

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 and
7 Judge Chang-ho Chung
8 Opening Statements - Courtroom 1
9 Tuesday, 16 February 2021
10 (The hearing starts in open session at 9.39 a.m.)
11 THE COURT USHER: [9:39:40] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:40:04] Good morning, everyone.
15 I would like to welcome you to the courtroom in this new case and I would like
16 the court officer to call the case.
17 THE COURT OFFICER: [9:40:19] Good morning, Mr President and your Honours.
18 Situation in the Central African Republic II, in the case of The Prosecutor versus
19 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:40:41] Thank you.
22 I would like to take the appearances. First the Prosecution.
23 MR VANDERPUYE: [9:40:49] Good morning, Mr President, your Honours.
24 Good morning, everyone.
25 Today the Prosecution is represented by Olivia Struyven, seated behind me, and

- 1 Yassin Mostfa, seated ahead of me. My name is Kweku Vanderpuye.
- 2 Good morning once again.
- 3 PRESIDING JUDGE SCHMITT: [9:41:08] I understand that there might be a rotating
4 presence from the Prosecution.
- 5 MR VANDERPUYE: [9:41:14] Indeed, Mr President, because of the situation
6 concerning the pandemic.
- 7 PRESIDING JUDGE SCHMITT: [9:41:19] Thank you.
- 8 And then the victims' representatives, please.
- 9 MS MASSIDDA: [9:41:25] Good morning, Mr President, your Honours.
- 10 (Interpretation) (Overlapping speakers) the other crimes are represented today by
11 a team of lawyers here. I am going to be here, Paolina Massidda, with my colleague
12 Elisabeth Rabesandratana. Linked to Senegal our colleague Maître Yaré Fall. And
13 linked in Bangui, in the Central African Republic, our counsel Douzima Lawson and
14 Dangabo Moussa Abdou. Thank you.
- 15 PRESIDING JUDGE SCHMITT: [9:42:14] Thank you.
- 16 Please.
- 17 MR SUPRUN: [9:42:14](Interpretation) Good morning, Mr President. Good
18 morning, your Honours. The former child soldiers are represented by myself
19 Dmytro Suprun, counsel at the Office of Public Counsel for Victims.
- 20 PRESIDING JUDGE SCHMITT: [9:42:24] Thank you.
- 21 And now we turn to the Defence, Ms Dimitri.
- 22 MS DIMITRI: [9:42:29] Good morning, Mr President. Good morning,
23 your Honours. Good morning, my colleagues.
- 24 Mr Yekatom this morning is represented by Mr Tom Hannis, associate counsel, to my
25 left; Ms Sabine Bayssat, case manager, behind me; we have in the public gallery

1 Ms Lena Casiez, legal assistant; Ms Wilhelmina Wittingham. And in the course of
2 the week I hope I will get a chance to introduce the other team -- the other team
3 members of Mr Yekatom. And there is myself, Ms Mylène Dimitri, lead counsel.

4 PRESIDING JUDGE SCHMITT: [9:42:59] Thank you.

5 Mr Knoops.

6 MR KNOOPS: [9:43:03] (Microphone not activated)

7 PRESIDING JUDGE SCHMITT: [9:43:04] Microphone, please, Mr Knoops.

8 MR KNOOPS: [9:43:07] Good morning, Mr President, your Honours. Good
9 morning, colleagues.

10 The defendant Mr Ngaïssona is today represented by my associate counsel

11 Mr Richard Omissé Landry Namkeamaï, new co-counsel. On my left side

12 Ms Sara Pedroso, legal assistant. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:43:31] Welcome, Mr Omissé. You are new to
14 the Court and we welcome you here in the courtroom.

15 And we have also to introduce the Judges, the Bench for this case, to my right is

16 Judge Péter Kovács, to my left is Judge Chang-ho Chung, and I am

17 Judge Bertram Schmitt.

18 For the information of the public, the Chamber notes that several restrictions apply to

19 today's hearing in light, as we all know, of the COVID-19 pandemic, in particular,

20 the participants, parties, Registry and Chambers staff appear only with a limited team

21 to reduce the risks, but this is of course self-explanatory. And additionally, several

22 measures are being taken to ensure appropriated distancing in the courtroom.

23 Short information on schedule and publicity.

24 Pursuant to the information provided by the Registry in consultation with the

25 Crisis Management Team, the Chamber is glad to announce that the hearings can be

1 held pursuant to the normal hearing schedule. Accordingly, the opening statements
2 will be heard in three sessions, normally from 9.30 to 11, 11.30 to 1.00, and 2 o'clock in
3 the afternoon until 3.30. When I say "normally", the parties and participants are
4 aware that we might have perhaps an earlier break today.

5 Mr Knoop you know, perhaps, you will -- we will indicate when you have to leave.
6 In light of the time granted to the participants and parties to make their representative
7 presentations, the Chamber anticipates that the opening statements will be finished
8 on Thursday, 18 February, and the Ngaïssona Defence is ensured that they can have
9 their presentation on Thursday and not earlier.

10 The Chamber notes that this hearing is held in open session unless request to do
11 otherwise is made by the participants or the Registry.

12 Before the charges are read and we hear the opening statements, I would like to
13 briefly recall, really briefly, the background of this case.

14 On 30 May 2014, the government of the Central African Republic referred to
15 the Prosecution of the Court the situation in its territory since 1 August 2012,
16 the so-called "CAR II Situation". At the request of the Prosecution, Pre-Trial
17 Chamber II issued warrants of arrest against Mr Alfred Yekatom and
18 Mr Patrice-Edouard Ngaïssona on 11 November 2018 and 7 December 2018
19 respectively.

20 Mr Alfred Yekatom was transferred to the Court on 17 November 2018.

21 Mr Ngaïssona was transferred to the Court on 23 January 2019.

22 The charges brought by the Prosecution against the two accused were confirmed, in
23 part, by Pre-Trial Chamber II on 11 December 2019.

24 In accordance with Article 64(8)(a) of the Statute, the charges will now be read to
25 the accused.

1 The accused will then be afforded the opportunity to make an admission of guilt or
2 plead not guilty.

3 The court officer will read extracts of the confirmed charges as instructed in the initial
4 directions on the conduct of the proceedings.

5 Due to the public nature of this hearing, these extracts are based on the public
6 redacted version of the decision on the confirmation of charges.

7 Counsel, I trust that you have no objections to this approach. Mr Vanderpuye, is there
8 a problem with that?

9 MR VANDERPUYE: [9:47:18] None, Mr President.

10 PRESIDING JUDGE SCHMITT: [9:47:19] Ms Dimitri?

11 MS DIMITRI: [9:47:21] No objection, Mr President.

12 PRESIDING JUDGE SCHMITT: [9:47:23] Mr Knoops?

13 MR KNOOPS: [9:47:25] No objection, Mr President. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:47:27] The Chamber stresses in this context that
15 these redacted portions are only redacted from the public, of course. The accused
16 and their respective Defence teams are fully aware of the details behind these
17 redactions by virtue of the confidential decision. They have received the unredacted
18 version of the confirmation decision in French, a language they fully understand.

19 This is correct, Ms Dimitri?

20 MS DIMITRI: [9:47:52] That's correct, Mr President.

21 PRESIDING JUDGE SCHMITT: [9:47:56] Mr Knoops?

22 MR KNOOPS: [9:47:57] That is correct, Mr President.

23 PRESIDING JUDGE SCHMITT: [9:48:01] Then we can proceed to the reading of the
24 charges.

25 Court officer, please proceed.

1 THE COURT OFFICER: [9:48:07] Charges:

2 Alfred Yekatom, a national of the Central African Republic, born on 23 January 1975
3 in Bimbo, the Central African Republic, also known as 'Alfred Saragba', 'Rombhot',
4 'Rambo', 'Rambot', 'Rombot', 'Rhombot', 'Rombo' or 'Romboht', is criminally
5 responsible for the war crimes of:

6 (i) directing attacks against the civilian population in Bangui, including Cattin and
7 the Boeing market, starting on 5 December 2013 on the basis of the conduct pertaining
8 to Counts 2 to 6 and 8;

9 (ii) murder, for:

10 a. the killing of between five and 13 persons, [REDACTED] at the Boeing market,
11 four Muslim persons in Cattin, and [REDACTED] at the Boeing market, in the context
12 of the attack on Bangui, including Cattin and Boeing, on 5 December 2013;

13 b. [REDACTED] at the Yamwara School Base [REDACTED];

14 c. the killing of Deputy Mayor Saleh on or about 28 February 2014 in Mbaïki, in
15 the context of the Anti-Balaka's advance through and takeover of villages along
16 the PK9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa,
17 Mbaïki), (Count 27);

18 (iii) displacement, for:

19 a. the dislocation of nearly all Muslim persons residing in Cattin and Boeing to PK5,
20 a predominantly Muslim neighbourhood in Bangui, other parts of the Central African
21 Republic or neighbouring countries, starting from 5 December 2013 in the context of
22 the attack on Bangui, including Cattin and Boeing, on 5 December 2013 (Count 5);

23 b. the dislocation of the majority of the Muslim population from their towns and
24 villages between on or about 10 January 2014 and on or about 6 February 2014, in
25 the context of the Anti-Balaka's advance through and takeover of villages along

1 the PK9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa,
 2 Mbaïki), (Count 25);

3 (iv) directing an attack against a building dedicated to religion, for the destruction
 4 of the Boeing mosque by 20 December 2013 at the latest, (Count 6);

5 (v) cruel treatment, for the [REDACTED] the Yamwara School Base [REDACTED],
 6 (Count 13);

7 (vi) torture, for the [REDACTED] the Yamwara School Base [REDACTED],
 8 (Count 13);

9 (vii) conscription, enlistment and use of children under the age of fifteen years to
 10 participate actively in hostilities, for the conscription and/or enlistment of children
 11 into his group at various locations, including [REDACTED], and the assignment of
 12 a variety of tasks to them, such as, inter alia, participating in hostilities, including
 13 the 5 December 2013 Attack, between at least December 2013 and August 2014,
 14 (Count 29);

15 all committed in the context of and associated with an armed conflict not of an
 16 international character ongoing in the territory of the Central African Republic from
 17 September 2013 until at least December 2014 between the Séléka and the Anti-Balaka,
 18 including Yekatom's group.

19 Yekatom is also criminally responsible for the crimes against humanity of:

20 (i) murder:

21 a. the killing of between five and 13 persons, [REDACTED], at the Boeing market,
 22 four Muslim persons in Cattin, and [REDACTED] at the Boeing market, in the context
 23 of the attack on Bangui, including Cattin and Boeing, on 5 December 2013, (Count 2);

24 b. [REDACTED] at the Yamwara School Base, (Count 15);

25 c. the killing of Deputy Mayor Saleh on or about 28 February 2014 in Mbaïki, in

1 the context of the Anti-Balaka's advance through and takeover of villages along
 2 the PK9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa,
 3 Mbaïki), (Count 26);

4 (ii) forcible transfer and deportation, for:

5 a. dislocation of nearly all Muslim persons residing in Cattin and Boeing to PK5,
 6 a predominantly Muslim neighbourhood in Bangui, other parts of the Central African
 7 Republic or neighbouring countries, starting from 5 December 2013 in the context of
 8 the attack on Bangui, including Cattin and Boeing, on 5 December 2013, (Count 4);

9 b. the dislocation of the majority of the Muslim population from their towns and
 10 villages between on or about 10 January 2014 and on or about 6 February 2014, in the
 11 context of the Anti-Balaka's advance through and takeover of villages along
 12 the PK-9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa,
 13 Mbaïki), (Count 24);

14 (iii) Other inhumane acts, for the [REDACTED] the Yamwara School Base
 15 [REDACTED], (Count 11);

16 (iv) torture, for the [REDACTED] Yamwara School Base [REDACTED], (Count 12);

17 (v) imprisonment and other forms of severe deprivation of physical liberty or the
 18 [REDACTED] the Yamwara School Base [REDACTED], (Count 14);

19 (vi) persecution, for the severe deprivation of the fundamental rights of persons in
 20 Bangui, including Cattin, Boeing and Yamwara School Base, and the villages along
 21 the PK9-Mbaïki Axis, by targeting them on the basis of political, ethnic and/or
 22 religious grounds by virtue of the conduct pertaining to counts 1 to 7, 11 to 16, 24 to
 23 27, (Counts 8, 17, 28);

24 all committed as part of a widespread attack conducted by the Anti-Balaka, including
 25 Yekatom's group, between September 2013 and December 2014, against the Muslim

civilian population and those perceived as collectively responsible for, complicit with, or supportive of the Séléka, pursuant to or in furtherance of a criminal policy to primarily target the Muslim population in Bangui and in western Central African Republic Prefectures in retribution for Séléka exactions.

Yekatom's contribution to the charged crimes consisted in:

- (i) structuring, training and equipping his Anti-Balaka elements;
- (ii) preparing the Anti-Balaka attacks and advances, and participating and leading his group in the execution of these attacks and advances;
- (iii) issuing orders to Anti-Balaka members, including patently illegal instructions;

and

- (iv) conscripting and/or enlisting children under the age of fifteen years into his group and using them to assist him in the camp bases, giving orders for them to be stationed at barriers and checkpoints as well as to actively participate in hostilities.

Accordingly, Yekatom is criminally responsible under the following modes of liability:

- (i) committing the aforementioned crimes jointly with another or through another; or
- (ii) ordering the commission of the aforementioned crimes.

Patrice-Edouard Ngaïssona, a national of the Central African Republic, born on 30 June 1967 in Bégoua, the Central African Republic, is criminally responsible for the war crimes of:

- (i) directing attacks against the civilian population at the following locations and times:

- a. in Bangui, including Cattin and the Boeing market, starting on 5 December 2013, on the basis of the conduct pertaining to Counts 2 to 6 and 8, (Count 1);

- 1 b. in Bossangoa, on 5 December 2013, approximately from 13:00 to between 17:00
2 and 18:30, on the basis of the conduct pertaining to Counts 31 to 33, 35, 37 and 39 to 42,
3 (Count 30);
- 4 (ii) murder, for:
- 5 a. the killing of between five and 13 persons, including [REDACTED], at the Boeing
6 market, four Muslim persons in Cattin, and [REDACTED] at the Boeing market, in
7 the context of the attack on Bangui, including Cattin and Boeing, on 5 December 2013,
8 (Count 3);
- 9 b. the killing of 28 persons, [REDACTED], in the context of the attack on Bossangoa
10 on 5 December 2013, (Count 32);
- 11 c. [REDACTED] at the Yamwara School Base [REDACTED], (Count 16);
- 12 d. the killing of Deputy Mayor Saleh on or about 28 February 2014 in Mbaïki, in
13 the context of the Anti-Balaka's advance through and takeover of villages along
14 the PK9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa,
15 Mbaïki), (Count 27);
- 16 (iii) displacement for:
- 17 a. the dislocation of nearly all Muslim persons residing in Cattin and Boeing to PK5,
18 a predominantly Muslim neighbourhood in Bangui, other parts of Central African
19 Republic or neighbouring countries, starting from 5 December 2013 in the context of
20 the attack on Bangui, including Cattin and Boeing, on 5 December 2013, (Count 5);
- 21 b. the dislocation of Bossangoa's Muslim population to the *École de la Liberté*, before
22 being evacuated to other locations, in the context of the attack on Bossangoa on
23 5 December 2013 and in the days following the attack, (Count 38);
- 24 c. the dislocation of the majority of the Muslim population from their towns and
25 villages between on or about 10 January 2014 and on or about 6 February 2014, in

1 the context of the Anti-Balaka's advance through and takeover of the villages along
2 the PK9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa,
3 Mbaïki), (Count 25);

4 (iv) directing attacks against buildings dedicated to religion for:

5 a. the destruction of the Boeing mosque by 20 December 2013 at the latest, (Count 6);

6 b. the destruction of the central mosque of Bossangoa, in the context of the attack on
7 Bossangoa on 5 December 2013 and in the week following the attack, (Count 35);

8 (v) cruel treatment, for the [REDACTED] the Yamwara School Base [REDACTED],
9 (Count 13);

10 (vi) torture, for the [REDACTED] the Yamwara School Base [REDACTED],
11 (Count 13);

12 (vii) destruction of the adversary's property, for the destruction of Muslim houses,
13 especially in the predominantly Muslim neighbourhoods of Boro, Arabe and Fulbe, in
14 the context of the attack on Bossangoa on 5 December 2013 and in the days after
15 the attack, (Count 33);

16 (viii) pillaging, for the pillaging and looting of the houses of Muslims, particularly
17 in the Boro, Arabe and Fulbe neighbourhoods, sometimes writing the words
18 'Anti-Balaka' on the rubble, in the context of the attack on Bossangoa on
19 5 December 2013, (Count 34);

20 (ix) rape, for the rape of a [REDACTED] woman, in the context of the attack on
21 Bossangoa on 5 December 2013, (Count 41);

22 all committed in the context of and associated with an armed conflict not of an
23 international character ongoing in the territory of the Central African Republic from
24 September 2013 until at least December 2014 between the Séléka and the Anti-Balaka,
25 including Yekatom's group.

1 Ngaïssona is also criminally responsible for the crimes against humanity of:

2 (i) murder, for:

3 a. the killing of between five and 13 persons, [REDACTED], at the Boeing market,

4 four Muslim persons in Cattin, and [REDACTED] at the Boeing market, in the context

5 of the attack on Bangui, including Cattin and Boeing, on 5 December 2013, (Count 2);

6 b. the killing of 28 persons [REDACTED], in the context of the attack on Bossangoa

7 on 5 December 2013, (Count 31);

8 c. [REDACTED] at the Yamwara School Base [REDACTED], (Count 15);

9 d. the killing of Deputy Mayor Saleh on or about 28 February 2014 in Mbaïki, in

10 the context of the Anti-Balaka's advance through and the takeover of villages along

11 the PK9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa,

12 Mbaïki), (Count 26);

13 (ii) forcible transfer and deportation, for:

14 a. the dislocation of nearly all Muslim persons residing in Cattin and Boeing to PK5,

15 a predominantly Muslim neighbourhood in Bangui, or other parts of the Central

16 African Republic or neighbouring countries, starting from 5 December 2013 in

17 the context of the attack on Bangui, including Cattin and Boeing, on 5 December 2013,

18 (Count 4);

19 b. the dislocation of Bossangoa's Muslim population to the *École de la Liberté*, before

20 being evacuated to other locations, in the context of the attack on Bossangoa on

21 5 December 2013 and in the days following the attack, (Count 37);

22 c. the dislocation of the majority of the Muslim population from their towns and

23 villages between on or about 10 January 2014 and on or about 6 February 2014, in

24 the context of the Anti-Balaka's advance through and takeover of villages along

25 the PK9-Mbaïki Axis (including Sekia, Ndangala, Bimon, Kapou, Bossongo, Pissa,

- 1 Mbaïki), (Count 24);
- 2 (iii) other inhumane acts, for [REDACTED] the Yamwara School Base [REDACTED],
- 3 (Count 11);
- 4 (iv) torture, for the [REDACTED] the Yamwara School Base, (Count 12);
- 5 (v) imprisonment and other forms of severe deprivation of physical liberty, for:
- 6 a. the [REDACTED] the Yamwara School Base (Count 13)(sic);
- 7 b. maintaining the Muslims at *École de la Liberté* by preventing them from leaving,
- 8 including by shouting threats towards the families inside the compound, in the
- 9 context of the attack on Bossangoa on 5 December 2013 and the weeks following
- 10 the attack, (Count 39);
- 11 (vi) rape, for the rape of a [REDACTED] woman, in the context of the attack on
- 12 Bossangoa on 5 December 2013, (Count 40);
- 13 (vii) persecution, for the severe deprivation of fundamental rights of persons in
- 14 Bangui, including Cattin and Boeing, Bossangoa, the Yamwara School Base, and
- 15 the villages along the PK9-Mbaïki Axis of their fundamental rights by targeting them
- 16 on the basis of political, ethnic and/or religious grounds by virtue of the conduct
- 17 pertaining to Counts 1 to 7, 11 to 16, 24 to 27, 30 to 41, (Counts 8, 17, 28, 42);
- 18 all committed as part of a widespread attack carried out by the Anti-Balaka, including
- 19 Yekatom's group, between September 2013 and December 2014, against the civilian
- 20 population and those perceived as collectively responsible for, complicit with, or
- 21 supportive of the Séléka, pursuant to or in furtherance of a criminal policy to
- 22 primarily target the Muslim population in Bangui and in western Central African
- 23 Republic Prefectures in retribution for Séléka exactions.
- 24 Ngaïssona's contribution to the charged crimes consist in:
- 25 (i) taking steps to structure the Anti-Balaka;

- 1 (ii) financing the Anti-Balaka, including for the purchase of weapons;
2 (iii) issuing instructions to Anti-Balaka members, including with regard to
3 the 5 December 2013 attack and attacks preceding it; and
4 (iv) liaising with Anti-Balaka members exercising key functions, including
5 [REDACTED].
6 Accordingly, Ngaïssona is criminally responsible under the following modes of
7 liability:
8 (i) facilitating the commission of the crimes as set out in the confirmed charges by
9 aiding, abetting or otherwise assisting in their commission; or
10 (ii) contributing in any other way to the commission of those crimes by a group of
11 persons acting with a common purpose.

12 Thank you.

13 PRESIDING JUDGE SCHMITT: [10:11:40] Thank you very much.

14 Mr Yekatom, please rise.

15 Mr Yekatom, would you please rise.

16 Mr Yekatom, I trust that you understand the nature of the charges brought against
17 you; is this correct?

18 MR YEKATOM: [10:12:14](Interpretation) Yes, I have understood everything that
19 has been said here (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [10:12:24] Yes, thank you.

21 MR YEKATOM: [10:12:25](Interpretation)(Overlapping speakers) and I categorically
22 say that these counts are not correct.

23 PRESIDING JUDGE SCHMITT: [10:12:34] So if you say you categorically
24 (Overlapping speakers)

25 MR YEKATOM: [10:12:35](Interpretation) I reject (Overlapping speakers)

- 1 PRESIDING JUDGE SCHMITT: [10:12:35](Overlapping speakers) Okay.
- 2 MR YEKATOM: [10:12:36](Interpretation)(Overlapping speakers) all the charges
- 3 that you have laid against me.
- 4 PRESIDING JUDGE SCHMITT: [10:12:44] So I take it, Ms Dimitri and Mr Yekatom,
- 5 that is a plead not guilty to the confirmed charges?
- 6 MS DIMITRI: [10:12:52] Yes, Mr President.
- 7 PRESIDING JUDGE SCHMITT: [10:12:53] Thank you.
- 8 Mr Ngaïssona, please rise.
- 9 Mr Ngaïssona, I ask you the same question, I trust that you understand the nature of
- 10 the charges brought against you; is this correct?
- 11 MR NGAÏSSONA: [10:13:11](Interpretation) Mr President, your Honour, I've closely
- 12 followed what you've been saying ... (No interpretation)
- 13 PRESIDING JUDGE SCHMITT: [10:13:33] I didn't receive a translation here.
- 14 THE INTERPRETER: [10:13:49] You have to have pauses in order to enable
- 15 interpretation to take place; otherwise, there's an overlapping.
- 16 PRESIDING JUDGE SCHMITT: [10:13:59] Yes, that might be, but Mr Ngaïssona has
- 17 said something and we would like to hear what he has said.
- 18 (Pause in proceedings)
- 19 PRESIDING JUDGE SCHMITT: [10:14:19] Obviously this seems not to be possible,
- 20 Mr Ngaïssona. I have to apologise for that.
- 21 Could you please again answer my question, if you understand the nature of the
- 22 charges?
- 23 MR NGAÏSSONA: [10:14:44](Interpretation) Mr President, I repeat, I have -- I don't
- 24 recognise myself in the charges brought against me. I am not guilty.
- 25 PRESIDING JUDGE SCHMITT: [10:15:04](Overlapping speakers) But you

1 understand what has been said, what is brought against you, and you say you are not
2 guilty. Is this correctly summarised?

3 MR NGAÏSSONA: [10:15:20](Interpretation) I've heard what has been said,
4 Mr President.

5 PRESIDING JUDGE SCHMITT: [10:15:24] Thank you.

6 Mr Knoops, I think we can take it that your client confirms that he understood
7 the charges, the nature of the charges - we know that this is not the legal
8 characterisation of everything in detail - and that he pleads not guilty.

9 Is this a correct summary by me?

10 MR KNOOPS: [10:15:41] Yes, Mr President, your Honours. Mr Ngaïssona pleads
11 not guilty to all charges. And he understands the charges perfectly. Thank you.

12 PRESIDING JUDGE SCHMITT: [10:15:49] Thank you very much.

13 The Chamber will now hear the opening statements.

14 I think it's a good idea to have a short break here. Or Mr Knoops, what would you
15 say?

16 MR KNOOPS: [10:16:02] Very kind, Mr President, you alert to the situation, but I am
17 able to follow the first part till 10.45, if that's convenient for the Court.

18 PRESIDING JUDGE SCHMITT: [10:16:15] Then we continue first with another
19 procedural matter and then we go on to the opening statements. Thank you very
20 much, Mr Knoops.

21 MR KNOOPS: [10:16:22] Thank you, Mr President. Thank you.

22 PRESIDING JUDGE SCHMITT: [10:16:22] In its decision 589, the Chamber set a
23 deadline of 11 January 2021 for the filing of any motions requiring resolution prior to
24 the commencement of the trial. According to Rule 134(2) of the Rules, I ask
25 the Prosecution and the Defence whether there are any remaining objections or

1 observations concerning the conduct of the proceedings which have arisen since
2 the confirmation hearing.

3 Mr Vanderpuye?

4 MR VANDERPUYE: [10:16:55] Thank you, Mr President. There are no objections
5 with respect to the conduct of proceedings. There is one matter, though, and that
6 has to deal with a procedural issue concerning the provision of binders and things
7 like that which I wanted to bring to the Chamber's attention. But otherwise nothing.

8 PRESIDING JUDGE SCHMITT: [10:17:14] This is something that the Judges have to
9 reflect upon, especially the Presiding Judge, who is from an analogue generation, I
10 have to think about it simply.

11 MR VANDERPUYE: [10:17:26] Thank you, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:17:27] I understand what you mean.

13 Ms Dimitri.

14 MS DIMITRI: [10:17:28] Thank you, Mr President. If I may, I have three
15 observations.

16 My first observations, Mr President, your Honours, is in relation to disclosure. We
17 have outstanding disclosure requests. However, I do not intend to file any motion at
18 this stage nor request any ruling from your Honours. I reached an agreement with
19 the Prosecution yesterday, and the Prosecution gave me their word that all pending
20 disclosure requests will be addressed in the following days and at the latest by
21 25 February. If this is not the case, which I doubt, I will address the Chamber by that
22 time if -- with your leave.

23 My second observations, Mr President, concerns redactions. You will recall,
24 your Honours will recall that in the Yekatom Defence submission for the first status
25 conference in filing 472, we requested the Chamber to set a firm deadline for

1 the Prosecution to lift all redactions applied for leads and sources, A.6.1. While
2 the Chamber did not specifically address the redactions for leads and sources in
3 the aftermath of the first status conference, it nevertheless recalled in the decision for
4 the protocols at trial, the decision 677, that the disclosure -- the disclosing party's
5 burden of justifying the redactions and the disclosing party's ongoing obligations to
6 review the redactions applied to ensure that they remained justified.

7 Given that the Chamber reminded the Prosecution that its investigation should have
8 been largely completed at the stage of the confirmation hearing, we respectively
9 submit that all lead and sources, A.6.1 redactions, should be lifted now that the trial is
10 starting.

11 So we are again respectively asking the Chamber to set a firm deadline for those to be
12 lifted, rather than having the Prosecution lifting them on a rolling basis as
13 the witnesses appear prior to their testimony.

14 Finally, my last observations, Mr President, your Honours, is in relation to dual status
15 witnesses. We understand the Chamber's direction on the procedure for
16 the disclosure of the application forms for dual status individuals in its decision on
17 the protocols at trial and in particular the dual status protocol. However, I am afraid
18 that somehow the manner in which the information is communicated once a decision
19 is issued by the Chamber on participating victims might have the unfortunate
20 consequence that the Defence loses track of the number of dual status witnesses and
21 the disclosure of their application form.

22 In other words, it's impossible for me to cross-check who has been authorised to
23 participate with the P numbers of the Prosecution witnesses in order to make sure
24 that the application forms have been disclosed by the Prosecution in their redacted
25 form.

1 I had a discussion with my learned friend Ms Massidda yesterday, and according to
2 her, five victims of others crimes have been authorised to participate: P-1666, P-1676,
3 P-2324, P-2353 and P-2354. However, I believe I only received, unless I'm mistaken,
4 disclosure for three of them, three application forms. Had I not spoken to
5 Ms Massidda, I would have no way of finding out that some participating forms were
6 missing. So I'm just respectfully requesting the Chamber to perhaps review
7 the chain of communication when a decision on participating victims is issued in
8 order to include the Defence for me to be able to keep track of the disclosure of the
9 application forms. This is a particular case because your Honours will recall that
10 you authorised the victims to participate until the end of the Prosecution's case, until
11 the end of the presentation of their case.

12 So these -- this marks the end of my observations, Mr President. Thank you.

13 PRESIDING JUDGE SCHMITT: [10:21:50] Thank you very much. Your
14 observations are duly noted and one addressee would have been

15 Ms Massidda -- I don't ask you now because we are in the opening stage. If you can
16 solve the problem, so to speak, that Ms Dimitri has, the Chamber would appreciate it
17 because the less intervention the Chamber needs to make the better. And the same
18 applies, of course, always to the Prosecution too.

19 MS MASSIDDA: [10:22:14] Thank you, Mr President. I think I can already address
20 very briefly that, if the Chamber authorises. Once the Chamber issue any decision
21 on victims' participation, then we can immediately check if in that decision we
22 identified a dual status. And we can provide the list to the parties and participants.
23 This I think should solve the issue.

24 PRESIDING JUDGE SCHMITT: [10:22:36] I hear you and I see a nodding on the side
25 of Ms Dimitri, so this should indeed solve the issue. Thank you very much.

1 Mr Knoops, it's your turn.

2 MR KNOOPS: [10:22:49] No specific observations, Mr President, on the conduct of
3 proceedings, but it might be a suggestion that the Chamber also reflects on -- once
4 the witnesses are appearing, on the permissibility of leading questions in
5 the examination-in-chief, which was one of the discussions in my previous trial before
6 this Bench. It's not to answer this question now, but it seems to me that in
7 the conduct of proceedings this element, mode of questioning is left open yet, and it
8 might help the parties to receive from the Chamber instructions as to
9 the permissibility of leading questions during the examination-in-chief and/or
10 cross-examination.

11 Thank you.

12 PRESIDING JUDGE SCHMITT: [10:23:34] Thank you, Mr Knoops.

13 This was deliberately left out because this Chamber is not happy with too strict rules
14 here. I think we -- this will simply be established a practice here in the courtroom
15 what is allowed. The Chamber will not say that leading questions are in general not
16 allowed. I can -- if you want, I can already elaborate a little bit why, perhaps two or
17 three phrases, and that's it.

18 We have this -- in principle, the evidence is presented by parties, so we have in
19 principle here at least what the structure -- if we look at the structure of the
20 proceedings at the ICC, we have a party-driven process: Prosecution, Defence,
21 Victims present their evidence. They call witnesses. They are not their witnesses,
22 they are witnesses of the Court indeed, but they are called the witnesses.

23 So we follow in principle sort of a common law procedure in that regard. And
24 essential to a common law procedure is that the calling party - or this has been called
25 direct examination - can use some sort of leading questions. And the Chamber will

1 tolerate that as long as the witnesses are seen not to be harassed, intimidated, or what
2 happened in other cases, what I can recall, is that sometimes they didn't understand
3 the language of this questioning. So we will be vigilant in that regard, but we will
4 not, so to speak, prohibit it from the outset. Because it seems to be something that is
5 entailed in the structure of these proceedings. I can imagine that you would feel
6 quite comfortable with this solution. I simply assume it. So we don't, we don't -- I
7 think we will not have huge discussions on that. That's for the moment, yeah, okay.
8 Thank you, Mr Knoops.

9 Now the Chamber will hear the opening statements. We first hear from
10 the Prosecution, as indicated, followed by the Common Legal Representatives of
11 Victims, and the Ngaïssona Defence, the Ngaïssona Defence, as I said, on Thursday.
12 The Yekatom Defence will present its opening statements at the beginning of its
13 evidence presentation.

14 As per the initial directions, the Prosecution has six hours for its open statements,
15 the CLRVs have three hours to be divided amongst them, and the Ngaïssona Defence
16 has three hours.

17 I don't know who will start. Mr Vanderpuye, I would assume?

18 Yes, you have the floor.

19 To explain the discussion here also, it is -- Mr Knoops has indicated that he can stay
20 a little bit longer and I think it -- we should really accommodate that as long as he is
21 able to follow us, that he can also hear what the Prosecution is going to say. And
22 then we will have -- then we will have a short break.

23 MR VANDERPUYE: [10:27:31] Just bear with us one moment, Mr President. I'm
24 just about to get started.

25 PRESIDING JUDGE SCHMITT: [10:27:35] No problem. This will be very technical

1 and I understand that this might take some time and we have to be indulgent with
2 each other, I think.

3 THE COURT OFFICER: [10:27:59] Mr President, and parties and participants, please
4 be aware that the presentation will be displayed on evidence 2. Thank you.

5 MR VANDERPUYE: [10:28:34] Good morning, Mr President, your Honours,
6 everyone. It's my privilege to appear before you once again on behalf of
7 the Prosecution and of my team. I'll begin with just a few words in French, for
8 the interpreters.

9 (Interpretation) Mr President, your Honours, this day, the beginning of the process of
10 Alfred Yekatom and Ngaïssona, is an important day for justice. It shows the
11 determination of the Court to fight against impunity and our commitment towards
12 the victims who suffered atrocities during that period and the criminal situation
13 which took place in that country during the transition.

14 I would like to stress that this process against the Anti-Balaka is only a first step.
15 Our proceedings will be initiated and other cases will continue tracking down those
16 responsible for serious crimes in the Central African Republic. The arrest of
17 Mahamat Said Abdel Kani, for causes against humanity and war crimes, is a witness
18 to the activities of the Prosecution in this sense. Our investigations are underway.
19 Justice is necessary for peace and the reconstruction of the Central African Republic.
20 Impunity cannot be an option. Only the systematic conviction of these crimes and
21 abuses will help protect the civilian population. Only the recognitions and
22 reparations for victims for what they have subjected and continue to face must be
23 broken so that this circle of retaliation comes to an end.

24 Mr President, your Honours, with your permission, I shall now continue in English.

25 (Speaks English) Your Honours, when the transition government of the

1 Central African Republic referred this situation to the Office of the Prosecutor, it did
2 so in the hopes of achieving justice for thousands of innocent civilians decimated by
3 protracted violence, victims of horrible crimes and atrocities.

4 The Office of the Prosecutor applied for, and received authorisation to investigate
5 alleged violations of the Rome Statute in September 2014, as you noted. And we are
6 here today as a product of a long and difficult investigation, but one aimed to
7 establish the truth regarding the charged crimes.

8 We are here today because of the commitment and resolve of the people of
9 the Central African Republic, because of our collective commitment to the principles
10 of the Rome Statute and, importantly, its mandate to hold to account those
11 responsible for the most serious crimes of concern to the international community as
12 a whole on all sides of the CAR conflict. We begin that process today with this case
13 as our investigations in the situation continue.

14 The violence and instability in the Central African Republic since its independence
15 never truly divided its people. Although elusive for many complex reasons, they
16 have always persisted in their pursuit of peace. And we're here as a result of that.

17 The crimes that are charged in this case violate the Rome Statute and well-established
18 norms and customs of war. The events are shocking to the conscience and so
19 arresting in scale that they transgress the very nature of our humanity.

20 Mr President, your Honours, the victims of the Central African Republic conflict
21 deserve to be seen, they deserve to be heard and they deserve their day in court.

22 Justice must prevail.

23 And the evidence in this case will establish the individual criminal responsibility of
24 Patrice-Edouard Ngaïssona and Alfred Yekatom for crimes against humanity and war
25 crimes in violation of Articles 7 and 8 of the Rome Statute as confirmed by

1 Pre-Trial Chamber II on 11 December 2019.

2 Briefly, from about June 2013, Ngaïssona, General François Bozizé, the former
3 president of the Central African Republic, Bernard Mokom, Maxime Mokom and
4 others implemented a strategy, a plan designed to reclaim political power in CAR
5 following the Séléka's ouster of Bozizé in a coup d'état on 24 March 2013.

6 Ngaïssona was a member of Bozizé's inner circle. He helped put together a fighting
7 force composed, among others, of members of Bozizé's former presidential guard,
8 members of the *Forces Armées Centrafricaine*, which I'll refer to as the FACA,
9 pre-existing self-defence groups, new recruits and others to forcibly remove
10 the incumbent Séléka regime. While the objective of their strategy was to reclaim
11 power. The means? The consequences? Well, unfortunately, that's why we're
12 here.

13 As the evidence will show, Ngaïssona's participation in this strategy was integral and
14 he contributed to it fully aware that the group he was helping to structure, arm,
15 finance, instruct and organise, known by September 2013 as the Anti-Balaka, would
16 inevitably target the Muslim civilian population in western CAR. He knew
17 the vengeance within them and he knew that they intended to and would commit
18 the multiple acts and crimes constituting the widespread and systematic attack that
19 took place from September 2013 through December 2014.

20 This attack included the seminal coordinated Anti-Balaka offences of
21 5 December 2013 at Bangui and Bossangoa, hundreds of kilometres apart. As
22 the Pre-Trial Chamber noted and the evidence before you will prove beyond a
23 reasonable doubt, the attack -- quote, "the attack on Bossangoa and the
24 5 December 2013 attack on Bangui were essential components of the strategy to
25 reclaim power by François Bozizé and others." I'll repeat that: They were essential

1 components of the strategy to reclaim power by François Bozizé and others.
2 Ngaïssona was a principal in the Anti-Balaka. Before he was designated the group's
3 national coordinator in January 2014, its chief, he was its *de facto* political coordinator.
4 Maxime Mokom was its coordinator for military operations. His father,
5 Bernard Mokom, as you will hear, was also influential in the group's leadership.
6 From its inception, Ngaïssona was aware of the Anti-Balaka's organisational policy.
7 That policy entailed the violent targeting of Muslim civilians in western CAR, who,
8 based on their religious, national or ethnic affiliation, were perceived as collectively
9 responsible for, complicit with, and supportive of the Séléka. You will hear this
10 referred to as the "criminal policy" or "common purpose" in our presentation.
11 Ngaïssona's many contributions collectively promoted and encouraged
12 the establishment, implementation and perpetuation of the Anti-Balaka's common
13 purpose, a common purpose which cut across the charged crimes and the multiple
14 acts forming the widespread and systematic attack of which they were a part.
15 I will detail some of those incidents toward the end of my submissions, but his
16 contributions enhanced the capacity of the Anti-Balaka to commit the charged crimes,
17 their preparedness to commit those crimes and their willingness to do so.
18 Alfred Yekatom, having fled CAR upon Bozizé's overthrow, amassed and
19 commanded a group of some 3,000 fighters, elements. A former *caporal chef* in
20 the FACA - turned senior and powerful Anti-Balaka zone commander - Yekatom
21 trained, structured and armed his elements. He prepared, planned and led them in
22 crimes as a key part of the Anti-Balaka's widespread attack. He did this with
23 elements under his command in the areas under his responsibility in and around
24 Bangui and in the Lobaye prefecture, the so-called *zone sud*. He did that pursuant to
25 the same common purpose.

1 Yekatom and as many as 1,500 of his elements participated in the coordinated
2 5 December 2013 attack on Bangui. They committed serious crimes in its adjacent
3 neighbourhoods and in its aftermath, continued to commit crimes in Boeing and
4 along the PK9-Mbaïki axis through 28 February 2014. Yekatom is charged with these
5 crimes, including the expulsion of Muslim civilians en masse, murder, torture, cruel
6 treatment, as well as for enlisting and conscripting and using children under age 15 in
7 hostilities from at least December 2013 to August 2014.

8 The evidence in this case will establish Ngaïssona's and Yekatom's criminal
9 responsibility beyond any reasonable doubt and it will show that Ngaïssona bears
10 criminal responsibility for his complicity in Anti-Balaka crimes committed in
11 the course of its attacks on Bangui and Bossangoa on 5 December 2013 and in their
12 aftermaths, including the crimes that are committed by Yekatom and his elements.

13 The evidence will show that Yekatom bears criminal responsibility for ordering
14 crimes and committing them by, through, and with his Anti-Balaka elements in
15 the course of the 5 December 2013 attack on Bangui and in its aftermath, and crimes
16 committed in the Lobaye prefecture in furtherance of the Anti-Balaka's common
17 purpose.

18 I see I've got about five minutes left so I'm going to just briefly outline our structure,
19 in that's all right, Mr President.

20 PRESIDING JUDGE SCHMITT: [10:40:35] That's perfect. We appreciate it.

21 MR VANDERPUYE: [10:40:37] Today and tomorrow, Mr President, your Honours,
22 our presentation will comprise the following.

23 I'll present an overview of the context in which the charged crimes took place. I'll
24 describe the origins of the Anti-Balaka and the sense of victimisation which
25 transcended its ranks and how a sense of profound betrayal in the context of Séléka

1 atrocities fuelled anti-Muslim sentiment and vengeance against Muslims. And I'll
2 describe how that -- how that outrage against the Séléka transformed into a policy
3 which brought destruction and tragedy to the Muslim civilian population throughout
4 western CAR.

5 I'll explain the strategy used by Bozizé and his inner circle and the implementation of
6 that strategy through Anti-Balaka leaders and commanders, acting pursuant to the
7 criminal policy in their zones of responsibility. And that of course includes
8 Yekatom.

9 I'll cover evidence regarding the contextual elements of war crimes and crimes against
10 humanity and I will outline the evidence on the widespread and systematic attack
11 against the Muslim civilian population. That includes incidents in CAR's western
12 provinces which formed a part of that attack.

13 My colleagues will provided further detail.

14 Ms Struyven will describe the evidence on the modes of liability and the criminal
15 responsibility of Ngaïssona for the charged crimes.

16 Mr Iverson will describe the evidence on the modes of liability and criminal
17 responsibility of Yekatom for the crimes with which he is charged.

18 Mr Leddy will outline the evidence on the crimes charged concerning the attack on
19 Bangui, Boeing and the Yamwara school base incidents.

20 Ms Henderson will outline the evidence on the crimes charged concerning the attack
21 on Bossangoa and its aftermath.

22 And Ms Berdennikova will outline the evidence on the crimes concerning
23 the PK9-Mbaïki axis in Lobaye prefecture and on the enlistment and conscription of
24 children under the age of 15 and their use in hostilities.

25 I would just like to clarify a few things about this case, if I may, just before we break.

1 First, this case is about these two individuals, it's about these two men. It's about
2 their personal conduct. It's about what they did and what they didn't do. And it's
3 about whether their conduct amounts to violations of the Rome Statute.
4 Second, this process, this trial is not a referendum. This case is not about the
5 indictment of one side or another side of the conflict. There is tragedy enough to go
6 all around. The trial is singularly about whether Mr Ngaïssona and Mr Yekatom
7 bear criminal responsibility for their own actions, for their participation in
8 the commission of crimes in this situation.

9 Third, the accused are presumed innocent. The Prosecution bears the burden of
10 proof. And we welcome that. We are confident that the evidence you will hear and
11 see during this trial proves beyond any reasonable doubt that the accused are
12 responsible for the crimes as charged in the decision on the confirmation of charges.

13 Mr President, I think now is a good time to break and when we come back I'll
14 describe some of the evidence that we will present.

15 PRESIDING JUDGE SCHMITT: [10:44:26] Thank you. I think that's indeed a good
16 idea. We'll have a break until a quarter past 11.

17 THE COURT USHER: [10:44:34] All rise.

18 (Recess taken at 10.44 a.m.)

19 (Upon resuming in open session at 11.17 a.m.)

20 THE COURT USHER: [11:17:33] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:17:54] Mr Vanderpuye, you have, of course,
23 the floor.

24 MR VANDERPUYE: [11:17:59] Thank you, Mr President, your Honours.

25 We left off, I was about to talk about some of the evidence that we will present in this

1 case, so I will pick that up now.

2 As the Chamber is aware, the Prosecution's list of evidence contains over 6,000 items.

3 We intend to submit a substantial number of those for the Chamber's consideration.

4 The evidence will comprise documents, audio, video materials, call data records,

5 exchanges in emails, social media, which capture events as they transpired. They

6 provide insight into the Anti-Balaka, it's structure, operations, plans, its intentions, its

7 activities and, of course, it's purpose.

8 The documents will also comprise public reports from the UN, NGOs, humanitarian

9 organisations, government records, intelligence reports. And these are materials

10 that document crimes, perpetrators, victims, the impact of those crimes throughout

11 the period and territory in which the Anti-Balaka attack took place in this case.

12 You will receive documents and other materials produced, generated by

13 the Anti-Balaka itself, the National Coordination, as well as groups enabling and

14 supporting it.

15 These are also obviously very important and telling.

16 The Chamber will have at its disposal a wealth of material to consider in this case,

17 evidence which in its totality overwhelmingly demonstrates the accused's guilt.

18 You will also hear and consider the testimony of around 150 Prosecution witnesses,

19 victims, crime-base witnesses, journalists, experts. And you will hear the evidence

20 of so-called insiders, people that are involved with the Anti-Balaka itself, and they'll

21 provide evidence of the criminal policy, its implementation, and the accused's

22 respective involvement, their culpability and their responsibility for the charged

23 crimes.

24 With respect to these insider witnesses, I just would offer a word of caution. Certain

25 of them, certainly not all of them, but some may try to minimise their own

1 responsibility, their own conduct, or may have done so in making prior statements.
2 They would have done that to avoid incriminating themselves, maybe to protect other
3 people, including the accused, or out of fear of them.
4 Regarding their evidence, you'll see where the witnesses minimise what they know,
5 their involvement in the affairs of the Anti-Balaka and indeed the crimes. On the
6 other hand, you'll also see where their evidence is corroborated and importantly
7 where they are telling the truth about what transpired even if they're still minimising
8 their own involvement. The substantive truth of their evidence you will discern. It
9 may take some work, but you will be able to do that. And when you evaluate their
10 evidence in light of the totality of the evidence submitted in this case, and it will be
11 quite substantial, you will see that these witnesses establish the accused's guilt.
12 I will now move to discuss a bit about the origins of the Anti-Balaka.
13 The events that are relevant to this case occurred in CAR from late 2012 through
14 December 2014.
15 CAR is bordered by Chad to the north, by the Republic of Congo and Democratic
16 Republic of Congo to the south, Cameroon to the west, and Sudan and South Sudan
17 to the east.
18 Its 6 million inhabitants comprise many ethnic and religious groups. Before
19 the conflict, CAR's population was around 15 per cent Muslim, 25 per cent Roman
20 Catholic, 25 per cent Protestant, and 35 per cent followed indigenous beliefs.
21 With a territory of some 623,000 kilometres, square kilometres, CAR is about the size
22 of Nigeria or France, roughly 15 times the size of the Netherlands, where we are now.
23 It's divided into 16 prefectures, of which the charged crimes involved three, and
24 Bangui.
25 They were committed in the context of a widespread attack throughout the country's

1 western provinces, including Ouham, Mambéré-Kadéï, Lobaye, Ouham-Pendé, and
2 Ombella-M'Poko.

3 In 2012 President Bozizé was in power. He assumed that power by ousting his
4 predecessor Ange-Félix Patassé in a coup in March 2003. Among others, Bozizé
5 enlisted the help of so-called *libérateurs*, these are fighters who would later align with
6 him again as he tried to reclaim power after his own ouster by the Séléka 10 years
7 later, almost to the day, in March 2013. The evidence will show that one of those
8 *ex-libérateurs* is sitting right here in the courtroom, that's Mr Yekatom. Another,
9 Maxime Mokom, you'll hear more about during the course of our presentation and
10 the trial.

11 In around August 2012, the Séléka rebellion -- the Séléka rebel coalition emerged in
12 the north-east of the country. An alliance of various armed groups, the Séléka were
13 mainly Muslim, incorporating Chadian and Sudanese mercenaries, as well as CAR
14 nationals.

15 In around December 2012, the Séléka pushed to dislodge Bozizé from power, gain
16 momentum with a 10 December offensive on the strategic town of Ndélé.

17 With the intervention of international forces, the Séléka advance was stopped before
18 they could take Bangui. And on 11 January 2013, President Bozizé signed a ceasefire
19 agreement with the Séléka in Libreville, Gabon. The agreement entailed
20 a reshuffling of the government to include members of the Séléka coalition and other
21 opponents in a new unity government and provided for Bozizé to remain in office
22 through 2016.

23 Various ministers were named. Some, opposed to Bozizé, such as Séléka leader
24 Michel Djotodia, he became the defence minister. And others aligned and allied
25 with Bozizé, such as Ngaïssona, who became the minister of youth, sport and culture.

1 You'll hear more about the evidence concerning this important relationship and
2 the significance of his position as we progress.

3 Despite the formation of the new unity government, Bozizé failed to make good on
4 his undertakings in Libreville. Thus, the Séléka resumed its offensive, culminating
5 in the 24 March 2013 coup d'état. With Bangui having fallen and Bozizé driven into
6 exile, Séléka leader Michel Djotodia was installed as president.

7 Having taken over the state apparatus, Séléka forces expanded territorial control and
8 they attacked and suppressed resistance in former Bozizé strongholds, including
9 targeting members of his Gbaya ethnicity.

10 Séléka forces subjected mainly non-Muslim civilians in these regions to violent attacks
11 and unspeakable atrocities. In a few months, their brutality, devastation and
12 humiliation of the non-Muslims sowed the seeds of vengeance which would
13 transcend the ranks of the Anti-Balaka.

14 To understand the context in which the charged crimes occurred, it is important also
15 to understand how the Anti-Balaka movement grew and became organised.

16 As the evidence will show, the Anti-Balaka emerged in response to the Séléka
17 offensive. They came from various groups, including pre-existing self-defence
18 groups. They were unified in their hatred of the Séléka for the violence that they
19 inflicted. But they were also unified by an abiding and committed search for
20 retribution against the Séléka and anyone associated with them or perceived to have
21 supported them: The Muslim.

22 As I mentioned, President Bozizé and many members of his *Kwa na Kwa*, or KNK,
23 political party were involved in the movement. His inner circle was at its core and
24 they comprised members of his former government as well as his presidential guard.
25 Bozizé also had the support of certain members of the FACA.

1 The evidence will show that in response to the December 2012 Séléka offensive, two
2 militias affiliated with the *Kwa na Kwa* party were formed: One, the *Comité*
3 *d'organisation des actions citoyennes*, or COAC; and the other, *Coalition citoyenne contre*
4 *les rébellions armées*, or COCORA. The latter, COCORA, was formed under
5 Ngaïssona's patronage. The ostensible aim of these two groups was to foster
6 self-defence against the Séléka. The reality, as you will hear during the course of the
7 presentation, was more nefarious.

8 A few months later, after the 24 March 2013 coup, and with the Séléka regime firmly
9 in power, members of Bozizé's inner circle and others began organising what became
10 the Anti-Balaka. They did this from mainly three locations: Cameroon,
11 the Democratic Republic of the Congo, and France, as the evidence will show.

12 The first group, the Cameroon group, my colleague Ms Struyven will describe in
13 further detail. But let me just provide a little bit of background.

14 Soon after the 24 March 2013 coup, members of Bozizé's inner circle fled to Cameroon.
15 Ngaïssona was among them. They regrouped there and it was there that they
16 planned, together with others, the ouster of the Séléka in their bid to reclaim power in
17 CAR. Bozizé was there, as were members of his presidential guard, FACA members,
18 as well as other key Anti-Balaka figures. Ngaïssona was there, together with
19 Bernard Mokom, also a relative of Bozizé. Ngaïssona, Bozizé, Bernard Mokom, and
20 other influential actors in the movement met in Yaoundé and in Douala to work out
21 their strategy.

22 The evidence will show that in Cameroon, Ngaïssona gave instructions and sent
23 money for weapons and ammunition to be used in attacks against Séléka positions.
24 He kept apprised of developments on the ground in Bangui. He was in contact with
25 individuals there with whom he coordinated. He continued his efforts to mobilise

1 the country's youth, over whom he held substantial influence through his previous
2 high-profile positions, including as the former youth minister.

3 After the coup, a key group of Bozizé loyalists fled to Zongo in north-western DRC,
4 it's just across the Oubangui River, a couple of kilometres away from Bangui.

5 Among them was Maxime Mokom, who would become the Anti-Balaka operations
6 coordinator in the formulated National Coordination in early 2014. Members of the
7 presidential guard were also there, and FACA members were there, as well as others.
8 Some would later become key members of the Anti-Balaka National Coordination.

9 From Zongo, Maxime Mokom was a *de facto* Anti-Balaka coordinator. He secured
10 money, weapons and ammunition. He organised the deployment of Anti-Balaka
11 elements and he gave them instructions on when and where to attack. He was in
12 contact with his father and Ngaïssona in Cameroon, and other figures in Bozizé's
13 inner circle. Mokom was also in regular contact with ComZones in Bangui and in
14 the provinces. And you'll hear that testimony in this trial.

15 Around the same time, a third group fled to Kalangoi, DRC. It included Yekatom,
16 along with other FACA members. According to Yekatom, the idea for an organised
17 military movement against the Séléka took root in Zongo where he first fled.

18 In this short video from early 2013 you'll hear his own words describing how that
19 occurred.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [11:31:38] (Interpretation of the video excerpt)

22 Sight translation:

23 It was from there that we had the idea to start up our movement regarding
24 the excesses of the soldiers (Overlapping speakers).

25 MR VANDERPUYE: (Overlapping speakers)

1 PRESIDING JUDGE SCHMITT: [11:31:53] Mr Vanderpuye, there is translation at the
2 moment.

3 Thank you. Just to explain what's going on there. We needed a few seconds for
4 completing the translation. Thank you.

5 Mr Vanderpuye, you may continue.

6 MR VANDERPUYE: [11:32:04] Thank you, Mr President.

7 From Zongo, Yekatom went to Kalangoi, where he led a group of thousands of
8 Anti-Balaka elements. He armed them, he prepared them to fight, and he trained
9 them rigorously. According to one witness at Kalangoi at the time, Yekatom's
10 instructions to his elements were clear: Kill Sélékas and Muslims. In Kalangoi
11 Yekatom began preparing for the offensive which eventually took place in Bangui on
12 5 December 2013.

13 Even before the March 2013 coup, with the writing on the wall, core individuals
14 linked to Bozizé began organising the people and groups that would become
15 the Anti-Balaka. Early on, there were COAC and COCORA, as I just mentioned,
16 there were gatherings in Cameroon, in Zongo, and in Kalangoi.

17 By June Anti-Balaka groups began resisting Séléka repression and engaging them
18 militarily. With the influx of former FACA members, they became more and more
19 fortified and better organised.

20 In early August 2013, Bozizé and members of his inner circle and their supporters met
21 in Paris. There, they formed the *Front pour le retour à l'ordre constitutionnel en*
22 *Centrafrique*, or FROCCA. Ngaïssona again was among them.

23 FROCCA presented itself as a political action group which aimed to reclaim Bozizé's
24 power.

25 And as you'll see, a draft document produced in around July 2013 entitled

1 *"Protocole d'accord politique pour la création du Front pour le Retour à l'Ordre*
2 *Constitutionnel en Centrafrique"*, the protocol document, sheds light on its true agenda.
3 The document sets out, among other things, a *plan stratégique*.
4 The strategic plan called for the group to galvanise human resources, financial
5 resources and matériel; to obtain secure communications against intelligence
6 gathering, including through the provision of Thurayas, satellite phones - and you'll
7 hear evidence of Ngaïssona's action with regard to the procurement and distribution
8 of those devices; it called for the set-up of a flexible coordination capable of fast and
9 efficient strategic action; and fourthly, I quote in French, (Interpretation) "restore trust
10 amongst the disenchanted members of law and order who have been disappointed
11 and who are only waiting for favourable circumstances to revenge the affront
12 inflicted upon them by the invaders, the Islamic invaders who fear neither God nor
13 man."
14 (Speaks English) End quote. As Ms Struyven will describe, FROCCA fanned the
15 flames of ethnic hatred and division through mendacious propaganda and
16 anti-Muslim rhetoric.
17 As mentioned, the 5 December 2013 attack on Bangui was seminal, essential. It
18 marked the beginning of the end for the Séléka and it was a part of the strategy of
19 Bozizé and his inner circle to reclaim power.
20 Ngaïssona played a part in its planning. Yekatom played a part in its execution.
21 That day, 5 December, in the morning, around a thousand Anti-Balaka elements
22 coordinated by Mokom from Zongo, together with Yekatom's elements, attacked
23 from several directions. The coordinated effort targeted Séléka positions first, *Camp*
24 *Kassai, Camp de Roux, Camp des Sapeurs Pompiers, l'Assemblée Nationale, and le Centre*
25 *Protestant Pour las Jeunesse*. Anti-Balaka attacks on Muslim civilians soon followed.

1 Make no mistake, this was not just a military attack against the Séléka, but part of
2 a broader Anti-Balaka campaign to violently target Muslims in western CAR. And
3 I'll describe that as we go on.
4 Christians were warned in advance and told to place palm branches in front of their
5 houses, a mourning tradition in CAR, to identify to the Anti-Balaka non-Muslim
6 households to be spared.
7 As you will hear, this *modus operandi* was also used in the Anti-Balaka attacks in
8 Carnot, Berbérati and Guen.
9 The 5 December attack left Bangui reeling. Many civilians were killed, they were
10 injured, thousands were displaced. And as the evidence will show, for Muslim
11 civilians in western CAR, things would only get much, much worse.
12 After the 5 December attack, violence against civilians by both sides continued for
13 several weeks, forcing Djotodia's 10 January resignation under international pressure.
14 On 20 January, then Bangui mayor Catherine Samba-Panza was elected interim
15 president of the transition government.
16 Almost immediately after Djotodia's resignation, Ngaïssona returned to CAR on
17 14 January 2014. On his return, the Anti-Balaka adopted a formalised structure.
18 This was done to better organise the group in light of its objectives and to engage
19 the transition government. Ngaïssona was designated Anti-Balaka National
20 Coordinator at a meeting organised in Boy-Rabe in Bangui. And the position gave
21 him *de jure* control and authority over Anti-Balaka groups in Bangui and in
22 the provinces.
23 Djotodia's resignation did not halt the Anti-Balaka attacks because their objective had
24 not been reached. Bozizé was not in power, nor were members of his inner circle.
25 To borrow the words from a speech given by Ngaïssona, Maxime Mokom and

1 Bernard Mokom to Anti-Balaka ComZones in around February 2014: "We have
2 fought the Séléka. We arrived in Bangui. We will not give up. We will continue
3 the work until the end ..." Ngaïssona.

4 Quote: "We have not reached our objectives yet ... those, who died on the way, their
5 families will be compensated. I give you my word." Bernard Mokom.

6 Quote: "You know how we worked our way to Bangui. The objective is to bring
7 back Bozizé to Bangui. I ask all ComZones to give me an overview about their men,
8 their weapons and the men who died. We are facing a big fight. We will prepare
9 this fight for our reward tomorrow. We came to liberate the population and to chase
10 out the Séléka. When the Séléka have left, the power will be ours ..."

11 Maxime Mokom.

12 The Séléka's withdrawal from Bangui and other parts of western CAR created
13 a vacuum. It also left the Muslim population vulnerable to escalating sectarian
14 violence and especially the vengeance of the Anti-Balaka.

15 What followed was the realisation of a violent Anti-Balaka campaign to remove from
16 western CAR every vestige of the Muslim civil population and those perceived to
17 have supported the Séléka. Payback. The evidence will show that this campaign
18 comprised crimes of forcible displacement, summary executions, targeted and
19 opportunistic killings, sexual offences and rape, assaults, severe deprivation of
20 physical liberty, and the destruction of religious property across the western
21 prefectures.

22 I would like to turn now to the evidence on the contextual elements of war crimes.

23 The evidence will show that the charged crimes were committed in the context of
24 a protracted non-international armed conflict which started in CAR in at least
25 March 2013. It lasted until at least December 2014. The conflict took place between

1 armed groups with a sufficient degree of organisation, notably between the Séléka
2 forces and the incumbent Bozizé government, and later between the Séléka and
3 the Anti-Balaka.

4 The protracted nature of the conflict was widely reported and acknowledged,
5 including in the United Nations Security Council mandated mapping report, which
6 states that confrontations between the Anti-Balaka and the Séléka were conducted,
7 quote, "with an intensity and a level of organisation sufficient to warrant the finding
8 of the existence of an armed conflict." End quote.

9 At least six UN Security Council resolutions recognised the armed conflict in January,
10 October and December of 2013 and then in January, April and October of 2014.

11 The violence in CAR remained at such a level of intensity throughout this period that
12 the Security Council authorised foreign military intervention under Chapter VII of the
13 UN Charter.

14 The period encompassing the armed conflict was also marked by several ceasefire
15 agreements between the Séléka and their opponents, including the Anti-Balaka.

16 There was the January 2013 Libreville Agreement between CAR and the Séléka,
17 the government and the Séléka; the June 2014 Pareto mediation engagement between
18 the Séléka and the Anti-Balaka, you will see that it is signed by Mr Ngaïssona as
19 national coordinator; the July 2014 Brazzaville Summit agreement between the Séléka
20 and the Anti-Balaka, you'll see again signed by Mr Ngaïssona as national coordinator;
21 similar commitments were also made between the Séléka and the Anti-Balaka in
22 Nairobi in April 2015, this time it was signed by other Anti-Balaka figures, including
23 Maxime Mokom; and finally, in May 2015, the Bangui Forum for disarmament,
24 demobilisation and reintegration resulted in agreement, also signed by Ngaïssona as
25 the national coordinator.

1 Despite all these agreements, no peaceful settlement was reached and the conflict
2 persisted throughout 2013 and 2014 and onward.

3 As to the second element - a sufficient degree of organisation - the evidence will
4 establish an existing structure, reporting mechanisms and indicia of command and
5 control within the Anti-Balaka leadership, as well as among its elements in Bangui in
6 certain prefectures.

7 First, the Anti-Balaka had an internal hierarchy. It had a growing membership
8 throughout 2013. In fact, it reached a membership of around 50,000 in February of
9 2014. According to Ngaïssona, the figure was more around 70,000 elements under
10 his control. It was marked by zone commanders or ComZones appointed as chiefs
11 of Anti-Balaka groups and operating within defined territorial areas. ComZones in
12 the provinces sometimes set up a structure mirroring the National Coordination, they
13 established local committees, coordinators, deputy coordinators, spokespersons and
14 so on.

15 Take this example: In this document dated February 2014, a declaration that is
16 signed by over 20 high-level members of the Anti-Balaka, you can see it shows their
17 names, it also shows their official role within the group, spokesperson, battalion
18 commander, and even operations coordinator there near the bottom.

19 ComZones organised and commanded their elements. They issued orders, they
20 distributed weapons, they controlled movements, they regulated communication.
21 And they also meted out discipline.

22 FACA members in the Anti-Balaka leadership positions often organised their groups
23 in a military-like form. For example, Yekatom's group was organised in this way.
24 He implemented an administrative structure. He assigned a secretary to maintain
25 the group's official records, members' registrations, orders, and weapons requisitions.

1 The evidence will show that the Anti-Balaka employed certain aspects of command
2 and reporting structures. ComZones reported to Ngaïssona or they reported to
3 the operations coordinator. And when they were unreachable, they provided
4 information to other members of the National Coordination to pass on what they had
5 to say, such as to the chief of staff. They also reported to local coordinators or
6 prefectural coordinators.

7 The evidence will show that the Anti-Balaka had the ability to plan and carry out
8 military operations. FACA members provided elements with direction, leadership
9 and rudimentary military training, including on weapons use. And as my
10 colleagues will explain, Yekatom organised his group's training at various bases in
11 DRC and CAR.

12 Each of the incidents you'll hear about, the charged ones and the uncharged ones,
13 clearly demonstrate the capacity of the Anti-Balaka to plan and to execute a military
14 campaign.

15 Discipline was also -- was also implemented within the Anti-Balaka ranks and its
16 structure. And the evidence will show the ComZones could and did punish
17 recalcitrant elements. They were also accountable to the National Coordination.

18 The evidence in this case will show that the accused played key and public roles in
19 representing the Anti-Balaka. They represented the group at high-level meetings
20 and negotiations, including, for example, with the transition president Samba-Panza
21 in January 2014, where they presented their demands as a group, including for their
22 participation in the government, and at the Brazzaville summit in July 2014.

23 Now the Anti-Balaka may not have looked much like an archetypal army, but even so,
24 they were organised enough to topple a regime with a conventional army and armed
25 forces at its disposal. That evidence speaks for itself.

1 The Anti-Balaka had a clear group identity. They wore -- they wore distinctive
2 accessories during operations - armbands, headbands and so on. They underwent
3 traditional rituals and initiation rites. They wore distinctive fetishes, amulets called
4 *gris-gris*. This document dated 2014 was issued by the National Coordination and
5 refers to the Anti-Balaka elements being identifiable by their *gris-gris*.

6 I want to show you just a couple of photos. This is what they look like.

7 Now, the evidence will show that in January 2014, the Anti-Balaka coordination
8 began issuing ID cards similar to the ones on this slide. They were signed by
9 Ngaïssona and sometimes by other senior members of the group such as
10 Richard Bejouane, the ostensible chief of staff. And by July 2014, the National
11 Coordination had issued about 10,000 IDs to the Anti-Balaka commanders and
12 elements, including in the provinces.

13 The Séléka were also sufficiently organised throughout the charged -- the period of
14 the charged crimes and the widespread attacks set out in the confirmation decision.
15 As I mentioned, following the 24 March 2013 coup, Séléka forces took over existing
16 state structures, resources and its military. They operated under a military-like
17 framework with prominent Séléka commanders controlling groups within their
18 respective bases in Bangui and in other areas of responsibility. The Séléka controlled
19 military equipment, including heavy weapons, and demonstrated the ability to plan
20 and carry out sustained military operations over a prolonged period.

21 Despite the Séléka's official disbanding in mid-September 2014, its forces were not
22 disarmed, nor were they demobilised. The factions that constituted the group
23 remained intact. And as you will see, the UN estimated that the Séléka numbers
24 grew to between 15,000 to 20,000 fighters in November 2013 from only around 5,000
25 fighters in March 2013.

1 The evidence is really not contestable that armed groups involved in the conflict that
2 engulfed CAR were sufficiently organised and able to plan and execute sustained
3 military operations.

4 I would like to turn now to the evidence on the contextual elements of crimes against
5 humanity.

6 Your Honours, the evidence will show that the charged crimes were part of
7 a widespread and systematic attack against the Muslim civilian population in western
8 CAR. That attack took the form of a relentless campaign, sub-attacks, if you will, of
9 retributive violence against Muslims in Bangui and in the western provinces from
10 September 2013 through at least December 2014.

11 First, the large number of victims and violent targeting of the Muslim community at
12 each location discretely and cumulatively shows the widespread nature of the attack.
13 Similarly, the crimes perpetrated by the Anti-Balaka across at least five prefectures,
14 demonstrate its vast breadth and scope.

15 Second, you will also hear evidence regarding the consistent pattern of violence that
16 was used by the Anti-Balaka. It was systematic. The charged crimes and
17 the multiple acts comprising the attack involved similar conduct, similar tactics, as
18 well as the types of crimes themselves, forced displacement, murder, torture, cruel
19 treatment and the destruction of mosques, homes, businesses of the Muslim
20 community, communities all together. And it involved rape and it involved sexual
21 violence as well.

22 The evidence will show a consistent and systematic pattern of violence within any
23 given incident location in the western provinces and across them all. And the scale
24 of the crimes alone shows that they were not isolated or random. They could not be.
25 They were coordinated.

1 I want to lead you through several examples of this later on, but as the evidence you
2 will hear -- or, rather, the evidence you will hear and which you will receive in this
3 case will show that the Anti-Balaka's widespread and systematic attack was carried
4 out in furtherance of an organisational policy which I touched on before.

5 The Anti-Balaka movement was structured. It was organised too. It was certainly
6 organised enough to control and hold territory and vast amounts of it. It clearly had
7 the means and the capacity to carry out military operations, including and
8 unfortunately against Muslim civilians.

9 The Anti-Balaka's conduct and rhetoric betrayed an organisational policy which
10 involved an element of criminality, to say the least. Namely, the criminal policy and
11 common purpose which entailed violently targeting Muslim civilians perceived as
12 collectively responsible for Séléka crimes.

13 The criminal policy is not only inferable from the nature of the attack itself, but it was
14 express in the statement of Anti-Balaka elements and leaders to get rid of the
15 country's Muslims. You will hear and see that undeniable evidence throughout this
16 trial.

17 The Anti-Balaka used statements, media interviews, press releases, public addresses
18 to disseminate their message of betrayal by the Muslim population and of vengeance
19 against it. Hate speech was endorsed and even promoted within the leadership.

20 The evidence will show that its sponsors, like FROCCA and its members,
21 systematically steered public discourse on the Séléka's victimisation of the Christian
22 community, which was undoubtedly true, but omitted any mention of crimes
23 committed on a mass scale against Muslims by the Anti-Balaka. They even went as
24 far as to falsely deny the group's involvement in such crimes, as you will hear that
25 Ngaïssona and others did. Or worse, to attempt to justify them.

1 You will see how the Anti-Balaka's narrative deliberately and consistently conflated
2 the Séléka and the Muslim population and how its members even denied
3 the legitimacy of the Central African Muslim community.
4 From early on, the rhetoric of the members of Bozizé's inner circle, including
5 Ngaïssona, as well as their supporters, pitted Christians against Muslims. They
6 portrayed Muslims collectively as traitors, collaborators, as foreigners, as invaders
7 aiming to impose Sharia law and to enslave the country.
8 As the evidence will show, this betrayal was not inconsequential, it was impactful.
9 The Anti-Balaka made all Muslims their targets, not only because they experienced
10 victimisation at the hands of the Séléka, but also because they were wrongly and
11 deliberately manipulated to believe that retributive violence was an heroic, patriotic
12 and justified course of action. They were given a structure, finances, weapons,
13 direction, coordination and a political voice and political cover, all of which
14 Ngaïssona contributed to. He did that along with promoting the organisational
15 policy which entailed the brutal violence which I was just describing.
16 The evidence in this case will leave no doubt about the pervasive anti-Muslim animus
17 which existed and persisted in the ranks of the Anti-Balaka. And you will hear more
18 about that as we proceed.
19 I would like to show you a short video from Bossangoa on 5 December 2013, and in
20 this video you'll see an Anti-Balaka element describing how the Séléka killed and
21 decapitated his brother and how he had to flee the village, and that once the Séléka
22 left, he had to collect his brother's mutilated body parts. Another Anti-Balaka
23 explains how they kill Muslim civilians, because, quote, "they do the same to us."
24 End quote.
25 If we could just play that video.

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [11:57:23] (Interpretation of the video excerpt)

3 "The Séléka took a sword, they struck his eyes out. They decapitated him and they
4 hacked him all over his body -- all over his body. I fled. And when they left
5 the village, I returned. I took a bed sheet and picked up the pieces of my brother's
6 body and I placed them in a grave. So, rebels, when you find them in the bush, you
7 killed them, because that is the same thing they are doing to us."

8 MR VANDERPUYE: [11:58:06] I want to show you another video from

9 7 December 2013. Now, in this video you will see Yekatom's Anti-Balaka elements.

10 Their message is a simple one: This is our country, not that of Muslims. Muslims
11 are Sélékas, they are foreigners, jihadists, Janjaweed, "*grand boubous*".

12 If we could play this video, please.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [11:58:40] (Interpretation of the video excerpt)

15 "We are giving them three days to leave our country. It is our country. It is our
16 country. It is not the country of the Muslims. It is not the country of the Muslims."

17 MR VANDERPUYE: [11:59:01] This, 31 January 2014, posted on behalf of the

18 Anti-Balaka Facebook account speaks for itself: "We are ready to sacrifice them all,
19 because Muslims are only 3% of the population in the North - they are about to
20 disappear soon because they are trapped and [they] are targeted for
21 counter-offensive."

22 Communications among individuals directly involved in structuring, equipping and
23 organising the Anti-Balaka also provide evidence of the intense anti-Muslim animus
24 promoted within the group.

25 In those communications, key participants openly discuss intended violence and

1 revenge against all Muslims. For instance: In a 9 August 2013 exchange, one
2 collocutor notes the situation in Bangui, that everyone is waiting for the overthrow
3 and revenge against the Muslims. Quote: (Interpretation) "I am telling you,
4 everyone is waiting for the overthrow to take revenge on the Muslims."

5 (Speaks English) He goes on, that even if Bozizé arrived with very few men,
6 the population would take care of the rest. Quote: (Interpretation) "Yes we know
7 that and it is for that reason that he decided to speak. We will come like a thief in
8 the night and the rats will be captured."

9 (Speaks English) A 5 December 2013 conversation among Anti-Balaka updating each
10 other on the situation concerning the Bangui attack provides, quote, "for the moment
11 nothing good except the reprisal on the population", "*sauf la repressail sur la*
12 *population*".

13 Referring to the Bossangoa attack, one interlocutor states, "*ont nettoyer boro ce matin*".

14 Boro, as you will hear, is the predominantly Muslim district in Bossangoa.

15 On 13 December 2013, Levy Yakete, he told an interlocutor about Muslims in PK5.

16 He says this:

17 (Interpretation) "If they are not careful, it will be the grave for them. They must
18 understand that they are strangers, they are foreigners and that they cannot dominate
19 us in our own country."

20 (Speaks English) There's no doubt that countless lives were destroyed throughout
21 the country at the hands of the Séléka. This generated a strong impetus for
22 retribution against Muslims and the evidence will show that the Anti-Balaka
23 leadership knew this, they instrumentalised it and they exploited it. The evidence in
24 this case will show that the thirst for vengeance against the Séléka and their perceived
25 supporters was a time bomb. It took but a spark to ignite it and to unleash

1 the hatred, the fear and the violence which lay at the heart of the Anti-Balaka attack
2 against Muslim civilians in western CAR. The charged crimes were a part of that
3 attack.

4 They were preceded and followed by other serious and multiple acts and crimes
5 against civilians. These began in earnest around September 2013, leading up to
6 5 December 2013 Bangui and Bossangoa offences.

7 The evidence will show how the Anti-Balaka attacked Muslims in all manner in
8 various towns and prefectures. These included, at Bossangoa and Bouca in early to
9 mid-September 2013; in Yaloké and Gaga in October 2013; in Bouar and Bossembélé
10 later that month; in Beloko in November 2013; and in Boali around 2 December 2013.

11 This is shown in red on the map in front of you.

12 Some of these locations were again attacked on 5 December 2013. Others were
13 attacked shortly thereafter, such as Bohong on 12 December 2013.

14 In the aftermath of the 5 December 2013 Bangui and Bossangoa attacks,
15 the Anti-Balaka crimes increased in frequency. Djotodia's 10 January 2014
16 resignation really had no effect. If anything, the Séléka's retreat exposed vulnerable
17 Muslims to the Anti-Balaka's relentless attack through December 2014; including
18 the crimes committed by Yekatom and his elements through 28 February 2014; and
19 the crimes committed in Bossangoa, including the forced enclaving of the Muslim
20 civilians there, which lasted until April 2014, as well as the siege laid against Muslim
21 civilians and their serious mistreatment which followed.

22 The evidence will show that the Anti-Balaka also continued to commit multiple
23 violent acts and crimes in the western provinces.

24 And I want to just briefly outline a few of those.

25 After the Bangui and Bossangoa attacks, and after Djotodia's resignation, and after

1 the Séléka's retreat to the north and east of the country, the Anti-Balaka continued to
2 commit multiple violent acts and crimes throughout western -- throughout
3 the western provinces.

4 I will highlight just a few of those. In Gaga, Zawa, Yaloké, Bossempaté, Guen,
5 Carnot, Boda and Berbérati. The multiple acts committed in these locations
6 impacted a large number of victims. They involved a large territorial and
7 geographical area. They were perpetrated in a consistent pattern in furtherance of
8 the strategy and common purpose, which I alluded to before, and they occurred over
9 a very long period of time. They involved continuing crimes, including the forcible
10 transfer of the Muslim population and their forced enclaving, which lasted through
11 the end of 2014. Some described these enclaves as an open-air prison.

12 Under siege by the Anti-Balaka, most of these enclaves lasted through the end of the
13 charged period in this case, and others, well beyond that, into 2016 even.

14 I'll start with Yaloké, 17 January 2014.

15 In the Yaloké area, the Anti-Balaka moved swiftly after the Séléka's withdrawal in
16 mid-January. They progressed through villages of Gaga and Zawa, killing Muslims
17 in both locations. Muslim residents fled their attacks and some wound up in Yaloké.

18 The Anti-Balaka followed, moving on to Yaloké, but they did not attack immediately.

19 On 22 January, after mediation efforts of intervening French forces failed,
20 the Anti-Balaka began its attack on Yaloké's Muslim community. They killed and
21 injured several Muslim civilians. And a young girl was raped, sadly. You will
22 have the testimony of her mother in this case.

23 They pillaged and burned Muslim houses and shops and over the next month,
24 the entire Muslim population of Yaloké had to be evacuated by international forces to
25 Cameroon and Chad mainly.

1 The violence didn't stop there. In around April 2014, the Anti-Balaka intercepted
2 a large group of nomadic Peuls - also Muslims, they were fleeing other Anti-Balaka
3 attacks from other villages - and the Anti-Balaka killed several of the men, forcing five
4 to 600 remaining Peuls, mostly the elderly, women and children, into an enclave in
5 Yaloké.

6 They were confined there under threat by the Anti-Balaka, and made to endure
7 deplorable conditions throughout 2014 and 2015, during which over 40 people died of
8 malnutrition and preventable infections.

9 Let me turn to Bossempaté, just about a day after the Yaloké attack started.

10 The Anti-Balaka attack on Bossempaté began around the same time. Again, they
11 killed several Muslim civilians. They pillaged and burned Muslim houses and shops,
12 mosques, and, again, Muslim civilians fled en masse or otherwise took refuge in
13 the town's Catholic mission. By July 2014, almost all of the town's Muslim
14 population had been evacuated.

15 Let me turn to Guen.

16 The same pattern of violence was repeated in Guen, a small village about a hundred
17 kilometres from Carnot. On 1 February 2014, just two days after the Séléka
18 withdrew, the Anti-Balaka began their attack, targeting its Muslim community.

19 Christian inhabitants were told to identify their houses with a palm tree branch so
20 that they would be spared - the same as occurred in Bangui, in Berbérati and
21 Carnot - as I described earlier. The Anti-Balaka killed around 22 unarmed Muslim
22 men and boys, including one about aged 10. They looted and destroyed Muslim
23 houses and shops.

24 A few days later, the Anti-Balaka summarily executed 42 unarmed civilian men and
25 boys at a compound where they had fled to take refuge from the previous days'

1 violence. They were separated into two groups and then they were shot with an
2 AK-47. Survivors were finished off with machetes.
3 About 75 Muslim civilians in all, some as young as nine years old, were murdered
4 within a week of the Anti-Balaka's arrival. Others, like in the towns I have already
5 described, fled en masse to the bush, to nearby towns, to other parts of CAR.
6 The lucky ones managed to evacuate to Carnot, and from there some managed to
7 make it to Cameroon in safety.
8 In Carnot, after the Séléka's withdrawal in early February 2014, the Anti-Balaka began
9 their attack on the town's Muslim civilian population there. Throughout
10 the continuation of the attack, Muslim civilians were beaten, reportedly killed and
11 forcibly displaced. Most fled to nearby villages or to Cameroon or to Chad when
12 they could. Others took refuge at the Catholic Church, joining Muslims fleeing
13 neighbourhoods and villages in more distant towns, such as, Guen, Yaloké,
14 Bossembélé, Bozoum, Baoro and Bossemtélé. They had to be secured by
15 international forces. Under siege, thousands of Muslim civilians remained enclaved
16 at the church in Carnot.
17 The Anti-Balaka remained just outside the compound gates, or blocking the entrance,
18 and attacked those who dared to leave. Most of the civilians inside were women and
19 children.
20 There, they were forced to endure deplorable circumstances and they faced shortages
21 and poor access to medicine. The continued Anti-Balaka threat forced the Muslim
22 civilians to remain in the enclave throughout 2014 and into 2016.
23 Let me just turn to Boda.
24 The events in Boda were also part of the widespread and systematic attack against
25 Muslim civilians in western CAR. The attack was committed in furtherance of the

1 criminal policy, which I described earlier. And the evidence will show that in
2 February 2014, around 45,000 people lived in Boda and its surrounding villages;
3 around 12,000 Muslims lived there and 30,000 non-Muslims resided in the town.
4 On 5 December 2013, at the same time as the coordinated attacks in Bangui and in
5 Bossangoa, the Anti-Balaka launched a failed offensive in Boda. Following
6 skirmishes with the Anti-Balaka, the Séléka finally withdraw from Boda on around
7 28 January 2014, just as they had done in other towns soon after Djotodia's
8 resignation.

9 In the early morning of 5 December 2014, the Anti-Balaka began their attack on
10 the Muslim population. They were reinforced by another group of Anti-Balaka to
11 help cleanse Boda of its Muslim presence. They didn't achieve their objective that
12 day, because French forces again intervened, as they had done just days before in
13 Yaloké.

14 As witnesses describe, the Anti-Balaka's targeting of Boda's Muslim population
15 through murder, rape, forcible transfer, deportation, displacement, as well as their
16 persecution, persisted.

17 During the course of the attack, Muslim civilians fled to safety in a handful of central
18 neighbourhoods where they remained enclaved, bounded by a virtual red line
19 monitored by international forces, and, crossing that line carried the threat death for
20 them at the hands of the Anti-Balaka. It's a common refrain that the evidence in this
21 case unfortunately proves.

22 The Muslim civilians of Boda were fully dependent on the protection of international
23 forces, and, within weeks, the enclave more than doubled in size from 6,000 to 11,000
24 and then to at least 14,000. Those who tried to leave in search of food or firewood
25 were hunted down by the Anti-Balaka. Throughout 2014 and far beyond,

1 continuing Anti-Balaka violence and threats forced Boda's Muslim community to
2 endure deplorable circumstances within the enclave.

3 I will now turn to Berbérati.

4 After the Séléka's withdrawal from Berbérati on or about 10 February 2014,
5 the Anti-Balaka began their attack on the Muslim civilian population there.

6 The attack centred on Muslim neighbourhoods and killed several civilians. In
7 coordination with elements from other areas, the Anti-Balaka systematically looted
8 Muslim homes and shops. They destroyed around 900 houses in the 2nd and 5th
9 arrondissement. They pillaged and severely damaged the town's mosques,
10 the Central Mosque and the Takwa Mosque.

11 Hundreds of Muslims took refuge at a local church, from which they were evacuated
12 to another by MISCA, joining other Muslims who were also fleeing nearby towns.

13 They remained at the church compound there under threat by the Anti-Balaka, as
14 the number of Muslims that were enclaved soon rose into the thousands. They faced
15 difficult conditions, as you've heard, with exactly the same -- what was exactly
16 the same case in the several towns I've just described. They had limited access to
17 medical care. They were totally dependent on the church and NGOs for food and
18 sustenance, and, by April 2014, international forces had escorted and evacuated
19 thousands of displaced Muslims from Berbérati mainly to Cameroon.

20 As the evidence will show, all of the Anti-Balaka elements involved in these crimes
21 and acts were linked to their leadership in Bangui. To borrow a phrase from
22 Pre-Trial Chamber II, quote, they were "formally and politically under the umbrella of
23 the National Coordination". End quote.

24 A National Coordination, which the evidence will prove -- and, I don't think this is
25 even contested -- was headed by Mr Ngaïssona.

1 Not only were they linked politically and formally to the National Coordination, but
2 they were linked ideologically as reflected in their anti-Muslim animus. And of
3 course, they were linked operationally in implementing that ideology through
4 the criminal policy and criminal purpose; that ideology being, to target the Muslim
5 civilians in violent retribution for Séléka crimes and atrocities.

6 Yekatom and his group did exactly the same thing in Lobaye. Such was the nature
7 of the Anti-Balaka attack in western CAR of which the charged crimes were a part,
8 charged crimes in which, as the evidence will show, Ngaïssona was complicit.

9 Let me say that again: Charged crimes in which the evidence will show Ngaïssona
10 was complicit. Charged crimes which, as the evidence will show, Yekatom ordered
11 and committed.

12 Mr President, your Honours, this concludes my presentation and I will yield the floor
13 to my colleague, Ms Struyven, who will continue and detail the evidence concerning
14 Mr Ngaïssona's criminal responsibility.

15 PRESIDING JUDGE SCHMITT: [12:18:29] Thank you.

16 MS STRUYVEN: [12:19:05] Good morning, Mr President, your Honours. I will
17 continue with Ngaïssona's individual and criminal responsibility.

18 Your Honours, the evidence will show beyond reasonable doubt that Patrice-Edouard
19 Ngaïssona bears individual criminal responsibility for the Anti-Balaka crimes
20 committed in Bangui, in Bossangoa, and in the villages along the PK9-Mbaïki axis in
21 the course of the group's attacks of 5 December and in the aftermath of these attacks.
22 Evidence will show that from at least June 2013, Ngaïssona, Bozizé, Levy Yakete,
23 Bernard Mokom, Maxime Mokom and others, designed and implemented a strategy
24 to reclaim political power in the CAR.

25 As a member of Bozizé's inner circle, Ngaïssona assisted in mobilising, structuring,

1 financing and arming, a fighting force later known as the Anti-Balaka, and, composed
2 of the youth, members of Bozizé's Presidential Guard, FACAs loyal to Bozizé, and
3 pre-existing self-defence groups. Their aim? To oust Djotodia, the Séléka regime
4 and anyone perceived to be a Séléka supporter.

5 Evidence will also show that Ngaïssona knew that the Anti-Balaka were fuelled by
6 vengeance and hatred of Muslims who they blamed for Séléka atrocities. He knew
7 that based on their religious, national or ethnic affiliation, the Muslim population, as
8 a whole, was perceived as complicit with and responsible for the Séléka crimes.

9 He knew that once properly mobilised and turned into a capable fighting force,
10 the Anti-Balaka would violently target the Muslim civilian population and commit
11 the charged crimes.

12 Your Honours, Ngaïssona's charges were confirmed under two alternative modes of
13 liability: As an aider and abettor under Article 25(3)(c); and for contributing to the
14 commission of crimes by the Anti-Balaka, acting with a common purpose, under
15 Article 25(3)(d).

16 Neither mode requires the person's contribution to meet any specific threshold.

17 Nevertheless, the evidence will show that Ngaïssona, by virtue of his role, acts and
18 omissions, contributed significantly, if not essentially, to the commission of
19 the crimes.

20 The Prosecution will also demonstrate that Ngaïssona's contributions were aimed to
21 further the Anti-Balaka's criminal activity, and that they were made in the knowledge
22 of their intention to commit the charged crimes.

23 In the confirmation decision, the Pre-Trial Chamber held that Ngaïssona contributed
24 to the commission of the crimes in four ways:

25 By taking steps to structure the Anti-Balaka; by financing the Anti-Balaka, including

1 for the purpose of weapons; by issuing instructions to the Anti-Balaka, including in
2 relation to the 5 December attacks and the attacks preceding it; and by liaising with
3 Anti-Balaka members exercising key functions, including Bernard Mokom and
4 Maxime Mokom.

5 Given that these contributions overlap factually, I will address them jointly and
6 chronologically, distinguishing four periods: First, the period before 24 March 2013
7 coup; second, the period after the coup, when Ngaïssona joined Bozizé in Cameroon;
8 third, the period leading up to the 5 December attacks on Bangui and Bossangoa; and
9 fourth, the period after Ngaïssona's return to Bangui and his designation as
10 the Anti-Balaka's national general coordinator on 14 January 2014.

11 Throughout this period, your Honours, you will be able to discern two common
12 threads: One, that Ngaïssona's prominence, fame and wealth were essential to
13 ensure access to and the loyalty of the youth who would become a significant part of
14 the fighting force needed to oust the Séléka.

15 And two, that in mobilising the youth, Ngaïssona subscribed to and disseminated
16 anti-Muslim propaganda and rhetoric, which incited the Anti-Balaka's violent
17 targeting of the Muslim population.

18 After addressing Ngaïssona's contributions in the first part of my presentation, I will
19 address his knowledge and intent in the second part.

20 Your Honours, let me start with the period leading up to 24 March 2013 Séléka coup.

21 The Prosecution will present evidence that Ngaïssona was a wealthy, successful and
22 influential businessman with close ties to Bozizé. One political insider will testify
23 that, and, I quote: "Ngaïssona was very influential, and I heard that he could easily
24 go to see Bozizé."

25 Another one described Ngaïssona as follows, in French: (Interpretation) "He was

1 a boss with a lot of money." (Overlapping speakers) In the CAR, which, according to
2 the International Monetary Fund is the third poorest country in the world, this is
3 significant.

4 In addition to his various businesses, in 2008, Ngaïssona became the president of the
5 Central African Football Federation. The position brought him money, about 10,000
6 dollars per month; it brought him fame, and with that, it brought him access to
7 the youth.

8 As the president of the football federation, Ngaïssona held influence over youth
9 coordinators throughout the country. Their popular football activities depended
10 upon his sponsorship.

11 Ngaïssona's link to the youth was reinforced by his position as an elected
12 representative of Bozizé's KNK political party. The youth coordinators, who were
13 gathered in youth councils, worked closely with the KNK and they acted as a focal
14 point between the government and local communities.

15 The structure, which had been established under Bozizé, provided formal channels
16 through which to coordinate and mobilise the youth. They were so embedded with
17 the government that they were nicknamed the youth of Bozizé.

18 Your Honours, you need to see this structure and Ngaïssona's influence over
19 the youth through the lens of the median age in the CAR. The median age is the age
20 that divides a population into two numerically groups, that is, half the population is
21 younger than this age and half is older. The median age in the CAR is
22 approximately 20 years old, making it one of the youngest populations in the world.
23 Compare this to the Netherlands, where the median age is 42 years old.

24 In this context, these youth coordinators and youth councils must be seen for what
25 they are: Organised groups comprising large chunks of the population, easily

1 reached and easily mobilised.

2 And that is exactly what Ngaïssona and members of Bozizé's inner circle did. They

3 reached and mobilised the youth to implement their strategy to reclaim power in

4 the CAR.

5 Ngaïssona's access to such a readily mobilised force made him essential to

6 the Anti-Balaka movement. As Ngaïssona himself would later explain, and I quote:

7 "I agreed to be the spokesman for the Anti-Balaka, the people's emancipation

8 movement, because they were unrepresented. I said, 'Why me?' They said,

9 'Because you stand with the youth.'"

10 Your Honours, having explained the significance of Ngaïssona's standing, wealth and

11 influence, let me now address what happens in the month -- what happened in

12 the months leading up to the 24 March 2013 coup.

13 The Prosecution will present evidence that shows that in response to the Séléka

14 advance in December 2012, four months before the coup, two militias linked to

15 the KNK and the youth councils I mentioned earlier were formed: COCORA and

16 COAC. Ngaïssona assisted in the mobilisation, funding and arming of both militias.

17 During the trial, you will hear from an Anti-Balaka military insider that, and I quote:

18 At the end of 2012, Ngaïssona started mobilising and organising the youth into

19 auto-defence groups to stop the Séléka advance towards Bangui. While Steve

20 Yambeté, a lieutenant in Bozizé's Presidential Guard, created COAC, Ngaïssona and

21 Levy Yakite created COCORA. The two groups soon merged and their purpose was

22 to mobilise the youth to erect barricades and checkpoints throughout Bangui and in

23 Bimbo.

24 The presence and dominance of the youth within the ranks of these two militias was

25 no accident. It was their purpose. At the various barricades and checkpoints,

1 the youth, who were armed, were tasked with identifying Muslims perceived to be
2 aligned with the Séléka. In response, they detained, searched and arrested Muslims,
3 some of whom were never seen again.

4 Your Honours, several witnesses will explain how the creation of COCORA and
5 COAC marked the beginning of a centralised effort to hold on to political power by
6 demonising the CAR Muslim population as a whole.

7 The individuals who participated in this effort were part of a core alliance of those
8 loyal to Bozizé, linked by various attributes: Their Gbaya ethnicity; a shared history
9 as *libérateurs* who fought to install Bozizé a decade earlier; as political allies in Bozizé's
10 government; as members of his KNK political party; or as loyal members of his
11 Presidential Guard or the FACA.

12 Ngaïssona was part of this core alliance which used existing political platforms and
13 constructed new ones to shape public discourse. The public discourse that they
14 would soon disseminate was one of hatred against the Muslim population.

15 Your Honours, the evidence will show that in an effort to hold on to power in the face
16 of an advancing and highly weaponised Séléka, on 27 December 2012, Bozizé
17 delivered a powerful speech to his supporters at the *Place de la République* in Bangui.

18 This speech would be the first in a series which blurred the lines between Séléka and
19 Muslims, equating Séléka with Islam and branding all Muslim foreigners.

20 In this speech, Bozizé did exactly this, saying about the Séléka, and I quote in French,
21 (Interpretation) "They are all foreigners", "there is not a single Central African
22 amongst them."

23 (Overlapping speakers) In an insulting manner, Bozizé referred to them as Janjaweed
24 or Toro Boro.

25 He told the population to be vigilant of foreigners who live in the fenced houses,

1 a thinly veiled reference to the Central African Muslims living in Bangui who he
2 declared had assisted the Séléka to kill. He said this, and I quote in French:
3 (Interpretation) "Watch out, in particular, for foreigners who live in fenced houses.
4 They have a habit of hiding people in their compounds. They wait for complete
5 disorder before getting out and moving into action in order to kill people, kill
6 the people, to kill the people."
7 (Speaks English) Despite several references to so-called peaceful resistance, Bozizé
8 called on the population, especially the youth, to take up weapons and to go to war
9 against the enemy, an enemy who he conflated with ordinary civilians.
10 Evidence will also show that at this rally Yakete insisted that they were surrounded
11 by traitors, which he referred to using the Christian term "*des Judas*", but that
12 the foreigners would have to walk over their dead bodies before they would ever
13 cede power. In short (Interpretation) "our fatherland or death".
14 (Speaks English) Just days later, Bozizé repeated this divisive rhetoric, declaring that
15 the CAR had become two countries, one belonging to the Janjaweed and the other one
16 to the true Central Africans, "*les vrais Centrafricains*".
17 The speeches were broadcast extensively. And the rhetoric left no doubt that there
18 was a difference between Muslims - the foreigners - and Christians - the real CAR
19 nationals - regardless of whether these Muslims had in fact been born and raised in
20 the CAR and regardless whether they were Muslim civilians or combatants.
21 Aligning Muslim civilians with the Séléka as their accomplices and as foreigners drew
22 them into the path of the population's rage and violence.
23 At the same time, the youth was asked to fight, or as Yakete put it, and I quote in
24 French: (Interpretation) "That is why we ask our youth in Central African Republic
25 not to be afraid. If they have to die, then they have to die for their country, die for

1 freedom, die for your little brothers, for the future of your children, die for our
2 future."

3 (Speaks English) Your Honours, evidence will show that in the following weeks
4 Ngaïssona, Bozizé, Yakete and Yambeté repeated and reinforced the same
5 anti-Muslim rhetoric. On 4 January 2013, Ngaïssona called for support against
6 the so-called, and I quote, "enemies of the nation who decided to bring trouble by
7 bringing Sharia law" and who "want to use Islamism to destroy the country."

8 In radio interviews Ngaïssona used his influence to reach out to the youth for their
9 support against the foreign invaders who had committed atrocities against him. He
10 said, and I quote in French, (Interpretation) "the Central African Republic must not be
11 invaded by foreigners."

12 (Speaks English) Given his influence over the youth and as a reward for his previous
13 involvement, a few weeks later, on 3 February 2013, Ngaïssona was appointed as
14 Bozizé's minister of youth. Yambeté, who had created COAC a few weeks earlier,
15 was appointed as his (Interpretation) "responsible for youth, sports, arts and culture".

16 (Speaks English) Evidence will show that as the minister of youth and amidst
17 concerns of an impending coup, on 15 March 2013 Ngaïssona publicly reaffirmed
18 the youth's allegiance to Bozizé, their commitment to his defence, and their readiness
19 to devote themselves to defend the country.

20 The next week, on 22 March 2013, Ngaïssona told the youth to stay calm and that they
21 would be called upon when needed. He had Yambeté deliver a message on his
22 behalf saying, and I quote in French, (Interpretation) "the minister of youth, sports,
23 arts and culture has asked me to send you this message not to be afraid. Stay calm
24 where you are. As soon as you are needed, we will call upon you."

25 (Speaks English) Primed for action and desperate for vengeance, it was clear that the

1 youth would set upon the Muslim population given any opportunity. To no one's
2 surprise, some of them later participated in the attack on Bangui.

3 Your Honours, allow me to move to the second period, the period after
4 24 March 2013.

5 Once the Séléka seized Bangui on 24 March 2013, forcing Bozizé into exile in
6 Cameroon, Ngaïssona not only joined him there but continued mobilising and
7 structuring the group that would later become the Anti-Balaka.

8 During this trial, the Prosecution will demonstrate that from Cameroon, Bozizé's
9 inner circle, including the same individuals as I mentioned earlier, namely Bozizé,

10 Ngaïssona, Bernard Mokom and Yakete, started organising their resistance. They
11 held meetings in Yaoundé and Douala, attended by members of Bozizé's former
12 government and political party, members of his presidential guard, and loyal FACA
13 members. Their goal: To ensure Bozizé's return to power at whatever cost.

14 Over the course of these meetings it was clear that a key part of the strategy to reclaim
15 power was to oust not only Djotodia and the Séléka but also to target their perceived
16 supporters, the Muslim population. Indeed, the anti-Muslim rhetoric expressed
17 a few weeks earlier in Bangui was now repeated in the meetings in Cameroon.

18 In the weeks that followed, Ngaïssona liaised with Anti-Balaka not only in Cameroon
19 but also in the Democratic Republic of the Congo, in Bangui and in Gbéré.

20 From Cameroon, Ngaïssona and Bernard Mokom remained in close contact with
21 Maxime Mokom, who directed Anti-Balaka operations from Zongo.

22 At the same time, Ngaïssona was coordinating with other Anti-Balaka leaders in
23 Bangui, including FACA Captain Charles Ngremangou, an important FACA
24 lieutenant, who were organising elements in Bangui.

25 Ngaïssona was also liaising with Anti-Balaka elements in Gbéré such as Achilles

1 Godonam, Danboy Dedane and Richard Bejouane. The evidence will show that
2 Anti-Balaka elements from Gobéré participated in the 5 December 2013 attack on
3 Bossangoa, as you will also hear in our later presentations.

4 Your Honours, having addressed how Ngaïssona and other members of Bozizé
5 liaised from Cameroon with Anti-Balaka from various locations, I will now focus on
6 Ngaïssona's contributions in the period leading up to the 5 December attack on
7 Bangui and on Bossangoa.

8 As you heard in the previous presentation, at the end of July 2013, members of
9 the core alliance, including again Bozizé, Ngaïssona and Yakete, created FROCCA.

10 A draft of the founding document, the protocol document referred to earlier by my
11 colleague Vanderpuye, names Ngaïssona as one of the eight functionaries,

12 "*Responsable des affaires intérieures et des associations*". It provides for three plans to
13 achieve Bozizé's return to power: Diplomatic, political, and strategic.

14 The *plan stratégique* prescribed four key actions my colleague already detailed and
15 which included providing financial resources and material, securing communications
16 such as Thurayas, setting up a flexible coordination, and restoring the confidence of,
17 and enlisting the disillusioned elements of law enforcement, who are only waiting for
18 favourable circumstances to wash away the insults inflicted by Islamist invaders
19 without faith or law.

20 The FROCCA protocol document committed to paper the strategy articulated and
21 implemented by Ngaïssona and others in Cameroon, and it assimilated its military
22 capacity with the Anti-Balaka. The Anti-Balaka were an instrumentality of FROCCA,
23 they were a means to an end. As you will see shortly, in the lead-up to
24 the 5 December attack, FROCCA held itself out as *la tête politique des Anti-Balaka*.

25 Evidence will show that after the public announcement of FROCCA's creation on

1 5 August 2013, the preparations for a military attack became much more concrete.
2 Evidence will also show that Ngaïssona played an essential role in these preparations.
3 In France, FROCCA meetings continued to take place, at which Ngaïssona briefed
4 the other members on the availability of ammunition, weapons, military advances
5 and on his interactions in the field with Anti-Balaka elements stationed in Cameroon,
6 Bangui and Bossangoa. Ngaïssona insisted during these meetings that his elements
7 were determined and motivated to fight the Séléka.
8 At the same time, when back in Cameroon, Ngaïssona liaised with, financed and
9 instructed Anti-Balaka in different areas. First of all, he financed the transportation
10 of elements from Yaoundé/Douala to the border area. One witness who will testify
11 illustrated, and I quote, "Ngaïssona was giving out money to Mokom to give to
12 the soldiers ... When they gave the money to the military men, they said 'Go to Garam
13 Boulai, and then cross the border and continue on to Bouar, there are Anti-Balaka at
14 Bouar, join them there to fight the Séléka.'"
15 Moreover, contemporaneous Facebook communications will show that Ngaïssona
16 and Bernard Mokom went to Bertoua and to Garam Boulai in early September 2013 to
17 meet and discuss recruiting into the ranks the archers of Bouar. Here you can see in
18 the second message, the last line in French, (Interpretation) "Ngaïssona and Mokom
19 are in Bertoua and Garoua-Boulai."
20 (Speaks English) Ammunition was provided approximately 10 days later. Here you
21 will see (Interpretation) "Old Mokom left with Ngaïssona to Bertoua and for
22 the border with ammunition and medication."
23 (Speaks English) (Overlapping speakers) mid-October they met again, this time to
24 provide not only ammunition but also medication and Thurayas, exactly as foreseen
25 in the FROCCA protocol document we saw earlier.

1 On the slide you can see here in the second message, the first line, (Interpretation)
2 "Yes, old Mokom stayed there, Ngaïssona is supposed to have brought back
3 Thurayas."
4 (Speaks English) Integrated into the Anti-Balaka, Ngaïssona and Bernard Mokom
5 ordered them to attack the Séléka in Bouar, alongside FACA and presidential guards,
6 which they did on 26 October 2013.
7 Here you see in the second message, (Interpretation) "Yes, all of that is the cause of
8 the fact that Ngaïssona and Mokom took the initiative to attack Bouar."
9 (Speaks English) Your Honours, evidence will also show that Ngaïssona and
10 others -- excuse me.
11 PRESIDING JUDGE SCHMITT: [12:44:44] I'm asked that you perhaps slow a little
12 bit down when the translators -- that they can follow you.
13 MS STRUYVEN: [12:44:51] Thank you, excuse me.
14 I was also questioning, are we going to break at 45 or --
15 PRESIDING JUDGE SCHMITT: [12:44:56] No. We are going to break at 1 o'clock.
16 MS STRUYVEN: [12:45:00] Your Honours, evidence will show that Ngaïssona and
17 others provided money to the Anti-Balaka in Zongo to buy ammunition. Both
18 Facebook and email communications reflect that in early October 2013, Ngaïssona
19 had money, food and equipment brought to Zongo to be further dispatched to
20 the field. Here you see an email saying, and I quote in French: (Interpretation)
21 "Concerning the situation of the country, our information unit was informed of
22 the provision of financial and matériel support to the elements on the other side of the
23 river for coordination with Bangui and Boali, Bogangolo and Bozoum."
24 (Overlapping speakers) (Speaks English) is a reference to the Anti-Balaka elements
25 located in Zongo at the other side of the river.

1 Similarly, the Prosecution will call witnesses who will describe how Ngaïssona and
2 others frequently liaised with, and visited Anti-Balaka elements in the area of
3 Bossangoa, including Bozizé's hometown Benzambé as well as Gobéré, providing
4 them with money, food, weapons and ammunition. As one insider explained:
5 "The investigators asked if Ngaïssona helped us when we were in Gobéré. Yes, he
6 helped us there. Three times we received money from Ngaïssona when he was in
7 Cameroon and we were in Gobéré."
8 Finally, evidence will show that in the period leading up to the 5 December attacks,
9 Ngaïssona was in contact with key Anti-Balaka elements in Bangui and that he
10 continued to mobilise and finance the youth there through intermediaries, including
11 to acquire weapons and ammunition.
12 Contemporaneous Facebook and email communications reflect this. For example,
13 one email we see here reveals that as early as 19 September 2013 Ngaïssona had men
14 on the ground manoeuvring. As you can see here, (Interpretation) "Given
15 the situation of the country, we have men in the field who are manoeuvring."
16 (Overlapping speakers) (Speaks English) Ngaïssona's email.
17 Another exchange shows that between 5 and 12 October 2013, Ngaïssona liaised with
18 elements in Bangui to assess their needs, *les besoins*, in terms of weapons, ammunition
19 and other materials.
20 Here you say -- see two messages saying, and I quote in French, (Interpretation) "Tell
21 me, you were saying -- [redacted] was telling me that up till that time Bégoua and
22 other places had not yet received materials. Then Ngaïssona asked him to meet their
23 needs. And the answer: Yes, it is true." (Speaks English) In response, Ngaïssona
24 is provided with a detailed inventory of the supplies needed, their estimated cost and
25 the names and phone numbers of the local focal points.

1 Here your Honours will see an email with all the *besoins* listed, including, as you can
2 see in yellow, ammunition. And if you -- on the bottom you can also see there is a
3 list for *les besoins en armement* specifying that (Interpretation) "It should be noted that
4 each element has a personal AK weapon. What is lacking is collective weapons."
5 (Overlapping speakers) (Speaks English) It lists RPGs or rocket-propelled grenade
6 launchers, it lists DKMs, it lists grenades, chargers, et cetera.

7 Evidence will show that after receiving these emails, Ngaïssona forwarded them for
8 follow-up.

9 Your Honours, if I can take you back to the two common threads I referred to at the
10 beginning of my presentation. Evidence will show that while Ngaïssona was
11 actively mobilising these elements and preparing military operations, assisting in the
12 coordination, financing and arming of elements on the ground, FROCCA, of which
13 Ngaïssona was a founding and active member, openly promoted and disseminated
14 anti-Muslim propaganda, urging the CAR population to chase out the so-called
15 Islamists and jihadists.

16 As you can see here from the quotes, in August/September 2013 FROCCA used
17 the threat of Islamisation to frighten and mobilise the population, claiming that
18 the CAR had to be protected from the foreigners, meaning Muslims presumed to
19 support the Séléka, including civilians and regardless of their nationality.

20 The alarmist and inflammatory language repeated what Bozizé, Ngaïssona and
21 Yakete had expressed earlier that year, as well as the tenor of the Cameroon meetings.
22 The propaganda was designed to fuel and exploit the hatred of the Séléka and of the
23 Muslim population as a whole.

24 And with success, in September 2013, the Anti-Balaka engaged in a first series of
25 systematic attacks in and around Bossangoa and Bouca. These attacks, which

1 targeted the Séléka along with the Muslim civilian population, were claimed by
2 FROCCA.

3 Your Honours, evidence will show that on 9 October 2013, FROCCA went one step
4 further. They explicitly blamed Muslim civilians for the Séléka crimes, stating that
5 those of Muslim confession had entered into a conspiracy with the forces of evil
6 coming from Islamic countries. They needed to be expelled.

7 Despite increasing reports of Anti-Balaka violence, including against civilians, on 19
8 and 27 November 2013, FROCCA called on Central Africans to rise up and chase
9 the Islamists and jihadists out of the CAR.

10 The circle was complete. In the words of FROCCA, Séléka equalled Islam and
11 therefore each and every Muslim in the CAR was a target.

12 Your Honours, this rhetoric, repeated, reinforced and advocated by Ngaïssona
13 personally, through the organisations he represented or through his close associates,
14 had a real effect on the youth. They responded as was expected. They conflated
15 Muslims and the Séléka.

16 During this trial you will see videos in which Anti-Balaka ComZones and their
17 elements say that every Muslim, even a schoolchild, even a baby was Séléka, would
18 become Séléka, or had assisted the Séléka and was therefore a legitimate target of
19 attack.

20 The momentum generated by inciting the public to action, rallying the youth and
21 coordinating them was channelled towards the attacks on Bangui and Bossangoa. It
22 was channelled on taking back political power from the Séléka and Ngaïssona again
23 fully participated in its preparation.

24 Your Honours, during the course of this trial you will hear evidence that days before
25 the 5 December attack on Bangui, weapons were distributed on Ngaïssona's behalf to

1 Anti-Balaka chiefs outside Bangui. Ngaïssona also placed orders for ammunition
2 both with local providers, and was involved in the supply of ammunition from
3 the DRC to the CAR.

4 In addition, Ngaïssona issued concrete instructions in relation to the attack on Bangui.
5 For example, in November 2013, Ngaïssona summoned an important FACA member
6 to Cameroon to provide him with instructions to return to Bangui to coordinate
7 the Anti-Balaka's attacks.

8 Around the same time, he provided instructions to the group of an important FACA
9 lieutenant in Bangui.

10 Around 24 November 2013, Ngaïssona ordered Anti-Balaka elements in Bouar to
11 reach Bossembélé in three days, in anticipation of the attack on Bangui.

12 And a few days later, on or around 27 November 2013, Ngaïssona and
13 Bernard Mokom ordered Anti-Balaka elements in Zongo to cross the Oubangui River
14 to Bangui.

15 In line with these preparations, Anti-Balaka groups from Bossangoa, Bouca, Bouar,
16 Bossembélé and Zongo marched towards Bangui to carry out the 5 December attack.
17 That day, thousands of Anti-Balaka elements executed a coordinated offensive,
18 proceeding from different directions, attacking multiple locations under different
19 commanders, all the while in constant phone contact with one another. Although
20 Séléka positions were targeted first, Muslim civilians soon followed.

21 As you will hear in more detail from my colleague Ms Henderson, the Anti-Balaka
22 also launched a contemporaneous attack on Bossangoa. The evidence will show that
23 the attack on Bossangoa was coordinated by Maxime Mokom from Zongo and that it
24 was executed by elements who had gathered around Gobéré. The Gobéré group had
25 split into two groups, one group descended to Bangui to attack Bangui, and the other

1 one remained behind to attack Bossangoa. As I already mentioned, Ngaïssona was
2 in direct contact with the Anti-Balaka elements in Gobéré and in Zongo and had
3 provided them with money, food, weapons and ammunition.

4 Ngaïssona was fully aware of the two attacks. Not only was he in contact with
5 the Anti-Balaka on the ground, FROCCA also immediately claimed responsibility for
6 the attack.

7 Indeed, as the attack was underway in Bangui, FROCCA acknowledged the following
8 in an international radio interview:

9 (Interpretation) "The restoration of the constitutional order is ongoing today in
10 Bangui. We are reclaiming the space and the political structure to save our citizens
11 within the context of FROCCA. And we are also claiming the contribution of our
12 young brothers and sisters who are in action. We are together and we are
13 the political leadership. Today, on 5 December I call on all Central African nationals
14 to stand up as one man and kick out from our territory the foreign Islamic invaders
15 who have been attacking and humiliating us. And the purpose of our appeal is for
16 support to deliberation action."

17 (Overlapping speakers)(Speaks English) to address another period.

18 PRESIDING JUDGE SCHMITT: [12:56:52] I think especially when you are quoting, I
19 think the translators would need a little bit more time. I did not hear what you said
20 at the end.

21 MS STRUYVEN: [12:57:05] I'm approaching -- I'm now going to address another
22 period, so I'm not sure if this is a good moment to break or if you want me to continue
23 for another --

24 PRESIDING JUDGE SCHMITT: [12:57:14] No. It looks as if it were a good break.
25 So we have the break until 2 o'clock.

1 THE COURT USHER: [12:57:21] All rise.

2 PRESIDING JUDGE SCHMITT: [12:57:27] Wait a moment, please.

3 Just a second, please.

4 Ms Dimitri, please.

5 MS DIMITRI: [12:57:32] Apologies, Mr President. I have a small technical problem.

6 As you know, some of our team members are following from the -- from the office

7 and they're trying to help us to annotate, but they do not have access to evidence 2

8 and the ERNs are only indicated on the screen. So I'm asking if for the Yekatom

9 period you would allow for an additional team member to be present to help us

10 annotate when the Prosecution is quoting evidence. Because we're never going to be

11 able to track down the ERNs.

12 PRESIDING JUDGE SCHMITT: [12:58:08] I think if there is no problem with our

13 measures against the COVID -- we think we would have to figure this out during

14 the break with the Registry. If not, of course, we would not have a problem from

15 the side (Overlapping speakers) --

16 MS DIMITRI: Thank you very much, your Honour.

17 PRESIDING JUDGE SCHMITT: -- of the Bench.

18 MS DIMITRI: [12:58:24] Thank you.

19 PRESIDING JUDGE SCHMITT: [12:58:29] So now break until 2 o'clock.

20 THE COURT USHER: [12:58:31] All rise.

21 (Recess taken at 12.58 p.m.)

22 (Upon resuming in open session at 2.01 p.m.)

23 THE COURT USHER: [14:01:24] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [14:01:47] Ms Struyven, you still have the floor.

1 MS STRUYVEN: [14:01:50] Thank you, Mr President.

2 Your Honours, before the break, I explained how the FROCCA claimed responsibility

3 for the attack on 5 December on Bangui.

4 I will now move to the period after 5 December 2013.

5 During this trial, you will hear evidence that after Ngaïssona's return to Bangui on

6 14 January 2014, the leadership role and influence that he had enjoyed while in exile

7 was formalised and strengthened. That day, all the Anti-Balaka chiefs attended

8 a meeting in Ngaïssona's home in Boy-Rabe, where he was officially designated

9 *Coordinateur général*.

10 There had been no vote, there had been no need.

11 As *Coordinateur général*, Ngaïssona continued to mobilise and structure

12 the Anti-Balaka, despite his knowledge of the crimes that had been or were being

13 committed.

14 You will hear from witnesses who will explain that far from being a symbolic

15 figurehead or spokesperson for the Anti-Balaka, Ngaïssona was active in building

16 and reinforcing the group. He personally documented and formalised the positions

17 of ComZones and appointed National Coordination committee members, including

18 the deputy coordinator.

19 As you can see here, he affixed these appointment letters with his *Coordinateur général*

20 seal.

21 Evidence will show that Ngaïssona imposed order and structure upon otherwise

22 diffuse local groups. He summoned local leaders to Bangui and issued them with

23 mandates to replicate the National Coordination structure at their local level.

24 He also organised the issuance of ID cards, as you can see here. Throughout

25 the country, formal ID documents of local Anti-Balaka elements bore his signature

1 and seal.

2 Evidence will show that Ngaïssona provided the Anti-Balaka with a permanent
3 physical base. His home in Boy-Rabe became the movement's headquarters. Using
4 his home as the seat of the Anti-Balaka coordination served many different important
5 purposes. It provided the Anti-Balaka with a stable base from which to strategise,
6 coordinate, disseminate orders, host Anti-Balaka meetings, issue press *communiqués*,
7 or otherwise broadcast information publicly. It provided shelter and protection to
8 Anti-Balaka members and served as a physical symbol of Ngaïssona's authority and
9 leadership.

10 Your Honours will hear evidence that with his formal designation as *Coordonateur*
11 *général*, Ngaïssona projected himself as the leader of the movement and was
12 recognised as such by the wider community.

13 Ngaïssona spoke, and, I quote his own words, "in the name of the Anti-Balaka
14 movement, and in ..." his "capacity as [the] coordinator of the movement."

15 The formal structure ensured that the Anti-Balaka had a clear line of authority to
16 achieve its political and military objectives. Ngaïssona was seated at its head.

17 The troops knew him as "our coordinator, his Excellency".

18 Evidence will also show that he spoke in the name of the Anti-Balaka in formal
19 meetings as their representative and leader. This formalised role provided the group
20 with a semblance of legitimacy and a platform through which to place demands to
21 the CAR government - including to demand specific positions for himself in the
22 government or for other high-level Anti-Balaka coordination members - positions,
23 which would allow them to reclaim political power in the CAR.

24 As you can see here, Ngaïssona demands the position of director of ENERCA, *Energie*
25 *Centrafricaine*, and SOCAPS, *Société Centrafricaine de Stockage de Produits Pétroliers*.

1 Being close to the elements on the ground, Ngaïssona also asked for the position of
2 DDR coordinator, as you can see in the first box. And "DDR" - as your Honours
3 know - stands for disarmament, demobilisation and reintegration.
4 Ngaïssona's reach was extensive. On 10 February 2014, Ngaïssona affirmed he was
5 in contact with representatives in every municipality, or to use his own words, in
6 French: "*Dans chaque commune*".
7 He was in frequent telephone contact with Anti-Balaka leaders in the field, and
8 personally visited the leadership of provincial Anti-Balaka groups or sent delegations
9 from the National Coordination in his stead.
10 With Anti-Balaka troops controlling huge parts of western CAR, Ngaïssona wielded
11 enormous power over the livelihoods of all Central Africans living in these areas.
12 Evidence will show that Ngaïssona expected compliance from those engaging in
13 combat. His influence was such that he could, at will, order for an immediate
14 cessation of all hostilities. He could also affect the free flow of people, goods and
15 vital humanitarian aid throughout the country. Conversely, he could order elements
16 to erect roadblocks or cause chaos. As one insider explains:
17 "As the general coordinator of the Anti-Balaka, Ngaïssona coordinated the actions of
18 the movement. If something went wrong in the country, he would call
19 the ComZones and would, for example, order them to erect roadblocks. When he
20 said something, everybody had to execute. I received plenty of orders from him to
21 erect roadblocks or to create disorder."
22 As the senior leader, Ngaïssona had the final say on Anti-Balaka activities. He
23 signed off on missions in the field.
24 As one insider explained:
25 No significant operation could be carried out without Ngaïssona's knowledge and

1 approval.

2 Your Honours, evidence will show that after Ngaïssona returned to Bangui, he
3 continued distributing money to ComZones in Bangui and in the provinces, including
4 to pay for food, accommodation, burial expenses and other expenditures.

5 The money he provided also enabled him to purchase weapons and to continue
6 carrying out operations in the western provinces.

7 In addition, Ngaïssona promised to reimburse ComZones for expenses incurred by
8 their groups, once they would take power.

9 He also promised them positions in the military or in the government.

10 Again, in a country like the CAR, such promises are hugely significant. Positions in
11 the military or in the government are amongst the only ones that offer relatively
12 stable incomes, incomes that provide for entire families.

13 Ngaïssona's perceived generosity to the cause and to the elements secured and
14 maintained their loyalty. As one witness explained, and I quote:

15 "Ngaïssona gave money to the Anti-Balaka chiefs in order to support destitute
16 combatants who came from the provinces. For the chiefs who had no houses,
17 Ngaïssona paid for them to have houses. This encouraged people to support him as
18 the Anti-Balaka coordinator. By accepting his money, they were accepting his orders
19 as well."

20 In conclusion on this part of my presentation, your Honours, the evidence will show,
21 beyond reasonable doubt, that Ngaïssona, by virtue of his role, acts and omissions,
22 contributed significantly, if not essentially, to the commission of the charged crimes.

23 The evidence will also show that his actions in doing so were fully intended.

24 Remember, that while Ngaïssona was exercising his power as national general
25 coordinator, a position which he assumed voluntarily, the Anti-Balaka under his

1 leadership were carrying massive attacks against the Muslim civilian population.
2 Attacks which saw their deportation en masse, their forcible transfer and their
3 enslaving by the Anti-Balaka, which lasted in many cases through the entirety of
4 2014.

5 All of this, and, his continued contribution to assist the group, organise, represent it
6 and arm it, demonstrates his commitment to the strategy to reclaim power from
7 the very beginning and the criminal policy used to achieve it.
8 And this brings me to the second part of my presentation, Ngaïssona's intent and
9 knowledge.

10 Your Honours, during this trial, the Prosecution will demonstrate that in line with the
11 requirements of Article 30, combined with Article 25(3)(c), Ngaïssona assisted
12 the Anti-Balaka to commit the crimes with the aim of facilitating their commission.
13 Ngaïssona was well aware that the Anti-Balaka would, in the ordinary course of
14 events, commit these types of crimes.

15 Further, in line with the requirements of Article 30 combined with Article 25(3)(d),
16 Ngaïssona intentionally contributed to the commission of the crimes by
17 the Anti-Balaka acting pursuant to the common purpose, which entailed the violent
18 targeting of the Muslim civilian population.

19 Ngaïssona's contributions were made with the aim of furthering the criminal activity
20 or purpose of the Anti-Balaka, and in the knowledge of the collective intention of the
21 group to commit such crimes.

22 In more plain language, evidence will show that Ngaïssona knew about his role,
23 stature and his influence over the Anti-Balaka. He knew he could mobilise them and
24 that they would listen to him.

25 Ngaïssona was aware that the Anti-Balaka blamed Muslims collectively for Séléka

1 atrocities. Indeed, he encouraged this perception and false narrative, knowing that
2 their anger and hatred would propel them to action resulting in the types of crimes
3 they committed, including the charged crimes.

4 Ngaïssona knew, when he made his contributions, that these crimes were virtually
5 certain to occur in the ordinary course of events. Indeed, they were inevitable in
6 the circumstances.

7 Not only that, when the Anti-Balaka's crimes against the Muslim civilian population
8 materialised, just as expected, Ngaïssona made no meaningful attempt to stop them,
9 but instead praised the Anti-Balaka for their heroism, bravery and sacrifice. I will
10 address all of these four points separately.

11 Your Honours, let me start with Ngaïssona's knowledge about his influence over
12 the Anti-Balaka.

13 Evidence will show that Ngaïssona not only knew, but was proud of his influence.

14 He knew he could direct the Anti-Balaka to stay put or rise up at will.

15 To use his own words in April 2014, he said, and I quote in French:

16 (Interpretation) "When I give an order to these children, I immediately think that that
17 is enough."

18 (Speaks English) Ngaïssona also knew that his influence over the youth extended to
19 the Anti-Balaka as a whole.

20 The Anti-Balaka were the youth. And Ngaïssona recognised this.

21 Again, in their own words, the Anti-Balaka were, and I quote in French:

22 (Interpretation) "Self-defence groups exclusively made up of young Central African
23 nationals exasperated by the crimes perpetrated by the Séléka coalition."

24 (Speaks English) (Overlapping speakers) Your Honours, let me now turn to

25 Ngaïssona's knowledge about the Anti-Balaka's hatred of the Muslim population who

1 they blamed for the Séléka atrocities.

2 The Prosecution will present evidence that Ngaïssona knew at the time he made his
3 contributions on the one hand about the brutality of the Séléka; on the other hand,
4 about the Anti-Balaka's anger and desire for revenge.

5 From December 2012 onwards, through hateful and anti-Muslim rhetoric, he and
6 others in Bozizé's inner circle harnessed this anger and hatred through public
7 speeches and press releases.

8 The fact that the Anti-Balaka's anger caused them to attack Muslims was explicitly
9 recognised by Ngaïssona.

10 In February 2014, the group's political adviser was interviewed at Ngaïssona's home.
11 On his behalf, he reported, and I quote: "we had no intention [of] killing Muslims,
12 but we later noticed that so many Muslims in the country were supporting the Séléka
13 rebels ... they were against us ... [t]his angered the Anti-Balaka, as well as
14 the majority-Christian population in the country, hence the attacks you're seeing on
15 the Muslims."

16 That these crimes materialised was no surprise. One witness who was part of the
17 core alliance, and who will testify before this court, explained that he knew things
18 would end badly. I quote: "God can be my witness that I foresaw everything that
19 was happening ... When I came back from exile I saw the Anti-Balaka actions and told
20 some of them to respect humanitarian law because they will end up dead or in prison.
21 I knew all along that things would end badly."

22 You will hear from a frequent interlocutor of the Anti-Balaka, who said that:
23 "I could foresee that the conflict would be bloody and violent, the Anti-Balaka were
24 already going too far prior to December 5th."

25 Your Honour, that brings me to my third point.

1 Ngaïssona knew at the time of making his contributions that the crimes were virtually
2 certain to occur. Evidence will show that Ngaïssona knew that mobilising,
3 structuring, financing and arming the Anti-Balaka would result in the violent
4 targeting of the Muslim population.

5 After all, the plan to reclaim political power required mobilising these Anti-Balaka.
6 Their desire for revenge was not only notorious, but essential to the strategy. In this
7 respect, the crimes committed by setting the Anti-Balaka loose upon the Muslim
8 civilian population were not only foreseeable, but inevitable.

9 In fact, your Honours, not only did Ngaïssona know that the Anti-Balaka would
10 commit crimes, the evidence will show that Ngaïssona had actual knowledge that
11 crimes were happening as they were happening. He had this knowledge both before
12 and after his official designation as general coordinator in January 2014.

13 While in Cameroon, Ngaïssona received direct information about events -- events on
14 the ground from key Anti-Balaka figures. One military insider described it as
15 follows:

16 "It is difficult to remember particular attacks -- at times, there were four or five attacks
17 per day. However, we were aware of what was going on. Mokom was giving
18 orders regarding the attacks [...] Ngaïssona was also aware of these attacks.
19 Ngaïssona and Mokom would permanently be in contact with each other. [...] I
20 myself saw Mokom update Ngaïssona."

21 The Prosecution will show that upon his return to Bangui, evidence that crimes were
22 being committed was on his doorstep. One high-level government official, who will
23 come testify, described it as follows, in French:

24 (Interpretation) "In the 4th arrondissement, where Ngaïssona's residence was located,
25 Muslims were massacred. These killings could not have taken place without

1 the consent of the Anti-Balaka leaders such as Ngaïssona."

2 (Speaks English) Your Honours, the fact that the National Coordination had

3 knowledge of the crimes is not controversial, but instead documented.

4 The Prosecution will submit evidence that shows that from January 2014 until

5 June 2014, Ngaïssona signed or authorised press releases, publicly acknowledging

6 exactions and abuses occurring throughout the country.

7 The press releases acknowledged that, and I quote in French: (Interpretation) "There

8 were excesses observed amongst the Anti-Balaka."

9 (Speaks English) Or that, and, again, I quote in French: (Interpretation)

10 "Counterproductive attitudes and behaviours are still being noted amongst

11 the members of the Anti-Balaka."

12 (Speaks English) During this trial, you will hear about the specific crimes that took

13 place throughout the CAR. Those crimes were committed by local Anti-Balaka

14 members who were in regular contact with the National Coordination in Bangui,

15 whether by phone or personally at meetings. They were committed in places which

16 hosted National Coordination missions and delegations whose purpose was to report

17 back to Ngaïssona.

18 Finally, as a national coordinator, Ngaïssona was the authority to whom peacekeepers,

19 journalists and NGOs went to notify the commission of crimes. Ngaïssona's

20 knowledge of the charged crimes in the incidents and locations, including by

21 Yekatom's group, will be further detailed in my colleague's further submissions.

22 Instead of intervening to halt the commission of crimes, Ngaïssona portrayed

23 the Anti-Balaka as national heroes. In his words, the youth --

24 (Interpretation) "Young Central Africans stood up and sacrificed their lives for

25 the cause of the people. They paid the price for the liberation of our country from

1 the claws of the bloodthirsty members of the Séléka."

2 (Speaks English) And this brings me to the last point of my presentation; namely,

3 the question of what Ngaïssona did with his actual knowledge of Anti-Balaka crimes

4 being committed against Muslim civilians.

5 As you just saw in the press releases, he minimised crimes as mere *dérapages* or

6 blunders, counterproductive behaviours or isolated incidents. And although he had

7 the ability to intervene, he did not do so in any meaningful way.

8 When confronted with indisputable evidence of crimes committed by the Anti-Balaka

9 against Muslim civilians, Ngaïssona simply was evasive or denied their existence.

10 In February 2014, a media organisation which reported the lynching of Muslims by

11 Anti-Balaka stated that Ngaïssona was evasive when asked point-blank if his militia

12 planned to stopped killing Muslims.

13 In a 2 April 2014 radio interview, Ngaïssona said, and I quote in French:

14 (Interpretation) "I was greatly surprised to hear over RFI, the national radios,

15 the accusations made against the Anti-Balaka. I will say no, no and no."

16 (Speaks English) The denial of the crimes was not innocent but was made, first of all,

17 for the purpose of buying popular support for the Anti-Balaka which, in turn, was

18 essential to its survival and to reach the objective of reclaiming power.

19 And secondly, to impede the CAR government and the international community from

20 intervening effectively to protect civilians or to end the Anti-Balaka's control over

21 the territory, their most important asset and leverage over the government.

22 The Prosecution will present evidence that when not falsely denying the occurrence

23 of crimes, Ngaïssona resorted to point the finger at so-called fake Anti-Balaka.

24 The argument being that they were fake because they committed crimes.

25 The Anti-Balaka name was not to be tarnished by the wrongdoing of these infiltrators

1 in their ranks.

2 Yet, for all his denials, Ngaïssona knew that the crimes were serious. So serious that,
3 as one witness recounts, he advised unruly Anti-Balaka elements to be careful as they
4 might one day be prosecuted by the International Criminal Court.

5 The evidence will show that Ngaïssona's paltry efforts to address Anti-Balaka
6 criminality were motivated at least, in part, by a desire to stay out of this very
7 courtroom. He created a military police, but staffed it with known criminals.

8 He intervened to protect Muslim civilians in a handful of isolated cases, but left
9 thousands of others to be expelled, enclaved, to starve and to die at the hands of
10 Anti-Balaka elements under his coordination for months on end.

11 In conclusion, your Honours, the Anti-Balaka's crimes against Muslim civilians were
12 everywhere during the charged period. Ngaïssona's failure to take meaningful steps
13 to stop or even impede Anti-Balaka crimes belies his state of mind throughout
14 the entire period of his contributions. He knew the whole time that the Anti-Balaka
15 would commit the charged crimes against the Muslim civilian population, because he
16 helped them to do so, because they had committed these types of crimes and because
17 they were committing such crimes. Ngaïssona helped them through his many
18 contributions because it was in his interest and those of a few others to reclaim power
19 in the CAR.

20 Ngaïssona's fortification of Anti-Balaka groups was disastrous for Central African
21 Muslims. The consequences of his failures to act were equally severe. Ngaïssona's
22 refusal to acknowledge crimes and his defence of Anti-Balaka heroism served to
23 endorse and encourage Anti-Balaka misconduct when he was one of the few who had
24 the power to affect it, if not, stop it.

25 Your Honours, this concludes my submissions on Ngaïssona's individual criminal

1 responsibility and my colleague, Mr Iverson, will address you on the criminal
2 responsibility of Mr Yekatom.

3 PRESIDING JUDGE SCHMITT: [14:27:18] Thank you.

4 You may continue.

5 MS STRUYVEN: [14:27:31] We will need to have a very small break to let him into
6 the courtroom.

7 PRESIDING JUDGE SCHMITT: [14:27:36] Yes, no problem. We have already
8 heard that you are here on a rotating basis, so to speak. No problem.

9 (Pause in proceedings)

10 PRESIDING JUDGE SCHMITT: [14:28:09] Perhaps in the meantime I can remind
11 everyone - also for the future, because these are recurring themes during
12 a long -- long procedure, really - to have in mind the need for the translators to follow
13 us. I'm also one of those who was always too quick, so -- but please, keep it in mind.
14 I hear music, but I think that is not the beginning of the presentation.

15 MR IVERSON: [14:28:39] I don't know, your Honour. Maybe somebody made
16 some entrance music for me.

17 PRESIDING JUDGE SCHMITT: [14:28:48] This was obviously an indication that
18 shortly a connection was lost so it was not your anthem, so to speak. You may start.

19 MR IVERSON: [14:28:58] Fair enough. Thank you, your Honours. Good
20 afternoon. My name is Eric Iverson and I'm a trial lawyer and it's my privilege
21 today to represent the Office of the Prosecutor.

22 I will now turn to the criminal responsibility of Alfred Yekatom.

23 Alfred Yekatom, also known as Rambo, he was born in Bimbo near Bangui and is
24 46 years old. He was a chief corporal in the FACA before the March 2013 Séléka
25 coup.

1 Mr Yekatom had previously fought as one of the *libérateurs* who installed Bozizé as
2 president in 2003. He did so alongside key figures who would later become
3 the leadership of the Anti-Balaka and with whom he stayed in contact during
4 the relevant period.

5 Alfred Yekatom was an Anti-Balaka leader, a ComZone. Having fled to the DRC
6 after the coup, he gathered thousands of others who had also fled. He organised
7 them in a military-like hierarchy. Upon returning to a deeply fractured CAR, he
8 commanded these Anti-Balaka elements and encouraged them to take revenge.

9 They were united by hatred of the Séléka and anyone they perceived to be supporting
10 Séléka. Mr Yekatom harnessed that hatred. He structured them, he trained them,
11 equipped them and commanded them, shaping them into a force that caused death
12 and destruction.

13 Mr Yekatom's affiliation with the wider Anti-Balaka group is clear from high-level
14 meetings he attended, as well as other documents such as this press release on your
15 screens dated 3 July 2014, signed by him, in which he reaffirms his role as an
16 Anti-Balaka commander and his commitment to the National Coordination, including
17 Ngaïssona.

18 Alfred Yekatom presented himself and was recognised by the Anti-Balaka leadership
19 as a powerful ComZone. His key role in the conflict was even recognised by
20 the international community and earned him a place on the UN sanctions list, among
21 others. Alfred Yekatom's hatred of Muslims was well known. He made no secret
22 of his desire to see all Muslims leave the country. His violent character wasn't a
23 secret either, as he had no hesitation to kill and threaten in public.

24 In June 2013, Mr Yekatom gathered over 1,000 individuals. He based this group in
25 the bush in Kalangoi, DRC. They became military training, learning to use machetes,

1 knives, guns and AK-47 rifles.

2 During this time Mr Yekatom was in frequent contact with the Anti-Balaka leaders

3 who were in Gobéré.

4 After a period of preparation and over three months' training, Yekatom's group

5 participated in the 5 December attack on Bangui. They attacked together and with

6 other groups of Anti-Balaka. The Anti-Balaka National Coordination planned a

7 multi-directional offensive into Bangui. Yekatom's group was to attack from one of

8 those directions, from the south. The staging point for Yekatom's group was

9 the Boeing junction. The attack commenced in the early morning hours on

10 5 December.

11 From the Boeing junction, Yekatom's group split up, taking different routes into

12 Bangui, using three different avenues of approach and attacking as they went.

13 Mr Yekatom, called Rambo by his elements, led one of the three groups into Bangui

14 on 5 December. And he was on the phone coordinating with the other leaders, his

15 deputies, Habib Beina and Coeur de Lion, and he met with them beforehand to plan

16 the attack.

17 In the words of a witness who participated in that attack and from whom you will

18 hear testimony, quote: "Rambo, (h)Abib and Coeur de Lion were in charge [...] they

19 were the ones speaking and the others were listening." Unquote.

20 Before, during and after the attack, he stayed in frequent contact with the Anti-Balaka

21 leadership in Zongo in the DRC. Yekatom's Anti-Balaka elements killed at least 10

22 Muslim civilians during that attack. They burned houses and shops and destroyed

23 and desecrated the local mosque. The scale and impact of this attack will be

24 explained by my colleague Mr Leddy in one of the next presentations, and he will

25 also deal with some of the direct orders given by Mr Yekatom during the attack.

1 I'll now show you a video from two days after the attack on Bangui. It depicts
2 Mr Yekatom walking at the head of his elements. This is a French video, the ERN is
3 CAR-OTP-2065-0396. The ERN of the transcript is CAR-OTP-2107-6918. And this
4 will be a sight translation.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [14:35:15] (Interpretation of the video excerpt)

7 "We will go from this angle.

8 Could you explain who you are.

9 I am Yekatom.

10 Could you tell us about the attack which has happened?

11 Yes, it's FACA, because they have chased the FACA. We, we are going to do better.

12 We want to do something for the Central Africans. We are the forces for the African
13 people.

14 Are you going to take other attacks?

15 No, we must organise with FACA. We have to go until the bitter end.

16 How many men have you got?

17 Right now here, about 500, and there are some on the other -- on the other side.

18 Were you military?

19 We military, it's the act on -- from small cells."

20 PRESIDING JUDGE SCHMITT: [14:37:00] I get a notice here that there is another
21 speaker coming after the current one.

22 So, okay, you have to switch to them, obviously, if I understand it correctly.

23 THE COURT OFFICER: [14:37:31] No, I was informing the Presiding Judge
24 the second speaker will come after you so you will do exactly the same process.

25 MR IVERSON: [14:37:43] Oh, I understand. Yes, of course. We will proceed in

1 accordance with your instructions, your Honour, of course.

2 So, I am not entirely sure that the interpretation picked up all of that -- the video.

3 We do intend to submit that video into evidence. But I will say this: In the video

4 clip we saw Mr Yekatom present himself as a chief corporal and a member of the

5 FACA. He explained that when the Séléka took power, they chased the FACA and

6 didn't want to work with them. As FACAs they organised in order to free

7 the Central African people. When asked how many men participated in

8 the 5 December attack, he answers that he has 1,500 men in his base and that there are

9 Anti-Balaka in other places, that they are everywhere. He tells us that they are

10 military and that they take weapons and ammunition after attacking Séléka military

11 bases.

12 Following the 5 December 2013 attack, Mr Yekatom established a base at the

13 Yamwara school in Boeing, what can be fairly characterised as a suburb of Bangui,

14 where he continued training his elements which he had increased to around 3,000

15 members.

16 Yekatom and his elements were based in the south of Lobaye prefecture, marked on

17 this map before you.

18 From the Yamwara school base, Mr Yekatom deployed his elements in the area along

19 the roads between PK9 and Mbaïki and between Pissa and Mongoumba, indicated on

20 this map.

21 Yekatom's elements achieved control over this territory through a series of attacks

22 against Muslim communities, targeting several settlements along the route from

23 Bangui to Mbaïki.

24 As Yekatom's elements controlled an increasingly larger area, heading in the direction

25 of Mbaïki. In the words of an insider witness, quote: "The next place on the way to

1 Mbaïki was Sekia, next Ndangala. We took it, then Bimon, Kapou, and Pissa ...
2 The Séléka began fleeing of their own volition. We took the villages without
3 fighting." Unquote.
4 Mr Yekatom moved to set up more bases, including Boeing, PK9, Sekia and
5 the *Étas-Unis* training camp around 25 kilometres from Bimon. He set up roadblocks,
6 checkpoints at strategic locations. One witness states that, quote: "Yekatom
7 patrolled the barricades on his red motorbike to collect the money, goats, sheep and
8 whatever they extorted from people." Unquote.
9 Along key roads, Yekatom was regulating the flow of individuals and extorting
10 money from passing vehicles, taking cash and supplies.
11 Around 30 January 2014, Yekatom's elements reached and took control of Mbaïki.
12 At the time Mbaïki hosted between 10,000 and 15,000 Muslims. And I say "hosted"
13 because that number included the thousands of Muslims who had fled there.
14 Yekatom's group targeted these people, they killed and destroyed property in
15 the Muslim community.
16 Alfred Yekatom is criminally responsible for the crimes committed by him and by his
17 troops throughout Lobaye prefecture and Bangui. These, your Honours, are
18 the confirmed crimes of attacks on the civilian population of the south-western CAR,
19 murder, forcible transfer, displacement, persecution, attacks against buildings
20 dedicated to religion, inhumane acts, torture, imprisonment, and the enlistment and
21 use of children under the age of 15.
22 Some of these crimes were committed by Mr Yekatom personally, particularly
23 the crimes of torture and imprisonment carried out at the Yamwara school, and also
24 his use of child soldiers.
25 Other crimes were committed jointly with members of his command, including his

1 deputies, Ouandjio and Habib Beina, and elements of his group.

2 For Mr Yekatom to be held criminally responsible as a co-perpetrator for these crimes

3 there must have been a common plan between two or more persons, including

4 the accused, and it must include a critical element of criminality.

5 Throughout the commission of the crimes charged, Mr Yekatom, his command and

6 elements of his group acted with a common plan. Their objective was to violently

7 target the Muslim civilian population in the south-western CAR, Yekatom's area of

8 operations. These civilians were perceived as being one with, complicit with, and

9 supportive of the Séléka, based on their religious, national or ethnic affiliation.

10 In response to the very real pain inflicted by the Séléka, Yekatom's group took

11 revenge on not just the Séléka but on all Muslims. Their plan took the cruel

12 narrative of the Anti-Balaka and made it a reality.

13 The common plan was inherently criminal. It involved a vengeful and violent attack

14 on Muslim civilians. It involved the commission of all of the many crimes charged.

15 These crimes not only fell within the scope of the plan itself, but were fundamental to

16 its execution. The crimes committed by members of Yekatom's group were an

17 intended, a natural and a direct result of the implementation of the common plan.

18 Mr Yekatom was a central figure in carrying out the common plan. He made

19 essential contributions to it. He provided his elements with the means to commit

20 the crimes by purchasing and distributing weapons and ammunition. Yekatom's

21 elements carried machine guns, rocket-propelled grenades, hand grenades,

22 Kalashnikovs, hunting rifles and machetes. He also provided for the elements who

23 were to execute the plan. He gave them money that had been procured at the many

24 checkpoints. These funds were to be used to pay for their fuel, food and medical

25 treatment.

1 The common plan did not stand in isolation. We have heard from my colleagues
2 that the Anti-Balaka in CAR operated in furtherance of a common purpose, which
3 involved the targeting of the Muslim civilian population of the CAR. They were
4 motivated by revenge and united by their shared hatred of Muslims.

5 The crimes of Yekatom and his elements paralleled the pattern of crimes that were
6 being committed by Anti-Balaka groups throughout the western CAR.

7 Mr Yekatom was involved in the National Coordination and fully cognisant of their
8 common purpose. He knowingly and intentionally became a fundamental and
9 strategic tool of the Anti-Balaka and the common purpose.

10 Mr Yekatom told his elements that the enemy were not just members of the Séléka,
11 but also Muslims and, quote, "foreigners", unquote, to be, quote, "slaughtered and
12 exterminated", unquote, including women and children. An insider witness from
13 whom you will hear testimony states, quote: "Rombhot instructed us to 'kill Sélékas
14 and Muslims'. He told us that we should attack the Muslims and break their houses
15 [...] Rambhot [...] said that if we capture Muslims, we were to tie them up with a rope
16 and then slit their throats." Unquote.

17 Another witness states, quote: "Rambhot said that we were traitors and traitors
18 deserve to die", unquote, for merely being in the company of Muslims.

19 A third witness reports that Rombhot and other Anti-Balaka leaders said, quote,
20 "Every Muslim that passes [...] we will slaughter[.] They said that all Muslims to
21 travel the road to Mbaïki would be slaughtered. This meant to include all Muslims,
22 armed or not, as armed and unarmed Christians had been killed." Unquote.

23 Mr Yekatom's involvement in the crimes alleged goes beyond his knowing
24 contributions to their commission. Mr Yekatom was at all relevant times a leader
25 and a commander. He was present on the ground with those elements and was

1 the head of a military-like hierarchy. He was in control and in charge.

2 Mr Yekatom presented himself as the leader of his group. He was recognised as

3 the leader by his subordinates, by the Anti-Balaka coordination and by the CAR

4 authorities, and by the international community. A journalist from whom you will

5 hear testimony states, quote, "He told me he was a commander and he appeared to be

6 in command of the camp. He seemed respected by the other individuals at the camp.

7 He also arranged for our travel to another Anti-Balaka base by telling someone to take

8 us there." Unquote.

9 An insider tells us, quote: "We chose Yekatom as one of the ComZones to represent

10 the Anti-Balaka. [...] We chose him to go to Brazzaville because we knew that his

11 elements listened to him and followed his instruction." Unquote.

12 Another witness, insider witness told us, quote: "Only Coeur de Lion, Habib Beina,

13 or Aristide Beina could stand up to Rambhot, I don't remember any of them ever

14 doing so. I don't remember anyone ever disobeying him. I always obeyed him and

15 executed his orders ... I would not have survived if I had disobeyed him." Unquote.

16 Mr Yekatom gave orders to his subordinates, issued authorisations to pass through

17 checkpoints, set missions, and arranged the appointment and replacement of

18 subordinate leaders.

19 He was in charge of the discipline of his group. His, quote. "orders were [to be]

20 obeyed without question" unquote, and disobedience was severely punished.

21 An insider witness states, quote: "Rombhot told us we had to burn houses. If you

22 didn't do as he told you he would kill you. I believed him because I saw him once

23 kill an element who had a cell phone in his pocket. Rambhot accused him of being

24 a traitor. Rambhot slit his throat and buried him." Unquote.

25 As a chief, Mr Yekatom was acting through Yekatom's group, an organised and

1 hierarchical apparatus of power, to commit the crimes alleged.

2 Your Honours, I would like to show two exhibits. The first is a screenshot of a video.

3 And if you could, just please note the position of Mr Yekatom sitting in

4 the foreground wearing a black shirt and talking to his men. I would also like you to

5 notice the position of a second man wearing a red shirt. He's sitting two spots down.

6 I would ask you to pay close attention to what the man is holding in his hand, a

7 smoke grenade.

8 Now I would like to show a video. This video was taken shortly before the image

9 we just saw. It depicts the same hut with that gathering of Mr Yekatom and his men

10 sitting just inside. This video depicts the man in the red shirt explaining the purpose

11 of the item he's holding, smoke grenade.

12 Please play the video.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [14:50:03] (Interpretation of the video excerpt)

15 "This is an arms -- a type of arm. It's tear gas. It's tear gas. It's for the Muslims

16 who are inside. How should I put it? Well, it's simply that we throw it inside, into

17 their homes and then they're forced to get out. They stifle. And when they come

18 out, we kill them. We kill everybody, including small children. We have to do that.

19 We are military."

20 MR IVERSON: [14:51:00] So here you saw one of Yekatom's men explaining how

21 the Anti-Balaka used the smoke grenades. Without any apparent fear of being

22 overheard by Mr Yekatom, he casually explains how they throw the grenade into

23 the Muslim houses to smoke them out. When they do, he says, they can kill them all,

24 even the small children.

25 Despite his knowledge of their anti-Muslim animus, which he shared, Mr Yekatom

1 encouraged such members of his group and promoted their objectives. He placed
2 these individuals in positions of authority within his group, despite, or rather,
3 because of their hatred of Muslims.

4 Mr Yekatom provided these elements with the opportunity to commit the crimes
5 charged, placing them in towns and villages throughout the areas he controlled. He
6 did not prevent or punish their crimes but tolerated, even championed them within
7 the ranks of his group. He readily redeployed them to areas where they committed
8 similar crimes.

9 Throughout his time as an Anti-Balaka leader, Mr Yekatom lead operations and
10 ordered attacks on Muslim civilians. He ordered his Anti-Balaka elements to do
11 such things as slit throats, cut off ears, execute victims and bury people alive. His
12 ordered his elements to pillage and destroy Muslim homes and mosques, quote, "so
13 they will go back to their country." Unquote.

14 He requested and received updates regarding the situation on the ground and was
15 present when his elements committed crimes.

16 Your Honours, in this case, we will establish through the evidence that Mr Yekatom
17 intended the commission of these crimes. He planned, ordered and participated in
18 their commission.

19 He knowingly and intentionally contributed to the common plan, fully aware that its
20 implementation would result in the commission of crimes. In doing so, he became
21 a key driver in a common plan, which, as a core objective, aimed to attack Muslim
22 civilians. He did this in concert with the violent and hateful campaign of the
23 Anti-Balaka.

24 Further, the evidence will establish that Mr Yekatom was aware that his actions were
25 part of a widespread and systematic attack. He was aware and intended for this

1 attack to target Muslim civilians. He was aware that he was participating in an
2 armed conflict and those Muslim civilians, mosques and the homes of Muslim
3 families were not an active part of that conflict.

4 Your Honours, those are my submissions.

5 With your leave, I would ask to go through the same procedure and give the floor to
6 Mr Leddy who will speak to Mr Yekatom's crimes in more detail.

7 PRESIDING JUDGE SCHMITT: [14:53:58] Fine with us.

8 MR IVERSON: [14:53:59] Thank you very much, your Honours.

9 (Pause in proceedings)

10 MR LEDDY: [14:55:00] Good afternoon, Mr President, your Honours.

11 PRESIDING JUDGE SCHMITT: [14:55:03] Good afternoon.

12 MR LEDDY: [14:55:05] May it please the Court. My name is Nick Leddy. I'm
13 a trial lawyer with the Office of the Prosecutor. I'll describe the first two charged
14 incidents in a bit more detail, starting with the Anti-Balaka's 5 December 2013 attack
15 on Bangui, including its suburbs of Boeing and Cattin, and then moving to Yekatom's
16 base at the Yamwara school in Boeing later that month.

17 With respect to the Bangui attack, both accused are charged with counts 1 through 6
18 and 8 for this incident. After providing the background and underlying facts for
19 these crimes, I will discuss the intent and knowledge of Yekatom and then Ngaïssona.
20 Bangui is the capital of the Central African Republic. As your Honours can see from
21 this map, Bangui is situated on the Oubangui River, just across from Zongo in
22 the DRC. In 2011, Bangui's population stood at 740,000. Boeing borders the west
23 side of Bangui, southwest of the M'Poko airport, as indicated on the second map,
24 which you can see in the yellow circle indicated on the lower left of the map.
25 Before the conflict, approximately 130,000 Muslims resided in the city's

1 neighbourhoods and eight arrondissements. The cities demographics changed after
2 the Anti-Balaka attacked in the early morning hours of 5 December 2013.

3 That morning, Anti-Balaka leaders executed a coordinated offensive on Bangui and
4 Boeïng as part of a larger campaign across western CAR in towns such as Bossangoa,
5 hundreds of kilometres to the north, and Boda, over 160 kilometres to the west.

6 Despite clashes with armed Séléka groups in some of these areas, the Muslim civilian
7 population in western CAR remained the primary object of the broader Anti-Balaka
8 attack.

9 Taking Bangui, the capital of CAR and the seat of government, was an obvious and
10 essential component of the strategy to reclaim power by François Bozizé, Ngaïssona,
11 Maxime Mokom and others. The evidence will show that Maxime Mokom
12 coordinated the offensives in Bangui and Bossangoa while based in Zongo.

13 The evidence will further show that Ngaïssona played an important role in the
14 planning of the 5 December 2013 attack and in the coordinated campaigns in Bangui,
15 Bossangoa and elsewhere. Ngaïssona provided money and issued instructions to
16 the Anti-Balaka for the Bangui attack.

17 For example, the evidence will show that in October 2013, leading up to the attack,
18 Ngaïssona and others provided money to the Anti-Balaka in Zongo, such as
19 Maxime Mokom, for the purpose of buying ammunition. Insider witnesses will
20 testify that Yekatom himself obtained weapons and ammunition for his elements
21 from Maxime Mokom in Zongo prior to the 5 December 2013 attack.

22 Further underscoring Ngaïssona's planning role, as my colleagues mentioned earlier,
23 the evidence will show that in November 2013 Ngaïssona issued at least four
24 instructions to different Anti-Balaka groups to attack Bangui, including from
25 Bossembélé in the north and from Zongo to the south, just across the river from

1 Bangui.

2 The evidence proving the 5 December 2013 offensive on Bangui will include several
3 witnesses, such as insiders, victims, journalists and overview witnesses and provide
4 accounts of the Anti-Balaka's campaign to target Muslim civilians. In addition,
5 corroboration of the planning and execution of this attack will come in the form of
6 documents, photographs, videos, call data records, email evidence and satellite
7 imagery.

8 The evidence will show the role of the Anti-Balaka, and I will focus in particular on
9 Yekatom's group, and their murder, forcible transfer, deportation, displacement and
10 persecution of the Muslim civilian population in Bangui and Boeing. And their
11 attacks against at least one of their mosques in Boeing.

12 The evidence will show Yekatom liaised with key Anti-Balaka insiders, including
13 Maxime Mokom, the *de facto* coordinator for operations, to ensure the attack was well
14 coordinated and that his elements were armed. Yekatom's group was one of several
15 Anti-Balaka groups executing this coordinated attack around the city of Bangui.

16 Your Honours can see this picture which shows one such group on the outskirts of
17 Bangui one day before the 5 December attack. The photographer described their
18 plans to attack Bangui, and I'll quote the French: (Interpretation) "He told us himself
19 that they were Anti-Balaka. One of them said that the Anti-Balaka would attack
20 Bangui."

21 (Speaks English) Around the time this photo was taken, Yekatom was nearby, leading
22 his Anti-Balaka group in preparation for the 5 December attack. Yekatom led at least
23 1,000 of his elements from Kalangoi in the DRC, through Bangui and Cattin, where
24 they were joined by another 500 of his elements.

25 Yekatom himself directly participated, leading his elements along with three

1 deputies.

2 Yekatom's intent to target Muslim civilians was clear in the orders he gave to his

3 elements. Two Anti-Balaka witnesses from Yekatom's group who participated in

4 the attack will show this. One witness recalled that Yekatom, quote:

5 "brought all the elements together and instructed us to kill Sélékas and Muslims."

6 This witness also described Yekatom's orders to, quote: "go to PK5 and find

7 the Muslims and Séléka. He told us that we must destroy the Muslim houses so they

8 will go back to their country."

9 The second witness from Yekatom's group will describe receiving orders for this

10 attack from Yekatom and members of his command, Deputy Freddy Ouandjio,

11 whose alias is Coeur de Lion, and Habib Beina.

12 As you can see from the screens in front of you, one insider's evidence is that, quote:

13 "[t]he aim was to attack the Arabs because when the Séléka came, all the Muslims

14 became Séléka. All Muslims were to be regarded as the Séléka and therefore our

15 enemies."

16 The witness specified, quote:

17 "We were told that they were all the same, whether they were men, women or

18 children. Even if they are children, they had to be killed. We were told this by our

19 chiefs many times. I heard this said by Rambo, Coeur de Lion and Habib at our

20 gatherings.

21 Our group was ordered to attack the Muslims, which would include Séléka and

22 civilians."

23 And, your Honours, this is precisely what they did.

24 The evidence will further show that Christians were warned of the attack in advance

25 and advised to place palm branches in front of their houses to signal to

1 the Anti-Balaka which houses to spare. As my colleague mentioned earlier, this
2 modus operandi was used in Guen, Carnot and Berbérati.
3 During the 5 December 2013 attack, the evidence will show that Yekatom's elements
4 killed at least six Muslim civilians or perceived Séléka supporters in Boeing and at
5 least another four Muslims in Cattin.
6 Your Honours will hear from two Anti-Balaka witnesses from Yekatom's group about
7 their attack on the Boeing market that morning. They are both clear that Yekatom
8 planned and ordered the attack and that they participated in it at his direction. One
9 of them provided a detailed account of that morning:
10 His attack group entered the market. He saw the "Arabs" outside their shops,
11 washing before their morning prayers. He is clear that he did not see the Arabs with
12 guns and that he saw six Arabs shot and killed where they stood, but says they did
13 not die straightaway. They were still struggling on the ground. So he and other
14 Anti-Balaka members stabbed them to death.
15 The other witness will describe how Yekatom ordered his elements to attack
16 the Muslims and Séléka at the Boeing market, and, specifically, to "shoot
17 the Muslims" there.
18 The evidence will also show that bodies of some of these Muslims were brought to the
19 Ali Babolo mosque in PK5, where they laid among over 60 Muslims who died in
20 the broader 5 December 2013 attack on Bangui. Journalists took pictures of these
21 bodies; one of which is on your screens before you.
22 Yekatom's elements killed at least another four Muslims in Cattin. None of these
23 four victims were armed or otherwise engaged in combat. One witness will describe
24 that while retreating from Cattin on 5 December 2013, Anti-Balaka elements walked
25 past his house and shouted that first, they would kill Djotodia and then they would

1 come back to kill all Muslims.

2 The evidence will further show that from 5 December 2013 onwards, the Muslim

3 residents of Boeing and Cattin had no choice but to flee their homes to save their lives.

4 They fled to the Muslim neighbourhood of PK5 in Bangui's 3rd arrondissement,

5 which quickly became the last Muslim enclave in Bangui. They also fled to other

6 parts of CAR or to neighbouring countries. Their forcible transfer, deportation and

7 displacement constitute a key part of the attack for which both accused are charged.

8 The 5 December 2013 attack and its aftermath caused the number of internally

9 displaced people in the 3rd arrondissement to increase by 100,000 in the following

10 month, before dropping to 20,000 in the first few months of 2014 as people fled

11 the region. The evidence will show that approximately 99 per cent of the city's

12 Muslim population was gone by March 2014.

13 Data from UNHRC and other organisations collected at the time of the incident

14 corroborate the large flows of IDPs in Bangui in December 2013, as well as refugees

15 fleeing CAR thereafter.

16 One report collected data from 60 IDP sites for the week of 17 to 24 December 2013.

17 It indicates that this one week saw an increase of IDPs by 98 per cent in CAR for

18 a total of approximately 424,000 IDPs in the country, as well as an increase of

19 73 per cent in Bangui for a total of approximately 370,000 there.

20 The rest, approximately 49,000 IDPs, were in Bossangoa.

21 UNHRC reports from January 2014 corroborate these figures. They also show 86,000

22 refugees from CAR seeking help in neighbouring countries.

23 IDPs who were forced to stay in the PK5 enclave endured difficult conditions. As

24 your Honours can see from this map, the PK5 enclave was located in the 3rd

25 arrondissement of Bangui, marked "Kilo5", circled here in yellow for your

1 convenience.

2 The evidence will also show that many of the remaining Muslims confined to the PK5
3 enclave were unable to leave it without risking death. Like the enclaves created in
4 the wake of Anti-Balaka attacks throughout western CAR, the Muslim population
5 enclaved in PK5 was forced to endure a lack of adequate food, shelter and sanitation.
6 One journalist who visited PK5 in December 2013 described it as, quote, "a prison
7 within the city."

8 The journalist reported that the Anti-Balaka had cut off the roads to and from
9 the district, putting up barricades and checkpoints, and that the Anti-Balaka made it
10 difficult for NGOs to distribute food. The Anti-Balaka warned the journalist that
11 they risked being killed for befriending Muslims.

12 With similar anti-Muslim animus, Yekatom also ordered the destruction of the Boeing
13 mosque, one of many in Bangui destroyed by the Anti-Balaka. Although witnesses'
14 recollections differ on the exact date, the evidence will show it was destroyed in
15 the immediate aftermath of the Bangui attack.

16 Satellite imagery confirms this time frame. As your Honours can see, the image
17 before you includes an overview of Boeing, parts of Bangui and the south edge of the
18 M'Poko airport visible as a green square.

19 Zoom in here, you can see inset 1 shows the progression of damage to the Boeing
20 mosque. On 27 December (sic) 2013, you can see the mosque and surrounding
21 buildings intact; and, subsequent damage to these buildings can be seen by 8 and
22 30 December 2013.

23 One Anti-Balaka insider witness from Yekatom's group will testify how he and others
24 in his group followed Yekatom's orders to destroy the mosque.

25 Quote: "We used rocket and grenades to destroy the walls of the mosque. We

1 burned the roof using gasoline and matches. I saw people with canisters of gasoline
2 bought in Boeing. I watched the mosque burn. Rombhot was the most senior
3 Anti-Balaka and ordered us to destroy the mosque." End quote.
4 Another witness saw the destroyed Boeing mosque and the Korans that were burned
5 and thrown to the ground. The imam of the mosque and his extended family fled
6 the area on 5 December 2013 because of the attack, and never moved back.
7 As your Honours can see from this next slide, which is a screenshot from a video
8 showing that all that is left of the mosque is a concrete slab.
9 Your Honours, the crimes and acts that I have just described were committed by
10 Yekatom, his group and other Anti-Balaka elements in a coordinated offensive on
11 Bangui, Cattin and Boeing, persecuting and violently targeting their Muslim civilian
12 populations. It shows their common plan or purpose. It shows their collective
13 intention to commit the charged crimes against Muslims who, based on their religious,
14 national or ethnic affiliation, were perceived as collectively responsible for, complicit
15 with and supportive of the Séléka. The Anti-Balaka's attack on these Muslim civilians
16 deprived them of fundamental rights, including the right to life, liberty, dignity and
17 religious freedom.
18 Moving now to Yekatom's knowledge and intent. His knowledge and intent for this
19 incident is clear by virtue of his planning, ordering and leading his elements in
20 the attack, as well as his physical presence for many of the underlying crimes charged
21 carried out by his subordinates.
22 Yekatom was also in contact with Maxime Mokom, and other key Anti-Balaka leaders
23 immediately before the attack.
24 With respect to Ngaïssona's knowledge and intent, the Anti-Balaka leadership
25 coordinated offences in areas in western CAR on 5 December 2013, including Bangui,

1 Boeing, Boda and Bossangoa. The evidence will further show Ngaïssona had
2 planned the attack on Bangui and its surroundings.
3 For example, by instructing several Anti-Balaka groups to participate in the attack on
4 Bangui, which was an essential component of the strategy to reclaim power.
5 The evidence will also show that the participation of Yekatom's group in the Bangui
6 attack was planned with members of this leadership and that, for example, Ngaïssona
7 sent money to Maxime Mokom in Zongo for ammunition and that Yekatom himself
8 picked up ammunition from Mokom in Zongo for his group to use in the 5 December
9 offensive.
10 Ngaïssona was also aware of the crimes committed by Yekatom and his group, which
11 were reported in the media. Furthermore, Ngaïssona was a key member of the
12 FROCCA group that my colleague described earlier, which vindicated and supported
13 the 5 December attack, including during a radio broadcast on the very same day.
14 Throughout the relevant time period, Yekatom reported to and coordinated with
15 Ngaïssona, as Yekatom and his group operated under the National Coordination.
16 The evidence will show that after the 5 December 2013 attack, National Coordination
17 members representing Ngaïssona visited Yekatom's area of control, such as, PK9 and
18 the Yamwara school, and that they reported back to the coordination.
19 Yekatom also sent at least two representatives to National Coordination meetings.
20 And, despite this knowledge, Ngaïssona did not condemn the commission of crimes
21 and did not act to end them. Instead, he covered for them. Ngaïssona validated
22 Yekatom's actions by accepting Yekatom's membership in the group, recognising him
23 as a key Anti-Balaka member and inviting him to represent the Anti-Balaka at
24 high-level meetings. For example, on 25 January 2014, with interim President
25 Samba-Panza and at the July 2014 Brazzaville summit.

1 Turning now to the next incident, your Honours, I will first provide an overview of
2 the Yamwara school base and then describe the crimes that happened there in
3 December 2013, followed by a description of the intent and knowledge of Yekatom,
4 and, finally, Ngaïssona.

5 Both accused are charged with counts 11 through 17 of this incident, including
6 the war crimes of murder, cruel treatment and torture and the crimes against
7 humanity of murder, torture, imprisonment, persecution and other inhumane acts.

8 As your Honours can see from this map of Bimbo, Bimbo is at the western edge of
9 Bangui. And the Yamwara school, also known as *école* Kokoro 2, is located in Boeing,
10 near the southwest corner of M'Poko airport. This location is corroborated by
11 satellite imagery provided by UNOSAT, which your Honours can see here in more
12 detail.

13 Looking now at inset 3, this provides an aerial view of the school on 8 December 2013.
14 Yekatom converted the Yamwara school to a base for his group after the 5 December
15 attack. The former school had several buildings that Yekatom could use to train and
16 provide housing for his elements. The evidence will show Yekatom and his
17 elements used this school as a base until around the time of Djotodia's resignation on
18 10 January 2014, when Yekatom and most of his elements moved to PK 9 and
19 onwards southwest towards Mbaïki.

20 Video evidence from three unrelated journalists takes us inside the school grounds in
21 December 2013. It helps show Yekatom's command and control over his elements at
22 that base.

23 Your Honours will see evidence in the form of an in-depth film about Yekatom and
24 his group during this time, which covers the group's movements from Yamwara
25 along the PK9-Mbaïki axis. This video, which was meant to be Anti-Balaka

1 propaganda, was found on the computer seized during Yekatom's arrest.

2 Another journalist produced a video of Yekatom and his armed elements at Yamwara
3 in mid-December 2013. I'll play a short excerpt in French, showing young elements
4 doing trainings and exercises inside Yamwara school. It also shows Yekatom
5 boasting about how he obtained weapons for his group, by attacking Séléka and
6 taking their weapons.

7 And I'll play the video.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [15:19:00] (Interpretation of the video excerpt)

10 "In this abandoned school, young fighters learn military discipline, methods of
11 fighting and physical training. They are a poorly armed coalition.

12 Here, they have said that they would disarm if the French troops asked them, but on
13 one condition: that France should demand the immediate departure of
14 President Djotodia."

15 MR LEDDY: [15:19:46] Your Honours, the young elements seen here are consistent
16 with other video and witness evidence you will hear later in our presentation of child
17 soldiers being stationed at the Yamwara school and other bases.

18 A third journalist produced several video clips showing Yekatom at the Yamwara
19 school and the training of his elements between 13 and 17 December 2013, several of
20 which were broadcast and are available for your Honours to view.

21 Many witnesses, including insiders, will describe how, in late December 2013,
22 Yekatom's group abducted a group of men and women and took them to
23 the Yamwara school base. One of the male detainees was brutally tortured and
24 murdered there under Yekatom's orders, while the others were detained against their
25 will, physically abused and questioned about their ethnicity.

1 The evidence shows that both Yekatom and his subordinates personally subjected
2 the abductees to severe physical and mental injury. The evidence will show that
3 the abductees were a mixed group of Muslims and Christians, friends and family.
4 The Anti-Balaka stopped them at a nearby checkpoint, searched them and took their
5 phones and jewellery.
6 The men were beaten with sticks and threatened with death.
7 The Anti-Balaka elements brought the detainees to the Yamwara school base and to
8 their chief, Yekatom, who was known to some of the victims. The victims were
9 accused of being Muslims or Muslim sympathisers. The men and women were
10 separated, forced to undress and searched. Yekatom's elements joked that the men
11 were reciting a Muslim prayer, and talked about cutting the women to pieces.
12 In Yekatom's presence, one of his deputies, Alkanto, accused the men of being traitors
13 and told them they deserved to die.
14 Yekatom agreed and he ordered the beating of the male abductees. These men were
15 forced to kneel, beaten with sticks and repeatedly told they were going to die.
16 Yekatom then gave the order to tie up and kill one of the men. The evidence will
17 show his elements followed these orders. They tied his hands behind his back,
18 together with his feet, and they beat him with brake cables and wooden sticks, hitting
19 him so hard they broke his shinbones.
20 Yekatom also ordered his ears be cut off. A member of Yekatom's group followed
21 this order and cut off the ears with a knife.
22 Multiple eyewitnesses corroborate this account. One heard him screaming, "my ear,
23 my ear". The other described that the murder victim had his ear cut and there was
24 lots of blood around his head.
25 The evidence will show that one witness also saw Yekatom's deputy, Coeur de Lion,

1 stab the murder victim in the neck with a knife.

2 Ten to 20 minutes later, Yekatom's elements took the murder victim behind the house
3 at the Yamwara school base.

4 Your Honours will hear this account corroborated by another member of Yekatom's
5 group, who saw Yekatom order the killing and give one of his elements a knife. This
6 insider then watched other elements drag the victim to a freshly dug grave and
7 dismember him. They then brought back the bloody knife to Yekatom at Yekatom's
8 request.

9 Later that night, five of the remaining detainees were transferred to a nearby house
10 belonging to an Anti-Balaka zone coordinator, Sylvestre Yagouzou, who later became
11 a member of the National Coordination. Yekatom and Coeur de Lion visited
12 the location the next morning.

13 The evidence will show Yagouzou contacted local government, including the mayor
14 of Bangui, to help effectuate their release. The evidence will also show he contacted
15 Sangaris, the French military operation in CAR.

16 The detainees were released after a few days when Sangaris evacuated them in an
17 armoured car.

18 Yekatom's knowledge and intent for this incident is clear, your Honours. He
19 ordered his subordinates to commit the crimes and was physically present during
20 their torture and mistreatment of the detainees, even asking them to bring back
21 the bloody knife. The evidence will further show that instead of disciplining
22 elements involved in the crimes, he congratulated at least one of them, saying, quote,
23 "good job."

24 Yekatom and his group committed the crimes and acts at Yamwara school as part of
25 a coordinated effort to target Muslim civilians and their associates on the same basis

described earlier for attacks in Bangui and Boeing. These acts deprived the victims of fundamental rights, including the right to life, liberty and dignity.

The evidence will also show that Ngaïssona intentionally contributed to the crimes committed at the Yamwara school, committed by Yekatom's group, acting pursuant to the common purpose. As my colleague Ms Struyven demonstrated, Ngaïssona's contributions were aimed to further the Anti-Balaka's criminal activity and purpose. They were made with the knowledge of the collective intention of the Anti-Balaka to commit the types of crimes that took place at the Yamwara school, including murder, detention and torture.

Ngaïssona knowledge of this incident is supported by at least three factors.

First, this was a high-profile incident. High-level Anti-Balaka members, the mayor of Bangui and Sangaris, were all involved in negotiating the detainees' release. At the time of the incident, these high-level Anti-Balaka members were subordinate to and held allegiance to Ngaïssona.

Second, the evidence will show that the direct perpetrators were in contact with Anti-Balaka leadership while the victims were in their custody. Coeur de Lion personally confirmed that Yekatom's group had abducted these specific detainees to a senior leader subordinate to Ngaïssona. Coeur de Lion added that he wanted them dead.

Third, on or about 27 December 2013, while the victims were still in custody, over two dozen Anti-Balaka leaders, including Yekatom, met at the Yamwara school base.

Participants included high-ranking Anti-Balaka members who became members of the National Coordination under Ngaïssona soon thereafter.

And despite this knowledge, Ngaïssona did not condemn the commission of these crimes. Instead, he covered for them and validated Yekatom's actions as my

- 1 colleague Ms Berdennikova will explain in more detail tomorrow.
- 2 This concludes the portion of the presentation on the Yamwara school, your Honour.
- 3 I am happy to pause here or invite my colleague to come in. I'm in your hands.
- 4 PRESIDING JUDGE SCHMITT: [15:27:55] I think it's close to 15.30. I think we are
- 5 done for today, and we will meet again tomorrow at 9.30 and continue with
- 6 the presentation by the Prosecution.
- 7 THE COURT USHER: [15:28:10] All rise.
- 8 (The hearing ends in open session at 3.28 p.m.)