

**Public Redacted
Version
Annex A**

Issue	Sub-issue	Appeal ground / topic	Response para(s)	Response reference point	Appeal Brief para(s)	Judgment para(s)
Issue 3: The Response answers reasoning complaints by attributing findings to the Trial Chamber and by supplying inferential steps not expressed in the Judgment						
3.1 Findings referred to in the Response that are not articulated in the Judgment						
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.2 - Coordination Yekatom/Mokom	Response, para. 44	Response characterises the Chamber as having found indirect coordination between Yekatom and Maxime Mokom through Ngremangou.	Appeal Brief, para. 72	Judgment, para. 2502
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.2 - Errors in finding that RFACPP coordinated with Anti-Balaka / 5 Dec operation / Absence of communication	Response, para. 57	Response presents the Judgment as finding that P-1339's testimony confirmed some communication with other groups.	Appeal Brief, paras. 61-64	Judgment, para. 2486
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.3 - Errors in finding that Mr Yekatom targeted the Muslim population / Knowledge of the RFACPP's perception of Muslims	Response, para. 86	Response presents the Judgment as finding that Mr Yekatom's alleged instruction to attack "Muslim sectors" "was echoed by leaders of his group".	Appeal Brief, paras. 116-117	Judgment, para. 1305
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.3 - Errors in finding that Mr Yekatom targeted the Muslim population / 5 Dec operation	Response, para. 93 (and fn. 435)	Response presents the Judgment as having considered P-1339's testimony holistically and considered specific inconsistencies in his testimony in the context of other evidence.	Appeal Brief, paras. 125-128	Judgment, paras. 330-337
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.3 - Errors in finding that Mr Yekatom targeted the Muslim population / 5 Dec operation instructions	Response, para. 94 (and fn. 439)	Response presents the Judgment as having based its conclusion that "P-1339 continued to conflate the Seleka with the Muslims in how he understood Mr Yekatom's instruction" on the basis that the witness "underwent training by individuals conveying and entertaining such a conflation".	Appeal Brief, para. 127	Judgment, para. 2445
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.3 – Gbangba training / instruction to target Muslims	Response, para. 102	Response presents the Judgment as finding that, before 5 December 2013, Mr Yekatom trained 'his group' in Gbangba and instructed it to <u>target</u> Muslims.	Appeal Brief, paras. 124-143	Judgment, paras. 2427-2454
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.5 – Cœur de Lion / Alkanto essential contributions and concrete powers	Response, paras. 145-147	Response treats the Judgment as having made findings identifying the essential contribution of each non-charged participant in the common plan, including concrete powers / contributions attributed to Cœur de Lion and Alkanto.	Appeal Brief, paras. 217-222	Judgment, paras. 4345-4350, 4356, 4359-4363
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.7 - Boeing / Cattin mens rea	Response, para. 168	Response further advances the proposition that no effort was made to distinguish between Seleka fighters and Muslim civilians.	Appeal Brief, paras. 241-244	Judgment, paras. 3901, 3917, 3939, 3950
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 2.7 – Boeing Mosque / broader campaign of violence / mosque-specific knowledge and intent	Response, paras. 173-174	Response treats the Judgment, in relation to the Boeing Mosque allegations, as proceeding on a broader attack / campaign-of-violence framework and on an instruction to target sectors where Muslims were said to be found in addressing knowledge and intent.	Appeal Brief, paras. 247-249	Judgment, paras. 4010-4012, 4016, 4023-4025
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 3.3 – Boeing Market / Hassan / other Traders	Response, para. 206	Response presents the Judgment as finding that Mr Yekatom's elements killed 'at least' three traders; and further that 'Yekatom's forces' doused the mosque in gasoline.	/	Judgment, paras. 3960-3963
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Grounds 2.6 and 3.2 – Harassment of Muslims / departure en masse	Response, paras. 249-250	Response presents the Judgment as finding that threats and harassment of Muslims ceased only once it was agreed that they would leave en masse.	Appeal Brief, paras. 235, 302-331 (fn. 1094), 333-339	Judgment, paras. 120-123, 4301-4305
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 4.2 – Boeing Market / other Traders	Response, para. 300	Response presents the killing of the other two traders as 'Mr Yekatom's elements' shooting in all directions as they advanced with gunfire from all sides and therefore not legally essential to prove means of killing.	Appeal Brief, para. 379	Judgment, paras. 2577, 2579, 2585
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Grounds 4.1, 4.2, 4.3 - P-1339's credibility / caution applied to inconsistent evidence / Boeing Market / Boeing Mosque	Response, paras. 303 (294, 298)	Response presents the Judgment as having exercised <u>express caution</u> with respect to inconsistencies in P-1339's testimony.	Appeal Brief, paras. 372-373	Judgment, para. 337
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Grounds 4.3, 5.1, 5.2 and 5.3 – Boeing Mosque other evidence not excluded / dismantling	Response para. 307	Response presents the Judgment as expressly considering the evidence of P-1528, P-2682 and P-2193 as being consistent or at least not incompatible with the evidence of P-1339 since knowledge of the mosque's destruction does not exclude the fact of the prior attack.	Appeal Brief, paras. 384-386	Judgment, para. 2648

3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 4.4 – Cattin killing / P-1528 / body-wound description	Response, paras. 309-311	Response presents the P-1528 / Cattin narrative as including four Anti-Balaka seen next to the body and a bladed-weapons inference rather than a gunshot account, stating further that the victim appeared to have died from injuries sustained from bladed weapons.	Appeal Brief, paras. 387-390	Judgment, paras. 2655-2659, 2663-2675
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 4.4 - Cattin Killing / P-1528 / audio-visual evidence	Response para. 312, fn. 1200	Response presents the Judgment as finding that the Chamber took no position on whether the audio-visual evidence upon which the Defence relied was accurate in the time portrayed.	Appeal Brief, paras. 389-390	Judgment, paras. 2673, 2675
3.2 Further inferential steps relied on in the Response						
3	3.2 Further inferential steps relied on in the Response	Ground 2.2 - Errors in finding that RFACPP coordinated with the anti-balaka / Lack of pre-5 December coordination	Response, para. 54 (with fn. 244)	Response presents the Judgment as making a detailed analysis by comparing actions of RFACPP with other Anti-Balaka groups.	Appeal Brief, para. 59	Judgment, paras. 2123-2124, 2132-2142, 2192, 2221-2224, 2242, 2246-2253.
3	3.2 Further inferential steps relied on in the Response	Ground 2.2 - Errors in finding that RFACPP coordinated with the anti-balaka / 5 December operation / Absence of communications	Response, paras. 57 (fn. 252), 58	Response presents the Judgment as having addressed Defence's argument concerning the accuracy of P-0446's testimony; and further cites to 'corroborative' material.	Appeal Brief, para. 61 (with fn. 206)	Judgment, para. 2497
3	3.2 Further inferential steps relied on in the Response	Ground 2.2 - Errors in finding that RFACPP coordinated with the anti-balaka / 5 December operation / Absence of coordination indicators	Response, para. 64 (with fn. 287)	Response presents the Judgment as corroborating the assignment of PKS as a target of RFACPP by P-1339.	Appeal Brief, para. 69	Judgment, para. 2445
3	3.2 Further inferential steps relied on in the Response	Ground 2.3 - Errors in finding that Mr Yekatom targeted the Muslim population / Knowledge of the RFACPP's perception of Muslims	Response, para. 83 (with fn. 378)	Response presents the Judgment as having "assessed multiple witnesses and audio-visual evidence" to conclude that Mr Yekatom was aware of a lack of distinction between Seleka and Muslim civilians amongst RFACPP's members.	Appeal Brief, para. 106	Judgment, paras. 2427-2447
3	3.2 Further inferential steps relied on in the Response	Ground 2.3 - Errors in finding that Mr Yekatom targeted the Muslim population / Knowledge of the RFACPP's perception of Muslims	Response, para. 83	Response indicates that Defence arguments on the dates of the videos lack merit as the Chamber considered those videos "for the purposes of Yekatom's interaction with other individuals". Response also indicates the videos were assessed by the Chamber "to conclude that "Yekatom was aware that his elements (...) would not distinguish between the Seleka and Muslim civilians during combat"".	Appeal Brief, para. 109	Judgment, paras. 2448-2452
3	3.2 Further inferential steps relied on in the Response	Ground 2.3 - Errors in finding that Mr Yekatom targeted the Muslim population / Knowledge of the RFACPP's perception of Muslims	Response, para. 83 (with fn. 393)	Response indicates that contrary to the Defence submissions - which indicated that P-1839 confirmed never hearing similar rhetoric within the group and being surprised to hear rhetoric from the video - P-1839 said she heard similar comments from Mr. Yekatom.	Appeal Brief, para. 114	Judgment, para. 2450, fn. 6183
3	3.2 Further inferential steps relied on in the Response	Ground 2.4 – Yamwara base / Axis evidence relied on for pre-5 December organisation	Response, para. 105	Response asserts that the Chamber could properly infer 'the Yekatom's group's' earlier structure and hierarchy from evidence of its later organisation' and further inferences concerning Gbangba base, movement of the group and purported coordination with 'anti-balaka elements'.	Appeal Brief, paras. 157, 171-172	Judgment, para. 1637 citing to paras. 2455-2458, 3038-3052 and 3336-3359
3	3.2 Further inferential steps relied on in the Response	Ground 2.4 - Hierarchy / control over group/discipline	Response, para. 107-115, 119-123, 126-134	Response refers to inferences of the purported operational and criminal structure of the group not articulated as such by the Chamber and recycles such inferences to argue established control over group and automatic compliance.	Appeal Brief, paras. 150 - 208	Judgment, paras. 4008-4013, 4242-4249
3	3.2 Further inferential steps relied on in the Response	Ground 2.5 – agreement / common plan reconstructed from instructions and later implementation	Response, paras. 137, 139 and 143	Response refers, for the agreement / common-plan point, to instructions, later implementation, P-1839 / P-1339 material, PKS targeting, anti-Muslim animus, children-related conduct and no-distinction references.	Appeal Brief, paras. 209-216	Judgment, paras. 4345-4356
3	3.2 Further inferential steps relied on in the Response	Ground 2.6 – hierarchy / discipline material used in addressing automatic execution	Response, para. 158	Response refers, for the automatic-execution / control-over-crimes point, to generic hierarchy / discipline material.	Appeal Brief, paras. 233-239	Judgment, paras. 4235-4244
3	3.2 Further inferential steps relied on in the Response	Grounds 2.5 and 2.6 – Axis common plan / shared control / essential contributions	Response, paras. 137-147 and 149-160	Response assembles later chronology, hierarchy material, actions of alleged co-perpetrators, and <i>ex post</i> approval in addressing the Axis common plan, shared control and essential contributions.	Appeal Brief, paras. 209-223, 233	Judgment, paras. 4345-4363

3	3.2 Further inferential steps relied on in the Response	Ground 2.7 - Boeing / Cattin mens rea	Response, para. 169	Response presents Judgment as relying on evidence that traders were 'awakened' by 'attack'.	Appeal Brief, para. 244	Judgment, paras. 2567-2568
3	3.2 Further inferential steps relied on in the Response	Ground 2.7 – Axis mens rea / broader campaign / foregone conclusion / causal links	Response, paras. 193-199	Response relies on broader campaign / no-distinction / foregone-conclusion / acts-of-violence-in-Mbaiki propositions in addressing <i>mens rea</i> and causal links on the Axis.	Appeal Brief, paras. 274-281	Judgment, paras. 4364-4368
3	3.2 Further inferential steps relied on in the Response	Ground 3.3 – Common article 3 / 'in the power' / Traders' status / alternative route	Response, paras. 211-216 and 227-228	Response addresses Count 3 through a continuous-combat-function / 'in the power' route, and also refers to alternative count 1 / count 3 routes and harmlessness; and presents the Chamber as having entered conclusions in respect of the 'belligerent nexus'.	Appeal Brief, paras. 340-359	Judgment, paras. 3788-3790, 3950-3960, 3969-3970
3	3.2 Further inferential steps relied on in the Response	Grounds 3.1-3.2 – Checkpoints / cooperation / timing / 'positive conduct' / limited pool	Response, paras. 232-246, 258-259, 270-272, 277-279	Response treats cooperation, timing and subsequent conduct as irrelevant, limited, addressed by the Chamber, or affecting only a small pool of victims, while also relying on 'positive conduct' and 'foregone conclusion' references.	Appeal Brief, paras. 294-299, 303-314, 325	Judgment, paras. 3393, 3519, 3563
3	3.2 Further inferential steps relied on in the Response	Ground 3.2 - purpose of RFACPP checkpoints	Response, para. 263	Response presents P-1823 as having been treated as 'recognition witness'.	Appeal Brief, para. 312	Judgment, para. 3404
3	3.2 Further inferential steps relied on in the Response	Ground 3.2 - purpose of RFACPP checkpoints	Response, para. 265, fn. 1020	Response presents Chamber's reliance on P-1962 as having been based [REDACTED]	Appeal Brief, para. 314	Judgment, paras. 377-380, 3410
3	3.2 Further inferential steps relied on in the Response	Ground 3.2 - purpose of RFACPP checkpoints	Response, para. 281	Response presents findings on Muslims' departures from areas <u>not</u> along the Axis, relied on only for 'general context', as relevant to findings on the causal link between Axis departures and RFACPP.	Appeal Brief, paras. 333-339	Judgment, paras. 3417-3422
3	4.1 Appeal grounds restated or narrowed in the Response	Ground 4.2 - Boeing Market / means of killing	Response, para. 300 and fn. 1157	Response presents 'means of killing' of Market traders as having been impossible to demonstrate by the Prosecution and answers legal complaint as mere disagreement.	Appeal Brief, para. 379	Judgment, para. 2585
3	3.2 Further inferential steps relied on in the Response	Ground 4.6 - killing of Saleh	Response, paras. 324-325	Response presents Chamber as having found that P-1647 was unable to 'recognise' the alleged perpetrator or to recall their posting in Pissa; Response relies on evidence of the relative location of Saleh's killing.	Appeal Brief, paras. 398-399	Judgment, para. 3654
3	3.2 Further inferential steps relied on in the Response	Ground 4.6 - killing of Saleh	Response, para. 326	Response presents Chamber as having 'expressly distinguished' opinion and fact evidence of P-1838.	Appeal Brief, paras. 400-401	Judgment, paras. 3640-3641
3	3.2 Further inferential steps relied on in the Response	Ground 4.6 - killing of Saleh	Response, paras. 327-328	Response presents Chamber as having deemed contemporary documentary evidence as lacking 'verifiable sourcing, temporal specificity, and internal reliability', and supplies reasons for non-reliance.	Appeal Brief, para 402 and fn. 1529; see also para. 403, fns 1545-1547	Judgment, para. 3652 and fn. 9002
3	3.2 Further inferential steps relied on in the Response	Ground 4.6 - killing of Saleh	Response, para. 329	Response implies that Chamber found that civilians involved in the killing of Saleh 'acted in concert with, or as part of, the elements of Yekatom's group', and by extension imputes responsibility through civilians.	Appeal Brief, paras. 402-403	Judgment, para. 3668
3	3.2 Further inferential steps relied on in the Response	Ground 5 – Attack context / displacement / severity / deportation or forcible transfer	Response, paras. 339, 343, 345-349, 351-355 and 357-359, and fn. 1358	Response uses broader attack-context, displacement, severity and deportation / forcible-transfer routes in addressing the crime-specific Grounds 5.1-5.5; and implies that arguments on civilian security were not raised at trial vis-à-vis Count 24.	Appeal Brief, paras. 418-436	—
Issue 4: The Response recasts pleaded arguments, proceduralises Annex 5 and original-language points, and atomises materiality						
4.1 Appeal grounds restated or narrowed in the Response						
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.1 - attribution of Anti-Balaka characteristics	Response, paras. 24-33	Response answers legal complaint by re-labelling it as a mere factual disagreement; mischaracterises Defence arguments in relation to article 25(3)(d); imports reasoning from OTP response to Ngaissona Defence appeal brief without addressing Defence complaint.	Appeal Brief, paras. 25 - 49	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.1 – RFACPP emergence independently of Anti-Balaka / Zongo chronology	Response, paras. 41 and 43-44	Response collapses Defence arguments in ground 2.1 and ground 2.2 and states points as having no impact on later findings.	Appeal Brief, para. 52	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.2 – Video material and presentation of Mr Yekatom / RFACPP	Response, paras. 48-49	Response narrows Defence complaint as limited to Chamber ignoring audio video material concerning whether Mr Yekatom / RFACPP was distinct from Anti-Balaka.	Appeal Brief, paras. 57-58	Judgment, para. 1643

4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.2 – Communications with Konaté / Ngremangou / P-0446	Response, paras. 56-58	Response reiterates arguments regarding communications material concerning Konaté, Ngremangou and P-0446 as showing communication with other groups and the structure of the Bangui attack without addressing the limitations of the material nor the shift in case theory.	Appeal Brief, paras. 61-64	Judgment, paras. 2495-2499
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.2 – Coordination indicators / '3 of the 14 indicators' / specific target	Response, paras. 63-64	Response states that the Defence challenged only '3 of the 14 indicators' and also addresses the specific target point during the Bangui attack through corroboration references.	Appeal Brief, paras. 68-72	Judgment, para. 2123
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.2 - Errors in finding that RFACPP coordinated with AB / 5 Dec operation / Absence of coordination indicators	Response, para. 64	Response narrows the Defence challenges to the indicators as being related to the "coordinated nature of the Bangui attack" rather than Mr Yekatom coordinating with other Anti-balaka groups.	Appeal Brief, para. 60	Judgment, paras. 73, 3917, 4010
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.2 – Yamwara / national coordination / north and south meetings	Response, paras. 66-68	Response narrows the Defence challenges that key meetings were ignored or mischaracterised by addressing the Yamwara and national-coordination chronology point through references to general meetings and streams in the north and south.	Appeal Brief, paras. 73-77	Judgment, paras. 63, 3906, 3939, 4011, 4353
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.2 / Ground 4 – Yagouzou transfer / P-1654 / P-1716 / rule 68 corroboration	Response, paras. 70-71 and 185-186, 263-264, 270-272, 278	Response addresses the Yagouzou / transfer / P-1654 / P-1716 points through temporal-scope references and rule 68 / corroboration references.	Appeal Brief, paras. 79-84, 260-264	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.2 – errors flowing from 'anti-balaka mischaracterisation'	Response, para. 75	Response addresses misperception that Mr Yekatom was 'chief' of all (perceived) 'anti-balaka' in the region by re-iterating the Chamber's finding on his 'authority' over the RFACPP.	Appeal Brief, paras. 86-88	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.3 – Broader Anti-Balaka perceptions / own-group perceptions	Response, para. 77	Response addresses the broader Anti-Balaka perceptions point through references to 'Mr Yekatom's own group' perceptions and related knowledge before 5 December.	Appeal Brief, paras. 97-100	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.3 – Exculpatory evidence on Mr Yekatom's own perception of Muslims/ Errors in finding that Mr Yekatom targeted the Muslim population / Mr Yekatom's perception	Response, para. 79	Response addresses the exculpatory evidence on Mr Yekatom's own perception of Muslims by narrowing it down to limited issues rather than addressing Defence full submission and lack of holistic complaint. Response presents the Appeal Brief as only being in disagreement with the Chamber's assessment of testimony related to Mr Yekatom saving a Muslim family and his reconciliation with the Seleka captain.	Appeal Brief, para. 104 (including fns 342-344)	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.3 – Principle of distinction / IHL training / P-1786 / P-1647 / P-1839	Response, paras. 80, 83-85 and 98	Response addresses the principle of distinction, IHL-training, P-1786 / P-1647 / P-1839 points through the Chamber's assessment of group mentality, training and related evidence.	Appeal Brief, paras. 105-115, 133-136	Judgment, paras. 2439-2454, 3096-3100, 3300
4	4.1 Appeal grounds restated or narrowed in the Response	Grounds 2.3 and 3.1 – Lapo Family group / Muslim perception / Seleka card / Ministry of Defence link	Response, paras. 87, 240 and 242	Response addresses the Lapo Family group point through reiterated references to Muslim perception, the Seleka card, the Ministry of Defence link and the security-threat issue.	Appeal Brief, paras. 118-123, 294-295	Judgment, paras. 3137-3147, 4135
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.4 – apparatus / control / organisation of power	Response, paras. 101-104	Response answers the apparatus / control complaint by referring to generic factors and not concrete examples of how the group purportedly operated.	Appeal Brief, paras. 150-157	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.4 – hierarchy / organisational structure / reporting lines	Response, paras. 106-110	Response answers the hierarchy / organisational-structure / reporting-lines complaint by stating that distinct findings on structure or reporting lines were unnecessary and by referring to group actions, credibility findings and absence-of-explanation points.	Appeal Brief, paras. 154-170	Judgment, paras. 1629-1647, 3059-3084
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.4 – selective reliance, independence, chronology and article 28 framing	Response, paras. 111, 113-117	Response answers the selective-reliance / independence / chronology / article 28 points by referring to general role findings, closer-relationship references, charged-period chronology and article 28 references.	Appeal Brief, paras. 163-187	Judgment, paras. 1630-1637, 3059-3084, 3344-3359
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.4 – weapons, territory, numbers, fungibility and order-issuing	Response, paras. 121-123, 125 and 127	Response answers the specific and cumulative weapons / territory / numbers / fungibility / order-issuing points (re absence thereof) with general arguments about lack of necessity of each factor.	Appeal Brief, paras. 182-201	Judgment, paras. 1629, 1633-1637, 4235
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.5 – agreement / direct evidence / consequences of implementation	Response, paras. 138, 140-142	Response answers the specific and cumulative absence-of-direct-evidence / content-of-agreement / consequences-of-implementation points with general arguments about lack of necessity of each factor.	Appeal Brief, paras. 209-216	Judgment, paras. 4355-4356
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.6 – control over the crimes / essential contribution / indispensability	Response, paras. 152, 155-157 and 159	Response seeks to address the control-over-crimes / essential-contribution / indispensability points by reference to generic and limited factors.	Appeal Brief, paras. 223-239	Judgment, paras. 2631, 4010, 4235-4249 4360-4363

4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.7 – 5 December mens rea / instruction / alternative objective / civilian doubt / displacement	Response, paras. 163-175	Response seeks to answer the 5 December mens rea / instruction / alternative objective / civilian doubt / displacement points by referring to generic inferences and post facto conduct / conflation.	Appeal Brief, paras. 246-249	Judgment, paras. 4016-4025
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.7 – Yamwara mens rea / torture-specific intent / motive / legal-basis knowledge	Response, paras. 179-184	Response seeks to answer the Yamwara mens rea / torture-specific-intent / motive / legal-basis-knowledge points by referring to general arguments about authority.	Appeal Brief, paras. 250-256	Judgment, paras. 4251-4259, 4267-4269
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 2.7 – Church Meeting / departure decision / knowledge linkage	Response, paras. 193-194	Response seeks to answer complaint concerning Mr Yekatom's purported awareness of the decision for departure of Muslims by recycling a reference to the Chamber's para. 4365 reasoning.	Appeal Brief, paras. 274-281	Judgment, para. 4365
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 3 introduction	Response, paras. 201-202	Response narrows the Defence's submission to the assertion that the Chamber should have identified concrete measures that Mr Yekatom could have taken.	Appeal Brief, paras. 315-332	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 3 introduction	Response, para. 203	Response narrows the appeal ground to an a priori appreciation of the lawfulness of checkpoints and detention simply because carried out by NSAGs.	Appeal Brief, paras. 283-285	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 3.3 - Status of traders	Response, para. 222	Response reduces the pleaded complaint about the Chamber's treatment of evidence relevant to CCF to a claim of mere disagreement with the Chamber's assessment of P-1339, P-0884, and D29-4011.	Appeal Brief, paras. 342-346, 359	Judgment, paras. 2556-2557, 2565-2566, 2589-2590, 2597
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 3.1 – Checkpoints / search / severity / duration at Yamwara / release to Sangaris	Response, paras. 232-234, 236, 238 and 245-246	Response narrows the appeal ground to repetition of trial argument and addresses the checkpoints, search, severity, duration and transfer-to-Sangaris points through indirect-relevance, speculation and treatment findings; response further recycles arguments concerning weapons and identification card.	Appeal Brief, paras. 294-300	Judgment, paras. 3834, 4091, 4199
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 3.2 - purpose of RFACPP checkpoints	Response, para. 263 and fn. 1013	Response addresses issue of attribution of roadblock and ability to distinguish between RFACPP members and [REDACTED]	Appeal Brief, para. 312 and fn. 1041-1042	Judgment, paras. 1076, 3405, fn. 8351
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 3.3 - other Boeing Market Traders and DPH	Response, para. 226 and fn. 900	Response addresses the conduct of the other Boeing Market traders as 'unspecified'.	Appeal Brief, paras. 351-354	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 3.2 - Checkpoints on the Mbaiki axis/ departure of the Muslim population	Response, para. 253	Response mischaracterises the appeal ground by claiming that geographical remoteness does not constitute criminal legal bar to criminal responsibility.	Appeal Brief, para. 303	—
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 3.2 - Checkpoints on the Mbaiki axis/ departure of the Muslim population	Response, para. 259	Response addresses the Bossongo checkpoint as mere disagreement with the Judgment.	Appeal Brief, para. 310	Judgment, para. 3374
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 4.2 - Boeing Market - P-1339 / Yekatom's instructions Seleka and non-civilians	Response, para. 299	Response addresses Mr Yekatom's instructions to 'his group' as plainly relevant and properly taken into account by the Chamber.	Appeal Brief, paras. 377-380	Judgment, paras. 75, 2532-2533, 3939, 3950, 4004, 4010, 4044
3	3.1 Findings referred to in the Response that are not articulated in the Judgment	Ground 4.6 - killing of Saleh	Response, para. 322	Response mischaracterises P-1339's account of secrecy surrounding Saleh presence/hiding in house.	Appeal Brief, para. 397	Judgment, paras. 3629-3637, 3640-3641
4	4.1 Appeal grounds restated or narrowed in the Response	Ground 4.6 - killing of Saleh	Response, para. 327	Response presents Defence argument regarding motivation for Saleh's killing as having been based on membership of or affiliation with Seleka; and presents Defence argument that Saleh fired upon crowd first as relating to Saleh's civilian status as opposed to motivation for killing.	Appeal Brief, paras. 402-403	Judgment, paras. 3638-3639
4.2 Annex 5 and original-language / transcript points treated as threshold or procedural points						
4	4.2 Annex 5 and original-language / transcript points treated as threshold or procedural points	Ground 4 – Annex 5 threshold objection / incorporation by reference / Kenya	Response, paras. 288 and 290, and fns. 1112-1115 and 1120	Response addresses Annex 5 as fresh submissions or impermissible incorporation by reference, relying on inapposite Kenya authorities in support; and addresses Annex 5 as comprising standalone errors of fact.	Appeal Brief, paras. 368-371	—
4	4.2 Annex 5 and original-language / transcript points treated as threshold or procedural points	Ground 2.2 / Ground 4 – P-1839 French testimony / transcript-correction point	Response, para. 51 and fn. 225; para. 288 and fn. 1114	Response addresses the P-1839 French testimony point through an English-transcript / transcript-correction route.	Appeal Brief, para. 58	Judgment, para. 1641

4	4.2 Annex 5 and original-language / transcript points treated as threshold or procedural points	Ground 4 - Annex 5 row 32	Response, para. 288 and fn. 1115	Response addresses Annex 5 row 32 by equating citation of paragraph with reliance or consideration of specific evidence.	Appeal Brief Annex 5, row 32	—
4	4.2 Annex 5 and original-language / transcript points treated as threshold or procedural points	Ground 4 / Annex 5 row 12 – para. 3069 / fn. 7595 / Prosecution Closing Brief para. 683	Response, para. 290 and fn. 1120	Response addresses Annex 5 row 12 through a typographical / drafting route in relation to para. 3069, footnote 7595 and Closing Brief para. 683.	Appeal Brief, para. 193 and Annex 5, row 12	Judgment, para. 3069
4.3 Materiality addressed by individual item in the Response						
4	4.3 Materiality addressed by individual item in the Response	Ground 2.2 - Coordination with anti-balaka groups	Response, paras. 54-55	Response narrows materiality of purported coordination with anti-balaka prior to November 2013.	Appeal Brief, para. 59	Judgment, paras. 2524-2525, 3917, 4010
4	4.3 Materiality addressed by individual item in the Response	Ground 2.2 - Communication with anti-balaka	Response, para. 60	Response narrows purported materiality of communication with Konate and Ngremangou.	Appeal Brief, paras. 61-64	Judgment, paras. 2339, 2495-2498, 2520
4	4.3 Materiality addressed by individual item in the Response	Ground 2.2 - Coordination	Response, para. 66	Response addresses unified coordination complaint through Ngaissona's representation of Yekatom as being immaterial.	Appeal Brief, paras. 73-78	Judgment, paras. 61, 64
4	4.3 Materiality addressed by individual item in the Response	Ground 2.2 – Temporal scope ending on 25 December / 'on or about 27 December'	Response, para. 71	Response addresses the temporal-scope point as limited to whether control ended on 25 December rather than 'on or about 27 December'.	Appeal Brief, para. 84	—
4	4.3 Materiality addressed by individual item in the Response	Ground 2.3 - Mr Yekatom's knowledge of anti-Muslim animus within the RFACPP	Response, para. 78	Response narrows materiality of issue of Mr Yekatom's knowledge of RFACPP elements' alleged anti-Muslim by referring to his own purported anti-Muslim animus.	Appeal Brief, paras. 97-100, 105-117	—
4	4.3 Materiality addressed by individual item in the Response	Ground 3.3 – Boeing Traders / other conduct / partial harmlessness	Response, paras. 227-228	Response narrows materiality of the Traders-status point through other underlying conduct said to remain available.	Appeal Brief, paras. 349-356, 378-379	—
4	4.3 Materiality addressed by individual item in the Response	Ground 3.1 – Lapo Family group / checkpoint / search / duration	Response, paras. 238 and 246	Response represents the checkpoint / search / duration points in the Lapo Family incident as being material to only some of the conduct underlying only counts 2, 3 and 8.	Appeal Brief, paras. 294-299	Judgment, paras. 3834, 4091
4	4.3 Materiality addressed by individual item in the Response	Ground 3.1 – Lapo / Yamwara / cooperation	Response, para. 248	Response represents Yekatom's call to French forces in order to secure the release of the Lapo's family as immaterial and sole material item of his cooperation.	Appeal Brief, para. 301	Judgment, paras. 3229, 4216-4217
4	4.3 Materiality addressed by individual item in the Response	Ground 3.2 - Mr Yekatom's 'control' over the Axis	Response, para. 253	Response represents materiality of issue of Mr Yekatom's 'control' over the Axis as unsubstantiated.	Appeal Brief, para. 303, fn. 991	—
4	4.3 Materiality addressed by individual item in the Response	Ground 3.2 - Mbaiki departures	Response, paras. 255-260	Response narrows the materiality of Ground 3.2 of the Appeal Brief (legitimate advance, checkpoint purposes and money collection) through the Chamber's separate finding on instructions.	Appeal Brief paras. 133-143, 147	—
4	4.3 Materiality addressed by individual item in the Response	Ground 3.2 - Mbaiki departures	Response, para. 265	Response narrows the materiality of the challenge to Chamber's reliance on P-1962 by referring to other 'evidence establishing the coercive environment' leading to displacement.	Appeal Brief, paras. 312-314, in particular para. 314	—
4	4.3 Materiality addressed by individual item in the Response	Ground 3.2 - Mbaiki departures	Response, para. 279	Response addresses challenges to Chamber's treatment of Mr Yekatom's cooperation efforts by reference to their 'insufficiency'.	Appeal Brief, paras. 320-332	—
4	4.3 Materiality addressed by individual item in the Response	Grounds 3.2 and 5.5 – Mbaiki departures / Mbata / causation	Response, paras. 281-282	Response limits materiality of the Mbata / Mbaiki departures point through other departure or causation findings.	Appeal Brief, paras. 303-314, 333-339, 357-359	—
4	4.3 Materiality addressed by individual item in the Response	Ground 4.1 - P-1339's credibility / materiality	Response, paras. 291, 293	Response treats the alleged errors concerning P-1339 as non-material, asserting that no material effect on the convictions has been shown.	Appeal Brief, paras. 372-373, 410-411, 413	Judgment, paras. 332, 337
4	4.3 Materiality addressed by individual item in the Response	Ground 5 - P1528/ P-2682's evidence	Response, paras. 313-317	Response narrows materiality of errors on Count 5 by treating Defence's complaint as limited to materiality of witnesses P-1558 and P-2682.	Appeal Brief, paras. 391-395	—
4	4.3 Materiality addressed by individual item in the Response	Ground 5 - Object of attack	Response, para. 343	Response characterises any error in the Chamber's technical reasoning as harmless, on the basis that a properly directed chamber would still have found that the civilian population was the primary object of attack.	Appeal Brief, paras. 416-419, 433	Judgment, paras. 3955-3960