

ANNEX 55
PUBLIC
REDACTED

From: Trial Chamber V Communications
Sent: 22 July 2022 14:57
To: [REDACTED]
Cc: Court Management-Transcripts; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; [REDACTED] V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED] Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision on Contested Redactions to the Lesser Redacted Version of P-1521's Transcripts

Dear Counsel, dear colleagues from the Registry,

The Single Judge takes note of the Prosecution's proposal for lesser redacted versions of transcripts T-080, T-081, T-082 and T-083 (*see* emails from the Prosecution, 23 February 2022, at 10:17 and 8 March 2022, at 20:06), and the Defence teams' objections to some of the redactions which the Prosecution proposes to maintain in these transcripts (the 'Contested Redactions') (*see* emails from the Yekatom Defence, 25 February 2022, at 11:43 and 17 March 2022, at 08:57; emails from the Ngaissona Defence, 2 March 2022, at 10:00 and 11 March 2022, at 10:04).

Having assessed the Contested Redactions in line with paragraph 72 of the Initial Directions, ICC-01/14-01/18-631, the Single Judge considers that it is necessary to maintain redactions to information that could potentially reveal the witness's identity, including, *inter alia*, (i) his position within the Anti-Balaka; (ii) the time of his interview with the Prosecution; (iii) his place of residence during the relevant period; and (iv) certain individuals with whom he was in contact or had met. However, the Single Judge does not consider that it is justified to maintain redactions to information pertaining to, *inter alia*, (i) the truthfulness of the witness's statement; (ii) the general situation in the CAR and the Boy-Rabé area; (iii) the fact that the witness joined the Anti-Balaka; and (iv) the Presiding Judge's remarks on the evidence in the case and discussions related to his mode of testimony.

Accordingly, the Single Judge will rule on the Contested Redactions as follows.

Transcript	Yekatom Defence's objections	Ngaissona Defence's objections	Chamber's determination: Contested Redactions to be lifted
T-080	p. 16, line 16, 18-21		p. 16, lines 16, 18-21, with the exception of [REDACTED]
T-080	p. 17, lines 21-25		p. 17, lines 21-25
T-080	p. 18, lines 1-6	p. 18, lines 1-6: Only the month and year of P-1521's interview mentioned in these lines should be redacted. The remaining redactions should be lifted.	p. 18, lines 1-6, with the exception of [REDACTED]
T-080	p. 19, lines 1-5, 15-23		p. 19, lines 1-5, 15-23, with the exception of [REDACTED]
T-080	p. 22, lines 20-22		p. 22, lines 20-22, with the exception of [REDACTED] (at lines 20-21)
T-080	p. 25, lines 3-25	p. 25, lines 3-4, 23: Only the month and year of P-1521's	p. 25, lines 3-25, with the exception [REDACTED] at lines 4, 6, 23)

		interview mentioned in these lines should be redacted. The remaining redactions should be lifted.	
T-080	p. 26, lines 1-5, 9-12, 16-25	p. 26, lines 10, 13: Only the dates of P-1521's interview mentioned in these lines should be redacted. The remaining redactions should be lifted.	p. 26, lines 1-5, 9-25, with the exception [REDACTED] at lines 10, 13)
T-080	p. 27, lines 1-5, 10-15, 19-25	p. 27, line 9: Only this line should be redacted. The remaining redactions should be lifted.	p. 27, lines 1-15, 19-25, with the exception [REDACTED] (at line 9)
T-080	p. 28, lines 1-23		p. 28, lines 1-23
T-080	p. 29, lines 1-13	p. 29, lines 4, 12: Only the month and year of P-1521's interview mentioned in these lines should be redacted. The remaining redactions should be lifted.	p. 29, lines 1-13, 25 with the exception [REDACTED] at lines 4, 12)
T-080	p. 30	p. 30, line 1: Only the month and year of P-1521's interview mentioned in these lines should be redacted. The remaining redactions should be lifted.	p. 30, with the exception [REDACTED] (at line 1)
T-080	p. 31, lines 1-10	• p. 31, line 3: Name of "[REDACTED]" should be redacted. The remaining redactions should be lifted. • p. 31, line 12: Only the month and year of P-1521's interview mentioned in these lines should be redacted. The remaining redactions should be lifted. • p. 31, lines 21-23: These lines should be redacted as they contain potentially identifying information. The remaining	p. 31, lines 1-20, 24-25, with the exception of [REDACTED] (at line 12)

		redactions should be lifted.	
T-080	p. 32, lines 3-13		p. 32, lines 3-13
T-080	p. 34, lines 10-11		p. 34, lines 10-11
T-080	p. 37, line 25		p. 37, line 25
T-080	p. 38	p. 38, lines 5-8: These lines should remain redacted as they could potentially lead to the identification of the witness. The remaining redactions should be lifted.	p. 38, lines 1-4, 9-13, 20-24
T-080	p. 39		p. 39, lines 1-24, with the exception of [REDACTED] (at line 20)
T-080	p. 40, lines 1-9		p. 40, lines 1-9
T-080	p. 41, lines 23-25		p. 41, lines 23-25
T-080	p. 42		p. 42
T-081		p. 4, lines 1-3: No risk of identifying the witness.	p. 4, lines 1-3
T-081		p. 5, lines 1-4 (sentence ending [REDACTED]): No risk of identifying the witness.	None
T-081		p. 6, lines 11 (sentence starting "And that is how") to 15: No risk of identifying the witness.	p. 6, lines 11, from 'And that is how' to line 15
T-081		p. 7, lines 3 (sentence starting "Many people were there") to 9: No risk of identifying the witness.	p. 7, lines 3, from 'Many people were there' to line 9
T-081		p. 8, lines 11-16: No risk of identifying the witness.	p. 8, lines 11-16
T-081		p. 9, lines 7-15: The only part that should be redacted is the sentence in lines 7-8 [REDACTED] p. 9, line 24: No risk of identifying the witness.	p. 9, line 8, from 'did you learn' to line 15, and line 24
T-081		p. 29, lines 5-20: No risk of identifying the witness.	p. 29, lines 5-20

T-081		p. 32, lines 11-14: No risk of identifying the witness.	p. 32, lines 11-14
T-082		p. 66, lines 22-24: No risk of identifying the witness.	p. 67, lines 8-10 (referring to T-082-CONF-ENG CT2)
T-082		p. 74, lines 15-19: Only the phrase [REDACTED] [REDACTED] should remain redacted.	p. 75, lines 2-6, with the exception of [REDACTED] referring to T-082-CONF-ENG CT2)
T-083		p. 9, lines 24-25: No risk of identifying the witness.	p. 9, lines 24-25
T-083		p. 10, lines 1-2: No risk of identifying the witness.	p. 10, lines 1-2
T-083		p. 11, lines 8-9: No risk of identifying the witness.	p. 11, lines 8-9
T-083		p. 21, lines 6-16: Only the phrase [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] in lns 12-13 should remain redacted.	p. 21, lines 6-11, 13 (from 'They did whatever they could') to line 16
T-083		p. 22, line 6: No risk of identifying the witness.	p. 22, line 6
T-083		p. 41, lines 21-25: No risk of identifying the witness.	p. 41, lines 21-25
T-083		p. 49, lines 3-6: No risk of identifying the witness.	p. 49, lines 3-6, until 'the Anti-Balaka badges'
T-083		p. 50, lines 21-24: No risk of identifying the witness.	p. 50, lines 21-24
T-083		p. 51, lines 7-14 (sentence ending "[REDACTED]": Only lines 9-11 (sentence ending "[REDACTED]" should remain redacted.	[REDACTED]
T-083		p. 55, lines 17-23 (sentence ending "in its entirety"): No risk of identifying the witness.	p. 55, lines 17-23, until 'in its entirety'
T-083		p. 56, lines 8-14, 19-25: No risk of identifying the witness.	p. 56, lines 8-14, 19-25

T-083		p. 57, lines 1-3, 21-23: No risk of identifying the witness.	p. 57, lines 1-3, 21-23
T-083		p. 90, lines 14-21: No risk of identifying the witness.	p. 90, lines 14-21

The Registry is therefore directed to proceed in accordance with paragraph 72 of the Initial Directions, ICC-01/14-01/18-631, for the English and French public lesser redacted versions of T-080, T-081, T-082 and T-083.

Kind regards, TC V

From: [REDACTED]
Sent: 17 March 2022 08:57
To: [REDACTED] Trial Chamber V
Communications [REDACTED]
Cc: Court Management-Transcripts [REDACTED]; D29 Yekatom Defence Team
<[REDACTED]> D30 Ngaissona Defence Team
[REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team
[REDACTED]; V45 LRV Team [REDACTED]
[REDACTED]; OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations
[REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
[REDACTED]
Subject: RE: OTP lesser redacted versions of transcripts of P-1521

Dear Trial Chamber V,
Dear all,

The Yekatom Defence supports the Ngaissona objections to certain redactions proposed by the Prosecution on the lesser redacted versions of transcripts T-081, T-082 and T-083 of P'1521's testimony.

The Yekatom Defence does not have any additional redactions to suggest.

Kind regards,

[REDACTED]
Legal Assistant, Yekatom Defence

From: [REDACTED]
Sent: 11 March 2022 10:04
To: [REDACTED] Trial Chamber V Communications [REDACTED]
[REDACTED]
Cc: Court Management-Transcripts [REDACTED] D29 Yekatom Defence Team
[REDACTED]; D30 Ngaissona Defence Team
[REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team
[REDACTED] V45 LRV Team [REDACTED]
[REDACTED] OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations
[REDACTED] Associate Legal Officer-Court Officer [REDACTED]
[REDACTED]
Subject: RE: OTP lesser redacted versions of transcripts of P-1521

Dear Trial Chamber V,
Dear all,

The Ngaissona Defence respectfully objects to certain redactions proposed by the Prosecution on the lesser redacted versions of transcripts T-081, T-082 and T-083 of P'1521's testimony.

Kindly see the below tables with reference to the English transcripts.

T-081

Pages	Objection
Page 4, Ins 1-3	No risk of identifying the witness
Page 5, Ins 1-4 (sentence ending [REDACTED])	No risk of identifying the witness
Page 6, Ins 11 (sentence starting "And that is how") to 15	No risk of identifying the witness
Page 7, Ins 3 (sentence starting "Many people were there") to 9	No risk of identifying the witness
Page 8, Ins 11-16	No risk of identifying the witness
Page 9, Ins 7-15	The only part that should be redacted is the sentence in Ins 7-8 [REDACTED]
Page 9, In. 24	No risk of identifying the witness
Page 29, Ins 5-20	No risk of identifying the witness
Page 32, Ins 13-14	No risk of identifying the witness

T-082

Pages	Objection
Page 66, Ins 22-24	No risk of identifying the witness
Page 74, Ins 15-19	Only the phrase [REDACTED] should remain redacted

T-083

Pages	Objection
Page 9, Ins 24-25 to page 10, Ins 1-2	No risk of identifying the witness
Page 11, Ins 8-9	No risk of identifying the witness
Page 21, Ins 6-16	Only the phrase [REDACTED] in Ins 12-13 should remain redacted
Page 22, In. 6	No risk of identifying the witness
Page 41, Ins 21-25 to page 42, Ins 1-2	No risk of identifying the witness
Page 49, Ins 3-6	No risk of identifying the witness
Page 50, Ins 21-24	No risk of identifying the witness
Page 51, Ins 7-14 (sentence ending [REDACTED])	Only lines 9-11 (sentence ending [REDACTED]) should remain redacted.
Page 55, Ins 17-23 (sentence ending "in its entirety")	No risk of identifying the witness
Page 56, Ins 8-14, 19-25 to page 57, Ins 1-3	No risk of identifying the witness
Page 57, Ins 21-23	No risk of identifying the witness
Page 90, Ins 14-21	No risk of identifying the witness

Kind regards,

Legal Consultant – Ngaïssona Defence Team
International Criminal Court (ICC)

www.icc-cpi.int

From: [REDACTED]
Sent: 08 March 2022 20:06
To: Trial Chamber V Communications [REDACTED]
Cc: Court Management-Transcripts [REDACTED] D29 Yekatom Defence Team
 [REDACTED] D30 Ngaïssona Defence Team
 <[REDACTED]> V44 LRV Team OPCV [REDACTED]; V44 LRV Team
 <[REDACTED]> V45 LRV Team <[REDACTED]>
 [REDACTED] OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]
Subject: OTP lesser redacted versions of transcripts of P-1521

Dear Trial Chamber V,
 Dear All,

Please find attached the Prosecution's proposed lesser redacted versions of the CONF ET transcripts T-081, T-082, T-083.

Redactions which were approved by the Chamber in open session should also to be maintained.

The Prosecution also requests authorisation to submit additional redactions as appropriate, should the Registry provide corrected versions of these transcripts in the future.

Given that P-1521 testified with in-court protective measures and that his identity is concealed from the public, any corrections made to these transcripts may necessitate further redactions.

Kind regards,

On behalf of OTP Trial Team

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