

Trial Hearing
Closing Statements

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács,
7 Judge Chang-ho Chung and Judge Beti Hohler
8 Closing Statements - Courtroom 1
9 Tuesday, 10 December 2024
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:53] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:17] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:31:22] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:39] Thank you very much.
21 I ask for the appearances of the parties. If there is no change, that will suffice. And
22 if there is a change, perhaps the change would suffice.
23 MR VANDERPUYE: [9:31:50] Yes, Mr President, I get the point. Just to say good
24 morning to you. There is no -- there is no change. And good morning, everyone.
25 PRESIDING JUDGE SCHMITT: [9:31:56] Thank you very much.

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1 Ms Massidda.

2 MS MASSIDDA: [9:31:58] Good morning, Mr President. Same composition, except
3 for Ms Evelyn Ombeni, who is not in attendance this morning.

4 PRESIDING JUDGE SCHMITT: [9:32:05] Thank you.
5 Mr Suprun.

6 MR SUPRUN: [9:32:06] Good morning, your Honours. No changes on our side.

7 PRESIDING JUDGE SCHMITT: [9:32:10] Ms Dimitri.

8 MS DIMITRI: [9:32:11] Good morning, your Honours.

9 Mr Yekatom is present in the courtroom and there's no change on the Yekatom bench.

10 PRESIDING JUDGE SCHMITT: [9:32:17] Thank you.

11 And Mr Knoops, finally.

12 MR KNOOPS: [9:32:23] A very good morning, Mr President, your Honours. Good
13 morning, everyone in the courtroom.

14 We have two changes. Mr Mathias Goffe and Ms Lehna Guidou are in the
15 courtroom, except for Mr Desevedavy and Ms Crignon.

16 PRESIDING JUDGE SCHMITT: [9:32:34] Thank you very much, Mr Knoops.

17 We continue with the closing arguments by the Prosecution.

18 You have the floor.

19 MS PRATHABAN: [9:32:41] Thank you, Mr President.

20 Good morning, your Honours, and everyone in the courtroom.

21 I'll be presenting on the charges related to the Yamwara school base, specifically
22 counts 11 to 17. The evidence proves beyond reasonable doubt that in the aftermath
23 of the 5 December 2013 Bangui attack, Yekatom and his Anti-Balaka group committed
24 multiple heinous crimes at the Yamwara school base. These include war crimes of
25 murder, cruel treatment, and torture, as well as crimes against humanity, specifically

1 murder, torture, imprisonment, persecution, and other inhumane acts.

2 The evidence shows that Yekatom established the Yamwara school base in Boeing
3 after the 5 December 2013 attack on Bangui. Yekatom's group consisted of anywhere
4 from approximately 1,000 individuals to thousands, including FACA members. At
5 the apex of this massive force stood Yekatom himself, a leader who commanded his
6 group with full control. The Defence argues at paragraph 423 of its final brief that
7 Yekatom, quote, "infrequently visited the Yamwara school base and that such visits
8 were brief often lasting open a few minutes". End quote.

9 But the evidence tells a different story.

10 Insider P-1786, an Anti-Balaka member who was based at the Yamwara school base,
11 testified that Yekatom's Anti-Balaka group was organised into military units, each led
12 by FACA members. P-1647, who was billeted at the base, testified that the entire
13 force gathered really, once a week, in the Yamwara school grounds in the presence of
14 Yekatom and his subordinates.

15 Yekatom's command was led by his deputies Freddy Ouandjio, Beina and other
16 subordinates who oversaw the companies and sections.

17 The evidence directly contradicts the Defence's claim at paragraph 423 of its final brief
18 that Ouandjio, quote "undertook independent tasks in relation to his distinct unit". It
19 demonstrates that Yekatom exercised authority not only over Ouandjio, but also over
20 the ComZones he appointed in areas under his control. For example, P-1786 testified
21 that, quote, "Yekatom was the topmost commander". End quote. Yekatom issued
22 orders and instructions directly to his elements or through his deputies and
23 commanders. It was a deliberately structured hierarchy designed to implement
24 Yekatom's will. Every decision and every directive flowed from the top, Yekatom
25 himself.

1 The Yamwara school base also served as a training ground for new Anti-Balaka
2 recruits. Through his commanders, Yekatom organised military training for his new
3 recruits. Your Honours have heard from P-1786 who testified that civilians who
4 joined Yekatom's group underwent military training to instill what was referred to as
5 "military spirit". These recruits were trained by section chiefs following Yekatom's
6 instructions, demonstrating his intimate involvement in the preparation of his forces.
7 Your Honours, the video evidence you have seen leaves no doubt about Yekatom's
8 authority over his Anti-Balaka forces at the Yamwara school base. This brief excerpt
9 in French, which I'll now play, depicts young recruits undergoing training and
10 exercises at the Yamwara school base.

11 In this excerpt, Yekatom himself appears, explaining how his group acquired
12 weapons by attacking Seleka forces and seizing their arms. This admission
13 highlights not only his leadership, but his active engagement in arming and preparing
14 his forces. For the interpreters, the transcript is at CAR-OTP-2118-4772 at 4774, lines
15 41 to 54. Please let us know when you have ready.

16 THE INTERPRETER: [9:38:40] The interpreter doesn't have the transcript, but please
17 proceed.

18 (Viewing of the video excerpt)

19 THE INTERPRETER: [9:38:48] (Interpretation of the video excerpt)

20 "In this abandoned school, young soldiers are learning a type of military discipline,
21 combat methods and physical training ...

22 Often presented as a coalition which is poorly armed, they explain how they gather
23 their arsenal.

24 The police are there in their post, we attack them, kill them and take their weapons.

25 The Anti-Balaka are ready to disarm if the French troops request it. They have one

1 condition and that is that the French demand the immediate departure of
2 President Djotodia."

3 MS PRATHABAN: [9:39:33] I will play another short excerpt of an interview of
4 Yekatom at the Yamwara school base. In this recording Yekatom declares that he
5 does not recognise Djotodia as president and explicitly states his readiness to attack
6 Bangui.

7 For the interpreters, the translation at CAR-OTP-2130-1307.

8 THE INTERPRETER: [9:40:13] Please --

9 (Viewing of the video excerpt)

10 (The following inserted excerpt is a transcription prepared and provided by the
11 parties of the aforementioned recording, without any modifications or alterations)

12 "[...] are really, really poor villagers whose villages were attacked and they fought
13 their way to the capital. One guy told us he fought 200 kilometres to get here. And
14 they're not ready to leave until the president is out of office.

15 The first fighter who could give us any answers about where they ANTI-BALAKA
16 stood was Commander RAMBOT. Surprisingly, he wasn't named after the movie
17 character.

18 *[00:22:08. Sous-titrage : « Listen, we can't accept Djotodia. If it was about accepting Djotodia,*
19 *we can't come back to these conditions. Our problems is, we want Djotodia to leave with his*
20 *mercenaries. That's it. We can't accept Djotodia. I still don't recognize Djotodia as the*
21 *President. Ever since he stepped in, there have been killings all over. We can't accept Djotodia*
22 *as President. »]*

23 CR : Bon, nous ... nous on ne peut pas accepter DJOTODIA. S'il s'agit d'accepter
24 DJOTODIA on ne peut pas venir *[phon.]* dans cette condition. Nous, nos problèmes,
25 c'est pour que DJOTODIA part *[phon.]* avec ses mercenaires. C'est fini. On ne peut pas

1 accepter DJOTODIA. Jusqu'à présent, moi-même je connais que DJOTODIA n'est pas
2 président. Parce que depuis qu'il est venu, il y a des tueries, on est en train de tuer les
3 gens par-là, par-ci. On ne peut pas accepter DJOTODIA comme président.

4 DG : What do you think will happen in the future? Are you planning to attack soon?

5 [00:22:32. Sous-titrage : « We are asking for him to resign. If he doesn't resign, we will attack.
6 We're ready. We don't need promises. We're not far from Bangui. We're ready. How do you
7 think we got here? If he won't leave, we'll force him to leave. »]

8 CR : Non, mais, nous, on demande pour qu'il démissionne. S'il démissionne pas, si il
9 ne veut pas démissionner, on doit attaquer, on est près. On n'est pas dans un [phon.]
10 province, on est pas loin de BANGUI. Là on est prêt. On avait fait comment de venir
11 ici ? S'il ne veut pas quitter, il va quitter par la force."

12 THE INTERPRETER: [9:40:59] (Interpretation of the video excerpt)

13 "We are asking for him to resign. If he doesn't resign, we shall attack. We're ready.
14 We don't need promises. We're not far from Bangui. We're ready. How do you
15 think we got here? If he won't leave, we'll force him to leave."

16 MS PRATHABAN: [9:41:18] The testimony of P-1647 provides further evidence of
17 Yekatom's command at the Yamwara school base. P-1647 described Yekatom as
18 being in charge of discipline. Yekatom actively enforced strict control over his
19 elements, personally intervening to punish commanders who defied his orders. He
20 explained that when elements of Yekatom's group established unauthorised
21 checkpoints in newly captured areas, Yekatom took swift and decisive action to
22 identify those responsible and personally punish the commanders. This
23 demonstrates Yekatom's leadership and his ability to enforce his authority at every
24 level of his operation.

25 The evidence establishes that the Anti-Balaka activities at the Yamwara school base

1 were not limited to military organisation and training. Yekatom and his
2 commanders orchestrated campaigns of violence, including the targeting and killing
3 of Muslims. The goal was to eliminate the presence of Muslims in the areas under
4 Yekatom's control, including the vicinity of the Yamwara school base.
5 Your Honours, the evidence presented in the courtroom has been credible and
6 compelling. You have heard from numerous witnesses, including insiders detailing
7 how in late December 2013 Yekatom's group deliberately targeted seven unarmed
8 individuals at a roadblock. These individuals were singled out solely because of
9 their association with Muslims and their perceived collective support for the Seleka.
10 Among the victims were three Muslim women, innocent civilians who posed no
11 threat. Their targeting was not only unjustified, but was rooted in discrimination
12 and persecution, driven by Anti-Balaka's criminal policies of targeting Muslims.
13 Yekatom's subordinates, including his chief of the first division, Alkanto, forcibly
14 abducted these seven detainees and brought them to the Yamwara school base.
15 From the very outset their fate was marked by terror and violence. These detainees
16 were defenceless, in the complete custody and control of Yekatom's men; yet, instead
17 of protecting them, Yekatom's group escalated their suffering.
18 At the base the abductees were immediately threatened with death and taunted as
19 traitors. Your Honours have heard from P-1705 who testified that Yekatom's section
20 chief, Bodios, ordered the captives to undress and threatened them. They were not
21 just prisoners, they were victims of targeted violence and humiliation.
22 Three of the male abductees endured repeated beatings with wooden clubs. They
23 were forced to kneel, stripped of their dignity, and assaulted relentlessly, their heads,
24 arms, backs and legs targeted without mercy. All of this occurred while they were
25 interrogated about their ethnicity and baselessly accused of being Seleka

1 sympathisers.

2 The worst was reserved for the fourth male abductee, Saint Cyr Lapo N'Gomat.

3 When Yekatom's elements discovered his FACA military card, he was singled out for
4 treatment that P-1704 described as "much worse" than what the other abductees
5 endured. Saint-Cyr was bound in the agonising *arbatachar* position, beaten with
6 vehicle brake cables and clubs, and mutilated. His ears, toes and fingers were cut
7 off.

8 The evidence is unequivocal. No relative, friend or acquaintance of Saint Cyr ever
9 saw him alive again. His abduction, brutal beating and torture culminated in his
10 murder.

11 Significantly, the evidence further reveals that Yekatom himself admitted to this
12 crime in a conversation with a fellow ComZones. This admission underscores
13 Yekatom's direct knowledge and involvement in Saint Cyr Lapo's fate, leaving no
14 doubt about his role in this heinous act.

15 The Defence alleges that Saint Cyr Lapo was a Seleka member. Even if such a claim
16 was true, it is legally irrelevant. At the time of his murder, Saint Cyr Lapo was *hors*
17 *de combat*. He was in the custody of the Anti-Balaka and defenceless. The law is
18 unequivocal. Individuals who are unarmed and in custody are protected from harm
19 regardless of their past actions. The evidence shows that Saint Cyr Lapo was
20 murdered, not for any immediate threat he posed but because of his perceived
21 political affiliation. His killing was an act of deliberate targeting based on identity.
22 This was not an act of self-defence. This was persecution, plain and simple.
23 Saint Cyr's murder was not an isolated incident. It occurred within the broader
24 context of a campaign of violence orchestrated by Yekatom, aimed at persecuting and
25 eliminating perceived enemies.

1 The female abductees were subjected to a different form of humiliation and
2 degradation. They were forcibly stripped of their veils, separated from the men and
3 ordered to strip down to their underwear. They were frisked, threatened with
4 weapons and taunted by Yekatom's elements.

5 The Defence argues at paragraph 646 of its final brief that there were legitimate
6 reasons to apprehend and temporarily detain the victims, citing suspicions that they
7 were Seleka forces or spies. First, the Defence's claim is speculative. There is no
8 evidence to suggest that the seven abductees were engaging or had engaged in
9 hostilities at the time of their abduction or during their detention at the Yamwara
10 school base. On the contrary, the evidence demonstrates that they were targeted and
11 subjected to arrest, detention and torture solely because of their association with
12 Muslims and their perceived collective support for the Seleka.

13 Second, regardless of whether their temporary detention was permitted, as suggested
14 by the Defence, international humanitarian law does not permit mistreatment, torture
15 and murder in detention. No justification, speculative or otherwise, can override the
16 fundamental protections afforded to individuals in custody.

17 The Defence claims at paragraph 637 of its final brief that the mistreatment endured
18 by the surviving abductees does not meet the gravity threshold, but the evidence
19 proves otherwise.

20 These individuals were defenceless captives at the mercy of Yekatom and his group.
21 They posed no threat, nor could they resist the violence inflicted upon them. Instead
22 of protecting them, Yekatom's group actively sought to deepen their suffering. The
23 physical and psychological torment these captives endured was not incidental. It
24 was deliberate.

25 Yekatom's subordinates tortured Saint Cyr not as a random act of violence but as a

1 calculated tactic. Their actions were designed to magnify the suffering of the
2 abductees, forcing them to witness their friend and family member endure these
3 horrors. This was a deliberate strategy by Yekatom's subordinates to break the
4 spirits of these captives, amplifying their physical and psychological pain.
5 The five surviving abductees were eventually transferred to another Anti-Balaka
6 leader, Sylvestre Yagouzou, before their release was secured through the intervention
7 of the Sangaris forces and Samba-Panza on or around 27 December 2013. Notably,
8 Yekatom himself visited the abductees prior to their release, underscoring his
9 continued involvement in their detention and control over their fate.
10 While the Defence concedes at paragraph 463 of its final brief that Yekatom contacted
11 the Sangaris forces and, quote, "made genuine efforts to secure their freedom", end
12 quote, it contests his liability for the charged crimes. However, the evidence
13 presented proves otherwise.
14 First, the actions of Yekatom's subordinates were not isolated or random acts of
15 violence. On the contrary, these crimes were intentional, premeditated and carried
16 out in line with Yekatom's standing instructions. His Anti-Balaka elements detained,
17 abducted, and tortured the victims and murdered Saint Cyr Lapo because they were
18 Muslims or perceived to be complicit with or supportive of the Seleka. These acts
19 were driven by discriminatory intent, in implementation of the Anti-Balaka's common
20 purpose and criminal organisational policy. The deliberate targeting of individuals
21 based on religion and/or perceived political affiliation underscores the calculated and
22 systematic nature of these crimes.
23 Second, the charged crimes occurred at the Yamwara school base, a location under
24 Yekatom's control. His leadership and command structure extended across every
25 facet of the base's operations and the atrocities committed there were directly within

1 his sphere of authority.

2 Given Yekatom's control over the Yamwara school base and his leadership style, he
3 was aware that crimes of this nature would occur in the ordinary course of events, in
4 particular, since they fell within the common plan and criminal policy pursued by the
5 Anti-Balaka.

6 Third, the evidence confirms that Yekatom was present and had direct knowledge of
7 the crimes as they were being committed. This includes the torture and the later
8 killing of Saint Cyr Lapo, as well as the inhumane and cruel treatment inflicted on the
9 surviving abductees.

10 Fourth, Yekatom did not merely allow these crimes to occur, he actively endorsed
11 them. He expressed his approval of his subordinates' participation in their
12 commission and failed to punish or sanction any of the known perpetrators. His
13 inaction and approval clearly signal his complicity.

14 Finally, Yekatom, as the leader of his Anti-Balaka group, held the ultimate authority
15 over the fate of the abductees. Their captivity and eventual release were entirely
16 within his power. This level of control underscores his responsibility for the crimes
17 committed while they remained under his authority.

18 Your Honours, Yekatom's liability for these crimes is indisputable. The evidence
19 shows that he exercised total control over the Yamwara school base, directed the
20 discriminatory and violent actions of his subordinates, and held ultimate authority
21 over the abductees' lives. The testimony of numerous witnesses, including insiders,
22 the video evidence and Yekatom's own words make this undeniable.

23 This concludes the portion of the presentation on the Yamwara school incident. I'll
24 now turn the presentation over to my colleague, Ms Berdennikova.

25 PRESIDING JUDGE SCHMITT: [9:57:01] Thank you, Ms Prathaban.

1 MS BERDENNIKOVA: [9:57:29] Good morning, Mr President, good morning, your
2 Honours, and good morning everyone who is present today.

3 Now I will continue the Prosecution's closing arguments and I will cover counts 24 to
4 28 on the crimes committed along the PK9-Mbaiki axis in the Lobaye prefecture, and
5 count 29 on the enlistment and use of children by Yekatom's group.

6 Your Honours, the crimes that Yekatom and Ngaïssona bear criminal responsibility
7 for did not end with the 5 December attack on Bangui, nor with the Yamwara school
8 incident that you have just heard about from my colleague.

9 Now, following Djotodia's resignation, Yekatom and his Anti-Balaka group
10 progressed from their Yamwara school base further south-west into the Lobaye
11 prefecture. They moved along the strategic PK9-Mbaiki axis which stretches across
12 approximately 110 kilometres and it links Bangui with the Lobaye prefecture's capital
13 of Mbaiki. Evidence shows that in their progression, Yekatom and his group took
14 over towns and villages on that axis. As you can see, these included Sekia,
15 Ndangala, Bimon, Kapou and Pissa.

16 Yekatom and his elements dressed in a mix of military and civilian clothing and
17 armed with various weapons, including firearms and machetes, will appear in a
18 footage filmed in Sekia which you will see on your screens now.

19 (Viewing of the video excerpt)

20 MS BERDENNIKOVA: [10:00:14] Evidence also shows that Yekatom's group freely
21 entered each of these locations because -- and without any resistance because the
22 Seleka fled. In the words of insider P-1647, "When they [the Seleka] heard that we
23 were coming they fled."

24 So did thousands of Muslim civilians, many of whom fled to the provincial capital of
25 Mbaiki.

Evidence shows that Muslim population left the towns and villages along the PK9-Mbaiki axis because they feared being targeted and killed by Yekatom's Anti-Balaka elements and not because of their fear of inter-communal violence.

This is explained by the mayor of Mbaiki who stated, I quote, "As Yekatom progressed through Lobaye, all the Muslims fled towards Mbaiki. All were fleeing Yekatom's Anti-Balaka."

When speaking about the flight of these Muslim civilians, the mayor of Pissa testified, I quote, "The economic operators, traders, farmers, cattle-breeders, everybody, in order to avoid a bloodbath, they all went to Mbaiki." They wanted to avoid what had happened in Bangui on 5 December, he added.

Your Honours, the fears of these civilians were not unfounded. Far from bringing peace and security to the region, Yekatom and his elements continued targeting Muslims.

As mentioned by my colleague, Mr Garcia, insider Witness P-1839 confirmed that as the takeover of the PK9-Mbaiki axis progressed, Yekatom and his deputy Ouandjio specifically ordered members of the group to kill all Muslims. Thus, in the words of the same insider, Muslims fled "for their security", "if the Anti-Balaka found them, they would have been killed", "anybody who was Muslim would be killed", said the witness.

In their advance, Yekatom and his group established checkpoints all along the PK9-Mbaiki axis. They were set up in PK9, in Sekia, Bimon, Kapou, and Pissa, and later also in Mbaiki. Your Honours can see a short footage of Yekatom's elements in Pissa checkpoint on your screens.

(Viewing of the video excerpt)

MS BERDENNIKOVA: [10:03:27] Now, evidence shows that at these checkpoints

1 Yekatom's elements regulated movement, they collected illegal taxes, and once again
2 they sought out and targeted Muslims. Insider Witness P-954 testified that at these
3 roadblocks Yekatom's elements checked whether the passing vehicles belonged to
4 Muslims. And the witness added, I quote, "[t]o pass these checkpoints, God had to
5 be with you, really. Otherwise, you could be killed."

6 Now, by the end of January 2014, aside from its own Muslim population, Mbaiki was
7 also sheltering thousands of Muslims who had fled from the surroundings areas and
8 were seeking shelter in the provincial capital. Both local and displaced Muslims
9 experienced extremely difficult living conditions, facing shortages of food, of basic
10 shelter, and other items of basic necessity.

11 P-2389 explained, I quote: "As the number of Muslims in Mbaiki started to increase
12 it came more difficult to get food. [...] Bishop Rino handed out bags of rice to
13 Muslim families."

14 The bishop confirmed that, with the assistance of Caritas, the displaced were
15 provided with some food. He added, I quote:

16 "You have to imagine these were people, mothers who have babies, et cetera, they had
17 to leave everything, they had to leave their houses. So what could they bring with
18 them? Perhaps they could bring something, but then what afterwards?"

19 As Yekatom and his group approached Mbaiki, the local authorities' concerns for the
20 fate and the security of the town and especially of its Muslim civilians mounted.

21 Defence witness D29-5015 conceded that he did not want Yekatom to enter Mbaiki,
22 explaining, I quote, "I live in Mbaiki, you know, I didn't want war to come to Mbaiki."

23 Thus, on 30 January 2014, a security meeting was organised by local church and
24 administrative authorities at the St Jeanne d'Arc church. The meeting was initially
25 aimed to bring both the Seleka and the Anti-Balaka together. However, the Seleka

1 fled the night before the meeting and Yekatom was the representative of the only
2 remaining armed group in the area.

3 Under the watchful eyes of other attendees, including Sangaris forces, representatives
4 of the UNHCR and of the Danish Refugee Council, Yekatom gave assurances that
5 Muslim civilians would not be harmed. But, your Honours, evidence shows that
6 these were empty words and, importantly, his elements knew that.

7 This is very clearly demonstrated by evidence that, shortly after the meeting, one of
8 Yekatom's elements made threatening gestures to Muslims in Mbaiki and said "We'll
9 finish with you." Although this happened in Yekatom's presence, he did nothing.

10 He did not even reprimand his elements for the threats.

11 Your Honours, Yekatom's elements continued to threaten Muslim civilians in Mbaiki
12 in the following days. They repeatedly told them to leave and they gestured,
13 running their fingers across their throats.

14 "After the Anti-Balaka arrived, they started to threaten us, saying that they were
15 going to kill us", testified one resident of Mbaiki, P-1666.

16 "They [the Anti-Balaka in Mbaiki] were very aggressive and were threatening the
17 Muslims. I saw them pointing to Muslims and showing gestures of drawing their
18 finger across the throat suggesting that they are going to cut our throats. I feared for
19 my life and the lives of my family when I saw this", said another Mbaiki resident,
20 P-2389.

21 Now, when asked to describe the Anti-Balaka threats again Mbaiki Muslims civilians,
22 P-2353 also testified. He said they were "Death threats, invariably death threats."

23 Similarly, P-2354 said, I quote, "The Anti-Balaka that had accompanied Rambo
24 threatened us, but they were afraid to harm us while the Sangaris were there. The
25 Anti-Balaka had said such things as 'We will kill you Muslims, we will cut your

1 throats, and we will eat you'."

2 Your Honours, these are the words not only of direct eyewitnesses, but of individuals
3 who are also victims, of civilians who were forced to flee their homes, often with
4 nothing more than the clothes they had on their backs, afraid that if they stayed they
5 would be killed along with their families.

6 Their testimony refutes Defence position that Muslim civilians were merely fleeing
7 inter-communal violence when they fled Mbaiki.

8 P-1595 explicitly rejected this suggestion during his testimony with basic common
9 sense. When asked "Whom were the Muslims afraid of?", he unequivocally replied
10 "They were afraid of the Anti-Balaka who were there. The ones that they had been
11 living alongside, they weren't afraid of them. They were afraid of the Anti-Balaka
12 who had come in and might assault them at any time. They were not afraid of the
13 local people."

14 In fact, your Honours, Yekatom's own elements acknowledge that Muslims fled
15 because of their presence. One element, P-1647, testified, I quote, "We were in
16 Mbaiki. We were there for one to two weeks, and it was our presence that scared
17 them and made them leave."

18 Thus, the evidence shows that from 6 February 2014 almost the entirety of Mbaiki's
19 Muslim population fled. Thousands of Muslim civilians, including women, children,
20 and the elderly, fled to Chad or to other parts of CAR. They did so with the
21 assistance of convoys sent by Chadian forces and the MISCA. Some of these
22 civilians left using their own vehicles, relying on the protection provided by these
23 forces, especially when passing through checkpoints that were manned by Yekatom's
24 elements en route to Bangui.

25 P-2354 described the evacuation, stating:

1 "We basically went into exile. We had left all our belongings, all our houses and
2 land and climbed into Chadian trucks or joined the convoy because there was no
3 security for us. We were not armed and we would be killed by the Anti-Balaka if we
4 had stayed, just as what happened to those who did not flee, such as Djido."

5 His words echo many others, who were also forced to embark onto Chadian trucks
6 and leave the little that they had behind.

7 Within two weeks, almost the entirety of Mbaiki's Muslim population had been
8 displaced. The second deputy mayor, Djido Saleh and his family, were among the
9 only Muslims that were left.

10 Your Honours, despite the threats from the Anti-Balaka and the warnings from his
11 friends pleading him to leave, Djido Saleh refused. He didn't join the mass exodus
12 of other Muslims.

13 He said "I was born here. My children were born here. I've worked in the mayor's
14 office for five years. I'm a patriot. Why should I leave?"

15 The footage of Djido Saleh you're about to see shows the dire situation in which he
16 found himself.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [10:13:32](Interpretation of the video excerpt)

19 "We're afraid. We're at terrible risk -- terribly at risk. Now, I am one of those who
20 are in authority, I'm the second deputy to the mayor, but we are terrified, we are so
21 afraid, because we're totally in jeopardy here. Risks are high. Okay, I have
22 responsibilities, I'm the second deputy to the mayor. I have been -- I'm in my
23 country here. Where can I go? Where can I go? I'm a Muslim. I'm a Muslim."

24 MS BERDENNIKOVA: [10:14:12] A few days later, on 28 February 2014, a number
25 of individuals, including at least three of Yekatom's elements attacked Saleh's house.

1 While Saleh attempted to defend his home, armed with nothing but a bow and arrow,
2 his pregnant wife and his children managed to flee. However, when Saleh tried to
3 flee to save his own life, he was pursued by the attackers. He was caught just metres
4 away from the local gendarmerie. He was killed in broad daylight and his body was
5 then mutilated.

6 Saleh's wife was unable to attend his burial because, in the words of P-1838, "[i]f the
7 Anti-Balaka took note of her presence, she could have been executed."

8 Now, during trial your Honours have seen a video showing Saleh's body being
9 dragged through the streets and savagely mutilated. I will not replay this footage
10 again today, but the screenshot you will see shows a woman dismembering his body.

11 Your Honours, the Defence contradicts the Defence position that Djido Saleh was
12 murdered solely by members of the local population. In fact, it shows that
13 Yekatom's elements were among the perpetrators of his killing.

14 You will recall that two of Yekatom's subordinates identified the woman who took
15 part in Saleh's murder and mutilation as a member of Yekatom's group named
16 Honorine Mbafolo, or Mama Tia Godobe. That a female member of the Anti-Balaka
17 mutilated Saleh's body is corroborated by multiple sources of evidence both
18 testimonial and documentary, and this is cited in the Prosecution's closing brief.

19 Now, her involvement in the murder was reported to and discussed with the
20 Anti-Balaka ComZone in Mbaiki, Staphor Sette.

21 An insider identified two more elements from Yekatom's group among the
22 co-perpetrators of this murder. There was a soldier named Cyrille Ngombe and
23 another element whose name the witness could not remember. Multiple other
24 witnesses, as well as documentary evidence, also confirm that the Anti-Balaka were
25 among the perpetrators.

1 In any event, even if local civilians participated as well, this does not undermine
2 Yekatom and Ngaïssona's criminal responsibility for this incident, since at least three
3 of Yekatom's elements were among the perpetrators.

4 Now, both Cyrille Ngombe and Honorine Mbafolo were well known to Yekatom.
5 They appear on multiple list of his elements. You will recall that Honorine Mbafolo
6 was also identified in a video footage which was filmed in Sekia and it was shown
7 earlier today. Now, in spite of their criminal conduct, both remained in Yekatom's
8 group well into the DDR process.

9 Witness P-1838 testified that following Saleh's murder, MISCA ordered Yekatom and
10 his elements to leave Mbaiki because, I quote, "They did not want what happened to
11 Djido to happen to others."

12 Your Honours, the Anti-Balaka under Yekatom committed these crimes and acts that
13 I described in a coordinated effort to cleanse the towns and villages along PK9-Mbaiki
14 axis of their Muslim population.

15 Their attack on Muslim civilians, their expulsion, the murder of prominent Muslim
16 leader in Mbaiki, and the commission of violent crimes and acts all severely deprived
17 the Muslim inhabitants of these towns and villages of their fundamental rights based
18 on political, ethnic and/or religious grounds which amounts to persecution, charged
19 as count 28.

20 Your Honours, I will now turn to count 29 for the enlistment and use of children in
21 hostilities.

22 Your Honours, multiple insiders, including P-2232, P-1962, P-0884 all confirmed that
23 children were among Anti-Balaka elements generally. All three of these insiders also
24 confirmed that at least some of these children were below the age 15 and, according to
25 P-0884, some were as young as around age 10. In fact, evidence shows that

1 wherever there were armed groups at the time, there were children who joined them.
2 The Anti-Balaka, and more specifically Yekatom's Anti-Balaka group, were not an
3 exception.

4 Children were used by the Anti-Balaka for a variety of tasks: Manning checkpoints,
5 spying on the enemy, carrying out various household activities, carrying equipment,
6 participating in combat.

7 One witness explained that he saw children used by Anti-Balaka to carry supplies and
8 to provide water to their elders in Boeving during the 5 December attack on Bangui.

9 Consistent with this general Anti-Balaka policy, Yekatom and his group also enlisted
10 children into their group, including those under 15, from at least December 2013
11 through August 2014.

12 Some joined because they were seeking revenge, others were seeking protection.

13 They were used for a variety of tasks.

14 One insider testified how a child from Yekatom's group slit the throat of a captured
15 Muslim after being ordered to do so by Yekatom's deputy. This was corroborated by
16 another insider who spoke about the same child when saying, I quote, "people told
17 me that he had already killed someone. That he'd already cut the head of a young
18 man."

19 The same witness estimated that this child was 11, 12 years old. This estimate is
20 consistent, your Honours, with images in which this child was identified at trial.

21 Your Honours, Defence will tell you that the boy in question was 17 years old during
22 the relevant time. Now, their argument is based on a reissued birth certificate which
23 was obtained in 2022 that is unreliable and therefore lacks any probative value. This
24 birth certificate indicates a data of birth which is not supported by any
25 contemporaneous records. In this regard, the Prosecution also reminds the Chamber

1 of the evidence demonstrating that official records, including birth certificates, in
2 general, are easily and routinely falsified in the CAR.

3 Another child, P-2476, testified that he too was under the age of 15 when he joined
4 Yekatom's group. The witness explained that two more children within the group
5 were even younger than him. And the age estimate of at least one of these two
6 children is independently corroborated by P-1974.

7 When describing their tasks, P-2476 said, I quote, "When the adults would leave to
8 patrol, we children would stay back to guard the base and ensure its security." He
9 and the others were also sent to buy provisions and cook for the elements.

10 Contrary to the Defence's position, P-2476 provided a coherent, internally consistent
11 and detailed testimony, which is both credible and reliable. His account is
12 corroborated, not only by other witnesses, including P-1974 and P-2018, but
13 importantly by contemporaneous documentary evidence, as mentioned in our closing
14 brief.

15 Your Honours, five different witnesses confirmed that they also saw children below
16 the age of 15 assisting at Anti-Balaka roadblocks, or otherwise maintaining security,
17 in various towns and villages in Lobaye during the relevant times when Yekatom's
18 elements, his group controlled the area.

19 P-1813, P-1974 and P-2018 detailed the circumstances in which they saw children who
20 were below the age of 15 at the Sekia and Pissa roadblocks manned by Yekatom's
21 elements.

22 P-1813 testified, I quote, "I often travelled between Bangui and Mbaiki and I would
23 see very young boys from 10 years old at the Sekia and Pissa Anti-Balaka barriers. [...]
24 I saw the children among the Anti-Balaka elements who were working at the barriers.
25 [...] The children wore a mix of military uniforms and civilian clothes. Some of them

1 wore *gris-gris* around their necks and arms. I saw the children, even the younger
2 ones, carrying traditional weapons like knives, bows and arrows."

3 He then adds, "These children were part of the Anti-Balaka, not children that would
4 just come and play around the Anti-Balaka bases."

5 P-1974 independently estimates that the youngest child he saw at the Pissa roadblock
6 was 9, 10 years old.

7 Even Defence witness D29-5015 estimated that the children he saw carrying out the
8 manual work of lifting up the wood at a roadblock on the Mbaiki-Boda axis, were
9 10 years, 12 years old.

10 Your Honours, evidence also shows that children under the age of 15 were present
11 among Yekatom's elements at his Yamwara school base. One witness describes
12 seeing armed children at this base, including a young boy of about 12 who he says
13 was still very small. According to this witness, the children had machetes in their
14 hands and were wearing *gris-gris*. These were not, as the Defence suggests, simply
15 local children who happened to be wandering around the base.

16 This last witness's testimony on this point is consistent also with photographic and
17 video evidence depicting young boys among Yekatom's elements at the Yamwara
18 school base. And you will see some of these on your screens, your Honours. While
19 some of the children could arguably be 15 or just over, others appear particularly
20 small and young.

21 Now, the first clip I will show you shows footage filmed inside a classroom where a
22 young boy appears wearing a beige T-shirt and he's visibly smaller than the other
23 elements surrounding him.

24 (Viewing of the video excerpt)

25 MS BERDENNIKOVA: [10:28:27] Your Honours will also see his comparative size in

1 the next screenshot of the same video.

2 Now, the same boy appears in the next clip, this time filmed in Sekia, where he
3 followed Yekatom's group, together with the other elements.

4 (Viewing of the video excerpt)

5 MS BERDENNIKOVA: [10:28:59] Now, another young boy, who claims that he's 15,
6 appears in a footage filmed back at the Yamwara school.

7 (Viewing of the video excerpt)

8 MS BERDENNIKOVA: [10:29:33] Now, your Honours are going to see yet another
9 boy in a screenshot of a video filmed during a training session in the Yamwara school.

10 It comes from a video that was shown by my colleague, Ms Prathaban.

11 (Viewing of the video excerpt)

12 MS BERDENNIKOVA: [10:30:12] And finally this photo, which is also taken at the
13 Yamwara school, shows a young boy wearing *gris-gris*.

14 Your Honours, the children in Yekatom's group experienced difficult living
15 conditions. They lacked basic necessities like food and water and were subject to
16 punishments. P-2476 described being terrified when witnessing another child
17 getting beaten as a form of punishment.

18 Yekatom was aware of the presence of children in his Anti-Balaka group. He knew
19 some of them by name, as described by P-1974, and you will find the details in our
20 closing brief. Evidence shows that he also routinely saw them at his bases.

21 For example, P-2476 describes how during one such visit Yekatom shouted at the
22 children in the group and told them that in the Anti-Balaka they were not to behave
23 like children, yet he never told P-2476 to leave.

24 Your Honours, evidence regarding the demobilisation of child soldiers, facilitated by
25 the NGO *Enfants sans frontières*, ESF, in 2014, further corroborates that children under

1 15 were present in Yekatom's group during the charged period and that Yekatom was
2 aware of this.

3 I'd like to play an excerpt of a video that was filmed during the demobilisation
4 ceremony on 4 August 2014. This video shows Yekatom signing the demobilisation
5 agreement where he agrees to demobilise 153 children from his group and refrain
6 from re-recruiting them.

7 (Viewing of the video excerpt)

8 MS BERDENNIKOVA: [10:32:54] And this is the document that he signed, that you
9 can see on your screens, signed on behalf of the Anti-Balaka by Yekatom.

10 Now, the Defence alleges that ESF, I quote, "concocted a demobilisation programme
11 involving false child soldiers." And, following a new strategy, they add a novel
12 element in their closing brief, stating that Yekatom was, in fact, aware of the
13 fraudulent nature of the demobilisation programme, but his agreement to cooperate
14 with it was not fully informed.

15 However, although the demobilisation project was not without issues, there is reliable
16 evidence that some of its participants were members of Yekatom's group and were
17 below the age of 15. As such, the Defence's blanket position that the demobilisation
18 programme was entirely fraudulent ignores several important factors.

19 First, it was UNICEF, not ESF, that alerted the NGO to the presence of young children
20 among Yekatom's elements in the Lobaye prefecture. It was also UNICEF that
21 initiated the demobilisation programme. It was UNICEF that reached out to the ESF
22 to assist with the implementation of the programme on the ground.

23 Second, evidence shows that the project was organised and implemented in very
24 close collaboration with Yekatom and with his ComZones. They were the ones who
25 initially identified children within their ranks and provided various details, including

1 their age. They provided these details to the ESF. And this process was done, your
2 Honours, with Mr Yekatom's knowledge and with his approval. Yekatom also
3 personally met with several organisers of the demobilisation programme. And this
4 happened in the lead-up to the release of the children from his group.

5 Evidence also shows that Yekatom admitted that he would be relieved if the children
6 were to leave his group, he would be relieved if they were taken from him as he did
7 not have the means to take care of them any more.

8 Now, throughout their many interactions with the organisers of the demobilisation
9 project, neither Yekatom nor his subordinates ever denied the presence of children in
10 the group. On the contrary, when the presence of children - including, those 13, 14
11 years old at checkpoints - was discussed personally with Yekatom, he confirmed that
12 indeed there were children within the group and that those children played different
13 roles.

14 Third, the fact that at least some of the children in the programme were members of
15 Yekatom's group and below the age of 15 is corroborated by other evidence. For
16 instance, P-2082 testified that some of the demobilised children expressed their desire
17 to return to the Anti-Balaka camps, suggesting that they were not merely pretending
18 to have been part of the group. The witness estimated that these specific children
19 were about 13, 14 years old.

20 P-2082 further testified that another demobilised child, who said that he joined the
21 Anti-Balaka in Bangui, was 11 years old. The witness specified, I quote, that he
22 "really had the voice of a child."

23 I would now like to show a couple of photographs of the children who took part in
24 the demobilisation, and your Honours will recall that some of these children were
25 identified at trial by various witnesses. They are visibly young.

1 Your Honours, the Defence also repeatedly brought forward allegations of fabrication
2 of evidence in relation to count 29. Now, these allegations largely concern the
3 conduct of individuals who are not Prosecution witnesses. They are not Prosecution
4 witnesses in this case. And they provided no evidence to this Court. P-2580,
5 P-2582, P-2620, P-2638, P-2583, P-2511, none of them are Prosecution witnesses.

6 And the Prosecution does not rely on any documents that were obtained from these
7 individuals.

8 Further, collusion allegations concerning two ESF witnesses concern matters that fall
9 outside the time frame of the case, they have no bearing on the ESF demobilisation
10 programme of 2014.

11 Last, as previously mentioned by my colleague, Mr Belbenoit-Avich, the Prosecution
12 does not rely on P-2475's evidence.

13 Your Honours, to conclude, the evidence that the Prosecution does rely on to
14 substantiate count 29 is credible, it's reliable and it demonstrates beyond any
15 reasonable doubt that children under 15 were recruited and used by Yekatom and his
16 group during the relevant time.

17 I thank you and I will hand the floor to my colleague, Mr Vanderpuye.

18 PRESIDING JUDGE SCHMITT: [10:39:39] Thank you, Ms Berdennikova.

19 Mr Vanderpuye.

20 Take your time, Mr Vanderpuye. And it's important that we can hear you,
21 obviously.

22 MR VANDERPUYE: [10:40:28] Thank you, Mr President. Good morning to you,
23 again, good morning, your Honours. Good morning, everyone.

24 As I foreshadowed a bit earlier, I have a few observations, remarks I'd like to make
25 before we complete our presentation.

1 As you know, for the most part, the events in 2014 concerning the Anti-Balaka crimes
2 in the provinces are not charged against these accused. Mr Yekatom obviously did,
3 as the evidence shows, commit crimes and order crimes in that period.

4 Nevertheless, the crimes of the Anti-Balaka which occurred during 2014 form part of
5 the context of the Anti-Balaka crimes as confirmed by the Pre-Trial Chamber, they
6 form part of the widespread attack that was part and parcel of the Article 7 attack that
7 was confirmed.

8 Significantly, the accused's conduct extends into this period, both Mr Ngaïssona and
9 Mr Yekatom contributed to the crimes that were committed by the Anti-Balaka as a
10 whole in this broader context.

11 In the case of Mr Yekatom, you have clear evidence of his direct participation in
12 crimes along the PK9-Mbaiki axis, in Boeïng, Bangui, Cattin. The crimes committed
13 along the PK9-Mbaiki axis occurred through January and February of 2014, including
14 the killing, the murder of Djido Saleh and the forcible transfer and unlawful
15 displacement of virtually the entire Muslim population along that axis. And it is a
16 long stretch. It's anywhere from 80 to a hundred kilometres.

17 His and his group's direct involvement in the perpetration of the crimes that are
18 charged is crystal clear.

19 For Mr Ngaïssona, the case of his contributions primarily derive from his conduct in
20 connection with the Anti-Balaka's targeting of the Muslim civilian population and
21 having instrumentalised them to unseat Djotodia and the Seleka in relation, in
22 particular, to the 5 December attacks on Bangui and Bossangoa.

23 As the Pre-Trial Chamber observed, and the evidence has proven before this Chamber,
24 those attacks were part of a larger plan and strategy which Ngaïssona participated in
25 to reclaim power in CAR. Together with members of Bozize and his inner circle,

1 they were essential components of that strategy.

2 We believe the evidence in this case before you proves exactly that.

3 However, as previously mentioned, those attacks and their aftermath were lasting,
4 they involved continuing crimes. Ngaïssona's conduct in 2014 contributed to these
5 ongoing charged crimes, directly. The context in which they persisted and they
6 committed and as well as contributed to the crimes committed by Yekatom and his
7 group, a ComZone under the National Coordination and his elements.

8 The Ngaïssona Defence has portrayed Mr Ngaïssona as a person seeking peace in the
9 Central African Republic. They have argued that on several occasions during the
10 course of the trial and I'm sure that they will argue that during their closing remarks.
11 In my presentation I showed you a request that he received and acted on for weapons,
12 supplies and money to purchase the same in relation to combat on the ground by the
13 Anti-Balaka.

14 Ms Struyven also showed you a second email he received in this respect. This is
15 back in October 2013, only a few days before the deadly Anti-Balaka attack on Bouar,
16 which cost the lives of 20 civilians and displaced 10,000 or so people.

17 At the conclusion of Ms Struyven's presentation, you may recall there was a slide she
18 was intending to show you and it didn't come up. That slide shows what Ngaïssona
19 was doing just a week before his return to Bangui in January 2014 to take up his
20 formal leadership of the Anti-Balaka.

21 This is an email, as you can see, that Mr Ngaïssona received. It comes from
22 "francin francin". Our position is that that is Franklin Bozize. The email is
23 discussed in our -- in a previous filing, it is filing 1450 in the record, so I'll be brief
24 about it.

25 On the right, you can see the attachment that came with that email. And it doesn't

1 take very long to know that it concerns acquiring military equipment and materiel,
2 weapons, ammunition, communication devices, oh, yes, including Thuraya, Thuraya
3 phones, the same ones that are outlined or set out in the strategic plan that was also
4 found among Mr Ngaïssona's email communications from August of 2013.

5 In the next slide we can see Mr Ngaïssona's response, that's dated 9 January 2014,
6 again, before he's even come back to lead formally the Anti-Balaka.

7 He says:

8 (Interpretation) "Good morning, Capi.

9 Document well received. Have a good day. You need to add hunting articles for
10 the Anti-Balaka and their financial needs for the work. It's urgent."

11 (Speaks English) And you can see that the print screen is scrambled at the bottom, so
12 I've included the extracted text to make it perfectly clear who he is responding to and
13 when.

14 Mr Ngaïssona was not a man of peace. That is not what a man of peace looks like.
15 That is not what a man of peace does.

16 The same questions as I posed yesterday, I pose today. Why would somebody who
17 is involved in seeking peace receive a communication like that? Respond like that?
18 Not report it, be trusted enough not to report it?

19 When you look at an email like that, it is obvious that he had already been assisting
20 and contributing to the Anti-Balaka, including facilitating its efforts to expand its
21 military capacity and operations. Certainly his return to Bangui to lead the
22 Anti-Balaka was not incidental. It was obviously and clearly predetermined on the
23 evidence that you have before you. In fact, there are contemporaneous
24 communications among individuals close to Bozize and his inner circle which confirm
25 this. Aime Vincent Bozize, the son and brother of Franklin, on 11 January 2014 in an

1 exchange says Ngaïssona will arrive in Bangui to organise the return of the boss.
2 That's at CAR-OTP-2132-9197 at 9202 through 9203. Same thing on 12 January 2014
3 in a conversation involving Bouragoro, Jean Alexis (phon) I think is his first name.
4 He says Ngaïssona will return to Bangui on the instructions of the boss,
5 "*sur l'instruction du boss*". CAR-OTP-2102-4497 at 4615 through 4618. Ngaïssona
6 did not just parachute in one day to lead the Anti-Balaka, the 70,000 fighters in the
7 provinces and another 10,000 in Bangui that he claims the group comprised, or the
8 52,000 that Bejouane says comprised the group, or the 40,000 that P-446 says
9 comprised the group. That's a lot of people.
10 He was already a recognised leader within the group, just like P-2843, P-2841 and
11 P-0884 testified to under oath in this court. His contributions to the Anti-Balaka
12 arose long before his return and continued thereafter in his capacity as a national
13 general coordinator.
14 P-0884 cleared up the mystery as to what is the national general coordinator's job. In
15 that role, he clarified, Mr Ngaïssona was the person who was in charge of managing
16 the Anti-Balaka, all the Anti-Balaka. The national general coordinator is the person
17 that is in charge of the Anti-Balaka in Bangui and in the provinces. The national
18 general coordinator is the person who was the leader of the movement and in the
19 highest position in that hierarchy. The national general coordinator was above the
20 operations coordinator. He had the authority and the right to discharge the
21 operations coordinator, that is to kick him out or replace him. He had the authority
22 to replace and assign or dismiss ComZones.
23 You will find that at transcript 56, page 59, lines 4 through 25. It's all there. And
24 there's more.
25 In discharging or failing to discharge any of these functions, Mr Ngaïssona could and

1 did contribute to the Anti-Balaka's continuing crimes, directly or indirectly.

2 Moreover, the evidence is clear that he exercised his authority, continuing to mobilise,
3 structure, and finance the group. There can be no doubt that he was fully aware that
4 the Anti-Balaka had committed crimes, were committing crimes and intended to
5 commit crimes of the nature of those with which he is charged in this case.

6 And as I said, he could have walked away. At any time, he, of all, had the means to
7 do so. Instead, he chose to remain. He chose to remain in that leadership position
8 and he chose to exercise the authority that came with it.

9 He didn't remain to bring peace. He remained to finish what he started and that was
10 to get power in his country, whether on the coattails of Bozize or in his own right.

11 He did that regardless of the human cost, which was obvious and plain for the world
12 to see. His claim that he was converting the Anti-Balaka into a political party was an
13 illusion.

14 You have the testimony of P-0992 who prepared the PCUD documents and submitted
15 them. He confirmed that it was basically just a different name for the same group of
16 people. And here you can see a draft of the bureau. You can see the names of the
17 Anti-Balaka coordination basically just lined out with different titles put on it.

18 Ngaïssona had the authority, which he exercised, and it was plenary. He said so
19 himself in a March 2014 interview saying, and I quote in French:

20 (Interpretation) "The Anti-Balaka are not two entities. The Anti-Balaka which I
21 coordinate are unique. It is spread out throughout the entire country. When I issue
22 an order to these children, I believe that straightaway that is enough."

23 (Speaks English) That's at CAR-OTP-2014-0749, that's the audio. And the timing of it
24 is 1 minute 11 seconds through 1 minute 35 seconds. You have it.

25 In 2014 in March when he gave that interview, Muslims were in enclaves under siege

1 by the Anti-Balaka elements under the umbrella of the National Coordination which
2 he led throughout the Central African Republic. The Bossangoa enclave is but one
3 example, and he's charged with that, but there were enclaves in Boda, in Carnot and
4 in several other places. Even Muslims in PK5 were under siege by the Anti-Balaka at
5 the time that he gave that interview.

6 While the Defence cast Ngaïssona's provision of money as an act of generosity, one
7 insider explained its true motivation, and I quote, this is P-0954: "As the general
8 coordinator [...] Ngaïssona coordinated the actions of the movement." No surprise
9 there. "If something went wrong in the country, he would call the ComZones and
10 would for example order them to erect roadblocks. When he said something,
11 everybody had to execute [it]. I received plenty of orders from him to erect
12 roadblocks or create disorder."

13 P-0808 indicated that no significant operation could be carried out without
14 Ngaïssona's knowledge and approval. P-0808 was Ngaïssona's political adviser in
15 the National Coordination. He's somebody who Mr Ngaïssona was in contact with
16 going back to June 2013. And he stayed with him throughout 2014 until he was
17 threatened by the Anti-Balaka himself.

18 Whether it was structuring the group, financing it, liaising with key figures or giving
19 directions, instructions or orders, as the national coordinator, Ngaïssona acted to
20 promote the practical and ideological objectives of the groups. Had he not, he
21 clearly would not have remained as the group's leader. That's just basic common
22 sense.

23 Your Honours, the charged crimes are undeniable. And the accused's contributions
24 to them are also undeniable.

25 We've gone through these proceedings almost with a presumption that the

1 Anti-Balaka was a lawfully constituted group operating within the bounds of
2 domestic or international law. It was not.

3 Yekatom's group was not a lawful group. By what authority, by what law do these
4 men have the right to target civilians who disagree -- who they think disagree with
5 them? Nobody voted Mr Yekatom to run a group targeting civilians. Nobody
6 voted for Mr Ngaïssona to be able to do that. They don't represent the Central
7 African Republic, they never have. They took it upon themselves to do that. And
8 many innocent civilians paid the price for their own actions.

9 Mr Yekatom is responsible, as the evidence proves, for ordering and committing 21
10 counts of crimes against humanity and war crimes, together with his Anti-Balaka
11 group, 21 counts.

12 Mr Ngaïssona's responsibility for aiding and abetting and/or otherwise contributing
13 in any other way to the Anti-Balaka's commission of crimes, the charged crimes in
14 this case, including those by Yekatom's group, amount to 31 counts and is proved by
15 the evidence in this case beyond a reasonable doubt.

16 Do justice. The victims are many. They deserve nothing less. Hold the accused to
17 account on the evidence you have before you.

18 Mr President, that concludes our presentation. I thank you, once again, for your
19 indulgence.

20 PRESIDING JUDGE SCHMITT: [11:00:09] Thank you, Mr Vanderpuye.

21 We have now the break until 11:30 and then we continue with the presentations by
22 the CLRVs.

23 THE COURT USHER: [11:00:24] All rise.

24 (Recess taken at 11.00 a.m.)

25 (Upon resuming in open session at 11.33 a.m.)

1 THE COURT USHER: [11:33:11] All rise.

2 Please be seated.

3 PRESIDING JUDGE SCHMITT: [11:33:35] I understand that the victims of the other
4 crimes will start.

5 And, Ms Massidda, we have our lunch break at 1 o'clock and then you can continue
6 afterwards. We've already discussed it amongst the judges, we will again shorten
7 the lunch break to an hour, not that we think that we need more time, but,
8 simply -- well, because we want to, to put it this way.

9 Ms Massidda, you have the floor.

10 MS MASSIDDA: [11:33:58] Thank you very much, Mr President.

11 The closing statements for the victims of the other crimes will be delivered as follows:

12 Mr Fall will start with some introductory remarks. It will be followed by

13 Mr Dangabo, who will discuss the crimes suffered by the victims. In turn,

14 Ms Douzima-Lawson and Ms Rabesandratana will present the prejudice, harms

15 caused to the victims by the crimes. And I will conclude with some remarks on the

16 liability of the accused.

17 (Interpretation) With your leave, your Honour, I shall give the floor to Maître Fall.

18 PRESIDING JUDGE SCHMITT: [11:34:37] With regard to the last thing, I would ask
19 to remind you to be a little bit careful -- you know, "liability of the accused". You
20 know why.

21 MS MASSIDDA: [11:34:46] I understand that, your Honour. We have addressed
22 the issue in our closing brief and I believe victims are entitled to present to this
23 Court their position in relation to the liability of the accused.

24 PRESIDING JUDGE SCHMITT: [11:34:58] We will not make a huge fuss out of it
25 because we all know that the closing statements are not evidence, but still a little bit of

1 reluctance and restraint would be appreciated by the Chamber, yes.

2 And I also think Defence counsel will not make a huge problem out of it. But

3 I simply wanted to state it, yeah?

4 MS MASSIDDA: [11:35:18] That's understood, your Honour.

5 PRESIDING JUDGE SCHMITT: [11:35:20] Yes. We all know that the closing

6 arguments are not entailed in the conduct of proceedings specifically, the reason

7 being that they are not evidence, but in the spirit of it. This is why I asked you for a

8 little bit of restraint and I think you understand me.

9 So then let's start with your presentation.

10 MR FALL: [11:35:58](Interpretation) Good morning, your Honour. Good morning,

11 your Honours. Within the framework of the division of tasks, within our team, my

12 colleagues have asked me to speak to you on the subject of the victims participating in

13 proceedings.

14 As we already had the occasion to point out, and perhaps to repeat, the events that

15 unfolded in the Central African Republic during the period of concern to us have

16 claimed a huge number of victims. But in the end, due to the vicissitudes of the

17 procedures, only 1,965 of them were allowed to participate over and above

18 geographical, ethnic, age and gender criteria. What everyone can see today is that

19 the umbilical cord that unites them is the fact that they are almost all exclusively of

20 Muslim faith; the few Christians in the group were only targeted because of their

21 alliance with a Muslim family.

22 The concept note on the request from States Parties for the Registry of the Court to

23 update its strategy for victims in order to respond to their evolving needs and

24 difficulties they face, states the following, and here I quote:

25 "The International Criminal Court was created to ensure that the most serious crimes

1 of concern to the international community do not go unpunished. And at the heart
2 of this mission is the recognition of the immense suffering endured by the victims.
3 Their testimony, experience and perspective are invaluable in uncovering the truth
4 and holding the perpetrators to account. And it is for this reason it is essential that
5 the Court plans a strategy to ensure that victims are not only heard, but also
6 meaningfully involved at every stage of the proceedings."

7 These statements coming from one of the Court's main if not the main organ of the
8 Court have, if anything, established the fundamental place that victims occupy in the
9 system. Nevertheless, contrary to the civil law system from which we come, and in
10 where the victims are a party in their own right in the trial, this central position does
11 not make us a party, but, rather, participants, authorised to intervene only within
12 well-defined limits.

13 This aspect of matters inevitably linked to the hybrid nature of this institution was
14 very sincerely one of the first difficulties in explaining and making people understand
15 how the Court works to those we represent and among whom illiteracy is
16 widespread.

17 Article 68(3) of the Rome Statute in part, too, says in the official language of the Court,
18 or the working language of the Court -- they are English and French. And that is the
19 reason why, your Honour, your Honours, you would allow me at this level to make a
20 speech in English, stating the following: (Speaks English) It was far, and very far from
21 being a piece of cake (Interpretation), because that better understands -- explains my
22 thoughts on this matter.

23 In terms of the practical procedural terms, it was the provisions of Article 68(3) of the
24 Rome Statute which are the cornerstone of our presence, if not our existence, in the
25 trial, and their guarantee can be summed up in the notion of views and concerns.

1 Both terms have a physiological connotation, but, above all, a mental and
2 physiological one; in other words, the idea of a point of view at any rate to what
3 occupies the mind. But it has to come -- we have to come back to this in order to be
4 credible. This statement of fact must be based on real-life experience, and this is
5 why we are going to focus on factual elements which we've all experienced here in
6 the courtroom through the multiple testimonials and testimonies that we have been
7 sharing over years, but also, and above all, that as legal representatives, we have
8 experienced in our field, which is the field.

9 For the rest of my life, I will remember the video that we saw yesterday in which we
10 saw a soldier, supposedly a member of the Anti-Balaka, who was mocked, in a
11 downright cruel tone. And he was proclaiming loud and clear that this instrument
12 was used to dislodge Muslims from their homes in order to massacre them. Not
13 sparing women, children or the elderly.

14 In all the countries of the world, in all civilisations that we know, the children in
15 particular, babies, women, particularly pregnant women, they are subject to a
16 minimum degree of compassion.

17 But what we have seen, your Honour, your Honours, is this summit of cruelty. One
18 can even ask the question if we are still dealing with human beings, or humanity,
19 taking into account the tranquility, with calmness, with which this person was able to
20 say these words. It's really unbearable.

21 In other videos, we also heard soldiers claiming to be Anti-Balaka troops. They were
22 saying, "We don't want any more Muslims in our country. The only possibility that
23 we offer them is to leave the country. If they persist, we will massacre them."

24 Beyond today's denials and stringent explanations, your Honour, your Honours,
25 these factual elements, which are indisputable, establish irrefutably what lies at the

1 root of everything that happened.

2 In strict compliance with his rights, you authorised one of the accused on the basis of
3 the provisions of Article 67(1)(h) of the Statute to make an oral statement. We
4 believe this approach to be entirely legitimate given the sacred rights of the Defence.
5 However, it should not be forgotten that the declaration which was made without an
6 oath was made public and translated into the country's local languages and followed
7 by the victims. It would, therefore, seem to us to be legitimate to share with you the
8 feelings, the views and concerns that the aforementioned statement has given rise to
9 among our constituents.

10 We heard the accused complain about the living conditions and treatment at the
11 prison. He claimed that his diet took no account of his culture. He was only
12 allowed a few visits from his family.

13 I can assure you, your Honour, your Honours, that these words have deeply upset the
14 victims who live in permanent misery, all the more so as these living conditions so
15 decried elsewhere are nevertheless the responsibility of the Court and one can only
16 appreciate the privileged nature of these conditions when, like us, one has
17 experienced the living conditions of thousands of victims crammed into camps, who
18 not only can't find enough to eat, they have no relatives to visit them.

19 The two worlds are diametrically opposed as day and night and for this reason our
20 team - unanimously, within our team - we decided to stop showing the passage
21 devoted to the images of the prison during the screenings that we organised during
22 our awareness-raising missions. It would be catastrophic for the Court's image if we
23 were to achieve the opposite of what we set out to promote.

24 We also heard the accused's lament not having been able to attend the bereavements
25 of his loved ones. This is indeed a distressing situation and we share his pain and

1 we bow piously to the memory of those who have gone. But just imagine what it
2 must have been like for the victims who in addition to have lost their loved ones, have
3 not even been able to grieve. The remains having disappeared as if it were by magic.
4 With heavy weapons we saw in the hands of these pyromaniacs, it's easy to
5 understand what happened. What's unbearable about navel-gazing is its reductive
6 propensity. It seems perfectly natural to think of oneself first because of the instinct
7 for self-preservation that exists in every individual. But it also seems simplistic to
8 only think of ourselves. Coming from someone who has declared here that he has
9 the ambition of leading his country to which the victims we represent fully belong to,
10 who live today in camps, in enclaves deprived of the minimum necessities of life are
11 mostly made up of vulnerable people such as women, children and the elderly who
12 will not be fooled into believing that they are armed combatants.

13 On the basis of the evidence that we have all seen here, it has become clear that these
14 people have committed no crime other than belonging to the Muslim religion. We
15 have all heard at the same time the main reason why they were the object of attacks.
16 It was simply as "Mr Djotodia, he must resign, otherwise we're going to commit a
17 massacre, we are going to commit genocide".

18 That is the proof of the innocence of these people and that is something that we have
19 heard on many occasions repeated by his men who committed these unacceptable
20 crimes. Faced with the stubborn reality of the facts, we have heard a few attempts at
21 justification. First denials, but my long experience as a lawyer has taught me that
22 this approach has never been a good defence.

23 Furthermore, it's also worth pointing out self-defence or resistance, which has been
24 put forward as a justifying fact, is about the concomitants of attack and riposte. But
25 when the riposte comes much later, we have to admit that we are in a situation of

1 revenge and reprisals.

2 Finally, the assertion that "I was not at the scene" seems inoperative, taking into
3 account the virtual world in which we live -- space and time have been reduced to
4 nothing by technology.

5 The same applies to money transfers. We all know that in our countries they're
6 carried out on street corners, leaving no trace, and we're talking about sums that can
7 be extremely high. We who live in these areas, we can attest to that.

8 And in the final analysis, and with regard to the exercise of authority, it is
9 indisputable that this belongs to the one who has the right to kill his soldiers, simply
10 for not having carried out his orders.

11 By way of conclusion, I'd like to reiterate that in the refugee camps, we have been
12 sailing through an ocean of distress and desolation for the past five years, but we
13 have been relentless with our support from the field staff. We encourage victims to
14 keep faith with the Court, which we are certain will rule on law in all cases.

15 And in the words of Reverend Father Desmond Tutu: "Hope is being able to see the
16 light despite the darkness."

17 Thank you for your attention.

18 PRESIDING JUDGE SCHMITT: [11:53:49] Thank you.

19 MR DANGABO MOUSSA: [11:54:27](Interpretation) Your Honour, members of the
20 Court, today we are concluding a crucial phase of this trial which has been going on
21 for years.

22 This Court has analysed, scrutinised and heard witnesses as regards the atrocities
23 committed in the Central African Republic during the combats in 2013 and 2014.

24 This hearing has highlighted and exposed the scope and the effects of the crimes

25 *suffered by Muslim victims, which were organised and systematic and have shocked

1 the conscience of mankind.

2 Your Honour, I am a non-practising Muslim. I am *neither Balaka nor Seleka. *I
3 am a citizen of the Central African Republic, something I've always said, even in Paris
4 when I was almost attacked. It's very important because I was in Paris, at the Paris
5 bar.

6 Crimes committed against the Muslim community, your Honour, members of the
7 Court, was a methodical use of violence against the Muslim community. The facts
8 established are very visible -- massacre, extermination. They were motivated by hate,
9 revenge, and carried out large-scale massacres. Entire villages were destroyed,
10 families were decimated and mutilated, abandoned in the streets or in mass graves.
11 These acts show a will to kill an entire population.

12 2. Ethnic cleaning and forced displacement.

13 The campaign led to the displacement of hundreds of Muslims. The figures are
14 frightening. About 80 per cent of the Muslims were forced to leave Bangui. At a
15 national level, this campaign of terror destroyed entire communities, forcing the
16 population to find exile in Cameroon, Chad or other neighbouring countries. This
17 meeting with the victims has provided us with an occasion to see their situation on a
18 daily basis.

19 3. The destruction of mosques, a symbolic religious symbol.

20 Here we have the Boeing mosque, but in the general context, as we have already said,
21 there was -- of the 436 mosques in the Central African Republic, 418 were destroyed
22 or seriously damaged. The systematic destruction targeted not only buildings but
23 sometimes the faith and cultural identity of the Muslims. They were an additional
24 proof of the desire to exterminate any sign of this communication in the countries,
25 and we have seen this clearly through the various videos shown in this court.

1 4. Sexual violence and torture.

2 The Muslim women, including adolescents were subject to collective rapes which was
3 used as an arm to humiliate and destroy the social tissue of their society. These acts
4 were frequently accompanied with other forms of torture, imposed upon the
5 members of their community, including men and children. Children were there as
6 well.

7 Your Honour, perhaps there might be an occasion to extend the notion and idea of
8 rape and torture, because I think this is an opportunity to do so, because when the
9 Court reaches its decision and makes its ruling, it could include this approach, which
10 has been assimilated, where rape is also regarded as torture, which has been included
11 in the faculty of law and is subject to study.

12 Looting and impoverishment.

13 Your Honour, members of the Court, businesses, houses and Muslim businesses were
14 systematically looted and burnt. This was not only done physically, but also the
15 victims which were deprived of their very means of subsistence.

16 Your Honour, I remember a visit where I saw the Egyptian department and I saw
17 what happened in Egypt at that time and a gentleman there said that the world has
18 been turned upside down. We are living in the world upside down, where the rich
19 become rich, and your servant becomes your boss, your boss becomes the servant, the
20 mother of the household is no longer the mother of the household. This is a
21 fundamental text which shows that what is happening in the Central African
22 Republic is a social revolution. An investigation for justice is essential.

23 Your Honours, members of the Court, the scope of these crimes and their devastating
24 impact on the Muslim community cannot be overlooked. This trial has enabled us to
25 highlight the responsibilities of the accused, leaders of the Anti-Balaka *milices* in these

1 atrocities. They orchestrated and encouraged these acts of violence with their
2 speeches of hate and calls for revenge. The witnesses -- the expert documents have
3 shown quite clearly that these crimes had a strategy which wanted to exterminate the
4 Muslims or kick them out of the country. These actions are war crimes and crimes
5 against humanity according to the statutes of Rome.

6 Long-lasting consequences.

7 The effects of these crimes are still felt today. The Muslim communities, previously
8 major actors in the Central African economy, have been decimated and forced into
9 exile. I'm in a good position to say this because I come from a trading family. Let
10 me tell you, the damage caused was enormous. The social scars are deep. The
11 society has become polarised and the country very fragile, and remains fragile to this
12 day.

13 This trial is not only looking for criminal responsibility, it is important to look at the
14 victims and tell them that they have not been forgotten. It is also a clear sign to
15 future actors -- for these future actors that such atrocities are never going to be
16 tolerated by the world.

17 A call for justice.

18 Your Honour, members of the Court, during this trial you heard the voice of victims,
19 those who survived, those of families who have lost everything. You have seen the
20 evidence of these inhuman crimes.

21 In your quality as guardians of international justice, we urge you to deliver a
22 judgment that reflects the seriousness of the acts committed and that will give the
23 survivors reason to hope. This trial can never wipe out the sufferance, but it could
24 establish the truth, condemn those responsible and reaffirm the fundamental
25 underlying principles relating to these crimes will never be forgotten.

1 Thank you for listening. We urge you to be diligent when considering the items that
2 have been brought forward in my submissions. Thank you.

3 PRESIDING JUDGE SCHMITT: [12:03:51] Thank you very much.

4 Ms Douzima.

5 MS DOUZIMA-LAWSON: [12:04:13](Interpretation) Your Honour, your Honours,
6 my colleagues have asked me to give a presentation of the harm suffered by the
7 victims. The time for truth has come for these victims who participate in these
8 proceedings, the victims being at the heart of these proceedings, for the victims that
9 we represent, the seriousness of the harm resulting from the crimes they suffered, in
10 addition to the evidence presented here within the framework of this trial, justifies
11 establishing the guilt of the two accused present here.

12 This harm justifies the prosecution. This harm is not limited to the consequences,
13 immediate consequences, but also to long-term consequences.

14 We are all in agreement that we are talking about widespread, targeted and organised
15 attacks.

16 You heard of the Anti-Balaka of the north, the Anti-Balaka of the south, the
17 Anti-Balaka of the centre, et cetera, with the ComZones who were well known.
18 CAR-OTP-2061-889, CAR-OTP-2061-1552-890.

19 These witnesses of the harm that was perpetrated on the territory of the Central
20 African Republic and in particular in Bangui, the harm suffered by the victims of
21 gratuitous violence and gratuitous atrocities against the civil population is enormous.
22 We spoke about attacks intentionally directed against the civilian population and not
23 against combatants. They were in particular directed indiscriminately against those
24 often wrongly considered as Seleka or similar. All that was needed was to be a
25 colleague or a friend of a Muslim, to be the husband or wife of a Muslim, to live in a

1 Muslim neighbourhood, and so on, for you to be attacked by the Anti-Balaka.

2 During the trial many witnesses testified that the Muslim civilian population was
3 systematically targeted by the Anti-Balaka.

4 The participating victims who were the victims of the abovementioned attacks were,
5 for the vast majority, Muslim and belonged to a wide range of different ethnic groups.

6 This confusion -- or this grouping together has sown confusion and division in the
7 communities and it has undermined the social cohesion that prevailed there, even
8 though all the witnesses of the parties agreed to the fact that these two communities
9 have always cohabited in perfect harmony.

10 These attacks have led to the displacement and the forced transfer of populations who
11 have found refuge in enclaves, in mosques, churches, schools and other public places,
12 including part of the Bangui M'Poko airport with all of the risks that that entails and
13 living -- or undergoing catastrophic living conditions.

14 Furthermore, the Muslims were reputed to be cattle-breeders and traders. However,
15 in their hasty flight they were forced to abandon everything and, therefore, lost
16 everything.

17 As they fled, some victims died of exhaustion. Many victims lost their children on
18 the route because of hunger or malnutrition.

19 All the Muslim victims had -- were forced to leave their usual localities in order to
20 take refuge in countries bordering the CAR, with the result that families have been
21 broken up for over 10 years now. In fact, some members of the same family have
22 been moved to different locations at home and abroad. The situation continues to
23 affect family cohesion.

24 Victims who return home to their country were left desolate because their properties
25 had either been expropriated, spoiled or even destroyed. This situation plunged

1 them into poverty. Many of the victims' families to this day have not been able to
2 return to their former lives.

3 When victims fall into the hands of the Anti-Balaka, they were systematically subject
4 to cruel treatment. They were subjected to torture. And in this respect, we have
5 had evidence here that the Anti-Balaka acted like people with no soul, no faith, and
6 no law.

7 The victims were attacked by surprise, sometimes while fleeing -- brutalised, tortured,
8 wounded. The Anti-Balaka inflicted intolerable suffering on them, to the point
9 where they still suffer from the aftereffects, including physical, mental and
10 psychological disabilities.

11 Victim a/40908 says that she has become weak and is often ill to the extent to which
12 she can no longer make much effort to work. She also suffers from trauma.

13 We also saw that it is often the case that there is decapitation, mutilation, after a long
14 session of physical torture and this is how murders were carried out by the
15 Anti-Balaka.

16 And if that was not enough, they also attacked religious buildings.

17 According to the testimony of Witness P-0475, there were approximately 400 large
18 mosques that were destroyed during the conflict in the CAR and this figure does not
19 refer to small mosques.

20 Witness P-5015, a witness for the Defence, he stated the following: "I know that
21 there have been mosques that have been vandalised."

22 This is the edited transcript of 12 December 2023, page 38, line 11.

23 This gratuitous hatred has had a moral impact on the faithful of the mosque
24 concerned. They have been traumatised, given that the Central Africans are very
25 attached to their place of worship. It is part of their life, part of their identity.

1 Many people were not only direct victims of attacks, but also indirect victims of the
2 murder of relatives and loved ones, causing those victims severe mental suffering.
3 In both cases, the indirect victims have not been able to recover *the bodies of the
4 people that the Anti-Balaka killed. And in the Central African Republic, in
5 particular, it's difficult to carry out the mourning for a relative when you have not
6 had the remains. And a lot of families suffer enormously from this to this day.
7 Also, in Africa in general, and the Central African Republic in particular, it is large
8 families, the extended family, that is the predominant model. That is to say that a
9 household is made up not only of the father and the mother and the children, but it is
10 understood that a couple can have an average of eight children. But it's also people
11 who are related to the couple as well. And it is clear from what victims have said
12 that the loss of their loved ones has caused significant psychological and emotional
13 suffering for those who depended on the physical and emotional support of the direct
14 victim because they now no longer have that support.
15 So the murder has had a significant impact on family members who were financially
16 dependent on the deceased direct victims. And this is particularly true of victims
17 who were considered to be the economic pillar of the family or of the household.
18 Relatives who have taken orphaned children face huge difficulty when it comes to
19 looking after them at the same time as their own children.
20 And a lot of victims complain of loss of memory, constantly, of insomnia and other.
21 The participating victims described the rapes, cruel treatment and inhuman acts,
22 imprisonments and serious deprivation of physical liberty and acts of persecution to
23 which they or their loved ones were subjected.
24 Witness P-2657 testified that she was pregnant of about four months at the time of her
25 rape and that she's still undergoing medical treatment to this very day due to the pain

1 that there is in her stomach after the rape.

2 Generally speaking, rape has always been a taboo subject in Africa in general, and in
3 the Central African Republic in particular. In Muslim culture, in the Central African
4 culture as well, rape victims are systematically stigmatised by their communities,
5 including by their own families. They are considered unclean, unfit, unworthy and
6 on the margins of society. As a result of the rape, they have lost their self-esteem.
7 They feel disgusted by sexual relations. They are constantly reminded of the image
8 of rape, and poisons and rots their existence. It has been observed that due to the
9 lack of quality medical treatment, many rape victims have difficulty in conceiving. It
10 depends on the way in which these victims were raped. They could be raped by
11 several people. Others continue to experience abdominal pain after being raped. It
12 is a reality to this day.

13 I'm coming to pillaging to finish.

14 The pillaging and destruction of victims' property is at the root of the drastic change
15 in material conditions of the victims who have become homeless, vulnerable people,
16 with no means of subsistence.

17 In this case, the majority of them now live in the greatest extreme poverty. The
18 children of victims' families dislocated and distraught. All the victims are
19 unanimous when it comes to saying that everything that they had built up their
20 whole lives was stolen in one second, within a day. Their suffering is indescribable,
21 because the value of everything they have lost is priceless. Many victims have died
22 as a result of the crimes that they have suffered. Many victims were victims of most
23 of the crises that shook the country and the future of their children has been
24 mortgaged.

25 On the sidelines of these hearings the participating victims have all stated that it was

1 almost impossible for them to recover due to the consequences of the crimes, some of
2 which have become irreversible due to their gravity.

3 Thank you.

4 PRESIDING JUDGE SCHMITT: [12:20:16] Thank you.

5 MS RABESANDRATANA: [12:21:11](Interpretation) Your Honour, members of the
6 Court, first of all, allow me to greet the victims of Bangui, Mbaïki, Bossangoa of the
7 Central African Republic, and elsewhere, in Chad, in N'Djamena. In particular in
8 N'Djamena which is very close, I know that this is going to be transmitted into the
9 camp. It is a camp with 4,000 refugees. And also the victims of Cameroon, who
10 live in Cameroon, in Congo, and all over the world. Our victims are gathered there
11 and we are here for them.

12 We are at the closing stage. This hearing is important for the victims. Why? This
13 is what is at stake. This trial is part of a journey of remembrance along the road of
14 resilience. It is a tool of awareness, a path to understanding this war which remains
15 an enigma for the Muslim illiterate civilian population: "Why us? Why me?" Small
16 shopkeeper, wholesaler, the semi-wholesaler, the livestock herder, those who do
17 transport: "What have I done to suffer these atrocities? Why?" How to
18 understand this war, this chain of atrocities.

19 Well, through the testimony of all these individuals, the Prosecution, the Chamber,
20 Defence, through all the statements and testimonies made, we can look at the facts.
21 They attempt to find the truth by setting out the charges, the dates, the locations, the
22 names that resound, such as the *École de la Liberté*, a learning place which became a
23 camp for the displaced. Also, the Yamwara school, a place of torture. For example,
24 Monsignor Rino, the archbishop who tried to provide food to these victims who
25 sought refuge in this terrible place.

1 This entire trial provides food for thought and enables them to visit their terrible
2 experience -- very heavy, very traumatic, very deeply buried. They have in their
3 memories the scenes which they envisaged. The women who were subjected to rape
4 still face these images that pursue them. The victim of a camp in Guen in Chad told
5 us, in our last visit in November, said very bitterly, "Our men have become tramps.
6 They sleep on the ground in tarps and in tents. Our children don't go to school.
7 They've become ignorant. We live like animals, surviving in complete destitution.
8 Why? Why?"

9 And, so, from questioning to questioning, from exchanges between them, from
10 listening to the hearings, painful listening, also psychologically painful to follow, the
11 path is pieced together of a memorial construction of this shameful page in the history
12 of the CAR and a mental image is made of their personal experience. That is
13 the -- what is at stake and that is why this closing phase of this trial is being
14 presented.

15 I am going to try and show you the types of harm that have been faced.

16 Firstly, these crimes affected the Muslim civilian population. I'm not going to
17 dwell on this point which has already been extensively discussed, but simply cite
18 victim 0945:

19 "When you see the Anti-Balaka killing Muslims, whereas all the Muslims are not part
20 of the Seleka. Secondly, all the Muslims are not of an Arabic origin. There were
21 Christians who became Muslims. Everyone was free to choose their religion. There
22 are Central African women who married Muslims and then later became Muslims.
23 So -- so I'm telling you, when you kill a Muslim, you are killing civilians."

24 The second comment is the extreme violence and extreme cruelty of these crimes.

25 For example, the massacre of the civilians in a family who sought refuge in the house

1 of the imam in Bossangoa. The people around there were killed. The people had
2 their throats slit. We have already explained, so we won't go back to this.

3 Another example of this cruelty, of this inhuman behaviour, is the attack of the
4 convoy. Witness P-1577 said:

5 "We followed them -- so we followed the trucks who were fleeing. We followed
6 them for some kilometres along the route and we saw proof of attacks on these trucks
7 and we could see the presence of bodies riddled with bullets. There were also trucks
8 which had crossed the villages which had been attacked by the Anti-Balaka. There
9 were bodies everywhere on the ground. There were bodies that fell out of the trucks.
10 And we even learnt that a man had been arrested, that he had been tied up with an
11 electric wire or cable from a telephone, along the route."

12 I won't go further than that.

13 Also, as regards the village of Sekia, what happened in Sekia. According to the
14 testimony of witness 0475, Muslims are no longer there:

15 "In that village, they don't like to see the Muslims there in Sekia. Even today,
16 because, in Sekia, the mosque was sold. I'm referring to the mayor of Sekia. He
17 was responsible for everything that happened in Sekia, because it is he who sold the
18 mosque. It is he who sold all the Muslim plots in Sekia."

19 So not only the mosque, which was the symbol, but no Muslim, no owner has no
20 longer anything in Sekia because of the actions of the mayor.

21 Let us now look at the impact of this war because of all the displacement, the forced
22 transfers and deportations, those who did not die after this flight. Those who have
23 survived today find themselves in camps for displaced persons, or in enclaves,
24 attempting to survive. They are survivors, yes. But in reality, they are the living
25 dead.

1 When they left, for example, their places, this is what the witness P-2050 said, it is
2 with tears in his eyes:

3 "The Christians came and took us in their arms and we cried together. We, too, cried
4 and wept. We did not expect that anywhere. We did not think that one day we
5 would leave this place. It was really in deep sadness because we were forced to give
6 up everything. We had grown up together with them. We had to leave. There
7 was great sadness. It was very difficult to support this."

8 And another witness, 2354, said:

9 "People left crying because they had to leave behind all their worldly goods, their
10 possessions. They could only take their lives with them. They had to give up
11 everything."

12 So, you see, when they left, there were mixed feelings. There was a lot of sadness.

13 But perhaps, also, at that particular moment, even if they lost everything, there was a
14 hope to say, "Well, perhaps we can come back. After all, it's our country, and we can
15 come back." But, today, this hope is dwindling.

16 They are survivors and, in reality, they are the living dead. In their minds, they have
17 memories that they will never be able to forget. For example, in Bangui, 2050
18 explained that during the attack of 5 December several bodies of killed Muslims were
19 decaying in the main mosque because it was impossible to gain access to the Muslim
20 cemetery, which meant that the burials took place in mass graves organised by the
21 Red Cross. Furthermore, the bodies were buried either in compounds or in the fields.
22 They were also buried, for example, within the *École de la Liberté*, which meant there
23 were no tombs, no graves which they could have to keep alive the memory of the
24 people who had died.

25 This had a serious irreversible impact. The impact on physical harm, on bodily harm,

1 is complex because through these harms there is a large part which is completely
2 invisible. There is the entire body of the person, but it also affects the very way in
3 which a human being works. It could be an intellectual harm or a psychic damage,
4 and it has been explained. Some have become blind, some have gone out of their
5 mind, and they cannot be cured.

6 You can't go back in time. You cannot return to the previous status quo. You can't
7 pretend that nothing has happened.

8 You cannot call back someone who has left this earth too early. You cannot give a
9 family who has suffered such a handicap, for that family where all hope has become
10 an illusion today and who have to learn to live with their wounds and their suffering.

11 This is what this trial has taught us. We have to face this terrible reality.

12 Another impact of the war -- the impact of the fact to not know under which
13 circumstances your loved ones disappeared. {ICR: (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)}

21 All this exists in order to gain power and control. You cannot rub away the past.
22 Children have been taken away from their family -- murder, widows. This entire
23 civilian population has been uprooted from their history, from their roots, from their
24 freedom, from their individual personality, from their culture. These are crimes
25 against man, and goes beyond that. It is a crime against humanity as a whole.

1 The consequences of the destruction of the mosques, we have shown you at length the
2 scope of this. Just looking back at the destruction of the mosques by the Anti-Balaka.

3 Witness P-1528 expresses his emotion as follows:

4 "And even if there are problems, even if people fight, if somebody enters a religious
5 place of worship, a house, in a church, in a mosque, in principle, these actions should
6 at least stop. And even worse, if you destroy a church, a mosque, for me, it has no
7 sense at all."

8 A direct consequence -- as touched upon by Witness P-0475, the direct consequence of
9 this loss of religiousness experienced by the Muslim community because of the very
10 absence of mosques, where they could gather together for regular prayer.

11 There was fear. First of all, the impossibility to gather together in religious places is
12 a great loss.

13 Another consequence of this fear is other Muslims felt obliged to deny their religions,
14 their faith, which had the direct consequence that they lost their identity. So, there
15 you see it in a nutshell. A table of harm - individual, collective, physical,
16 psychological and material harm - which, even today, these Muslims face and are
17 victims of.

18 Now, my conclusion.

19 It's not possible to eradicate their pain and suffering, to cure their body and their
20 minds. Some, bearing in mind the seriousness of the infringement of human rights
21 and the scope of these rights, they are merely survivors. You've heard through
22 various witnesses what the life was like in the camps, or the enclaves, and how it
23 destroyed their soul. There in Chad, they deplore the loss of their language Sango,
24 of their culture, of their pride, of their identity. They no longer have a social
25 existence. All this cannot be given back to them, and they are aware of that. But

1 this trial can be efficient, and at least give them some satisfaction.

2 For the verification and understanding of facts, for its disclosure, the qualifications of
3 crimes against humanity and war crimes, to stop the violence and the consistent
4 violation of human rights in their impunity. But, further than that, because they
5 have had access to the right of information and the possibility to have access to
6 judicial truth.

7 And, finally, to reestablish through a judicial decision and judgment, to give them
8 dignity, back their reputation, their rights as citizens, and to enable them to enjoy
9 human rights. This trial will enable them to tell their story through the myriad of
10 witnesses and they will be able to tell the adult victims - men, women, children who
11 have grown up, regardless of their age - because they can listen to the wide range of
12 suffering and pain. They can let go of their emotions. They can live their life in a
13 different way, to try and find some form of appeasements somewhere, to have met a
14 place, a body of justice which tells them, "No, are you not forgotten victims. You are
15 important to us. Your lives have value for us."

16 Thank you.

17 PRESIDING JUDGE SCHMITT: [12:43:29] Thank you, Ms Rabesandratana.

18 Ms Massidda.

19 MS MASSIDDA: [12:43:37] It will take not more than 21 minutes, I think,
20 your Honours, so I think I can proceed, with your leave.

21 PRESIDING JUDGE SCHMITT: [12:43:42] Yes, I think that makes sense.

22 A very exact time estimate, I have to say, 21 minutes.

23 MS MASSIDDA: [12:44:04] I thought it was interesting for you to know.

24 PRESIDING JUDGE SCHMITT: [12:44:06] Absolutely, we appreciate it.

25 MS MASSIDDA: [12:44:09] Thank you, Mr President.

1 (Interpretation) Your Honours, the victims participating in this case attach great
2 importance to justice. One of them, who had to flee her home after her husband was
3 murdered and who now lives alone in the Central African Republic with her six
4 children, told us:

5 "If justice isn't done properly, people will always think of revenge. So that's what we
6 have to avoid. Because if there's revenge, there will be more than one person who
7 will want to be avenged and it will always go on and we won't have peace. All we
8 want is peace, but it's justice that must bring us peace."

9 Another victim whose mother was killed during the events told us:

10 "I'm still alive and I'm fighting for the truth to be told. We in the Central African
11 Republic have suffered a lot, but the perpetrators of these crimes have still not been
12 brought to justice. I know that my mother, who was killed on 5 December 2013,
13 cannot be resuscitated. Like me, thousands of Muslim brothers have seen their
14 family members murdered, their homes destroyed and looted, their communities
15 disintegrated. You can't go to the market to buy a mother, a father, a brother, a sister,
16 a child, a cousin. Nothing in the world can replace the presence of lost family
17 members. All I hope for from the Court is that justice will be done and that it will
18 convict those responsible for the abuses so that they acknowledge their actions and to
19 ensure that this never happens again."

20 Time and again, victims have told us that knowing justice has been done, that the
21 perpetrators of the crimes have been found guilty and sentenced, and that the extent
22 of their victimisation and the harm they have suffered has been recognised in a court
23 of justice, is already a form of reparation.

24 Recognition of the criminal responsibility of the accused is, therefore, an essential
25 element in the victims' quest for justice.

1 Recalling our written submissions, in my brief intervention today I will limit myself
2 on certain aspects which are relevant to the victims that we represent.

3 Numerous pieces of evidence presented in the trial make it possible to conclude that
4 Messers Yekatom and Ngaïssona participated in the crimes attributed to them and
5 that they are responsible for them under the confirmed modes of responsibility. In
6 particular, the evidence demonstrates, as supported by the Prosecution yesterday and
7 this morning, that the two accused made an essential contribution to the commission
8 of crimes, and in particular to the conception and implementation of the attack
9 against the civilian population and the systematic targeting of Muslims.

10 In this sense, the Prosecution has demonstrated that the accused had an aim, purpose
11 and objective -- a common aim, purpose and objective; in particular, the seizure of
12 power through the targeting of the Muslim population, in Bangui, including Boeing
13 and Cattin, in Bimbo, and in the Lobaye prefecture. And they made this -- they
14 contributed to this plan with the intent and knowledge required under Article 30 of
15 the Statute.

16 Indeed, the evidence confirms the victims' account, according to which the attack was
17 planned and executed with brutality, terrorising, murdering, raping, torturing,
18 inflicting inhuman treatment, destroying mosques, homes, shops, belonging to
19 Muslims and looting them. The evidence also confirms that the victims were
20 targeted because they were perceived to support the Seleka due to their ethnic,
21 political or religious affiliation. Consequently, the victims attach considerable
22 importance to your recognition of the crime of persecution in connection with this
23 attack.

24 As emphasised by the Prosecution in its final written submission, Mr Ngaïssona
25 (Speaks English) "single-mindedly sought power. The actions he took to realise this

1 aim were numerous, continuing and varied". End of quote.

2 (Interpretation) The victims share the analysis of the Prosecution according to which,
3 from September 2013 at the latest, Mr Ngaïssona was part of the Anti-Balaka
4 leadership as a self-proclaimed political coordinator and was an influential and
5 important member of the organisation's structure. On his return to Bangui on
6 14 January 2014, he was officially appointed national general coordinator of the
7 Anti-Balaka. As shown by the Prosecution, through his behaviour, the accused
8 promoted and encouraged the Anti-Balaka group's policy of targeting Muslim
9 civilians, instigating a rise in popular hostility towards the Muslim community. He
10 fuelled the widespread hate speech of the Anti-Balaka aimed at justifying the
11 commission of crimes against Muslims and the conflation of the Seleka forces with the
12 Muslim population.

13 Like several other Anti-Balaka leaders, Mr Ngaïssona contributed to the propagation
14 of the rhetoric of hatred and contempt towards the country's Muslim inhabitants,
15 according to which Muslims should leave the Central African Republic, which
16 belongs to the Central Africans whom they define as Christians and traditionalists.
17 Muslims were considered to be Chadians, rather than fellow citizen, even if the vast
18 majority of them hold - and all victims who participate do hold full - Central African
19 nationality. Many of the victims reported hearing phrases such as "We don't want
20 any more Muslims in our country" or "We won't stop until all Muslims have left the
21 country."

22 The spread of this rhetoric, which represented a major change in the Central African
23 Republic, where Muslim and Christian populations had until now lived together
24 harmoniously, obviously created a climate of fear and panic among the country's
25 Muslim population, and it increased the pressure on the same population, forcing

1 them to take refuge elsewhere in the hope of escaping this escalation of violence
2 which targeted them.

3 Having been minister of youth in Bozizé's government of national unity,
4 Mr Ngaïssona had a very strong influence over Central African youth and was,
5 therefore, in a position to mobilise them. In this respect, many victims report having
6 been threatened at the time of the events by groups of young people who clearly
7 demonstrated their hatred towards Muslims through acts of intimidation or by using
8 insults against victims in order to instill fear and to force them to flee.

9 With regards to the attack on Bossangoa on 5 December 2013, Mr Ngaïssona's Defence
10 in disputing the totality of the crimes committed ignores all the evidence and
11 supports several positions that are irreconcilable with a holistic and prudent reading
12 of all the available evidence.

13 Contrary to the arguments put forward by Mr Ngaïssona, the evidence is clear and
14 credible to the effect that the Anti-Balaka attacked the Muslim civilian population,
15 committing numerous murders of civilians not taking part in the hostilities.

16 Contrary to the position put forward by Mr Ngaïssona's Defence, the evidence
17 presented at trial, including that of dual status witnesses P-2457 and 2049, clearly and
18 credibly demonstrates that the Muslim population was hemmed in at the *École*
19 *de la Liberté* and could not leave freely for fear of being killed, which led to a mass
20 exodus of the Muslim population from the town.

21 Mr Ngaïssona's assertions to the contrary are not supported by the evidence. More
22 than 7,000 people were crammed into this enclave in appalling sanitary conditions,
23 leaving behind all their possessions.

24 Where it concerns Mr Yekatom, the victims also support the position presented by the
25 Prosecution according to which he contributed to the commission of crimes by

1 structuring training and equipping his Anti-Balaka elements, by preparing the attacks
2 and the advances of his group, and by participating in the execution of crimes, and by
3 leading the group during the execution of the crimes, as well as by giving orders to
4 the members of his group.

5 Between September 2013 and December 2014, Mr Yekatom was in command of
6 approximately 3,000 elements that he had previously trained militarily in the
7 Democratic Republic of Congo. As was emphasised in the Prosecution's final
8 written submission, Mr Yekatom organised this group according to a military-style
9 hierarchy with subgroups headed by his deputies and sub-commanders. He
10 exercised effective or, as P-1858 put it, "absolute" control over his elements in the
11 manner of a battalion commander. He would give them orders or instructions
12 directly or through his deputies or commanders. His orders were executed.

13 The proof shows the involvement of Mr Yekatom and his elements in the crimes
14 committed during the attack in Bangui on 5 December 2013. It was not, as the
15 Defence would have you believe, a legal and legitimate and limited operation. On
16 the contrary, the elements of the case file make it possible to establish that before the
17 attack Mr Yekatom indicated to his elements that the objective of their training was to
18 kill Muslims and the Seleka.

19 In using the words of the Prosecution, and here I quote in English:

20 (Speaks English) "This was a standing instruction that continued throughout the
21 charged period." End of quote.

22 (Interpretation) Numerous witnesses have told us that operations were carried out
23 with the intention of driving all the Muslims towards PK5 and Miskine. The
24 Christians had been warned in advance and advised to place palm branches in front
25 of their houses to show the Anti-Balaka which houses to spare. The bodies of some

1 of the Muslim civilians killed, including the traders murdered at Boeing market, were
2 taken to the Ali Babolo mosque in PK5. One witness stated that at least 60 bodies
3 were taken to the mosque and another witness gave detailed descriptions of the
4 bodies of Muslim civilians at the mosque -- p-2682, P-2050, P-1576.

5 Contrary to the Defence's claim, the circumstances of their deaths are clear. These
6 civilians were brutally attacked by the Anti-Balaka even though they were not a
7 legitimate military target and they were not combatants. Furthermore, the victims
8 strongly contest the Defence's position on the causes of the Muslims displacement.

9 Indeed, Mr Yekatom's Defence alleges that the Muslims left Boeing and Cattin for a
10 multitude of reasons.

11 Your Honours, numerous credible witnesses have confirmed the persecution of the
12 Muslim community. Faced with the systematic nature and brutality of the attacks,
13 the victims had no choice but to flee.

14 The intention of Mr Yekatom is confirmed by the fact, proven during the trial, that in
15 order to prevent the Muslim population from returning to Bangui, the elements of the
16 accused took over Seleka roadblocks and set up new ones from January 2014, in
17 particular at PK9, Sekia, Bimon, Kapou and Pissa.

18 As regards to the events that took place on the PK9-Mbaïki road, evidence in the case
19 file does not support the Defence's contention, according to which the aim of
20 Mr Yekatom was to ensure security and restore order in the region, or either that
21 Muslims left the region en masse as a result of circumstances that were unrelated to
22 the actions of Mr Yekatom's group.

23 The evidence shows beyond reasonable doubt that Mr Yekatom advanced towards
24 PK9 and they continued their advance towards Mbaïki, taking control of towns and
25 villages, and that this advance forced the Muslim civilians to flee, fearing for their

1 lives. Thousands of Muslim civilians took refuge in Mbaïki using their own means
2 of transport or with the help of other persons. The situation was so serious that
3 Muslims had to be evacuated from Mbaïki in military trucks under escort.
4 In this sense, the promises made by Mr Yekatom following the meeting organised at
5 St Jeanne d'Arc cathedral to protect the Muslim civilian population were nothing but
6 empty promises. These opportunistic promises did not represent any real intention
7 on the part of the accused to help Muslim civilians, but only to restore his image in
8 the eyes of the authorities. Indeed, the evidence shows that after the meeting,
9 heinous crimes continued to be committed, including the murder of the deputy
10 mayor Mr Djido Saleh. Furthermore, the unequivocal anti-Muslim gesture of even
11 close members of the accused's groups immediately after the meeting demonstrates
12 the true criminal intent of Mr Yekatom and his group.
13 Finally, with regard to the events that took place at the Yamwara school, the victims
14 support the Prosecution's position with regards to the events. The position of the
15 Defence according to which members of Yekatom's group had legitimate reasons for
16 arresting them or that they had been targeted not because they were Muslims but
17 because they had links to the Seleka is not supported by the evidence in the case,
18 which demonstrates that the victims of these incidents were vulnerable and
19 defenceless, and that they were not participating in the hostilities. No legitimate
20 reason could justify their arrest and detention for several days. Nor could it justify
21 constantly threatening them with death, subjecting them to brutal and inhuman
22 treatment, forcing them to undress. No legitimate reason could justify the
23 commission of a sordid murder.
24 The evidence in the case file seen in its entirety proves that the victims were targeted
25 specifically because of their ethnicity and religion, as well as because of their alleged

1 political support for the Seleka.

2 The victims also reject the vain attempt by Mr Yekatom's Defence to demonstrate that
3 certain witnesses to this incident would have lied during their testimony or attempted
4 to collude in order to falsely incriminate Mr Yekatom. Quite the contrary. The
5 witnesses showed courage and objectivity in their testimony, and demonstrated the
6 extent of the crimes that they had suffered and their victimisation. Possible
7 contradictions between testimonies do not demonstrate collusion or a desire at all
8 costs to incriminate Mr Yekatom, but can easily be explained by the passage of time or
9 the trauma that these victims have suffered.

10 To conclude, Mr Yekatom and his co-perpetrators knew that the implementation of
11 the plan to violently target the Muslim civilian population would lead them to the
12 commission of crimes and they acted with the intention of committing them.

13 The accused was fully aware and intended by his acts and omissions to ensure that
14 the crimes were committed within the common objective and criminal policy of the
15 Anti-Balaka. The structure and organisation of his group enabled him, together with
16 other co-perpetrators, to control and use its elements to commit the crimes. Even
17 knowing that elements of his groups had committed the crimes, Mr Yekatom never
18 investigated and never held anyone to account, preferring instead to congratulate and
19 reward the perpetrators of the crimes, as testified by P-1839.

20 Your Honour, your Honours, in recent consultations with our clients to prepare
21 closing submission, the victims have expressed their thanks for the opportunity they
22 have been given during the proceedings to present their views and concerns. They
23 also told us what they were expecting from the outcome of this trial.

24 The victims hope that the Chamber will listen to their views and their concerns.

25 They hope that the Chamber will recognise the extent of their suffering and harm, the

1 effects of which are still being felt today. They also hope that the Chamber will
2 render a judgment which takes into account their opinions by declaring that
3 Mr Yekatom and Mr Ngaïssona are guilty of all the crimes with which they are
4 charged.

5 This concludes, your Honour, your Honours, the closing statements on behalf of the
6 1,673 victims that we represent.

7 We thank you.

8 PRESIDING JUDGE SCHMITT: [13:06:48] Thank you, Ms Massidda. I think we
9 should have the break until quarter past 2, although it's a bit odd, but 14:15 for
10 everyone.

11 THE COURT USHER: [13:06:58] All rise.

12 (Recess taken at 1.06 p.m.)

13 (Upon resuming in open session at 2.17 p.m.)

14 THE COURT USHER: [14:17:00] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [14:17:20] Before we continue, Ms Dimitri, you have
17 additions to your team. Perhaps for the record, I think it's good to have everyone
18 who is present really reflected in the transcript.

19 MS DIMITRI: [14:17:30] Thank you, Mr President, indeed. We have our three
20 interns: Romane Coeuret, Evelyse N'Da Koussan and Amaury Mandosse.

21 PRESIDING JUDGE SCHMITT: [14:17:40] Thank you very much.

22 I give now the floor to Mr Suprun for his final arguments.

23 MR SUPRUN: [14:17:51](Interpretation) Thank you, your Honour.

24 Your Honour, your Honours, the trial which ends today has given rise to three
25 feelings -- or, if you like, three perceptions in the minds of the victims that I represent,

1 292 of them, and who are former child soldiers of the Anti-Balaka group under the
2 command of Mr Rhombot Yekatom.

3 The first is the feeling of confidence since, according to the victims, it has been
4 established on the basis of numerous pieces of evidence produced during this trial
5 that Mr Yekatom must be found guilty beyond all reasonable doubt for the
6 commission of the crime to which the victims were subjected, in particular, the crime
7 of conscripting and enlisting children under the age of 15 into his Anti-Balaka group
8 and using them to participate actively in hostilities.

9 The second is the feeling of concern about the length of the trial which victims
10 consider to be excessive.

11 The third is a feeling of frustration because the victims feel that they have not been
12 able to fully realise their right to contribute effectively to the search for and
13 establishment of the truth in this case, and also because many of their expectations of
14 this trial have not materialised.

15 I echo the views and concerns of the victims I represent. And so, in my speech, I'm
16 going to touch on three themes: Firstly, the extent of the victimisation of the child
17 soldiers of Mr Yekatom's Anti-Balaka group; secondly, the extent of victim
18 participation in this trial; and thirdly, the views, concerns and frustrations of the
19 victims in relation to this trial.

20 With respect to the first issue, in my final written submissions, to the extent possible,
21 and within the page limit as accorded to the Legal Representatives of Victims, I have
22 demonstrated with reference to the evidence produced during the trial, such as
23 witness testimony and video and documentary evidence, that children under the age
24 of 15 were conscripted, enlisted and used to participate actively in hostilities by the
25 Anti-Balaka group of Mr Yekatom.

1 I reiterate in full by reference to all my final written submissions. In order to
2 demonstrate the extent of their victimisation -- or the victimisation of Anti-Balaka
3 child soldiers, I will summarise their experience in the group without, however, citing
4 sources, as they are included in my written submissions, but also because we are in
5 open session.

6 It has therefore been established during this trial that children under the age of 15
7 were conscripted, i.e., forcibly recruited into the Anti-Balaka group when they were
8 in their respective villages, or on the road between their villages and their schools, or
9 on fishing grounds, or in the forests.

10 Other children joined the group, supposedly voluntarily, guided by different reasons.
11 Some wanted to take revenge for the murder of members of their family by the Seleka.
12 Others, because they were led to believe by friends or family members that once they
13 were in the group, they could easily earn money. Others, because they were looking
14 for protection or support from adults. Still, others, because they did not go to school
15 and they had no other occupation. Finally, there were those who believed that their
16 experience in the ranks of the Anti-Balaka could enable them later to join the Central
17 African armed forces.

18 Whatever their motivation, the mere fact that Mr Yekatom's Anti-Balaka group
19 recruited into its ranks children under the age of 15 constitutes a crime under the
20 Rome Statute, since the consent of a child is not a valid excuse.

21 Furthermore, these children must no doubt have very quickly regretted joining the
22 Anti-Balaka ranks, as the reality that awaited them once they were in the group was
23 shocking.

24 Once in the group, the children were subjected to various forms of physical and
25 mental violence, and this regardless of whether the child had been forcibly recruited

1 or was supposed to have joined voluntarily. This was because once in the group, the
2 child could no longer leave it at will, since in that case, he could have been considered
3 by the leaders as a group traitor, and by way of consequence, if caught running away,
4 could have been punished or even killed.

5 Following their recruitment, children were typically taken to one of the Anti-Balaka
6 bases, where they were first required to undergo a traditional initiation procedure,
7 the procedure known as *blindage*, or amour plating, or vaccination, since, as we saw
8 during the trial, the Anti-Balaka elements apparently believed in the strength of the
9 fetishes that would be able to protect them against the enemy.

10 Regardless of whether the strength of the fetishes worked as hoped, the traditional
11 initiation of children, as testified to by the expert on child soldiers, could constitute
12 a form of indoctrination and instrumentalisation of the children in such a way as to
13 make them feel as if, from now on, they had to belong to the group without being able
14 to leave it. But also to make them even more manageable and more controllable,
15 since this initiation imposed rules on the children that had to be respected
16 imperatively, failing which, the protection of the fetishes would cease to function.

17 From their first day in the group, the leaders gave the children narcotics to take, such
18 as Indian cannabis or Tramol, to help them overcome their fear and shyness and to
19 make them strong and courageous.

20 In fact, according to the expert on child soldiers, administering drugs to child
21 soldiers turned them into veritable killing machines, transforming them into fearless
22 and merciless fighters.

23 Administering drugs to children also served another purpose: In particular, to get rid
24 of their hunger because there was a lack of food in the group, and the children were
25 systematically malnourished. Because of the regular use of drugs within the group,

1 Anti-Balaka group, several children developed an addition to the extent that they
2 continued to take them long after their demobilisation.

3 After their traditional initiation, some children underwent military-style training,
4 while others had to pass a test which involved the children proving to their leaders
5 that they were ready to fight against the enemy.

6 To this end, the children were forced either to kill or to mutilate one of the prisoners,
7 or simply to observe the killing or mutilation of a prisoner.

8 The children played different roles within Mr Yekatom's Anti-Balaka group. In
9 particular, as bodyguards for their leaders, spies, and ammunition carriers. They
10 were deployed on patrols at roadblocks and to protect bases. They were ordered to
11 fetch food, and, as part of this, they had to loot civilians' property. And in order to
12 do so, they often had to attack civilians to take away their belongings. They were
13 also ordered to finish off wounded prisoners.

14 During their experience in the group, the child soldiers were subjected to another
15 form of indoctrination in the form of speeches by their leaders about the need to
16 defend the country and drive out the Muslims. They were also subjected to various
17 forms of punishment and other forms of ill-treatment.

18 The girls, apart from household tasks, were subjected to sexual violence by the chiefs
19 and other elements. In addition, the girls were involved in traditional practices with
20 the aim of mystically preparing for combat and protecting in the same way the
21 Anti-Balaka elements.

22 Finally, the child soldiers have been used to actively participate in several battles,
23 among others, the attack on Bangui of 5 December 2013 and in the battle in Boda.

24 Your Honour, your Honours, the experience of the child soldiers in Mr Yekatom's
25 Anti-Balaka group has caused various forms of both short-term and long-term harm.

1 In terms of immediate harm, the recruitment of children into the Anti-Balaka group
2 immediately led to their separation from their families and the interruption or
3 stopping of their schooling. Once in the group, the children, who were already
4 vulnerable, given their age, were exposed to an environment of violence and
5 fear -- continuous violence and fear, which undoubtedly harmed their physical
6 integrity and caused immediate psychological trauma.

7 During their experience in the group, the children were subjected to various forms of
8 physical and mental violence, which undoubtedly only increased their vulnerability.
9 Using children to take active part in hostilities exposed them to the imminent risk of
10 being killed and also led them to commit atrocities under the influence of drugs
11 administered to them. Many of the children never returned from the battlefield, and
12 those who did, still bear the scars of injuries and disabilities and are marked forever
13 by the sound of gunfire and explosions, as well as by images of their comrades killed.
14 Children who were also victims of sexual violence while in the army suffered various
15 types of additional harm, including unwanted pregnancy, infections, sexually
16 transmitted diseases, injuries to the genitals and, in the long term, sexual dysfunction,
17 feelings of shame, humiliation, guilt and self-hatred.

18 Your Honour, your Honours, the suffering of the child soldiers in the Anti-Balaka
19 group did not end unfortunately when they were disarmed and demobilised. This is
20 because the atrocities of war and violence that the children were lucky enough to
21 survive then turned into the ordeals of their daily war to cope with the long-term
22 consequences of their painful experience.

23 A trauma expert in the present case, whose report was admitted into evidence, states
24 that after continuous exposure to violence, fear and anxiety to inhumane treatment
25 and especially to sexual violence, combined with the systematic use of drugs, former

1 child soldiers generally suffer from psychological trauma that persists long after their
2 demobilisation from the army, and it often develops into post-traumatic stress.

3 This trauma has detrimental effects on the development of the brain and cognitive
4 abilities of young individuals, as well as on their behaviour, and it often leads apart
5 from depression, aggression, anxiety, memory problems and suicidal thoughts to
6 dissociation, developmental problems and social reintegration.

7 This traumatic experience can also give rise to intergenerational damage and,
8 furthermore, can also cause family and community dysfunction.

9 With regard to the specific harm that former child soldiers typically suffer is
10 post-traumatic stress disorder, which, according to the expert on trauma,
11 states -- occurs in between 97 and 99 per cent of former child soldiers.

12 The expert on child soldiers also testified that after their demobilisation, former child
13 soldiers are very often stigmatised and rejected by their families and communities
14 because of their experience and, as a result, have difficulty reintegrating into society.

15 According to this expert, rehabilitation programmes are not always effective for all
16 former child soldiers, as many of them are unable to find their place in civilian life
17 and they prefer to join armed groups again.

18 I will now go on to my second theme, which is the extent of victims' participation in
19 this trial.

20 Your Honour, your Honours, we have all been able -- throughout these 22 years of
21 experience or existence of the Court, we have all been able to observe on numerous
22 occasions that during their internal interventions and public speeches, the
23 representatives of the different organs and sections of the Court like to talk a lot about
24 victims, in particular, about how important the participation of victims in proceedings
25 before the Court is, while stressing that the Court cannot properly fulfil its mandate

1 without the effective participation of victims.

2 I'm only going to cite one example which is more recent, and that is the speech made
3 by the President of the Court to the United Nations General Assembly on 31
4 October 2022, the President of the Court said, and I quote:

5 (Speaks English) "The ICC has ushered in a concept of international criminal justice
6 that gives victims a strong role in the process", that "victims have a very strong
7 position at the ICC", and "The ICC invests a great deal of time, energy and resources
8 into making the victim-centred vision of justice a reality."

9 (Interpretation) End of quote.

10 Furthermore, throughout the various cases, the Court has established and reiterated
11 on several occasions the principle, according to which participation of victims in the
12 proceedings before the Court must be effective and meaningful and not merely
13 symbolic.

14 I recognise that this is a very fine principle, but it only exists on paper. Because the
15 reality is absolutely different. In fact, in reality, the extent of victims' participation in
16 proceedings before this Court depends entirely on the composition of the Chamber
17 concerned, and this extent varies significantly sometimes in different cases with the
18 worrying trend in recent years of Chambers applying an increasingly restrictive
19 approach to the extent of victims' participation, and, in particular, to their right to
20 contribute effectively through their legal representative to the search for and
21 establishment of the truth.

22 Throughout this trial, we have regularly heard that the Legal Representatives of
23 Victims should limit their examination of Prosecution and Defence witnesses to issues
24 relating to the harm suffered only by victims, and should not act as prosecutor bis
25 since their role in the proceedings is very limited.

1 With due respect, I find it regrettable that 22 years after the creation of the Court we
2 are still debating the role and rights of victims in proceedings before this Court. It is,
3 therefore, important to remember that victims play a distinct and independent role,
4 including in relation to the Prosecution. The interests of victims are distinct from the
5 interests of the Prosecution and may not be consistent with the interests of the
6 Prosecution.

7 In fact, the main interest of victims is to be able to effectively realise their right to
8 truth and justice with its essential components: The right to contribute positively to
9 the search for and establishment of the truth, and the right to be listened to and heard.

10 I therefore must repeat the appeal that I made at the start of this trial, which clearly
11 has not been heard. Victims are not here to play the role of Prosecutor bis. The
12 victims are not hear to assist the Prosecution. But neither are the victims here to play
13 the role of a pure symbol in whose name and for whom the
14 International Criminal Court is dispensing justice.

15 I recall that in one of its written submissions, Mr Yekatom's Defence argued that we
16 are not here in these proceedings to establish the Truth, with a capital T.

17 As far as I'm concerned, in all my years of experience in assisting and legally
18 representing victims in various cases, I have always been convinced that in addition
19 to determining the criminal responsibility of the accused, the ICC, by virtue of its
20 commitment to victims, also has an obligation to establish the Truth, with a capital T,
21 insofar as this truth falls within the parameters of the case; or the Court, in any case,
22 must do everything necessary to ensure that this truth is established. In any case,
23 the victims need and, I'm convinced, have the right to the Truth, with a capital T.

24 Victims don't need the smallest truth, a half-truth, a partial truth, so they don't need
25 the handicapped truth that only suits certain people.

1 The search for the truth is a long and complex process. It requires the effective
2 contribution of all those who are able to provide relevant evidence, including victims
3 through their legal representatives. In fact, the Prosecution, for strategic or other
4 reasons, may have no interest in exploring certain aspects of the case with the
5 witnesses, even though these aspects directly affect the personal interests of the
6 victims.

7 And this is precisely where the Legal Representative must be able to contribute as this
8 is necessary to establish the Truth, with a capital T. And the personal interests of the
9 victims must in no way be limited to questions of the harm suffered by victims, since
10 personal interests of victims are far from being limited to this issue.

11 I'll give you an example where it concerns the crime of enlisting and conscripting
12 children under the age of 15 into an armed group and using them to participate
13 actively in hostilities, which is one of the crimes for which Mr Yekatom has been
14 charged -- accused.

15 In the interests of this case, the Prosecution only needs to show as a material element
16 of the crime in question that at least one child under the age of 15 was conscripted or
17 enlisted into Mr Yekatom's Anti-Balaka group, or at least one child under the age of
18 15 was used to participate actively in hostilities conducted by the Anti-Balaka; that is
19 all.

20 The Prosecution does not need, and, moreover, has no obligation, to demonstrate, for
21 example, the different roles played by children in the group, the living conditions of
22 the children within the group, the different forms of treatment, military training,
23 discipline and punishments to which children were subjected and so on.

24 It should, therefore, be the role of the Legal Representative of Victims to address these
25 aspects as they directly concern the personal interests of his clients. Of course, only

1 if we all have the objective of establishing the Truth, with a capital T, rather than
2 a disabled truth.

3 The specificity of these crimes is that any kind of experience of children in the
4 Anti-Balaka group necessarily relates in one way or another to the acts or omissions
5 of the accused. The result is that virtually one of two issues that I've tried to raise in
6 this trial with witnesses, beyond questions of harm, have been objected to by the
7 Defence, and, in most cases, the objection has been sustained with the reminder that
8 the Legal Representative must not act as Prosecutor bis and that the role of Legal
9 Representatives in this trial is very limited.

10 If the Prosecution for strategic reasons has not had the interest to raise such issues and
11 the Legal Representative is not authorised to do so, then who will? Logically, no one.
12 The smallest truth being established as a result.

13 I would ask myself, therefore, a rather rhetorical question of whether and to what
14 extent the approach, according to which the role of the Legal Representatives of
15 Victims in this trial should be limited, is reconcilable with the established legal
16 principle in the jurisprudence of this Court; that the participation of victims in
17 proceedings before the Court must be effective and meaningful and not merely
18 symbolic.

19 This restrictive approach to the extent of victims' participation in the trial has had
20 negative implications, not only for victims' rights, but also for legal representatives as
21 counsel. In fact, legal representatives have obligations under the Code of
22 Professional Conduct for Counsel before the Court, according to which, amongst
23 other things, each counsel must act in the best interests of his or her clients. These
24 obligations apply equally to counsel for the Defence and counsel for victims without
25 distinction. If, in reality, unlike Defence counsel, victims' counsel are not

1 systematically authorised, for example, to discuss with witnesses all matters that
2 directly concern the interests of their clients, this means that they are prevented from
3 exercising their mandate in accordance with their obligations under the code. This
4 leads to the *de facto* creation of two categories of counsel with different rights and
5 obligations that are not, however, contemplated by the Code of Professional Conduct
6 for Counsel.

7 I cannot fail to mention another example of the restrictive approach to the extent of
8 victims' participation in this trial. This concerns the stage of the trial relating to the
9 presentation of evidence by the Legal Representatives. In this case, contrary to the
10 consistent practice in all previous cases, the Legal Representatives were given one
11 month and one week to file an application for leave to present evidence with the final
12 list of proposed witnesses, including the summaries of anticipated testimony.

13 As a result, the Legal Representatives were simply deprived of the opportunity to
14 conduct their investigations properly and to prepare adequately for the trial stage,
15 crucial as it is for the victims.

16 I am aware that the Trial Chambers of this Court, like the Pre-Trial Chambers, are not
17 obliged to conform with the practice of the other Chambers. However, we are
18 dealing with a single court, and this Court is supposed to ensure the consistency and
19 predictability of its own jurisprudence.

20 Predictability is one of the essential requirements of every legal system, whether
21 national or international, such as that provided for in the Rome Statute. Predictability
22 of the Rome Statute legal system is required, not only to enable counsel to have
23 a more or less clear idea of what they can expect from a procedural point of view, it is
24 also necessary for the Court's reputation or for the image of the Court to demonstrate
25 this institution is able to ensure consistency and predictability of its own

1 jurisprudence.

2 Reversal of the Court's practice in this matter was justified by the fact that the trial in
3 this case had already taken so long. With all due respect, it is as if the Legal
4 Representatives of the Victims had never been -- that they'd asked for a delay in the
5 trial, and the only way to remedy this would have been to dramatically shorten the
6 time taken by the Legal Representatives at the essential stage for their clients, in
7 addition to the restrictions already imposed on the victims' right to effectively
8 contribute to the search for and establishment of the truth.

9 It is true that in this trial we have two Defence teams, which could in itself explain the
10 extended duration of these proceedings, which is three years and six months -- three
11 and a half years.

12 But in this trial, there are also two teams of Legal Representatives of Victims. By
13 way of illustration - although, I do not have a precise calculation - it is nevertheless
14 reasonable to say that throughout this trial, the two teams of Legal Representatives
15 have used a total of no more than 15 hours for their examination of all the witnesses,
16 of all the witnesses for three and a half years.

17 However, each Defence team used an average of five hours per witness, sometimes
18 even eight, 10, 12 hours per witness, with no restriction on the issues that could be
19 addressed.

20 The question of whether the Legal Representatives of Victims were, in fact,
21 responsible for the excessive length of this trial is purely rhetorical as the answer
22 would seem obvious.

23 It has to be said that the extent of victims' participation in this trial has been restricted
24 to the minimum possible. Furthermore, it should be noted that the extent of victims'
25 participation in the trial which is currently taking place in parallel - and which also

1 concerns the Situation in the Central African Republic, in particular, in the Said
2 case - appears to be even more restricted. A purely symbolic limit, since, for
3 example, the Legal Representative only has the right to examine his clients, victims
4 with dual status, and does not have the right to ask any questions of any other
5 witness on any other subject.

6 The trend in the Court's practice in recent years consisting of applying an increasingly
7 restrictive approach to the extent and scope of victims' participation in proceedings
8 before this Court is very worrying, and, I would say unfortunate, not only for the
9 victims who participate in the cases concerned, but it is also alarming for the future of
10 the whole system of victims' participation before this Court.

11 We all know that the Rome Statute is unique in its kind because for the first time in
12 the history of international criminal justice, it provides for the right of victims to
13 participate at all stages of the proceedings.

14 The authors of the Rome Statute intended to place victims at the heart of proceedings
15 before the Court, while giving the Chambers the discretion to establish and develop
16 through their practice, a precise and fair system that would be consistent with their
17 intentions.

18 This unique system of the Rome Statute required the Court to find and implement
19 a fair and equitable balance, a proportionality between the different interests: On the
20 one hand of the rights of the Defence and, on the other, of the right of victims to
21 participate in proceedings in an effective and meaningful way and not merely
22 symbolically.

23 It has to be said that 22 years after the creation of this Court, this balance has never
24 been found or put in place.

25 I had the honour of being part of one of the teams of Legal Representatives of Victims

1 who took part in the trial of the very first case before this Court, the Lubanga case.

2 In that case, we had before us only the legal texts of the Court, without any practice of
3 the Court or any relevant international jurisprudence. We faced two challenges:

4 Firstly, to find the legal basis for establishing the modalities for victims which were as
5 favourable as possible, which could then be developed in future cases.

6 Secondly, we had to try to convince the Chamber, the Trial Chamber, presided over
7 by the British judge who came from the common law system and he was, therefore,
8 unfamiliar with the concept of victim participation in criminal proceedings. By way

9 of consequence during the trial in this case, three teams of Legal Representatives of

10 Victims were authorised to ask witnesses - in addition to questions related to the

11 harm suffered by victims and possible reparations - any question relating to the

12 criminal responsibility of the accused, the context of the case, the nature of the armed
13 conflict as well as any question of a general nature.

14 The only condition was that the Legal Representatives could ask questions on issues

15 that had either not been addressed at all by the Prosecution or had only been

16 addressed in part by the Prosecution. And contrary to what some may think, the

17 extent of victims' participation in this case - three teams of Legal

18 Representatives - was not the cause of the delay in this trial. I would like to remind

19 you that this trial has had delays because it was suspended twice due to problems

20 with the disclosure of evidence by the Prosecution. In addition, the Chamber in that

21 case established the principle that the right to present evidence is not limited to the

22 parties, but may extend under certain conditions to the Legal Representatives of

23 Victims.

24 The results of this very first case -- the very first case before the Court with regards to

25 the extent of victims' participation has given rise to reasonable optimism that the

1 principles established in this case will be developed further and in favour of victims
2 in future cases.

3 And it's true that the principles established in the Lubanga case were followed in the
4 Katanga case, and, to a certain extent, in the Bemba case. I wonder how we, the
5 Court, 15 years later have managed to get to this point, when the role of the Legal
6 Representatives has been restricted to such an extent that now, they can only raise
7 with witnesses questions relating to the harm suffered by victims.

8 It's reasonable to say that starting with the Gbagbo and Blé Goudé cases, the whole
9 system of victims' participation in proceedings before this Court, paradoxically, rather
10 than developing favourably for the victims, began to regress -- or rather, I would
11 rather say began its free fall.

12 And I'm afraid that this fall is not yet over, given the worrying trend in the Court's
13 practice regarding the extent of victims' participation in proceedings, including in this
14 case. We have now reached the moment of Truth - with a capital T - for the whole
15 system of victims' participation.

16 There are two options before the Court: Take it or leave it options. Firstly, it is
17 imperative that the Court seeks, and, if possible, finds at the central institutional level,
18 the requisite fair and equitable balance of proportionality that would ensure that
19 victims' participation is effective and meaningful and not merely symbolic, and that
20 the approach adopted is applied uniformly and consistently across all proceedings
21 before the Court.

22 Secondly, and, if not, the Court should consider openly acknowledging that it is not
23 in a position to ensure such a level of victim participation in practice. At least that
24 would be honest. In both cases, this is necessary now because the system of victim
25 participation in proceedings before the Court in its current state and with the latest

1 trends resembles a Titanic approaching its iceberg.

2 In other words, the unique value of the Rome Statute, which is the participation of
3 victims in the proceedings before the International Criminal Court, is about to be
4 completely leveled. Your Honour, your Honours, this brings me to my third and
5 final theme, which is the views, concerns and frustrations of the victims, former child
6 soldiers of the Anti-Balaka in relation to this trial.

7 Firstly, the former child soldier victims regret that the mode of criminal responsibility
8 under Article 28 of the Rome Statute, which is the responsibility of the military
9 commander, was not included by the Prosecution in Count 29 of the indictment
10 against Mr Yekatom.

11 In fact, for the victims who were former child soldiers, Mr Yekatom *de facto* played the
12 role of their military commander during their experience in the ranks of the
13 Anti-Balaka.

14 Therefore, Mr Yekatom's role as a military commander of the Anti-Balaka group
15 should have been properly examined, as it should have been during the trial, and
16 should have been taken into account by the Chamber in its determination of
17 Mr Yekatom's criminal responsibility.

18 Secondly, the former child soldier victims regret that the Prosecution did not include
19 in its document containing the charges, an additional charge relating to the crime of
20 sexual violence committed against Anti-Balaka child soldiers. In fact, as
21 demonstrated during the trial, girls who were part of the Anti-Balaka ranks were
22 subjected to sexual violence during their time with the group.

23 Therefore, sexual violence against child soldiers of the Anti-Balaka should have been
24 examined in detail during the trial in order to ensure that all forms of victimisation
25 suffered by child soldiers in the Anti-Balaka ranks were taken into account by the

1 Chamber in its determination of Mr Yekatom's criminal responsibility.

2 Thirdly, the former child soldier victims regret that many of their expectations in
3 relation to this trial have not materialised, despite the fact that their expectations have
4 been expressed before the Court on numerous occasions by their legal representative.
5 Indeed, the victims hoped that the trial in this case would draw the attention of
6 international and national humanitarian organisations to their difficult situation as
7 a result of their experience in the ranks of the Anti-Balaka. In particular, their
8 medical and psychological problems, their problem of stigmatisation by their
9 respective communities and their problem of social reintegration.

10 However, only a certain number of former child soldiers of the Anti-Balaka have been
11 able to benefit from assistance, albeit limited, under the Trust Fund for Victims
12 assistance programme. However, under this programme, specialised medical
13 treatment was offered only to victims of sexual violence. The other former child
14 soldiers concerned received only basic medical assistance. The former child soldiers
15 received no help or assistance from any one else.

16 Finally, only a very limited number of former child soldiers were able to follow
17 developments in this trial through radio programmes broadcast in their respective
18 villages. For the vast majority of victims, their legal representative was the only
19 source of information on developments in the trial.

20 Victims regret that their repeated appeals to put in place additional means that would
21 allow them to follow the developments in the trial on a regular basis - such as,
22 periodic outreach activities in their respective villages or through Ciné Vidéo
23 shops - have not materialised.

24 By way of conclusion, the eyes of the former child soldiers of Mr Yekatom's
25 Anti-Balaka group, who are now young adults, are turned towards the International

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- 1 Criminal Court. Towards you, Mr President, ladies and gentlemen judges.
- 2 These young adults hope that the outcome of this trial will give them the opportunity
- 3 to obtain reparations for the suffering and the different forms of harm they have
- 4 suffered during their experience in the ranks of the Anti-Balaka, as well as reparation
- 5 as far as possible for their stolen childhoods. Thank you.
- 6 PRESIDING JUDGE SCHMITT: [15:13:18] This concludes the hearing of today. We
- 7 continue tomorrow at 9.30 with the presentations by the Defence.
- 8 THE COURT USHER: [15:13:24] All rise.
- 9 (The hearing ends in open session at 3.13 p.m.)