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PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

Public

with Under Seal, *EX PARTE*, only available to the Prosecution Annex 1

Public redacted version of “Prosecution’s Request for Redactions to the Warrant of Arrest for Mahamat Said Abdel Kani”, ICC-01/14-45-US-Exp, dated 11 January 2019

Source: Office of the Prosecutor

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Introduction

1. Pursuant to the orders of Judge Rosario Salvatore Aitala,¹ acting as the Single Judge (“Single Judge”) for Pre-Trial Chamber II (“the Chamber”), the Prosecution hereby proposes specific redactions for the Warrant of Arrest for Mahamat Said Abdel Kani (“SAID”), to be applied at the time the Warrant of Arrest becomes public.
2. As noted by the Single Judge in issuing the Warrant of Arrest,² the Prosecution has already set out in its initial Application the reasons why the Warrant of Arrest should be issued with the classification of under seal, *ex parte*, only available to the Prosecution.³ For those reasons, the Prosecution reiterates the importance of maintaining the confidentiality of the Warrant of Arrest at this stage. In the absence of any material change in circumstances, the Warrant of Arrest should be made public only when SAID is arrested and surrendered to the Court.
3. The Prosecution has marked its proposed redactions on the Warrant of Arrest (**Annex 1**). The proposed redactions are narrowly tailored so as to protect against three legitimate risks:
 - a) Exposing the identities of prospective witnesses cooperating with the Prosecution’s investigation and/or victims of the crimes for which SAID’s arrest is sought, thereby placing them at risk;
 - b) Jeopardising ongoing investigations and/or jeopardising the potential arrest opportunities of other suspects, or other potential targets of the Prosecution’s ongoing investigation in the Central African Republic (“CAR”);
 - c) Compromising the Prosecution’s ability to secure evidence through jeopardising the ability of the CAR or other relevant authorities to carry

¹ ICC-01/14-42-US-Exp, p. 25.

² ICC-01/14-42-US-Exp, para. 27.

³ See ICC-01/14-19-US-Exp.

out effective searches and seizures of material reasonably believed to have been used in, connected with, or probative of the crimes described in the Warrant of Arrest.

4. The proposed redactions are justified in light of the risks identified. The Prosecution has previously brought to the Chamber's attention the prevailing security factors that make the situation in CAR particularly volatile,⁴ and increase the likelihood of individuals, and the Prosecution's investigation, being placed at jeopardy if sensitive information is made public prematurely.
5. The proposed redactions are limited in scope and do not undermine SAID's right to a public hearing, nor the interest of the public in being informed of SAID's alleged crimes and the basis for his arrest. To the extent that any of the justifications for the proposed redactions are no longer applicable at such time that SAID is transferred to the seat of the Court, the Prosecution would revisit the proposed redactions at that time.

I. Confidentiality

6. Pursuant to regulation 23*bis* of the Regulations of the Court, this document and its Annex are filed under seal, *ex parte*, only available to the Prosecution, in accordance with the classification of the Warrant of Arrest to which it refers and the underlying Application. A public redacted version will be filed in due course.

⁴ ICC-01/14-21-US-Exp, para. 5.

II. Submission

7. As noted, the Prosecution proposes redactions in relation to three categories of information, based on three identified, legitimate risks. The justifications for specific redactions are explained further below.

A. Redactions to protect the identity of witnesses and victims

8. Redactions are proposed in relation to information contained in the Warrant of Arrest that may reveal the identity of current or prospective Prosecution witnesses and other victims, thereby potentially exposing them to the risk of interference or harm. This category of proposed redactions is marked in red in Annex 1. Redactions are proposed in relation to:

- Reference to the official director of the OCRB in paragraph 9. This reference enables identification of a specific individual who is a Prosecution witness.
- Reference in paragraph 19(a) to [REDACTED]. This information—together with the approximate date of detention—is sufficiently specific that it may enable persons familiar with the OCRB to identify the victim in question.
- References to forms of mistreatment inflicted on OCRB detainees and the resultant injuries outlined in paragraph 19(a). Redactions are proposed in relation to three specific descriptions, [REDACTED]". These injuries are specific and enduring enough that, when referenced in relation to detention at a facility with a confined victim pool, they may enable those victims—including Prosecution witnesses and prospective witnesses—to be identified by the public. This is a particular concern in the context of Seleka crimes in Bangui, where the Seleka targeted well-known component groups of the population, including ethnic Gbaya and individuals from neighbourhoods such as Boy Rabe, further enabling the identification of the victims within those

already confined groups, particularly those bearing lasting physical indicia of mistreatment.

- Reference in paragraph 19(b) to a CEDAD detainee [REDACTED]. This is a sufficiently specific, enduring injury, which may enable identification of the individual.

B. Redactions to preserve arrest opportunities and protect the integrity of the Prosecution's ongoing investigation

9. Redactions are proposed in relation to information contained in the Warrant of Arrest that identifies, directly or by implication, another suspect for whom the Prosecution has sought a Warrant of Arrest. Should this information become public, it may enable the relevant suspect to reasonably infer that they are also subject to an arrest warrant, which may hinder prospects for their arrest, or prompt them to interfere with or harm Prosecution witnesses, or otherwise jeopardise the Prosecution's ongoing investigations.
10. Likewise, redactions are proposed in relation to certain incidents or crimes that are subject to ongoing investigation and which the Prosecution did not specifically rely upon in relation to the crimes alleged in its Application for a warrant of arrest for SAID. Should such information become public, it may alert other potential targets that they may be under investigation and prompt them to interfere with or harm Prosecution witnesses, or otherwise jeopardise the Prosecution's ongoing investigations into current suspects. This category of proposed redactions is coloured yellow in Annex 1. Redactions are proposed in relation to:
 - References to Mahamat Nouradine Adam ("ADAM") in paragraphs 9, 10, 17, 19, 20, 21, 22, 23, 26. ADAM is the only other member of the OCRB or CEDAD referenced by name in the Warrant of Arrest. The numerous references to

ADAM's role and authority over the OCRB and CEDAD,⁵ and in particular, references to SAID's close association with ADAM and the fact that SAID acted as ADAM's subordinate and reported to him, would reasonably enable ADAM to be identified as a suspect if these references were made public. Likewise, in paragraph 17, ADAM is the only Seleka commander named in the description of the widespread and systematic attack against the civilian population. In paragraph 19, ADAM is specifically referenced in the discussion of SAID's individual criminal responsibility. In paragraph 26, ADAM is referenced in relation to SAID's association with the ex-Seleka group, the FPRC.

- Reference in paragraph 11 to the apprehension and killing of young men found in possession of BOZIZE t-shirts. This incident was widely reported in CAR⁶ and involved a confined number of victims. Family members of those victims are among the Prosecution's witnesses, and inquiries into this incident are ongoing, including its potential link to persons of interest at Camp de Roux. Making this information public could lead to the identification of current and prospective Prosecution witnesses; prematurely expose developing lines of inquiries that form part of the Prosecution's ongoing investigative activities, and alert other potential targets that they may be subject to investigation.⁷
- Reference in paragraph 11 to detention of individuals in containers at *Sapeurs Pompiers* and otherwise in cattle trucks. This is a sufficiently discrete incident with a confined victim pool, which occurred at a well-known Seleka base that was commanded by a prominent Seleka General. Making this information public could prematurely expose developing lines of inquiries that form part of the Prosecution's ongoing investigative activities and alert other potential targets that they may be subject to investigation.

⁵ The Prosecution does not, however, seek to redact references that simply state ADAM's formal position in relation to the OCRB and CEDAD.

⁶ ICC-01/14-19-US-Exp, fn. 132.

⁷ The relevant excerpt has been marked in yellow in Annex 1, corresponding to redactions proposed under category (b), although the redactions are also justified under category (a).

- Reference in paragraph 13 to senior Seleka commanders stationed at named Seleka bases, and the subsequent sentence linking commanders from Seleka bases to operations such as those in Boy Rabe or in the transfer of prisoners. Making this information public may prematurely expose developing lines of inquiries that form part of the Prosecution's ongoing investigative activities, and alert other potential targets that they may be subject to investigation.
- Reference in paragraph 19(a) to the inscriptions on specific vehicles used to arrest and transfer individuals to the OCRB. These are highly recognisable vehicles closely associated with particular Seleka individuals who drove or travelled in these vehicles. Making this information public may prematurely expose developing lines of inquiries that form part of the Prosecution's ongoing investigative activities, and alert other potential targets that they may be subject to investigation.
- References in paragraph 19(a) and 19(b) to evidence of killings at the OCRB and CEDAD, respectively, which the Prosecution did not specifically advance in its Application in relation to SAID. Making this information public may prematurely expose developing lines of inquiries that form part of the Prosecution's ongoing investigative activities. For the same reason, redactions are proposed on the associated footnotes.
- Reference in paragraph 25 to evidence of crimes committed during search operations that the Prosecution did not specifically advance in its Application in relation to SAID's individual criminal responsibility. Although the Arrest Warrant does not identify the areas in question that were the target of these search operations, it mentions the presence of goods from Boy Rabe at the OCRB. Moreover, Boy Rabe was notoriously targeted by the Seleka and is clearly identifiable to members of the public through its known association with former President BOZIZE. Making this component of the Warrant of Arrest public may prematurely expose developing lines of inquiries that form

part of the Prosecution's ongoing investigative activities, and alert other potential targets that they may be subject to investigation.

C. Redactions to protect search and seizure operations

11. Redactions are proposed in relation to language in the Warrant of Arrest that specifically identifies the scope of the search and seizure measures authorised by the Chamber. If this information were to be made public, it may jeopardise efforts by the Prosecution and the relevant authorities to search and seize evidence from SAID's home and other premises and lead to the concealment or destruction of such evidence before such searches and seizure measures could be executed and completed. Likewise it may prompt other individuals, who may reasonably apprehend that they are suspects, to do the same. This category of proposed redactions is coloured blue in Annex 1. Redactions are proposed in relation to:

- The entirety of paragraph 28.
- The operative language of the final paragraph of page 24 / first paragraph of page 25.

III. Conclusion

12. The Prosecution requests that the Chamber preserve the existing classification of the Warrant of Arrest for SAID of under seal, *ex parte*, only available to the Prosecution, until such time that SAID is arrested and surrendered to the Court. The Prosecution further requests that the Chamber grant the proposed redactions explained above and marked in Annex 1, to be applied at such time the Warrant of Arrest is made public.



Mame Mandiaye Niang, Deputy Prosecutor

Dated this 26th day of August 2026

At The Hague, The Netherlands