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**International
Criminal
Court**

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Date: **1 December 2021**

PRE-TRIAL CHAMBER II

Before: **Judge Rosario Salvatore Aitala, Presiding Judge**
 Judge Antoine Kesia-Mbe Mindua
 Judge Tomoko Akane

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAHAMAT SAID ABDEL KANI*

Public
with Public Annex A and Confidential Annex B

**Public Redacted version of “Corrected Version of Document Containing the Charges”,
26 October 2021, ICC-01/14-01/21-144-Conf-Corr**

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Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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I. THE ACCUSED

1. Mahamat Said Abdel Kani (“**SAID**”) was born on 25 February 1970 in Bria, Central African Republic (“CAR”). He is a CAR national. Between March 2013 and at least 10 January 2014, **SAID** was a senior member of the Seleka coalition.

II. THE CHARGES

A. Contextual Elements of War Crimes (Article 8)

2. At all times material to these charges, including from late 2012 until at least 10 January 2014, there was an armed conflict not of an international character on the territory of CAR. This conflict continued for a substantial period thereafter.

3. The parties to this non-international armed conflict were distinguished from one another by factors including their affiliation or opposition to Francois BOZIZE (President of CAR from 2003 until 24 March 2013)—even though their outward appearance, military organisation, and tactics significantly adapted as time passed and according to the vicissitudes of war.

4. Thus, forces loyal to BOZIZE initially included the CAR armed forces (the *Forces Armées Centrafricaines* or “FACA”), and later the coalition known as the Anti-Balaka, and forces opposed to BOZIZE formed a coalition known as the “Seleka,” led by Michel DJOTODIA.

5. Later, after the Seleka temporarily assumed control over the CAR, pro-BOZIZE forces—including FACA members and former Presidential Guards under BOZIZE—re-grouped, re-armed and re-organised themselves as a broader insurgency that became known as the “Anti-Balaka.” While the intensity of hostilities between the pro-BOZIZE forces and the Seleka varied, at no point in this period was the conflict resolved by a peaceful settlement, such as the complete obliteration of one of the parties or a lasting absence of armed confrontation between them.

6. The conduct that forms the basis of the charges in Counts 3-4, 6, 10-11, and 13 took place in the context of and was associated with this armed conflict. At all material times, the perpetrators of the charged acts, including **SAID**, were aware of the factual circumstances establishing the existence of the armed conflict.

Intensity of the armed conflict

7. The armed hostilities in the CAR between the pro-BOZIZE forces and the Seleka were protracted, exceeding the level of internal disturbances and tensions (such as riots, isolated and sporadic acts of violence or other acts of a similar nature), and sufficient to establish a non-international armed conflict.

8. Specifically, in late 2012, the Seleka launched a military offensive in northern CAR, occupying major towns and advancing southward towards Bangui, the capital of CAR. The FACA and other forces loyal to BOZIZE were unsuccessful in resisting their advance. By 24 March 2013, the Seleka were in a position to assault Bangui, and drove BOZIZE into exile. DJOTODIA proclaimed himself the new President of the CAR.

9. From 24 March 2013, BOZIZE and his allies rapidly re-grouped, re-armed, and re-organised to strike back against the Seleka. This led to the formation of the Anti-Balaka coalition, which combined elements of the FACA and the Presidential Guard with pre-existing and new self-defence groups in the CAR. By September 2013, within six months, these forces resumed significant combat operations against the Seleka. By 5 December 2013, they were in a position to launch a large-scale attack on Bangui in a coordinated attempt to oust the Seleka. While this was unsuccessful, further intense conflict followed. This led to the resignation of DJOTODIA on 10 January 2014, the retreat of the Seleka to the north and east of CAR, and the installation (under international pressure) of a non-aligned transitional government led by interim President Catherine Samba-Panza. Hostilities between the parties to the conflict continued thereafter.

Organisation of the parties to the armed conflict

10. At all material times, the parties to the conflict were sufficiently organised so as to establish the existence of a non-international armed conflict.

11. The Seleka were a coalition of several previously uncoordinated political factions and armed groups, including, but not limited to: (1) the *Union des Forces Démocratiques pour le Rassemblement* (“UFDR”), led by Michel DJOTODIA; (2) the *Convention des Patriotes pour la Justice et la Paix-Fondamentale* (“CPJP-F”), led by Nouradine ADAM; and (3) the *Convention Patriotique pour le Salut du Kodro* (“CPSK”), led by Mohamed Moussa DHAFFANE. The Seleka exhibited sufficient characteristics to establish that it was an organised armed group, including possessing an ability to carry out military operations, and to take and hold territory, and having significant logistical capacity.

12. Likewise, for as long as they constituted the State armed forces (while BOZIZE was President), the FACA comprised a key part of the pro-BOZIZE forces, and enjoyed a legal presumption of sufficient organisation. While BOZIZE’s ouster from Bangui was a significant setback, it did not interrupt the effective functioning of his inner circle, and persons loyal to them. Leaders of the pro-BOZIZE forces included BOZIZE, Levi YAKETE, Patrice-Edouard NGAÏSSONA, Bernard MOKOM, Maxime MOKOM, and Olivier KOUDEMON.

13. The pro-BOZIZE forces (including elements of the FACA who remained loyal to BOZIZE) were re-organised to include pre-existing or new self-defence groups, which came to be known as the Anti-Balaka. To any extent required, and at all times, they were sufficiently organised, as demonstrated by their maintenance of an effective command structure; their ability to carry out complex military operations; and their development of an effective logistical capacity, including to recruit new fighters.

B. Contextual Elements of Crimes against Humanity (Article 7)

14. From at least 23 March 2013 until at least 8 November 2013, the Seleka committed a widespread and systematic attack against the civilian population in Bangui perceived to be BOZIZE supporters.

15. The Seleka engaged in a course of conduct that involved the multiple commission of article 7(1) acts, namely multiple acts of murder, rape, torture, imprisonment, persecution, and other inhumane acts. This attack was committed pursuant to, and in furtherance of a State or organisational policy to commit such an attack against the civilian population in Bangui perceived to be BOZIZE supporters.

16. The Seleka perceived civilians with certain affiliations to be BOZIZE supporters, including (1) Christians; (2) people from the ethnic tribes of the Gbaya, Mandja or Banda; (3) people living in certain neighbourhoods of Bangui; (4) people who had certain professions perceived to be supportive of BOZIZE, such as members of the FACA, former Presidential Guards who had served under BOZIZE, and people who had been employed by the BOZIZE government; and (5) the family members or close associates of people who had certain professions perceived to be supportive of BOZIZE.

17. The attack included the multiple acts charged in this document, which took place at two detention facilities in Bangui, referred to as the *Office Central de Répression du Banditisme* (Central Office for the Repression of Banditry, “OCRB”) and the *Comité Extraordinaire pour la Défense des Acquis Démocratiques* (Extraordinary Committee for the Defence of Democratic Achievements, “CEDAD”).

18. The attack further involved non-charged article 7(1) acts that took place during other incidents in Bangui (the “Additional Incidents”), such as:

- a) an assault on 13 April 2013 on the 7th *arrondissement* of Bangui, during which the Seleka murdered (and attempted to murder), arbitrarily arrested people, and systematically looted the homes of perceived BOZIZE supporters;

- b) a 14-16 April 2013 operation in the Boy Rabe neighbourhood of Bangui, during which the Seleka murdered, raped, arbitrarily arrested people, beat people, and systematically looted the homes of perceived BOZIZE supporters;
- c) a 20-24 August 2013 operation in Boy Rabe, during which the Seleka murdered, raped, tortured, arbitrarily arrested people, beat people, and systematically looted the homes of perceived BOZIZE supporters; and
- d) the Seleka's arbitrary arrest, torture and murder of at least six passengers taken from a minibus at the PK9 checkpoint in Bangui, on or around 13 July 2013.

19. The unlawful acts committed during the Additional Incidents further constitute underlying acts of persecution of perceived BOZIZE supporters. The systematic and comprehensive looting of the homes of perceived BOZIZE supporters that occurred in the 7th *arrondissement* and Boy Rabe also constitutes the crime of other inhumane acts as the nature of the looting deprived the victims of objects essential for their survival, including all of their food, clothing, and means of maintaining themselves and their families. This caused suffering and devastation, had a long-lasting impact, and was similar to other acts under article 7(1).

20. The attack was systematic. The crimes comprising the attack were not committed at random. The crimes at the OCRB and the CEDAD compound were (1) planned, coordinated, and overseen by Seleka commanders; (2) committed by the Seleka on a regular basis over a substantial period of time, a period of more than eight months; and (3) executed by the Seleka according to a consistent pattern, involving similar victims and a similar *modus operandi*. The acts of violence that occurred during the Additional Incidents also demonstrated advance planning and/or coordination by Seleka leaders, targeted all those perceived as BOZIZE supporters, and occurred at various points throughout the charged period, further demonstrating the prolonged nature of the attack.

21. The attack was widespread. The attack was directed against a civilian population living in densely populated neighbourhoods in Bangui, the country's largest city. The attack lasted for over eight months and resulted in a large number of victims of murder, rape, imprisonment, torture, other inhumane acts, and persecution.

22. The article 7 acts in Counts 1-2, 5, 7-9, 12 and 14 of these Charges were committed as part of this widespread and systematic attack. As a senior leader of the Seleka, and an individual who was often present at the locations of the charged crimes, **SAID** knew and intended for his conduct to be part of the widespread and systematic attack against the civilian population in

Bangui perceived to be BOZIZE supporters, pursuant to, and in furtherance of, the State or organisational policy.

Common elements of modes of individual criminal responsibility

SAID's position of authority

23. At all material times relevant to the crimes charged in Counts 1–14 committed between 12 April and 8 November 2013, **SAID** was a senior Seleka colonel operating in Bangui. After the Seleka's military advance and takeover of Bangui, in which he participated, **SAID** was a direct subordinate of Nouradine ADAM, who was the Minister of Public Security until 22 August 2013 and then the Director of the CEDAD until 27 November 2013. ADAM appointed **SAID** as the *de facto* head of the OCRB on 12 April 2013 until 30 August 2013, effectively putting him in charge of this police unit, including all Seleka who were stationed there. In this position, **SAID** had full authority over at least 60 Seleka elements ("OCRB Seleka") as well as regular police officers stationed there. His deputy was Mahamat TAHIR Babikir. Leading Seleka elements and advisors to SAID were Hissene DAMBOUCHA and YAYA Soumayele. Fadoul AL-BACHAR, the deputy head of the CEDAD, Adoum RAKISS, the deputy head of the Police, and Mahamat SALLET Adoum Kette, a Seleka General tasked with security issues, were senior Seleka leaders coordinating regularly and closely with **SAID** in relation to detainees at the OCRB.

24. In this role, **SAID** oversaw the functioning and condition of the OCRB detention centre, where he created a coercive atmosphere conducive to the crimes. **SAID** exercised control over the OCRB-Seleka and police officers stationed at OCRB, who complied with his instructions. **SAID** provided them with supplies and ordered the arrest, detention and mistreatment of persons targeted on political, ethnic, religious, and/or gender grounds by OCRB-Seleka. He personally participated in arrests and interrogations, and decided on the fate of detainees at the OCRB.

25. When the Seleka were ousted from the OCRB on 30 August 2013, **SAID** was tasked by ADAM to act as "operations commander" at the CEDAD, recruiting, organising and commanding arrest patrols made up of Seleka elements until 8 November 2013. His deputies were again TAHIR and DAMBOUCHA, together with other Seleka colonels. **SAID** received and implemented orders from ADAM, who was the official head of the CEDAD. **SAID** arrested persons who were targeted on political, ethnic, religious, and/or gender grounds and participated in their mistreatment at the CEDAD compound.

26. From his position of authority, **SAID** also coordinated and cooperated with other high-ranking Seleka—including leaders of the Presidential Security of President DJOTODIA, such as Adam Babala ASSEID, and the Sudanese Seleka General Moussa ASSIMEH—regarding the detention of perceived BOZIZE supporters. **SAID** also cooperated with State officials appointed by President DJOTODIA, including the Chief of Police, Henri Wanzet LINGUISSARA.

Overview of SAID's Individual Criminal Responsibility

27. **SAID** is individually criminally responsible for the crimes charged in Counts 1-7 committed at the OCRB between 12 April 2013 and 30 August 2013 for:

- Committing those crimes jointly with others (article 25(3)(a)); or
- Ordering or inducing those crimes (article 25(3)(b)); or
- Aiding, abetting, or otherwise assisting members of the OCRB-Seleka in the commission of the charged crimes (article 25(3)(c)); or
- Contributing, in any other way, to the commission of those crimes by the OCRB-Seleka and the Seleka leaders in Bangui who acted with a common purpose (article 25(3)(d)).

28. **SAID** is individually criminally responsible for the crimes at the CEDAD between mid-September and 8 November 2013 for:

- Aiding, abetting, or otherwise assisting the Seleka at the CEDAD compound in the commission of the crimes charged (article 25(3)(c)); or
- Contributing, in any other way, to the commission of those crimes at the CEDAD compound by the Seleka who acted with a common purpose (article 25(3)(d)).

The Charged Crimes

29. Between 12 April 2013 and 30 August 2013, **SAID** together with the OCRB-Seleka, targeted perceived BOZIZE supporters by arresting, detaining and mistreating them at the OCRB. The targeted victims were (1) predominantly Christian; (2) predominantly belonged to the Gbaya, Mandja or Banda ethnicity; (3) predominantly male, and (4) predominantly from certain neighbourhoods in Bangui, like Boy Rabe, perceived as supportive of BOZIZE. These victims were targeted for arrest on political, ethnic, religious, and/or gender grounds. **SAID** and the OCRB-Seleka severely deprived, contrary to international law, these persons of fundamental rights, including the rights to life, bodily integrity, private property, freedom of movement, and freedom from torture or cruel, inhumane or degrading treatment.

30. The OCRB-Seleka violently arrested these victims, often at night, and beat and hooded them. At the OCRB—which was an enclosed compound, not publicly accessible, surrounded by high walls, and guarded by armed OCRB-Seleka—the perceived BOZIZE supporters who were arrested were detained in one of three small cells. Overall, the detention conditions were dire as the detainees were held in dark, hot, cramped cells, and not provided with adequate food, water or regular independent medical attention.

31. During the charged period, the OCRB-Seleka arbitrarily detained persons, who were predominantly male, at the OCRB. They deprived them of fundamental rights contrary to international humanitarian and human rights law, including having access to prompt independent review of the basis of their detention and humane treatment. While some detainees learned during their interrogations that they may have been suspected of being a fighter or a spy for BOZIZE, others were merely accused of protesting the Seleka regime, supporting BOZIZE politically, or being from the Gbaya, Mandja, or Banda ethnic groups. During the relevant timeframe, at least 31 were detained in a small, hot, and over-crowded underground cell in SAID's office.

32. The OCRB-Seleka under SAID's control, and with his support, mistreated detainees on an almost daily basis. SAID oversaw the detention of men who were beaten with rifle butts, or slapped violently and threatened with death. Others were whipped with horsehide whips or sticks with metal wires; beaten with truncheons on their feet while kneeling, or with rifle butts; burnt; or had their ears pulled with pliers and partially ripped off. At least 16 men were inflicted with severe physical and psychological pain and suffering by having their hands, elbows and feet tied together tightly behind their backs, in a method called "*arbatachar*".

33. SAID was in charge of the OCRB detention centre, and the OCRB-Seleka operating there, at the times when the arrest, detention and/or mistreatment of the following persons occurred:

- a. Sometime in April 2013, SALLET, DAMBOUCHA, and four other OCRB-Seleka took two men from a cell in the OCRB, tied them up using the *arbatachar* method, threw them in the back of SALLET's pick-up truck, and drove them in the direction of the river.
- b. On [REDACTED] May 2013, P-1289, a Christian [REDACTED], was arrested and detained for one night at the OCRB by SALLET. [REDACTED] interrogated and threatened to kill P-1289 if he continued to support BOZIZE. P-1289 was released without charges.

- c. On or around [REDACTED] June 2013, SALLET and other OCRB-Seleka arrested and detained P-0481 at the OCRB in one of the cells above ground. P-0481 was deprived of food and water for ten days and was unable to contact his family. Some days after his arrest, [REDACTED] interrogated him about weapons allegedly hidden by BOZIZE. During a break in the interrogation, OCRB-Seleka forced the witness [REDACTED]. P-0481 was then beaten on his bare stomach as he was stretched backwards. The beating lasted around 20 minutes. The Seleka elements put [REDACTED], from which he still bears the scars. [REDACTED]. During his detention, P-0481, along with other perceived BOZIZE supporters like P-3047, was deprived of sufficient nutrition and independent medical treatment. He was not informed of the reasons for his arrest or formally charged. [REDACTED], he was interviewed by General Prosecutor TOLMO without counsel. [REDACTED] to the OCRB-Seleka in exchange for his release, P-0481 was transferred to the *Tribunal de Grande Instance* but [REDACTED].
- d. On or about [REDACTED] June 2013, P-2692, a [REDACTED], was arrested by the Seleka and brought to Camp Kassai where he was tied up using the *arbatachar* method. One day later, P-2692 was transferred to the OCRB with other detainees. The Seleka elements blamed them for being Christians who had ruled the country for 50 years. SAID asked P-2692 to [REDACTED]. [REDACTED]. P-2692 was released to get medical treatment. A week after his release, P-2692 was arrested again as SAID believed him to be [REDACTED] and brought to the OCRB, where he was put into a crowded cell. P-2692 was detained for several weeks, and he was questioned and threatened nearly every day by SAID and his men. P-2692 was released after his family paid another ransom.
- e. On or about [REDACTED] July 2013, Seleka elements arrested P-0645, [REDACTED], and brought him to the OCRB, where [REDACTED] accused him of assisting BOZIZE. P-0645 was detained for up to six weeks at the OCRB.
- f. During the detention of P-0481, P-0622, who is Christian [REDACTED], was arrested by Seleka elements, with [REDACTED] other colleagues, named [REDACTED]. They were brought [REDACTED] and then to the OCRB. They were detained in a small cell which already held at least 20 other people. The Seleka deprived them of food and water, causing them to drink their own urine so as not to die of thirst. During their detention, two detainees died in the cell, and their bodies were removed by OCRB-Seleka. On or around [REDACTED] August 2013, on [REDACTED] orders and in his presence, Seleka elements repeatedly hit P-0622 and other detainees with the butts of their rifles. The

detainees were asked whether they were related to BOZIZE, and if they knew where he had hidden his assets. [REDACTED]. During P-0622's detention, some detainees, including an [REDACTED], were tied up using the *arbatachar* method. Later, P-0622 and his [REDACTED] colleagues were transferred to the *Camp de Roux* military base and further detained.

- g. On or about [REDACTED] or [REDACTED] June 2013, at around midnight, three detainees perceived to be BOZIZE supporters were taken from the underground cell at the OCRB, in their underwear, and tied using the *arbatachar* method. They were accompanied by at least six Seleka elements, armed with AK-47s that had bayonets attached. The Seleka elements put rags in the prisoners' mouths and stabbed each of the detainees on both sides of the neck and killed them.
- h. On or about [REDACTED] June 2013, SAID jointly with Seleka under his control arrested [REDACTED]. They arrested him at [REDACTED] in the *Combattant* neighbourhood of Bangui and brought him to the OCRB. At the OCRB, SAID ordered that [REDACTED] be placed into Cell C. Within a day, OCRB-Seleka elements had shot [REDACTED], including to the head, killing him.
- i. On [REDACTED] July 2013, a group of [REDACTED] detainees who had been arrested on 4 July 2013 and detained at *Camp de Roux* were transferred to the OCRB. The Presidential Security had violently arrested them for allegedly distributing a paper or flyer calling for a "*ville morte*," a term which referred to a peaceful protest against the Seleka regime and an end to DJOTODIA's rule. Upon their arrival at the OCRB, the Seleka ordered them to remove their clothes and to lie face down. A Seleka named Daoud poured water and threw sand on the detainees' bare backs, and then flogged the men repeatedly until their backs bled. Seleka elements also kicked them and made them run towards the entrance of the cell while being beaten with police batons. After five weeks of detention, these detainees were brought before the *Tribunal de Grande Instance* and charged with "acts that compromise public security." The detainees were not fully informed of the charges nor of their rights upon arrival at the OCRB, nor given access to legal counsel during their detention or trial.
- j. In mid-July 2013, P-1429, a [REDACTED], was detained together with [REDACTED] at the *Sapeurs Pompiers* base, controlled at the time by the Seleka General Moussa ASSIMEH. ASSIMEH ordered the witness and [REDACTED], to be locked into cattle

lorry containers for three days. On the third day, [REDACTED] (a subordinate of **SAID** at the OCRB), ASSIMEH, and the Chief of Military Intelligence decided that the [REDACTED] men were to be transferred to the OCRB. The [REDACTED] detainees were driven to the OCRB in a convoy accompanied by [REDACTED]. When they arrived, they were handed over to **SAID** and detained in dire conditions. **SAID** issued orders about where the men should be detained. Even though the allegations of public unrest against the [REDACTED] men were baseless, prosecutions were launched against them. They were brought before the *Tribunal de Grande Instance* for the first time after a week of detention and were released in mid-August 2013 after 21 days of detention. During this time, they were not provided access to legal counsel.

- k. On the evening of [REDACTED] July 2013, **SAID** sent OCRB-Seleka to arrest and detain Oswald SANZE, a FACA member, as he was suspected of being a BOZIZE supporter. The OCRB-Seleka shot and killed SANZE, and [REDACTED], two men who were subsequently held at the OCRB in dire conditions and released on [REDACTED] July 2013 without being formally charged.
- l. On or about [REDACTED] August 2013, Seleka arrested P-2172, a [REDACTED], because he had criticised the Seleka [REDACTED]. He was detained for a few hours at the OCRB and only released upon the [REDACTED].
- m. On or about [REDACTED] August 2013, P-2519, a [REDACTED], was arrested by a Seleka colonel and four elements at a bus stop in Bangui and taken to the OCRB. There, a Seleka captain asked him if [REDACTED]. When the witness confirmed that he was, the [REDACTED] stated: “Then you are the type of people that we are looking for.” P-2519 was registered and made to take off his clothes. Seleka elements beat him with rifle butts. When he fell, they tied him using the *arbatachar* method, poured water on him, and continued to beat him. The Seleka also whipped him with whips made of horsehide. When the Seleka untied him, he could not walk and had to crawl to a cell. During his detention, P-2519 was whipped almost every evening by a [REDACTED]. P-2519 was not read his rights and did not have access to legal counsel. P-2519 did not receive independent medical care for his injuries. [REDACTED] at the OCRB, P-2519 was transferred to [REDACTED] and then released without being charged.
- n. On or about [REDACTED] August 2013, **SAID**, **YAYA** and other Seleka elements arrested P-3053, P-3056, [REDACTED], [REDACTED]. **SAID** told P-3053 that they

were arrested because they were from the same ethnic group as BOZIZE and because SAID needed ransom money. SAID and his elements took the four men to the OCRB where they were detained in the underground cell on SAID's orders. That same day, on orders from SAID, P-3053 and the others were beaten badly by Seleka elements. P-3053 stayed in the underground cell [REDACTED].

- o. On or about [REDACTED] August 2013, SAID and RAKISS arrested a young Christian [REDACTED] and brought him to the OCRB because they believed him to support BOZIZE. [REDACTED] ordered his beating and subsequently ordered SAID to detain the [REDACTED] in the underground cell of the OCRB. The [REDACTED] was released after two days in the underground cell.
- p. On or about [REDACTED] August 2013, AL-BACHAR arrested P-0547, [REDACTED] and brought him to the OCRB. While slapping him, AL-BACHAR stated: "You, BOZIZE's mercenaries, we're going to kill you, one by one" and accused him of gathering intelligence for BOZIZE and Levi YAKETE. Other OCRB-Seleka started to beat P-0547 with their rifle butts. Later, OCRB-Seleka—on the orders of SAID's deputy, YAYA—tied P-0547 using the *arbatachar* method and [REDACTED]. From the OCRB, P-0547 was driven to *Camp de Roux* with other detainees and [REDACTED], who was asking prisoners about their ethnicity and hitting them with a hammer. From there, he was taken back to the OCRB and subsequently detained in the underground cell by SAID until [REDACTED] August 2013 when he was released. P-0547 was detained in the underground cell with other men, including a man named [REDACTED]. There was also a dead body in the underground cell at one point.
- q. On or around [REDACTED] August 2013, P-2179, a [REDACTED], was arrested in his family home in the [REDACTED] neighbourhood [REDACTED]. Seleka elements took him to *Camp de Roux*, where he joined other arrested [REDACTED]. While some of these FACA members were killed at *Camp de Roux*, P-2179 was transferred to SAID's deputy TAHIR at the OCRB. He was detained in the underground cell, together with five other [REDACTED] and had been tied in the *arbatachar* way during their first week at OCRB. P-2179 was also subjected to the *arbatachar* method. One morning, [REDACTED] interrogated him. Shortly thereafter, P-2179, fearing for his life, managed to escape from the OCRB with the help of a Seleka element.

- r. On or around [REDACTED] August 2013, P-1432, a [REDACTED], was arrested at [REDACTED] by OCRB-Seleka. He was then tied using the *arbatachar* method, beaten with rifle butts, and taken to *Sapeurs Pompiers* where he was detained in a container with around 30 other people. Around the same time, P-1762, also [REDACTED], was arrested on his way [REDACTED], tied *arbatachar*, and detained in that same container at *Sapeurs Pompiers*. Around early September 2013, P-1432 and P-1762 were transferred to the OCRB, [REDACTED]. At the OCRB, these [REDACTED] men were detained in the underground cell in SAID's office. The detainees received little food and water and had to urinate in a corner. They did not receive medical treatment for their injuries. After around two weeks, they were transferred to above ground cells. P-1432 and P-1762 were then sent to the *Tribunal de Grande Instance* to appear before a judge. [REDACTED], and they were taken back to the OCRB. A few days later, on [REDACTED] September 2013, P-1432 and P-1762 were released on conditions.
- s. Around mid-August 2013, Seleka elements arrested two [REDACTED]—P-2400 [REDACTED], and P-2241, [REDACTED]—[REDACTED]. After beating P-2400 with rifle butts, the Seleka elements brought them to *Camp de Roux*, where P-2400 was again beaten. At that point, P-2239—a [REDACTED]—heard about the arrest of [REDACTED], P-2241, and went to check on [REDACTED]. The Seleka then arrested P-2239, along with a friend of his, a man named [REDACTED]. P-2400, P-2241, P-2239, and [REDACTED] were then transferred to the OCRB, accompanied by [REDACTED]. Upon his arrival at the OCRB, P-2400 was beaten several times by the Seleka, after which **SAID** ordered his detention in the underground cell. In that cell, there were already four other male detainees, who said they had been arrested while attending [REDACTED]. Eventually, after P-2400's family paid ransom, P-2400 was brought to an above-ground cell. There, on one occasion, he saw Seleka elements severely beating a detainee, on **SAID's** order. After one week and five days of detention, P-2400 was released. Upon arrival, P-2239 and his friend [REDACTED] were ordered to strip down to their underpants and taken to an overcrowded cell. After a few days, P-2239 was interrogated, during which he denied the Seleka's accusations that he was [REDACTED]. Around this time, OCRB-Seleka also tied an older man, who was detained in the underground cell, using the *arbatachar* method and beat him severely. P-2239 was released after [REDACTED] days of detention when the Seleka vacated the OCRB. About [REDACTED] days after P-2241's arrival at the OCRB, **SAID** drove P-2241 and

[REDACTED] detainees to the Prosecutor's office. The Prosecutor released the other [REDACTED] detainees, but not P-2241, [REDACTED]. **SAID** then took P-2241 back to the OCRB. [REDACTED].

- t. At an unknown time when **SAID** was in control of the OCRB, he detained various other men in the underground cell. One [REDACTED]. The OCRB-Seleka tied him up using the *arbatachar* method, and they struck and beat him on several occasions. Another detainee was [REDACTED], who was one of [REDACTED]. Another was a man from [REDACTED] called [REDACTED]. Another was a man named [REDACTED], the [REDACTED], who had been arrested by [REDACTED] and accused of [REDACTED].

34. The facts above, constituting the factual basis for Counts 1 to 6, also form the underlying conduct of the crime of persecution (Count 7). This conduct was committed in connection with these crimes. At the material times, **SAID** and the other perpetrators targeted the victims, who they perceived as BOZIZE supporters as described in paragraph 29, on political, ethnic, religious, and/or gender grounds.

35. **SAID** was aware of the factual circumstances that established the gravity of the conduct, such that it violated fundamental rules of international law, as charged in Count 1. **SAID** knew that detainees were arrested on an arbitrary basis, deprived of their right to prompt independent review of the basis of their detention, held in dire conditions, and subjected to severe physical and/or mental treatment.

36. **SAID** knew that the perpetrators inflicted the pain or suffering on detainees at the OCRB for such purposes as obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind (Count 3). **SAID** was also aware that the persons detained at the OCRB were civilians or persons *hors de combat* (Counts 4 and 6). **SAID** was further aware of the factual circumstances that established the character of the acts as charged in Count 5 as acts similar to other acts referred to in article 7(1) of the Statute.

SAID's Individual Criminal Responsibility

Under art. 25(3)(a) for directly co-perpetrating crimes at the OCRB

37. **SAID** and Nouradine ADAM, TAHIR Babikir, Hissene DAMBOUCHA, YAYA Soumayele, Mahamat SALLET Adoum Kette, Adoum RAKISS, Fadoul AL-BACHAR, and other members of the OCRB-Seleka shared a common plan or agreement to target perceived BOZIZE supporters in Bangui by committing the crimes charged in Counts 1–7 at the OCRB (the “OCRB Common Plan”). The crimes charged in Counts 1–7 were committed by the co-perpetrators, including **SAID**, and occurred within the framework, and resulted from the

implementation of the OCRB Common Plan. The OCRB Common Plan came into existence, as soon as 12 April 2013.

38. **SAID** made an essential contribution to the OCRB Common Plan until 30 August 2013 by:

- a. Ordering the arrests of, and arresting and detaining, perceived BOZIZE supporters at the OCRB—including the detention of victims in an underground cell situated under his office in the OCRB;
- b. Instructing OCRB-Seleka to mistreat detainees who allegedly supported BOZIZE, including by tying them up using the painful *arbatachar* method;
- c. Supplying the OCRB-Seleka with weapons, food, vehicles and uniforms, and ID cards;
- d. Interrogating detainees violently and supporting such interrogation methods by OCRB-Seleka;
- e. Overseeing the overall functioning of the OCRB detention centre, including the detention conditions, by giving instructions and orders to the police officers and OCRB-Seleka, deciding who would get access to the judiciary and by reporting to ADAM; and
- f. Creating an atmosphere conducive to the crimes charged.

39. **SAID** meant to engage in the conduct described above and intended to bring about the objective elements of crimes charged in Counts 1–7. He was also aware that the implementation of the OCRB Common Plan would, in the ordinary course of events, result in the commission of the type of crimes charged in Counts 1–7.

40. **SAID** was aware that the OCRB Common Plan involved an element of criminality. He was also aware of his essential role in the OCRB Common Plan, the essential nature of his contributions, as set out above, and of his ability, jointly with other co-perpetrators, to control the commission of the crimes.

Under article 25(3)(b) for ordering crimes at the OCRB

41. In the alternative, **SAID** ordered members of the OCRB-Seleka, over whom he had a position of authority, to commit the crimes charged in Counts 1–7. **SAID** gave instructions to his subordinates to use the *arbatachar* method, praising this method as the best way to extract confessions. He supported other forms of severe mistreatment. **SAID** gave instructions to his subordinates to detain men in the small, dark and overcrowded underground cell under his office, where they were provided little food and water and no access to independent review of their detention.

42. **SAID** meant to engage in this conduct and was aware of his position of authority over the physical perpetrators of the crimes. **SAID** meant for the OCRB-Seleka, including TAHIR, DAMBOUCHA and YAYA, to commit these crimes and/or was aware that, in the ordinary course of events, they would commit the crimes, and was aware that his conduct would contribute to their commission.

Under article 25(3)(b) for inducing crimes at the OCRB

43. In the alternative, through the conduct described above at paragraph 38, **SAID** induced the OCRB-Seleka to commit the charged crimes. **SAID** exerted influence over the OCRB-Seleka, prompting them to commit the charged crimes.

44. **SAID** meant to engage in the conduct described above. **SAID** meant for the OCRB-Seleka, including his deputies TAHIR, DAMBOUCHA and YAYA, to commit these crimes and/or was aware that, in the ordinary course of events, they would commit the crimes, and was aware that his conduct would contribute to their commission.

Under article 25(3)(c) for aiding, abetting, or otherwise assisting in the commission of the crimes at the OCRB

45. In the alternative, through the conduct described above at paragraph 38, **SAID** aided, abetted or otherwise assisted the OCRB-Seleka in the commission of the crimes charged in Counts 1-7.

46. **SAID** meant to engage in the conduct described and provided this assistance for the purpose of facilitating the commission of the charged crimes. **SAID** was aware that members of the OCRB-Seleka would, in the ordinary course of events, commit the crimes charged in Counts 1-7 in the OCRB between 12 April 2013 and 30 August 2013, and was aware that his conduct would contribute to their commission.

Under article 25(3)(d) for contributing, in any other way, to the commission of the crimes at the OCRB

47. In the alternative, **SAID** intentionally contributed to the commission of the crimes charged in Counts 1–7 by members of the OCRB-Seleka who acted pursuant to a common purpose to target perceived BOZIZE supporters in Bangui, by committing the crimes charged in Counts 1-7 at the OCRB (the “OCRB Common Purpose”). The OCRB Common Purpose materialised as soon as 12 April 2013.

48. **SAID** contributed to the commission of the crimes in the ways set out in paragraph 38.

49. **SAID** intentionally contributed to the commission of the crimes charged in Counts 1-7 by members of the OCRB-Seleka acting pursuant to the OCRB Common Purpose, with the

aim of furthering their criminal activity or the criminal purpose, or in the knowledge of their intention to commit those crimes.

Legal characterisation of facts for the crimes at the OCRB (Counts 1-7)

SAID is criminally responsible for:

COUNT 1: Imprisonment or other severe deprivation of physical liberty as a crime against humanity at the OCRB of persons perceived to be BOZIZE supporters between 12 April 2013 and 30 August 2013 as summarised in paragraphs 33.a-t, punishable under article 7(1)(e) and pursuant to articles 25(3)(a) (direct co-perpetration), 25(3)(b) (ordering or inducing), 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 2: torture as a crime against humanity of at least 16 people perceived to be BOZIZE supporters, who were tied using the *arbatachar* method, between 12 April 2013 and August 2013, as well as other detainees who were severely mistreated as summarised in paragraphs 33.c, 33.f, 33.i, 33.n, and 33.s, punishable under article 7(1)(f) and articles 25(3)(a) (direct co-perpetration), 25(3)(b) (ordering or inducing), 25(3)(c) (aiding, abetting, or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 3: torture as a war crime of at least 16 people perceived to be BOZIZE supporters, who were tied using the *arbatachar* method, between 12 April 2013 and 30 August 2013, as well as other detainees who were severely mistreated as summarised in paragraphs 33.c, 33.f, 33.i, 33.n, and 33.s, punishable under article 8(2)(c)(i)-4 and pursuant to articles 25(3)(a) (direct co-perpetration), 25(3)(b) (ordering or inducing), 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 4: cruel treatment as a war crime, of at least 16 people perceived to be BOZIZE supporters, who were tied using the *arbatachar* method, between 12 April 2013 and 30 August 2013, as well as other detainees who were severely mistreated as summarised in paragraphs 33.c, 33.f, 33.i, 33.n, and 33.s and detained under dire conditions at the OCRB, punishable pursuant to article 8(2)(c)(i)-3 and articles 25(3)(a) (direct co-perpetration), 25(3)(b) (ordering or inducing), 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 5: other inhumane acts as a crime against humanity of people perceived to be BOZIZE supporters, who were detained in deplorable conditions at the OCRB, and who were

verbally and physically abused, including during interrogations, between 12 April 2013 and 30 August 2013 as summarised in paragraphs 33.a-t, punishable under article 7(1)(k) and articles 25(3)(a) (direct co-perpetration), 25(3)(b) (ordering or inducing), or 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 6: outrages upon personal dignity as a war crime of people perceived to be BOZIZE supporters, who were detained in deplorable conditions at the OCRB and/or were tied using the *arbatachar* method, and/or were verbally and physically abused, as summarised in paragraphs 33.a-t., between 12 April 2013 and 30 August 2013, punishable under article 8(2)(c)(ii) and articles 25(3)(a) (direct co-perpetration), 25(3)(b) (ordering or inducing), or 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 7: persecution as a crime against humanity on political, ethnic, religious, and/or gender grounds, concerning the people detained at OCRB, based on the facts underlying Counts 1-6, as summarised in paragraphs 33.a-t, and punishable under article 7(1)(h), and articles 25(3)(a) (direct co-perpetration), 25(3)(b) (ordering or inducing), 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

Crimes at the CEDAD compound

50. On 25 May 2013, by decree, President DJOTODIA created an intelligence service by the name of CEDAD. This institution came under the auspices of the Presidency and was meant to deal with national security threats. After the Seleka were ousted from the OCRB on 30 August 2013, ADAM took charge of CEDAD as its Director General, a status equivalent to Minister of State.

51. ADAM established the CEDAD headquarters in a compound of a residential area in central Bangui, which was enclosed with high walls. His *de jure* deputy was AL-BACHAR, who had been appointed to CEDAD by DJOTODIA already in May 2013, together with a number of career intelligence officers (“civil servants”) who were in charge of different sections of the administration. They all transferred to this compound when ADAM took over. As of September 2013, the CEDAD was used as a means of gathering intelligence for national security purposes, and its compound was used as a Seleka base and secret detention centre. The civil servants and all operations of CEDAD were under the immediate control of ADAM, SAID’s direct superior, and AL-BACHAR. The judicial police and public prosecutors had no access to the CEDAD compound.

52. **SAID** recruited Seleka elements who had formerly been associated with the OCRB, including TAHIR, DAMBOUCHA and SALLET, to work as part of arrest patrols at the CEDAD compound (the “CEDAD-Seleka”). **SAID** organised them in shifts, which he oversaw. **SAID** also gave them their arrest orders from a list provided to him by ADAM. **SAID** would participate in violent arrests of detainees, including having some tied using the *arbatachar* method on at least one occasion.

53. **SAID** also controlled the Seleka who constituted the security at the CEDAD compound. ADAM and **SAID** organised the Seleka at the CEDAD compound into two groups, which rotated in 48-hour-shifts. The group on duty guarded the CEDAD compound and ADAM’s residence at 14 Villas.

54. ADAM, AL-BACHAR, **SAID** and several leading civil servants as well as Seleka elements stationed at the CEDAD compound organised and participated in the interrogations of the detainees there. Further, ADAM and AL-BACHAR reported regularly on information they received from detainees to the National Security Council of the Seleka government. ADAM requested the budget and managed the bank account of CEDAD, which was financed by the presidency.

55. Between mid-September 2013 and 8 November 2013, CEDAD-Seleka arrested and detained at least 33 perceived BOZIZE supporters, including one woman, at the CEDAD compound, where they were interrogated and mistreated, often severely. The people detained were predominantly male, Central African Christians, living in Bangui, with either Gbaya or Mandja ethnicity, and this was known to the Seleka elements who arrested them.

56. The detainees were initially arrested by armed Seleka elements who had no authority to arrest, and used vehicles with tinted windows and no licence plates. The CEDAD-Seleka elements did not inform the detainees’ family members of the whereabouts/location of their relatives, such that the latter were forced to go looking for their relatives at known detention sites, hospitals, and morgues, or to make appeals on Radio Ndeke Luka. They often believed their relatives had been killed. This created severe anguish and mental suffering and injury to the family members of the CEDAD detainees. ADAM threatened harm and even death to any journalist who reported about CEDAD or enquired about its location.

57. The abductions were violent in nature, including death threats and beatings with weapons and other items. Personal items such as mobile phones and money were stolen from the detainees by the Seleka elements. Arrested persons were hooded and in some hoods, Seleka elements had added pepper powder, which burned the detainees’ eyes. The detainees were then

driven in circles around Bangui so that by the time they arrived at the CEDAD compound, they did not know where they were.

58. Care was taken to attract as little public attention as possible to the CEDAD compound and its detainees. Its location was not mentioned publicly, and the CEDAD-Seleka elements were not allowed to wear their military uniforms when coming and going so as not to give away its location. The same procedure of hooding and driving around was adopted when detainees were released.

59. At least eighteen of the CEDAD compound detainees were held for seven days or longer. In most cases, they were held for several weeks, until 8 November 2013. While in detention, the detainees were deprived of fundamental rights contrary to international humanitarian and human rights law, including having access to prompt review of the basis of their detention and humane treatment. They were held incommunicado, and could not contact or receive visits from family members. When family members would come looking for a detainee, the guards would show them a false register.

60. The Seleka at the CEDAD compound interrogated the detainees. They accused some of the detainees of planning a coup and asked them to give up names of alleged co-conspirators. Other detainees were asked about BOZIZE's activities or his supporters, accused of supporting BOZIZE himself financially or with weapons, or accused of supporting the Anti-Balaka.

61. In the course of their detention and/or interrogation, detainees were threatened with death, and subjected to conditions causing fear for their safety such as hooding and prolonged exposure to the sun. One detainee was left standing hooded in the sun for seven hours after the CEDAD-Seleka poked him with rifles and asked if he had prayed. Detainees were beaten, including with whips and planks, and kicked, including while physically restrained or hooded. The abuse was so severe that some detainees lost consciousness or asked to be killed. Detainees were also beaten at night, creating additional fear and disturbing their sleep.

62. The detention conditions were inhumane. Detainees were held in dark, unventilated cells of approximately 4x4 meters in size, which were overcrowded with up to 40 prisoners in one cell. The cells were unbearably hot, and there was no room for detainees to lie down. There were no toilet facilities so the prisoners had to relieve themselves in the cells. Some detainees were handcuffed for days, including to each other. No medical attention was provided, even for detainees with medical conditions. The detainees were not provided sufficient food and water, resulting in severe malnourishment and suffering.

63. The media increasingly reported on the existence of the location of the CEDAD compound, and secret detentions that were occurring there, prompting pressure from the international community. In response, in November 2013, DJOTODIA forced ADAM and AL-BACHAR to either release or transfer the detainees to the prison of the *Section de Recherche et d'Investigations* ("SRI") in Bangui. By 8 November 2013, the detainees were either released or transferred to the SRI prison by AL-BACHAR, and processed through the judicial system. However, before being formally released, the CEDAD authorities warned the detainees not to speak about their detention and to be careful, since Seleka elements might pick them up again.

64. During the relevant time period at least 32 males and one woman were brought to the CEDAD compound:

- a. On [REDACTED] September 2013, CEDAD-Seleka elements took P-0664, [REDACTED], [REDACTED], hooded him, and brought him to the CEDAD compound. The following day, during his interrogation by [REDACTED] and while still hooded, he was beaten with rifle butts. [REDACTED]. During his detention, SALLET came to the cell and interrogated detainees as well. CEDAD-Seleka elements mistreated co-detainees of P-0664 in the presence of [REDACTED], who did not intervene to stop or discourage such beatings. P-0664 was detained until [REDACTED] November at the CEDAD compound.
- b. P-0758, a Catholic and [REDACTED], was arrested on [REDACTED] September 2013 in [REDACTED] in Bangui. He was taken to the CEDAD compound by Seleka elements, including [REDACTED], [REDACTED]. In the vehicle, P-0758 was hooded. He was put into the same cell as P-0664. From that day onwards, Seleka elements brought in two to three arrested people per day. P-0758 and P-0664 were [REDACTED]. They were unable to wash themselves, were given some rice in their hand and water, and were not provided medical care. [REDACTED] accused P-0758 of supporting the Anti-Balaka [REDACTED]. Then, [REDACTED] and other Seleka elements beat P-0758 with wooden planks and rifle butts. P-0758 was beaten with wooden planks again on [REDACTED] October 2013 while being interrogated until he lost consciousness. [REDACTED].
- c. Between [REDACTED] and [REDACTED] September 2013, Seleka elements took P-0940 [REDACTED] and P-0854, [REDACTED] Catholics [REDACTED], and a man named [REDACTED]. They hooded and drove them around before bringing them to the CEDAD compound. They were detained for [REDACTED] days and only released upon

the intervention of [REDACTED]. Their relatives had been looking for them, [REDACTED]. During his detention, P-0940 was beaten three times per day. One time, [REDACTED] interrogated, threatened, and insulted him. While hooded, [REDACTED] beat him with a whip made of [REDACTED]. The beating was so strong that P-0940 passed out. The Seleka poured urine over him. [REDACTED] came to the cell every second day. The detainees were given little water and a bit of rice. There was no toilet facility and no medical treatment.

- d. On [REDACTED] September 2013, CEDAD-Seleka elements arrested P-0545 and P-0662, two Christians [REDACTED] who resided in the [REDACTED] neighbourhood of Bangui. These Seleka elements, under the responsibility of a colonel named ALI, stopped P-0545 and P-0662 [REDACTED], accused them of being [REDACTED], and forced them into vehicles. They were handcuffed and hooded. In the hoods, there was a pepper, which burned their eyes. The Seleka elements took them to the CEDAD compound, where they were beaten. They received a little rice and water once a day. After a week, their handcuffs were removed. In October 2013, P-0545 and P-0662 were interrogated while hooded and beaten, including by [REDACTED]. P-0545 was made to lie down on the ground and was beaten with an unknown object. P-0662 was whipped with a [REDACTED]. While the Seleka elements hit P-0662, they accused him of supporting BOZIZE. [REDACTED].
- e. On [REDACTED] September 2013, P-0665, a Christian [REDACTED], was arrested by Seleka elements. During his arrest, the Seleka took his backpack, [REDACTED] and hooded him. They forced him into a vehicle and drove him to the CEDAD compound. He was put in one of the cells and handcuffed. That day, [REDACTED] interrogated and [REDACTED]. The following day, he was again interrogated. [REDACTED], **SAID** had P-0665 brought from his cell to [REDACTED]. Two days later, he was again interrogated and accused of launching a coup against DJOTODIA. He was not provided any food during the seven days of his detention. One day, [REDACTED]. P-0665 was then released around [REDACTED] September 2013 due to the intervention of his family, whose complaints had reached DJOTODIA.
- f. On [REDACTED] September 2013, P-0803 and P-0969, two Christian [REDACTED] and questioned in the presence of [REDACTED]. [REDACTED]. [REDACTED] hooded them and they were driven around Bangui so they did not know where they were being taken. The CEDAD-Seleka elements only provided a small amount of food and water and

locked them into a dark, crowded cell. The detainees had to urinate and defecate in the cell. After five days, the Seleka elements drove them back to the Prosecutor's Office. They were released that same day, after their family members had publicly protested against their detention.

- g. On [REDACTED] September 2013, P-0482, a Christian [REDACTED], was taken by colonel [REDACTED] and forced into an unregistered vehicle. He was transferred to another vehicle with tinted windows, hooded, and driven to the CEDAD compound by men in civilian clothing. At the CEDAD compound, he was locked into one of the cells. The Seleka elements mistreated and interrogated him because of alleged contacts to [REDACTED]. There, he was able to contact his family for the first time. He was interviewed by a prosecutor and brought before a judge on [REDACTED] November 2013 and subsequently released without charges.
- h. On [REDACTED] September 2013, CEDAD-Seleka elements took P-0663, a [REDACTED], to the CEDAD. During the drive, he was hooded and interrogated in relation to [REDACTED]. At the CEDAD, P-0663 was stripped to his underwear and questioned about whether he was an Anti-Balaka. In the cell, there were around 21 other detainees. The cell was crowded and unsanitary. Seleka elements beat P-0663 and the other detainees every day, sometimes using animal skin whips and wooden sticks. P-0663 was struck several times resulting in an injury to his eye. [REDACTED], P-0797, found the location of CEDAD in late October 2013 through a corrupt Seleka element who offered information for money. When P-0797 entered the CEDAD compound, he was arrested, tied up, and beaten by several Seleka elements. He was also hooded [REDACTED]. [REDACTED], P-0663, was kept at the CEDAD compound [REDACTED].
- i. P-0792, a [REDACTED], was first arrested by [REDACTED], where they accused him of supporting BOZIZE and being of Gbaya ethnicity. On or about [REDACTED] October, he was arrested [REDACTED], and taken to the CEDAD compound. In the car, Seleka elements, including [REDACTED], strangled and hooded him. P-0792 was detained in a crowded cell at the CEDAD compound. After four days, P-0792 was hooded again and driven home.
- j. On or about [REDACTED] October 2013, P-0500 and P-0531, both Christians [REDACTED], were arrested by Seleka elements, including [REDACTED], and detained at the CEDAD compound. Upon arrival, they were interrogated by [REDACTED] who

accused them of being “BOZIZE’s men.” They were beaten by Seleka elements. [REDACTED]. The next day, P-0531 and P-0500 were again beaten by [REDACTED] and CEDAD-Seleka elements. After that, they were put into a small cell and beaten often, including by TAHIR. [REDACTED].

- k. On [REDACTED] October 2013, P-0546, a [REDACTED], was stopped by two armed Seleka elements in civilian clothing carrying AK-47s. They beat P-0546 with the butts of their rifles and accused him of supporting the Anti-Balaka. They made him enter a vehicle with tinted windows, placed a black hood on his head, and handcuffed his hands behind his back. [REDACTED]. P-0546 was detained at the CEDAD compound until [REDACTED].
- l. On [REDACTED] October 2013, Seleka elements arrested and detained P-0658 and P-0971 at the CEDAD compound. [REDACTED]. They were handcuffed, hooded and driven around before reaching the CEDAD compound. Both were released on [REDACTED] October 2013 as [REDACTED]. They were held in a small windowless cell with over 30 other detainees, including an [REDACTED].
- m. Sometime between [REDACTED] and [REDACTED] October 2013, Seleka elements arrested and detained P-0666, who was a [REDACTED]. He was arrested at night, overpowered and hooded. The Seleka elements drove him in a vehicle with tinted windows to the CEDAD compound. On the way there, they accused him of supporting the Anti-Balaka. At the CEDAD compound, he was beaten while still being hooded. P-0666 was also [REDACTED]. Around [REDACTED] days after his arrest, while hooded, he was accused of [REDACTED]. Two days later, [REDACTED]. After P-0666 was abducted, his family searched everywhere in Bangui [REDACTED] since they did not know his whereabouts.
- n. In early November 2013, two men, P-0487 and [REDACTED], were transferred from the Seleka detention centre at [REDACTED] to the CEDAD compound for allegedly conspiring to [REDACTED]. [REDACTED].
- o. During the period relevant to the charges, around 10 detainees were abducted, tied *arbatachar* and brought to CEDAD by SAID and the Seleka elements. The detainees were beaten with rifle butts upon arrival.

65. The facts above that constitute Counts 8 to 13 also form the underlying conduct of the crime of persecution (Count 14). The targeted victims were (1) predominantly Christian; (2) predominantly belonged to the Gbaya, Mandja or Banda ethnicity; (3) predominantly male and

(4) predominantly from certain neighbourhoods in Bangui, like Boy Rabe, perceived as supportive of BOZIZE. This conduct was committed in connection with these crimes. At the material times, **SAID** and the other perpetrators targeted the victims, who they perceived as BOZIZE supporters, on political, ethnic, religious, and/or gender grounds.

66. As one of the highest-ranking Seleka elements from the police sector and a close associate of ADAM, **SAID** was aware of the mandate of CEDAD as well as the arbitrary arrests and prolonged detentions of perceived BOZIZE supporters without access to legal safeguards. **SAID** was aware of the factual circumstances that established the gravity of the conduct at the CEDAD compound, such that it violated fundamental rules of international law, as charged in Count 8. **SAID** knew that the detainees were arrested on an arbitrary basis, deprived of their right to prompt independent review of the basis of their detention and other fundamental due process rights, held in dire detention conditions, and subject to severe physical and mental mistreatment.

67. **SAID** knew that the perpetrators inflicted pain or suffering on the detainees at the CEDAD compound for such purposes as obtaining information or a confession, punishment, intimidation or coercion or for any reason based on discrimination of any kind (Count 10). **SAID** was also aware that the persons detained at the CEDAD compound were civilians or persons *hors de combat* (Counts 11 and 13). **SAID** was further aware of the factual circumstances that established the character of the acts as charged in Count 12 as acts similar to any other act referred to in article 7(1) of the Statute.

SAID's Individual Criminal Responsibility

Under article 25(3)(c) for aiding, abetting, or otherwise assisting in the commission of the crimes at the CEDAD compound

68. **SAID** aided, abetted or otherwise assisted members of the Seleka stationed at the detention site known as the CEDAD compound, who targeted perceived BOZIZE supporters in Bangui, by committing the crimes charged in Counts 8-14.

69. **SAID** aided, abetted or otherwise assisted by way of the following acts:

- a. Recruiting Seleka elements for the arrest patrols of the CEDAD-Seleka, including many who were already familiar with and had engaged in the criminal practices employed already at the OCRB;

- b. Acting as the “operations commander”, overseeing the Seleka colonels at CEDAD with approximately 20 Seleka elements in each arrest patrol which brought the prisoners to the CEDAD compound;
- c. Organising the security of the CEDAD compound with Seleka;
- d. Jointly, with ADAM, instructing the beatings of detainees on the pretext that they were perceived BOZIZE supporters;
- e. Personally going on operations to detain and harm people and assisting in interrogations of the CEDAD compound detainees on at least two occasions;
- f. Being present at the CEDAD compound regularly and influencing CEDAD-Seleka by way of his authority.

70. **SAID** meant to engage in the conduct described above and provided this assistance for the purpose of facilitating the commission of the crimes charged in Counts 8-14. **SAID** was aware that members of the CEDAD-Seleka would, in the ordinary course of events, commit the crimes charged in Counts 8-14, and was aware that his conduct would contribute to their commission.

Under article 25(3)(d), for contributing, in any other way, to the commission of the crimes at the CEDAD compound

71. In the alternative, **SAID** intentionally contributed to the commission of the crimes charged in Counts 8–14 by members of the CEDAD-Seleka, who acted pursuant to a common purpose to target perceived BOZIZE supporters in Bangui, by committing the types of crimes charged in Counts 8–14 at the CEDAD (the “CEDAD Common Purpose”). The CEDAD Common Purpose materialised at the latest after the Seleka were ousted from the OCRB, between ADAM, AL-BACHAR, **SAID** and former OCRB-Seleka, resulting in the crimes charged in Counts 8-14.

72. **SAID**’s contributions in furtherance of the CEDAD Common Purpose are those described above at paragraph 69.

73. **SAID** intentionally contributed to the commission of the crimes charged in Counts 8-14 by members of the CEDAD-Seleka acting pursuant to the CEDAD Common Purpose, with the aim of furthering their criminal activity or the common purpose, and/or in the knowledge of their intention to commit those crimes.

74. When engaging in the above conduct, **SAID** had the requisite intent and knowledge under articles 25 and 30 and for the elements of the respective crimes charged in Counts 8-14.

Legal characterisation of facts for the crimes at the CEDAD compound (Counts 8-14)

SAID is criminally responsible for:

COUNT 8: Imprisonment or other severe deprivation of physical liberty as a crime against humanity of at least 33 people between mid-September and 8 November 2013 at the CEDAD compound, as summarised in paragraph 64.a-o punishable under article 7(1)(e) and articles 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 9: Torture as a crime against humanity at the CEDAD compound, insofar as several men were handcuffed to each other for several weeks, were hooded for prolonged periods including by adding pepper powder into their hoods, were beaten until they passed out or submerged under water to simulate drowning, or tied using the *arbatachar* method, as well as other acts of comparable severity, between mid-September and 8 November 2013, punishable under article 7(1)(f) and articles 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 10: Torture as a war crime at the CEDAD compound, insofar as several detainees were handcuffed to each other for several weeks, were hooded for prolonged periods including by putting pepper powder into their hoods, were beaten until they passed out or submerged under water to simulate drowning, as well as other acts of comparable severity, between mid-September and 8 November 2013, punishable under article 8(2)(c)(i)-4 and articles 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 11: Cruel treatment as a war crime, insofar as several detainees were handcuffed to each other for several weeks, were hooded for prolonged periods including by putting pepper powder into their hoods, were beaten until they passed out or submerged under water to simulate drowning, as well as other acts of comparable severity, at the CEDAD between mid-September and 8 November 2013, punishable pursuant to article 8(2)(c)(i)-3 and articles 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 12: Other inhumane acts as a crime against humanity, insofar as at least 33 people were detained in deplorable conditions between mid-September and 8 November 2013 at the CEDAD compound, and the Seleka at the CEDAD compound refused to acknowledge their arrest, detention and abduction, or to give information on their fate or whereabouts to their

family members, as summarised in paragraph 64.a-o punishable under article 7(1)(k) and articles 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 13: Outrages upon personal dignity as a war crime of at least 33 people who were detained in deplorable conditions at the CEDAD compound, and/or were tied using the *arbatachar* method, and/or were beaten or verbally and physically abused, between mid-September and 8 November 2013, as summarised in paragraph 64.a-o, punishable under article 8(2)(c)(ii) and articles 25(3)(c) (aiding, abetting, or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.

COUNT 14: Persecution as a crime against humanity, on political, ethnic, religious, and/or gender grounds, carried out against at least 33 people detained at CEDAD, based on the facts underlying Counts 8 to 13, as summarised in paragraph 64.a-o, punishable under article 7(1)(h), and 25(3)(c) (aiding, abetting or otherwise assisting in the commission of the crime), or 25(3)(d) (common purpose liability) of the Rome Statute.



Karim A. A. Khan QC, Prosecutor

Dated this 1st day of December 2021
At The Hague, The Netherlands