 throughout their occupation.	DCC, para.578.	☐	☐ Rejected
D.12	The attack and occupation of the village by the GUEN Group lasted until around early April 2014.	DCC, para.577.	☐	☐ Rejected
D.13	By August 2014, some 20,000 displaced Muslims were confined in nine major enclaves in western and central CAR, aware that in leaving these sites they risked attack.	DCC, para.111.	☐	☐ Rejected
D.14	The 5 December attack resulted in the displacement of Muslim civilians in CATTIN and BOEING to the PK5 Enclave in BANGUI.	DCC, para.253.	☐	☐ Rejected
D.15	By the end of December 2013, the <i>École de la Liberté</i> in BOSSANGOA sheltered over 7,000 displaced persons, mostly women and children from the Muslim neighbourhood of BORO.	DCC, para.382.	☐	☐ Rejected
D.16	The BOSSANGOA enclave lasted until at least April 2014.	DCC, para.397.	☐	☐ Rejected
D.17	Throughout 2014 and into 2015, the displaced Peuhls were confined to the YALOKÉ enclave.	DCC, para.419.	☐	☐ Rejected

⁷ The GUEN Group is defined in proposed fact D.40.

D.18	By the end of January 2014, the “ <i>Sainte-Thérèse</i> ” Catholic Mission sheltered some 1,500 Muslim civilians who had fled the BOSSEMPTELE attack.	DCC, para.452.	☐	☐ Rejected
D.19	The last Muslims were still present in the BOSSEMPTELE enclave in January 2015.	DCC, para.453.	☐	☐ Rejected
D.20	The BODA attack forced the Muslim civilians to flee to the enclave which comprised a handful of central neighbourhoods, including ALI, ARAB, BAGUIRA and BINDOO.	DCC, para.480.	☐	☐ Rejected
D.21	The BODA enclave had over 11,000 Muslims and it lasted from early February 2014 to at least December 2014.	DCC, para.480. DCC, para.500.	☐	☐ Rejected
D.22	About 3,000 displaced Muslim civilians, who had fled the CARNOT attack, were registered at <i>Saint Martyr de l’Ouganda</i> Church, where they were enclaved from February 2014 onwards.	DCC, para.517.	☐	☐ Rejected
D.23	The CARNOT enclave lasted for over two years.	DCC, para.518.	☐	☐ Rejected
D.24	Around 500 remained confined in the CARNOT enclave until early 2016.	DCC, para.519.	☐	☐ Rejected
D.25	The first night of the attack in BERBERATI, over 400 Muslims fled to the <i>St Basile</i> Church before being evacuated by the MISCA to Bishop Isaie KOFFIA (“Bishop”) at <i>Ste Anne</i> Church, where	DCC, para.546.	☐	☐ Rejected

	Muslims fleeing ANTI-BALAKA attacks in surrounding towns had already settled.			
D.26	Around 400 Muslims were forced to live at the <i>Ste Anne</i> IDP site until July 2015 when they moved back to their neighbourhoods under the protection of international forces.	DCC, para.553.	☐	☐ Rejected
Organisational Policy to commit an attack directed against a civilian population (article 7(3) of the Elements)				
D.27	The Comité d'organisation des actions citoyenne ("COAC") and the <i>Coalition citoyenne d'opposition aux rébellions armées</i> ("COCORA") erected barricades and checkpoints throughout BANGUI and BIMBO, aimed at identifying Muslims aligned with the SELEKA.	DCC, para.29.	☐	☐ Rejected
D.28	From its founding in August 2013, FROCCA Coordinator Lin BANOUKEPA's public statements included claims that local Muslims were in collaboration with the SELEKA, and that the intention of the SELEKA and its supporters was to "islamisé[e]" CAR.	DCC, para.48.	☐	☐ Rejected
D.29	As the 5 December 2013 attack was underway, FROCCA Coordinator Lin BANOUKEPA announced: " <i>Le rétablissement de l'ordre constitutionnel en cours aujourd'hui à BANGUI ...Nous nous revendiquons l'espace, l'organe politique pour sauver nos citoyens au FROCCA. Et nous revendiquons aujourd'hui notre part auprès de vos jeunes frères et sœurs si, eux, sont en action. Donc, nous sommes ensemble et nous sommes la tête politique [...] En ce jour du 5 décembre j'appelle tous les Centrafricains à se lever comme un</i>	DCC, para.49.	☐	☐ Rejected

	<i>seul homme pour botter hors de notre territoire la composante islamique étrangère, envahissante, criminogène [phon], qui sévit, qui humilie. C'est l'objet de notre appel au soutien de l'action de libération de ce 5 décembre de nos jeunes, sœurs et frères des Balakas [...]."</i>			
D.30	The ANTI-BALAKA groups committing crimes in areas far removed from the capital of Bangui (BERBERATI, BODA, BOSSEMPTELE, CARNOT, GUEN, YALoke, GAGA and ZAWA - <i>i.e.</i> , the locations of "remaining incidents"), were formally and politically under the umbrella of the National Coordination.	Confirmation Decision, para.164.	☐	☐ Rejected
Relating to the involvement of ANTI-BALAKA members in the widespread attack				
D.31	The 5 December BOSSANGO Attack, was led by FACA Caporal KEMA and his deputies Alexis MANDAGO (aka "Sol-Sol") and Théophile DANGBA and involved other local ANTI-BALAKA elements ("BOSSANGO Group").	DCC, para.375.	☐	☐ Rejected
D.32	Séverin NDOGUIA (aka "Le Bleu") and Richard BOZANDO (aka "Colonel Richard"), who was an ANTI-BALAKA ComZone in YALoke, led ANTI-BALAKA elements ("YALoke Group") in an attack on GAGA on or about 17 January 2014.	DCC, para.407.	☐	☐ Rejected
D.33	NDOGUIA and BOZANDO were assisted by other ANTI-BALAKA leaders, including Emmanuel BOUYEMBE (aka "Chief Lampeti") and Thierry TITE.	DCC, para.427.	☐	☐ Rejected

D.34	On 18 January 2014, NDOUROU and Deputy Gervain YAPENDE (aka “GERVAIN”, “Gervais 12 puissances”, “Gervais YAPENDE”, “Gervais POUTHIA MANGELE”, “Gervain LA GUERRE”) and second Deputy RODRIGUE led hundreds of ANTI-BALAKA elements armed with machetes, bows, and hunting rifles in the attack on BOSSEMPTELE, proceeding from three directions (“BOSSEMPTELE Group”).	DCC, para.444.	☐	☐ Rejected
D.35	Hippolyte YAMINI led ANTI-BALAKA elements in an attack on the BODA’s Muslim civilian population on or around 28 January 2014.	DCC, para.473.	☐	☐ Rejected
D.36	In the early morning on or about 5 February 2014, the “BODA Group” carried out the planned coordinated attack, which ended with the arrival of SANGARIS forces.	DCC, para.477.	☐	☐ Rejected
D.37	On 5 February 2014, the “BODA Group” was reinforced by a group of ANTI-BALAKA who arrived in BODA led by WITTE and his deputy Firmin DOPANI .	DCC, para.477.	☐	☐ Rejected
D.38	ComZone Aimé Blaise ZAOROYANGA (aka “ZOWORO”), along with ‘Mission Chiefs’ including Sylvestre SINAKOLO (aka “Sylvain SINAKOLO”, “SINACOLO”) and Barthélemy NAMSENMO led around 1,000 to 2,000 elements, which included locals and others from surrounding areas of CARNOT, BOSSEMPTELE, BAORO, BOUAR, BOSSANGO, YALOKÉ, and BOZOU (“CARNOT Group”).	DCC, para.512.	☐	☐ Rejected
D.39	On or around 10 February 2014, Chrysostome YAPELET led a second group of ANTI -BALAKA to	DCC, para.542.	☐	☐

	BERBERATI coming from the direction of CARNOT to the north, in an attack of BERBERATI, together with local ANTI-BALAKA elements, such as Nestor NGOUMBOU ("BERBERATI Group").			Rejected
D.40	Beginning on or about 1 February 2014, about 100 to 400 ANTI -BALAKA with firearms and 'armes blanches' led by Edmond BEINA and his deputies, including Mathurin KOMBO, Armand GUIDO (aka "SEGBAM" or "SAKPEM"), and "Gyve" ("GUEN Group") attacked GUEN from all sides.	DCC, para.577.	☐	☐ Rejected

E. FACTS ALLEGED BY THE PROSECUTION RELATING TO THE FORMATION OF THE ANTI-BALAKA AND ITS COMPOSITION DURING THE RELEVANT PERIOD

E	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
E.1	By 11 February 2014, the ANTI-BALAKA comprised at least 50,000 elements.	DCC, para.69.	☐	☐ Rejected
E.2	NGAISSONA stated that he controlled some 50,000-70,000 ANTI-BALAKA members.	CAR-OTP-2001-2769, at 2829.	☐	☐ Rejected
E.3	The ANTI-BALAKA often wore ad hoc distinctive accessories, such as armbands and headbands during operations.	DCC, para.88.	☐	☐ Rejected

E.4	Traditional rituals (“ <i>vaccinations</i> ”) and fetishes (“ <i>gris-gris</i> ”) were also particularly identifying group traits of the ANTI-BALAKA.	DCC, para.88.	☐	☐ Rejected
E.5	By July 2014, the National Coordination had issued about 10,000 identification badges.	DCC, para.89.	☐	☐ Rejected
E.6	Identification badges contained a number, picture, name, address, and function of the ANTI-BALAKA member.	DCC, para.89.	☐	☐ Rejected
E.7	The National Coordination formalised the pre-existing de facto ANTI-BALAKA structure in BANGUI and CAR’s western provinces.	DCC, para.64.	☐	☐ Rejected
E.8	At the end of November 2014, NGAISSONA announced the conversion of the ANTI-BALAKA into a political party, the <i>Parti centrafricain pour l’unité et le développement</i> (“PCUD”).	DCC, para.116.	☐	☐ Rejected
E.9	NGAISSONA in his speech at the Extraordinary General Assembly announced that the ANTI-BALAKA, henceforth, would like to be recognised as a political party and will no longer use weapons.	CAR-OTP-2030-0255.	☐	☐ Rejected
E.10	The CARNOT Group fell under the National Coordination.	DCC, para.527.	☐	☐ Rejected
E.11	The leadership of the BERBERATI Group acknowledged their subordination to the National Coordination.	DCC, para.561.	☐	☐ Rejected

E.12	YEKATOM represented the ANTI-BALAKA at high-level meetings and negotiations including, for example, with the transition President SAMBA-PANZA in January 2014, and at the BRAZZAVILLE Summit.	DCC, para.222.	☐	☐ Non-applicable
Pertaining to high-level ANTI-BALAKA ComZones				
E.13	ANTI-BALAKA ComZone from BANGUI, Thierry LEBENE was a member of the PCUD, as listed on a 10 December 2014 PCUD membership document ("PCUD membership-list"), signed by NGAISSONA.	CAR-OTP-2030-0445, at 0450.	☐	☐ Rejected
E.14	ANTI-BALAKA ComZone from BANGUI, Thierry LEBENE was an ANTI-BALAKA representative from KEMO, as listed on a document signed by NGAISSONA containing the list of participants to the BRAZZAVILLE Summit ("BRAZZAVILLE-participation list").mokom	CAR-OTP-2030-0267 at 0268.	☐	☐ Rejected
E.15	ANTI-BALAKA ComZone from YALOKÉ, Richard BOZANDO was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0446.	☐	☐ Rejected
E.16	ANTI-BALAKA ComZone from BANGUI, Yvone DONOH was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0449.	☐	☐ Rejected

E.17	ANTI-BALAKA ComZone from BOSSANGOA, Florent KEMA was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0447.	☐	☐ Rejected
E.18	ANTI-BALAKA ComZones from BOSSEMPTELE, Gervain YAPENDE was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0447.	☐	☐ Rejected
E.19	ANTI-BALAKA ComZone from BOSSEMPTELE, Banafei RODRIGUE was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0447.	☐	☐ Rejected
E.20	ANTI-BALAKA ComZone from BODA, Vivien Rodrigue KARAMOKONDJI was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0452.	☐	☐ Rejected
E.21	ANTI-BALAKA ComZone from BERBERATI, Chrysostome YAPELET was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0453.	☐	☐ Rejected
E.22	ANTI-BALAKA ComZone from CARNOT, Chrysostome Aimé Blaise ZAOROYANGA is listed was a member of the PCUD, as listed on the PCUD membership-list.	CAR-OTP-2030-0445, at 0453.	☐	☐ Rejected
E.23	ANTI-BALAKA ComZone Thierry YAPELE was an ANTI-BALAKA representative from MAMBERE-KADEI, as listed on the BRAZZAVILLE-participation list.	CAR-OTP-2030-0267 at 0268.	☐	☐ Rejected
E.24	ANTI-BALAKA ComZone Florent KEMA was an ANTI-BALAKA representative from OUHAM, as listed on the BRAZZAVILLE-participation list.	CAR-OTP-2030-0267 at 0268.	☐	☐ Rejected

E.25	YEKATOM, Yvon KONATE, Romaric VOMITIADE, Dieudonne HOURONTI, Basile MBOMON, Dieudonne NDOMATE and Emotion Brice NAMSIO were ANTI-BALAKA representatives from BANGUI, as listed on the BRAZZAVILLE-participation list.	CAR-OTP-2030-0267 at 0267.	☐	☐ Rejected
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F. OTHER FACTS ALLEGED BY THE PROSECUTION

F	Proposed Fact	Source	Defence for YEKATOM	Defence for NGAISSONA
F.1	There were 53 children (46 boys and 7 girls) aged between 11 and 17 years associated with ANTI-BALAKA groups in Bangui's PK10 neighbourhood as of May 2014.	Confirmation Decision, footnote.324.	☐	☐ Non-Applicable
F.2	Together with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic ("MINUSCA"), the United Nations International Children's Emergency Fund ("UNICEF") came to identify '1,114 children associated with ANTI-BALAKA groups' in various locations as of October 2014.	Confirmation Decision, footnote.324.	☐	☐ Non-Applicable
F.3	YEKATOM attended the 4 August 2014 demobilisation ceremony organised by local NGO, "Enfants Sans Frontières" ("ESF"), in PISSA.	CAR-OTP-2068-0558, at 0560.	☐	☐ Non-Applicable
F.4	At the demobilisation ceremony, YEKATOM signed an agreement to (i) demobilise 153 children in his group; and (ii) refrain from recruiting them.	CAR-OTP-2068-0558, at 0559-0560.	☐	☐ Non-Applicable

F.5	Satellite imagery dated January and March 2014 confirms that hundreds of buildings, reportedly at least 1,234 according to the United Nations Institute for Training and Research's Operational Satellite Applications Programme ("UNOSAT"), mostly of a residential nature and located in Muslim neighbourhoods such as BORO, were destroyed in BOSSANGOA by then.	Confirmation Decision, para.108.	☐	☐ Rejected
F.6	Between 22 February 2014 and 6 June 2014, 871 structures were severely damaged or destroyed, of which 496 were in BANGUI's 3 rd arrondissement, which includes PK5 and KOKORO.	DCC, para.106.	☐	☐ Rejected
F.7	The 5 December 2013 Attack and its aftermath caused the number of internally displaced people in the 3 rd arrondissement to increase by 100,000 in the first month thereafter alone, before being dropped to 20,000 in early March, as people fled BANGUI and BOEING.	DCC, para.253.	☐	☐ Rejected
F.8	In June 2014, the National Coordination recognised that around 10% of CAR's population, <i>i.e.</i> 480,000 individuals, had fled the violence.	DCC, para.112.	☐	☐ Rejected

Respectfully submitted,



Mr Knoops, Lead Counsel for Patrice-Edouard Ngaïssona

Dated this 01 January 2021
At The Hague, the Netherlands

Kweku

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