

ANNEX 14

Public Redacted

From: Trial Chamber VI Communications
Sent: 24 June 2025 14:55
To: OTP CAR IIA Communications; D33 Said Defence Team
Cc: Said LRV Team OPCV; Associate Legal Officer-Court Officer; Trial Chamber VI Communications; Chamber Decisions Communication
Subject: RE: Disagreement of the Parties in relation to proposed redactions in ICC-01/14-01/21-T-102 (ENG & FRE) and ICC-01/14-01/21-T-103 (ENG & FRE) - P-2232

[ICC] RESTRICTED

Dear Parties and participants,

The Chamber has taken note of the Parties' email regarding the disagreement in relation to proposed redactions for two transcripts (ICC-01/14-01/21-T-102; ICC-01/14-01/21-T-103).

At the outset, the Chamber notes that the Parties make a number of general submissions regarding their positions vis-à-vis the redactions to these transcripts. In this respect the Prosecution notes that P-2232 is a [REDACTED] and the disputed redactions are necessary to ensure the protection of this witness. In response, the Defence submits that the fact that P-2232 is an Anti-Balaka insider is public knowledge and the lifting of the disputed redactions will not reveal the identity of the witness.

The Chamber has taken note of the Parties' submissions in this regard, as well as the specific submissions in relation to the disputed redactions, and makes the following determination. For the purposes of the present decision, the Chamber will only refer to the English references of the (disputed) transcripts.

1. T-102 FRA, 20:26-21:20, 22:8-18; T-102 ENG, 20:17-21:14, 22:4-13

Submissions

The Prosecution requests that the following redactions to excerpts of ICC-01/14-01/21-T-102 are maintained

[REDACTED]

The Defence requests that the redactions to the aforementioned excerpts be lifted, noting that the fact that P-2232 testified about the formation of the Anti-Balaka is apparent from a number of public submissions. In respect of the FROCCA specifically, the Defence notes that the fact that P-2232 testifies about the formation of the FROCCA cannot be considered identifying to P-2232. Furthermore, the Defence submits that the fact that P-2232 was present in Zongo is public information, making reference to transcripts and filings in the *Yekatom and Ngaissona* Case.

Analysis

First, in respect of the disputed redactions found at T-102 ENG: 20:17-21:14, the Chamber notes that, in this passage, P-2232 discussed the creation of the Anti-Balaka and the setting up of the FROCCA. The Chamber observes that the witness does not mention any role he may have had and rather merely discusses the general creation of the Anti-Balaka. The Chamber further observes that discussion of the FROCCA and its origins have also been discussed publicly in the *Yekatom and Ngaissona* Case by other witnesses (see ICC-01/14-01/18-T-

190-ENG). In addition, the Chamber also takes into consideration the references by the Defence to publicly available material where it is noted that P-2232 discusses the formation of the Anti-Balaka and what was happening in Zongo. Based on the foregoing, the Chamber finds that this general discussion, even when read in the context of P-2232's testimony as a whole, does not lead to identification of the witness and accordingly orders that the redactions to this passage be lifted.

By the same logic, the Chamber also finds that the disputed redactions found at T-102 ENG 22:4-13 can also be lifted. In this regard, the Chamber notes that this passage contains a general discussion of what is alleged to have happened at Gobere and contains no reference to the witness himself. Furthermore, the Chamber notes that P-2232 testified publicly as to what was alleged to be happening in Gobere, as well as the role of Dedane, in the *Yekatom and Ngaissona* Case (see ICC-01/14-01/18-T-076-Red2, pp. 3-5; ICC-01/14-01/18-T-075-Red3, p. 45). Accordingly, the Chamber finds that the redactions at T-102 ENG 22:4-13 can also be lifted.

2. T-102 FRA, 41:6-11; T-102 ENG, 41:19-24

Submissions

The Prosecution submits that the excerpt of the transcript at T-102 ENG, 41:19-24 should remain redacted because this evidence, if read in conjunction with P-2232's entire testimony, could lead to his identification. In this regard, the Prosecution submits that this passage shows [REDACTED]

The Defence submits that this redaction should be lifted as the fact that [REDACTED]

Analysis

The Chamber notes that the disputed redaction relates to a question by the Prosecution [REDACTED]

3. T-103 FRA, 14: 4-5 and 15: 5-12; T-103 ENG, 14 :2-3, 25 and 15 :1-7

Submissions

The Prosecution submits that this excerpt of the transcript should remain redacted because the information regarding the formation of COCORA could reveal P-2232's identity when read in line with the entirety of his testimony.

The Defence submits that this redaction should be lifted because these passages do not establish a link with COCORA and avers that the witness has already testified publicly about the creation and organisation of COCORA in the *Yekatom and Ngaissona* Case.

Analysis

The Chamber observes that P-2232 has indeed testified publicly about the creation of COCORA in the *Yekatom and Ngaissona* Case (see ICC-01/14-01/18-T-075-Red3, pp. 14 to 21). Accordingly, the Chamber finds the fact that P-2232 discusses the formation of COCORA in the disputed excerpt does not in and of itself warrant the maintaining of redactions to this portion of the transcript. Nevertheless, the Chamber notes that P-2232 [REDACTED]

Kind regards,
Trial Chamber VI

From: [REDACTED]
Sent: 26 May 2025 11:32
To: Trial Chamber VI Communications <[REDACTED]>
 [REDACTED]
 [REDACTED]
 [REDACTED]t>
Subject: Disagreement of the Parties in relation to proposed redactions in ICC-01/14-01/21-T-102 (ENG & FRE) and ICC-01/14-01/21-T-103 (ENG & FRE) - P-2232

[ICC] RESTRICTED

Dear Trial Chamber VI,

Please find attached transcripts ICC-01/14-01/21-T-104-CONF-ENG-CT and ICC-01/14-01/21-T-104-CONF-FRA CT, bearing agreed redactions between the Parties.

The Parties had several exchanges since 21 February 2025 and have reached a partial agreement on redactions in transcripts ICC-01/14-01/21-T-102-CONF-ENG CT, ICC-01/14-01/21-T-102-CONF-FRA ET, ICC-01/14-01/21-T-103-CONF-ENG CT, ICC-01/14-01/21-T-103-CONF-FRA-CT. The agreement concerns the excerpts highlighted in red.

However, the Parties have a persisting disagreement on some redactions in private sessions the Prosecution proposed to be maintained, while the Defence's position is that these redactions should be lifted. The disagreements are highlighted in green.

In conformity with the protocol by the Chamber set out in ICC-01/14-01/21-683, the Parties respectfully bring their disagreement before the Chamber for it to decide whether the excerpts at issue should be maintained redacted or made public.

The proposed lesser redactions the Parties have disagreements on are:

1. T-102 FRA, 20:26-21:20, 22:8-18; T-102 ENG, 20:17-21:14, 22:4-13

- The Prosecution disagrees to the lifting of the redactions on the formation of the Anti-Balaka, and FROCCA more particularly, and of [REDACTED]

La Défense propose la levée de l'expurgation de ces passages. Le fait que P-2232 vienne témoigner sur la formation et la naissance des Anti-Balaka ressort d'écritures publiques (cf. ICC-01/14-01/21-376-Red, para. 20). La Défense note que le fait que P-2232 parle de la naissance des Anti-Balaka est une information publique puisqu'il a été publié sur les réseaux sociaux de la Cour pénale internationale que P-2232 viendrait témoigner de la « formation des Anti-Balaka ; la coordination des activités des Anti-Balaka ; les armes, [etc.] ». (<https://x.com/CourPenaleInt/status/1828422237214437560>). Dans la mesure où le FROCCA aurait été l'un

des groupes qui aurait composé les Anti-Balaka, le fait que P-2232 témoigne sur la formation du FROCCA ne peut être considéré comme une information identifiante pour ce dernier. Par ailleurs, la Défense note que la présence des Anti-Balaka à Zongo est une information publique (cf. ICC-01/14-01/18-2737-Corr-Red, para. 170 : « Mokom, who was in Zongo »). Enfin, la Défense note que le fait que P-2232 était présent à Zongo est une information qui a été donnée publiquement lors de son témoignage public dans l'affaire Yekatom et Ngaïssona (Cf. ICC-01/14-01/18-T-079-Red-FRA, page 15, lignes 1 à 4 : « Je ne l'ai jamais croisé à Zongo avec Alpha, en train de discuter ; non. Je l'ai jamais... je les ai jamais vus ensemble en train de discuter ni de causer — à Zongo, je précise ». Cette information a été reprise dans la version publique du mémoire de clôture de l'équipe de Défense de M. Yekatom (ICC-01/14-01/18-2737-Corr-Red, para. 226 : « P-2232's account that he would have seen Mr. Yekatom regularly meet with Mokom whilst in Zongo is pure conjecture » et dans la version publique du mémoire de clôture de l'Accusation dans cette même affaire 'ICC-01/14-01/18-2738-Red, para. 77 : « P-2232 testified that in ZONGO, NGREMANGOU communicated with Maxime MOKOM regularly ».

2. T-102 FRA, 41:6-11; T-102 ENG, 41:19-24

- The Prosecution disagrees to the lifting of the redactions concerning [REDACTED] [REDACTED] This evidence, if read in connection with P-2232's entire testimony, illustrates P-2232's [REDACTED] and is susceptible of leading to his identification. As previously noted, references [REDACTED] are redacted throughout in his testimony for the reasons set out above.
- La Défense maintient sa position et propose la levée de l'expurgation du passage page 41, ligne 6 à 11 (T-102 ENG, lignes 19 à 24, page 41). En effet, le fait [REDACTED] [REDACTED] est une information publique dans le mémoire de clôture de l'Accusation dans l'affaire Yekatom et Ngaïssona (cf. ICC-01/14-01/18-2738-Red, para. 129). La Défense note qu'il est indiqué que c'est P-2232 qui corrobore cette information. Par ailleurs, la Défense renvoie au paragraphe précédent concernant le témoignage de P-2232 sur [REDACTED] En tout état de cause, la Défense propose de maintenir les passages qui impliquent directement P-2232 afin que le passage ne soit pas identifiant pour ce dernier.

3. T-103 FRA, 14:4-5 and 15: 5-12; T-103 ENG, 14 :2-3, 25 and 15 :1-7

- The Prosecution disagrees to the lifting of the redactions on the formation of the COCORA at it is susceptible of revealing, if read in connection with P-2232's entire testimony, his [REDACTED] [REDACTED]
- La Défense maintient sa proposition et propose la levée de l'expurgation des passages page 14, lignes 4 à 5, et page 15, lignes 5 à 12, de la version française du transcrit (T-103 ENG, page 14, lignes 2 à 3 et 25, et page 15, lignes 1 à 7). En effet, dans ces passages, le témoin n'établit aucun lien avec le mouvement COCORA et partage des informations déjà rendues publiques dans certaines écritures (cf. ICC-01/14-01/18-2738-Red, para. 36). De plus, dans l'affaire Yekatom et Ngaïssona, P-2232 a témoigné publiquement sur la création et l'organisation de la COCORA (cf. ICC-01/14-01/18-T-075-Red-FRA, pages 14 à 19)

The Prosecution submits that P-2232, an insider, is a [REDACTED] Maintaining the aforementioned redactions is crucial in ensuring the confidentiality and protection of this witness. Failing to redact the information may lead to the identification of P-2232 when his evidence is read in its totality.

La Défense soumet que le fait que P-2232 soit un insider Anti-Balaka est une information qui ressort d'écritures publiques telle que la réponse de la Défense à la « Prosecution eighth request to introduce prior recorded testimony pursuant to Rule 68(3) and to include 22 items relating to P-1339 to the List of Evidence » (ICC-01/14-01/21-601-Red, para. 19), information qui est reprise dans la décision de la Chambre (ICC-01/14-01/21-685-Red). La Défense propose ici la levée de l'expurgation de passages qui révèlent des informations déjà rendues publiques dans lesquels aucun lien n'est établi avec P-2232, ce qui n'est donc pas identifiant pour ce dernier. En définitive, dans la mesure où les informations dont il est question ici sont déjà publiques et publiées 1) Sur les réseaux sociaux de la Cour, 2) dans la version publique expurgée des transcrits dans l'affaire Yekatom et Ngaïssona, qui ont dû être approuvées par le Bureau du Procureur et 3) dans des

écritures, y compris de l'Accusation dans l'affaire Yekatom et Ngaissona, il n'existe aucun fondement objectif pour maintenir les expurgations.

Kind Regards,

[REDACTED]

Sent on behalf of the SAID Prosecution Team