

ANNEX 1

Public Redacted

From: Trial Chamber VI Communications
Sent: 07 October 2025 14:48
To: OTP CAR IIA Communications; D33 Said Defence Team; Associate Legal Officer-Court Officer
Cc: Said LRV Team OPCV; Trial Chamber VI Communications; Chamber Decisions Communication; [REDACTED]
Subject: RE: Disagreement of the Parties in relation to proposed redactions in ICC-01/14-01/21-T-123 (ENG & FRE), ICC-01/14-01/21-T-124 (ENG & FRE), ICC-01/14-01/21-T-125 (ENG & FRE) - P-0342

[ICC] RESTRICTED

Dear Parties and Participants,

The Chamber has taken note of the Parties' email regarding the disagreement in relation to proposed redactions for three transcripts (ICC-01/14-01/21-T-123; ICC-01/14-01/21-T-124; ICC-01/14-01/21-T-125).

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-0342 was given certain guarantees during his testimony and lifting redactions would contravene such guarantees and potentially place P-0342 in a position which would endanger him and/or his family. The Defence submits that the lifting of the redactions in the disputed extracts of his testimony does not allow P-0342 to be identified and does not contravene the assurances given to P-0342.

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.

At the outset, in respect of the Prosecution's general submission regarding guarantees given to the witness, the Chamber notes that, whilst the witness was given assurances, this does not mean that the entirety of his testimony must necessarily remain confidential. In this regard, the Chamber recalls, as it has stated on several occasions, that the principle of publicity of the proceedings must be balanced with the need to ensure the protection of victims and witnesses. Accordingly, the Chamber finds that, in assessing the disputed redactions, consideration must be had to the balancing of these considerations (see, for example, ICC-01/14-01/21-1000, para. 32).

1. T-123 ENG, p. 47, lines 2 to 13; T-123 FRA, p. 48, lines 5 to 16

Submissions

The Prosecution objects to the lifting of this redaction because, in its submission, the disputed extract reveals that the witness was privy to the decision-making process of the Seleka at the time. The Defence submits in response that the fact that the witness mentions a Seleka meeting does not reveal anything about his activities or his identity.

Analysis

The Chamber has reviewed the disputed passage and notes that the witness discusses, in general terms, the red line and Damara. The fact that the witness mentions, [REDACTED], that there was an alleged meeting at Bambari does not reveal his identity or otherwise compromise his security. Accordingly, the Chamber grants the Defence's request to lift the redactions at T-123 ENG, p. 47, lines 2 to 13.

2. T-123 ENG, p. 48, lines 18 to 25; T-123 FRA, p. 49, lines 8 to 20

Submissions

The Prosecution notes that the disputed passage contains the name of the Seleka leaders who were present at Damara. The Prosecution submits that this passage may lead to the identification of the witness as [REDACTED]. The Defence submits that neither the mention of the alleged meeting at [REDACTED] nor [REDACTED] can be considered to lead to the identification of the witness. The Defence further submits that many were present in [REDACTED] and there is no indication that [REDACTED].

Analysis

The Chamber finds that the lifting of the redactions to the disputed passage will not lead to identification of the witness. In this regard, the Chamber notes that, in the disputed passage, the witness merely mentions the names of the alleged Seleka leaders at [REDACTED] without any discussion of how he knew they were there. In this regard, the Chamber notes that [REDACTED] remains redacted. Accordingly, the Chamber grants the Defence's request to lift the redactions at T-123 ENG, p. 48, lines 18 to 25.

3. [REDACTED]

Submissions

The Prosecution objects to the lifting of the redactions in this passage, submitting that the excerpt contains information which suggests that P-0342 [REDACTED], which could be identifying. The Defence submits that the fact that the witness [REDACTED] does not lead to his identification, noting that [REDACTED]. The Defence further submits that its proposal keeps confidential any suggestion that P-0342 [REDACTED] and nothing in the disputed extract reveals the witness's identity.

Analysis

The Chamber finds that, in the disputed passage, the witness describes [REDACTED]. The Chamber finds, [REDACTED] could be considered identifying. Accordingly, the Chamber rejects the Defence's request to lift the redactions in respect of this excerpt and maintains the redactions at [REDACTED].

4. T-123 ENG, p. 51, lines 12-16, 18-25, p. 52, lines 1-12, 16-18; T-123 FRA, p. 52, lines 22-26, p. 53, lines 1-22, 28, p. 54, lines 1-2

Submissions

The Prosecution objects to the lifting of redactions in this passage, noting that the excerpt contains [REDACTED], particularly when read in light with the totality of the witness's evidence. Furthermore, the Prosecution submits that the disputed passage contains an excerpt where the witness was asked to comment on a photograph, [REDACTED]. The Defence, in response, submits that the disputed passage is not identifying, noting that the [REDACTED] are general. Furthermore, the Defence avers that descriptions of the Seleka's [REDACTED] etc does not reveal any personal data about the witness. Last, the Defence submits that the fact that the witness commented on a photograph [REDACTED].

Analysis

The Chamber notes that the disputed passage contains [REDACTED], and the alleged role of the Chadian army alongside Seleka elements. In addition, the Chamber notes that the witness was shown a photograph and he provided a number of comments regarding what is depicted, particular in relation to uniforms and weapons. At the outset, whilst the Chamber agrees with the Prosecution that [REDACTED], the Chamber notes that the vast majority of Prosecution witnesses were asked to comment on photographs [REDACTED]. The Chamber has analysed this passage and finds that the general descriptions and information provided do not reveal the identification of the witness. However, the Chamber does note that at T-123, p. 52, lines 8-9, a question is posed to the witness where it is asked [REDACTED]. The Chamber finds that this particular question clearly shows that [REDACTED]. The Chamber finds that [REDACTED] could be identifying if made public. Accordingly, the Chamber grants the Defence's request, in part, and orders the lifting of the redactions at T-123 ENG, p. 51, lines 12-16, 18-25, p. 52, lines 1-12, 16-18, [REDACTED] which should remain redacted.

5. T-124 ENG, p. 4, lines 7-13, 16-20; T-124 FRA, p. 4, lines 13-20, 23-28

Submissions

The Prosecution objects to the lifting of redactions in the disputed passage, noting that the witness discussed the type of phones that were in the possession of the Seleka leaders [REDACTED]. The Defence, in response, submits that the mentioning the use of telephones by the alleged Seleka leaders or describing their arrival in Bangui in a general manner cannot lead to the identification of the witness [REDACTED]. Furthermore, the Defence notes that these issues correspond to issues which are largely known and debated publicly, and it was indicated on social media that P-0342 would testify about the coordination and organisation of the Seleka.

Analysis

The Chamber has reviewed the disputed passage and finds that the excerpt is very general in nature, with the witness discussing generally the distances between Bangui and Damara, the red line more generally, and the use of Thurayas. The Chamber finds that this general discussion cannot lead to identification of the witness. Accordingly, the Chamber grants the Defence's request and orders the lifting of the redactions at T-124 ENG, p. 4, lines 7-13, 16-20.

6. T-124 ENG, p. 11, lines 12-25, p. 12, lines 1-3; T-124 FRA, p. 4, lines 13-20, 23-28

Submissions

The Prosecution submits that this disputed passage should remain redacted, noting that P-0342 is asked to comment on a photograph [REDACTED]. The Defence submits in response that the disputed passage is not identifying as the witness merely describes what he observes in the photograph and this does not reveal his identity. In this regard, the Defence submits that commenting on a photograph does not in and of itself lead to the witness's identification and many witnesses have commented on photographs without this being deemed to be identifying.

Analysis

The Chamber has reviewed the disputed passage and notes that the witness comments on a photograph he is shown. In this regard, the Chamber notes that the witness describes what he sees and provides information about vehicles allegedly used by the Seleka and their clothing. The Chamber finds that the descriptions are relatively general in nature and do not reveal P-0342's identity. Accordingly, the Chamber grants the Defence's request and orders the lifting of redactions at T-124 ENG, p. 11, lines 12-25, p. 12, lines 1-3.

7.

Submissions

The Prosecution notes that it has agreed to lift redactions to a part of the disputed excerpt, however, submits that two portions should remain redacted. In this regard, the Prosecution submits that [REDACTED]. The Defence in response submits the disputed portions do not reveal the identity of the witness and are generic in nature and [REDACTED] and this has not been identifying for those witnesses.

Analysis

The Chamber has analysed the disputed portions and finds that, when read in light of the passage/his testimony as a whole, the disputed portions could be considered identifying [REDACTED]. In this regard, the Chamber notes that the disputed portions show that [REDACTED]. Accordingly, the Chamber rejects the Defence's request and orders the redactions at [REDACTED] to be maintained.

8. T-124 ENG, p. 16, line 25, p. 17, lines 1-5; T-124 FRA, p. 17, lines 23-25

Submissions

The Prosecution submits that the disputed passage contains information revealing [REDACTED]. The Defence submits that this passage is not identifying, noting that the witness merely mentions the names of public figures on a photograph and this does not reveal [REDACTED].

Analysis

The Chamber has reviewed the disputed excerpt and notes that the witness merely lists the names of public figures whom he identified in a photo shown to him. The Chamber finds that this excerpt, even when read in light of his testimony as a whole, does not lead to the witness's identification. Accordingly, the Chamber grants the Defence's request and orders the lifting of redactions at T-124 ENG, p. 16, line 25, p. 17, lines 1-5.

9. T-124 ENG, p. 17, lines 13-25, p. 18, lines 1-8; T-124 FRA, p. 18, lines 8-28, p. 19, lines 1-3

Submissions

The Prosecution objects to the lifting of the redactions to this excerpt submitting that it contains information revealing [REDACTED]. In addition, the Prosecution avers that this excerpt contains analysis of a photographs, which, [REDACTED]. The Defence submits that the disputed excerpt does not identify the witness. The Defence avers that the witness's reference to the role of Nourredine Adam or describing General Arda's clothing is general in nature and does not allow the identity of the witness to be inferred.

Analysis

The Chamber considers that the witness's comments regarding Nourredine Adam and Arda in relation to a photograph which he is shown cannot lead to his identification. In this regard, the Chamber notes that the witness's comments are based on the photograph he is shown and are general in nature, and do not lead to the identification of the witness. Accordingly, the Chamber grants the Defence's request and orders the lifting of redactions at T-124 ENG, p. 17, lines 13-25, p. 18, lines 1-8.

10. T-124 ENG, p. 21, lines 10-16; T-124 FRA, p. 22, lines 13-19

Submissions

The Prosecution objects to the lifting of redactions to the disputed portions, noting that that the excerpt contains the analysis of a photograph [REDACTED]

[REDACTED] The Defence submits that this passage is not identifying, noting that the fact that the witness comments [REDACTED]

Analysis

The Chamber has reviewed the disputed excerpt and notes that the witness merely identifies a number of individuals allegedly depicted in a photograph he is shown. The Chamber finds that this information is general in nature and cannot lead to the identification of the witness. Accordingly, the Chamber grants the Defence's request and orders the lifting of redactions to T-124 ENG, p. 21, lines 10-16.

11. T-124 ENG, p. 28, lines 3 to 13; T-124 FRA, p. 29, lines 14 to 28, p. 30, line 1

Submissions

The Prosecution objects to the lifting of the redactions to the disputed passage noting that the information contained [REDACTED]

[REDACTED] The Defence in response submits that this passage does not reveal the witness's identity and that the witness only discusses, in a general manner, the routes taken by the Seleka to enter Bangui.

Analysis

The Chamber has reviewed the disputed excerpt and notes that the witness describes the entrance of Bangui and various landmarks, and provides a general indication as to how the Seleka entered Bangui. The Chamber considers that this information is general in nature and does not [REDACTED]

[REDACTED] In this regard, the Chamber finds that this portion does not reveal the identity of the witness.

Accordingly, the Chamber grants the Defence's request and orders the lifting of redactions to T-124 ENG, p. 28, lines 3 to 13.

12. T-124 ENG, p. 33, lines 7-14, p. 34, lines 5-24; T-124 FRA, p. 35, lines 2-10, p. 36, lines 2-15, 18-27

Submissions

The Prosecution objects to the lifting of redactions as the excerpt contains information which reveals P-0342's [REDACTED]

[REDACTED] The Defence submits that the witness merely describes an incident attributed to the Seleka in Boy Rabe, without providing identifying information.

Furthermore, the Defence avers that the Court already indicated on social media that P-0342 would testify about these themes. Last, the Defence submits that the fact that P-0342 discusses these incidents [REDACTED]

[REDACTED] nor does it allow for the identification of the witness.

Analysis

The Chamber has reviewed the disputed portions. First, the Chamber notes that, at T-124 ENG, p. 33, lines 7-14, the witness merely describes Boy Rabe and various alleged dynamics relating to this area. In this regard, the Chamber notes that this information is very general nature and does not lead to the identification of the witness. Similarly, the disputed redactions on p. 34 are also general in nature and the witness does not provide any information which would specifically allow for his identification. Accordingly, the Chamber grants the Defence's request and orders the lifting of redactions to T-124 ENG p. 33, lines 7-14, p. 34, lines 5-24.

13. T-124 ENG, p. 50, lines 7-8; T-124 FRA, p. 52, line 27

Submissions

The Prosecution submits that this line should remain redacted but does not provide further justification as to why it should remain redacted. The Defence submits that the fact that the witness comments on a photograph does not allow for his identification, noting that many witnesses have commented on photos.

Analysis

The Chamber agrees with the Defence that mere reference to '[i]f you see on the photograph' without more cannot lead to the identification of the witness. In this regard, the Chamber notes that the Prosecution has not provided any further specific justification for keeping this line redacted. Accordingly, the Chamber grants the Defence's request and orders the lifting of redactions to T-124 ENG, p. 50, lines 7-8.

14. T-125 ENG, p. 5, lines 19-25, p. 6, lines 1-25; T-125 FRA, p. 6, lines 2-28, p. 7, lines 1-9

Submissions

The Prosecution objects to the lifting of redactions to this excerpt, noting that it contains information relating to Zere which was not easily accessible during the time of relevance to the charges. Furthermore, the Prosecution submits that the lifting of the redactions would be identifying in so far as it would reveal [REDACTED]. In addition, the Prosecution avers that P-0342 referred to the Anti-Balaka as 'anti-balles AK' and is the only witness who used that terminology, which could be identifying. The Defence submits that this passage is not identifying because the witness merely explains the notion of the Anti-Balaka and the Seleka and the general context surrounding these groups, which does not lead to the identification of the witness. Furthermore, the Defence avers that utilisation of the expression 'anti-balles AK' cannot be considered identifying, submitting that it is a descriptive formulation. Last, the Defence submits that general references to Zere [REDACTED]. In this regard, the Defence avers that this information is general and contextual in nature.

Analysis

The Chamber has reviewed the disputed excerpt and notes that the witness discusses, in a general manner, the origins of the Anti-Balaka. The Chamber notes that the witness does not make any reference to [REDACTED]. In this regard, the fact that P-0342 mentions Zere in a general manner does not lead to his identification. Specifically, the Chamber notes that the witness does not mention [REDACTED]. Furthermore, in relation to the Prosecution's submission that [REDACTED] the term 'anti-balles AK' and this might lead to his identification, the Chamber notes that this information is public knowledge and has been used by multiple other individuals (see CAR-OTP-2001-1075, at 1087, para. 43; see also ICC-01/14-01/18-2784-Red, para. 1074). Accordingly, the Chamber grants the Defence's request and orders the lifting of redactions at T-125 ENG, p. 5, lines 19-25, p. 6, lines 1-25.

The above notwithstanding, the Chamber notes that the English version of the transcript at T-125 ENG, p. 5 lines 21-23 appears to differ from the French version of the transcript, which appears to contain more information making reference to *gris-gris* (T-125 FRA, p. 6, lines 5-7) which does not appear in the English version of the transcript. The Parties and the Registry are ordered to confirm the accuracy of both versions of the transcript in this respect, and make any necessary corrections, as appropriate.

Kind regards,
Trial Chamber VI

From: [REDACTED]

Sent: 11 September 2025 10:45

To: Trial Chamber VI Communications [REDACTED]

Subject: Disagreement of the Parties in relation to proposed redactions in ICC-01/14-01/21-T-123 (ENG & FRE), ICC-01/14-01/21-T-124 (ENG & FRE), ICC-01/14-01/21-T-125 (ENG & FRE) - P-0342

[ICC] RESTRICTED

Dear Trial Chamber VI,

Please find attached transcripts ICC-01/14-01/21-T-123-CONF-ENG-CT and ICC-01/14-01/21-T-123-CONF-FRA CT, ICC-01/14-01/21-T-124-CONF-ENG-ET and ICC-01/14-01/21-T-124-CONF-FRA ET, ICC-01/14-01/21-T-125-CONF-ENG-CT and ICC-01/14-01/21-T-125-CONF-FRA ET, bearing agreed redactions between the Parties.

The Parties had several exchanges since 26 February 2025 and have reached a partial agreement on redactions in the aforementioned transcripts. 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 Prosecution is of the view that lifting redactions for the contentious excerpts would contravene the guarantees conveyed to P-0342 during his testimony to preserve the confidentiality of his entire evidence.

The entirety of P-0342's testimony was in private session, with the exception of brief interventions from counsels and from the Bench.

P-0342 [REDACTED]
[REDACTED] (T-124-ENG, 18:11-20; T-124-FR, 19:6-16):

“ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] ”

The Chamber [REDACTED] (T-124-ENG, 19:8-14; T-124-FR, T-124-FR, 20:2-10):

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The Defence also [REDACTED] (T-125-ENG, 24:7-25:2; T-125-FR, 25:9-26:6):

Mr Witness?"

The Prosecution has thoroughly reviewed the Defence's proposals and identified excerpts which should as a result remain redacted. In light of [REDACTED] by P-0342 and [REDACTED] by the Trial Chamber and the Defence [REDACTED], the Prosecution submits that it is essential for the contentious excerpts to remain redacted [REDACTED] and ensure that P-0342 is not placed in a position which would endanger him and/or his family.

La Défense a pris note de la position de l'Accusation, des mesures de protection accordées au témoin et des assurances qui lui ont été données. Néanmoins, la Défense maintient que les informations données par le témoin dans les extraits discutés ci-dessous ne permettent pas d'identifier le témoin et ne contredisent pas les assurances qui lui ont été données.

Par exemple, le fait que le témoin puisse décrire les téléphones qu'auraient eus des membres de la coalition dite Seleka ne peut pas être considéré comme une information identifiante. Autre exemple, le fait que le témoin [REDACTED], n'est pas une information identifiante. Autre exemple, il n'y a rien d'identifiant dans le fait que le témoin allègue que les chefs de la coalition dite Seleka auraient pris une décision d'attaquer Bangui, mentionnant une réunion de manière générique, sans indication du lieu exact de la réunion alléguée, de la date de la réunion alléguée, des participants à cette réunion alléguée, [REDACTED]. Dernier exemple, le fait que P-0342 allègue de manière générique qu'il aurait rencontré des anti-balaka « dans l'arrière-pays » (T-124, page 36), ne peut pas être considéré [REDACTED], et encore moins comme un moyen d'identifier, sans plus d'informations sur des dates, des lieux, certains anti-balaka, etc. [REDACTED].

Dans le même sens, pour la Défense, le fait que le témoin commente une photographie [REDACTED], et rien dans les propos du témoin dans les portions que la Défense propose de maintenir publiques ne le laisse penser. Des dizaines de témoins de l'Accusation ont commenté des photographies en audience [REDACTED]. Sans autre information, la situation est exactement la même pour P-0342.

The proposed lesser redactions the Parties have disagreements on are:

T-123

- La Défense propose la levée de l'expurgation des passages aux lignes 5 à 16, page 48, de la version française du transcrit (T-123 ENG, page 47, lignes 2 à 13). En effet, le témoin dit ici que les Séléka se seraient réunis à Bambari, puis arrêtés à Boali, avant de marcher sur Bangui, et donne des informations géographiques sur [REDACTED]. Au surplus, la Défense note que le fait que le témoin parle des opérations qui auraient été menées par les Séléka est une information publique puisqu'il a été publié sur les réseaux sociaux de la Cour pénale internationale que P-0342 viendrait témoigner de « La coordination et l'organisation de la Séléka » (<https://x.com/CourPenaleInt/status/1846135763844358436/photo/1>).

Prosecution position: the Prosecution objects to the lifting of the redactions. The excerpt contains information which [REDACTED]

[REDACTED] ("they met in Bambari, where they had a meeting, a major meeting, that is where they took the decision to attack Bangui"). Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : Le fait que le témoin évoque une réunion des Séléka à Bambari, leur passage par Boali ou Damara, ne révèle rien [REDACTED] ni son identité. Ces informations générales ne permettent pas d'identifier le témoin.

- La Défense propose la levée de l'expurgation des passages aux lignes 8 à 28, page 49, et lignes 1 à 2, page 50, de la version française du transcrit (T-123 ENG, page 48, lignes 5 à 25). En effet, le témoin donne ici des informations sur la Séléka, sa composition et ses membres, sans qu'aucune indication [REDACTED] ne soit rendue publique. Au surplus, la Défense note que le fait que le témoin parle de l'organisation de la Séléka est une information publique puisqu'il a été publié sur les réseaux sociaux de la Cour pénale internationale que P-0342 viendrait témoigner de « La coordination et l'organisation de la Séléka » (<https://x.com/CourPenaleInt/status/1846135763844358436/photo/1>).

Prosecution position : the Prosecution agrees with the Defence proposal to lift the redactions for part of the excerpt (T-123 ENG, 48:5-17 / T-123 FR, 49:8-20). However, it objects to the lifting of the redaction for the remainder of the excerpt (T-123 ENG, 48:18-25 / T-123 FR, 49:21-50:2) on the ground that it contains information [REDACTED] (“many leaders came together in Damara [...] almost everyone was there”), and is susceptible of leading to his identification. Relatedly, lifting the redactions in the aforementioned excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : Ni la mention d'une réunion alléguée à Damara ni même la [REDACTED] e peuvent être considérées comme identifiante pour le témoin, sans plus de précision données par le témoin dans les extraits concernés. [REDACTED]
[REDACTED]

- La Défense propose la levée de l'expurgation des passages aux lignes [REDACTED] [REDACTED], de la version française du transcrit [REDACTED] [REDACTED]. En effet, le témoin donne ici des informations publiques sur [REDACTED] [REDACTED] ne soit rendue publique ou ne puisse se déduire de ces passages.

Prosecution position : the Prosecution objects to the lifting of the redactions. The excerpt contains information which suggests that P-0342 [REDACTED] and could be identifying. Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : La Défense considère que le fait que le témoin [REDACTED] [REDACTED] ne permet pas de l'identifier. Il s'agit [REDACTED] [REDACTED] La proposition de la Défense maintient confidentielle toute suggestion que P-0342 [REDACTED] [REDACTED], et rien dans l'extrait public ne révèle l'identité [REDACTED] et ne peut être considéré comme une information identifiante.

- La Défense propose la levée de l'expurgation des passages aux lignes 22 à 26, page 52, 1 à 22 et 28, page 53, et lignes 1 à 2, page 54 (T-123 ENG, lignes 12 à 16 et 18 à 25, page 51, lignes 1 à 12 et 16 à 18, page 52). En effet, le témoin donne ici des informations sur la Séléka, sa composition, son apparence vestimentaire ou encore ses armes, sans qu'aucune indication quant à l'activité qu'aurait exercé le témoin ne soit rendue publique ou ne puisse se déduire de ces passages. Au surplus, la Défense note que le fait que le témoin parle de l'organisation de la Séléka est une information publique puisqu'il a été publié sur les réseaux sociaux de la Cour pénale internationale que P-0342 viendrait témoigner de « La coordination et l'organisation de la Séléka » (<https://x.com/CourPenaleInt/status/1846135763844358436/photo/1>).

Prosecution position: the Prosecution objects to the lifting of the redactions. The excerpt contains [REDACTED] which, if read in conjunction with the totality of his evidence, are identifying and [REDACTED]. Further, the witness is asked to comment on a photograph. [REDACTED]. Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : La Défense considère que les passages en question ne sont pas identifiants. Les [REDACTED] demeurent générales : un grand nombre de personnes [REDACTED] et rien ne permet de déduire de ces propos l'identité du témoin. De plus, la description de l'apparence vestimentaire, des armes ou de la composition de la Séléka relève d'informations générales et publiques, qui ne révèlent aucune donnée personnelle sur le témoin, sauf à considérer que P-0342 serait la seule personne capable de décrire un uniforme en 2013. [REDACTED]. Pourquoi en serait-il autrement pour P-0342 ?

T-124

- La Défense propose la levée de l'expurgation des passages aux lignes 13 à 20 et 23 à 28, page 4, de la version française du transcrit (T-124 ENG, lignes 7 à 13 et 16 à 20, page 4). En effet, le témoin donne ici des informations sur l'arrivée de la Séléka à Bangui et sur l'utilisation par les chefs Séléka des téléphones satellitaires, sans qu'aucune indication [REDACTED] ne soit rendue publique ou ne puisse se déduire de ces passages. De plus, la Défense note que le fait que le témoin parle de l'organisation de la Séléka est une information publique puisqu'il a été publié sur les réseaux sociaux de la Cour pénale internationale que P-0342 viendrait témoigner de « La coordination et l'organisation de la Séléka » (<https://x.com/CourPenaleInt/status/1846135763844358436/photo/1>).

Prosecution position: the Prosecution objects to the lifting of the redactions. The excerpt contains information (eg, type of phones in possession of the Seleka leaders) which [REDACTED]. Relatedly, lifting the redactions in this excerpt

could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : La Défense considère que ces passages ne sont pas identifiants. Le fait de mentionner l'utilisation de téléphones par les supposés chefs Séléka ou de décrire leur arrivée à Bangui relève d'informations générales, qui ne permettent pas d'établir l'identité [REDACTED] du témoin. Ces éléments correspondent à des observations largement connues et débattues publiquement. De plus, la Cour elle-même a indiqué sur ses réseaux sociaux que P-0342 viendrait témoigner de la coordination et de l'organisation de la Séléka, de sorte que ce type de propos ne saurait être considéré comme confidentiel ni identifiant.

- La Défense propose la levée de l'expurgation des passages aux lignes 9 à 27, page 12, de la version française du transcrit (T-124 ENG, lignes 12 à 25, page 11, et lignes 1 à 3, page 12). En effet, le témoin donne ici une description de la tenue vestimentaire et des véhicules utilisés par la Séléka, sans que ces informations ne puissent être identifiantes pour le témoin. De plus, la Défense note que le fait que le témoin parle de l'organisation de la Séléka est une information publique puisqu'il a été publié sur les réseaux sociaux de la Cour pénale internationale que P-0342 viendrait témoigner de « La coordination et l'organisation de la Séléka » (<https://x.com/CourPenaleInt/status/1846135763844358436/photo/1>).

Prosecution position: the Prosecution objects to the lifting of the redactions. In the excerpt, P-0342 is asked to comment on a photograph. [REDACTED]

Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : La Défense considère que ces passages ne sont pas identifiants. Le témoin décrit simplement des éléments visibles par tout observateur, la tenue vestimentaire et les véhicules utilisés par la Séléka, qui ne révèlent rien sur son identité [REDACTED]. Enfin, le fait de commenter une photographie ne permet pas davantage [REDACTED] d'autres témoins ont déjà commenté des photos [REDACTED]. Pourquoi en serait-il autrement pour P-0342 ? De plus, la Cour elle-même a indiqué sur ses réseaux sociaux que P-0342 viendrait témoigner de la coordination et de l'organisation de la Séléka, de sorte que ce type de propos ne saurait être considéré comme confidentiel ni identifiant.

- La Défense propose la levée de l'expurgation du passage allant de la ligne [REDACTED] à la ligne [REDACTED]. En effet, dans ce passage le Conseil de la Défense fait une objection de principe et ce passage ne révèle aucune information identifiante pour le témoin.

Prosecution position: the Prosecution agrees with the Defence proposal to lift the redactions with the following exceptions which should remain redacted: “*said for each and every photograph*” [REDACTED] and “*as to each and everything, or every photo that you put up*” [REDACTED]. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]. Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense: La Défense maintient que ce passage ne contient aucune information identifiante. Il s'agit uniquement d'une objection de principe formulée par le Conseil de la Défense, qui ne révèle rien sur l'identité [REDACTED] du témoin. Les expressions citées par l'Accusation "*said for each and every photograph*" [REDACTED] et "*as to each and everything, or every photo that you put up*" [REDACTED] demeurent génériques et ne permettent pas, en elles-mêmes, d'identifier le témoin. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Pourquoi en serait-il autrement pour P-0342 ?

- La Défense propose la levée de l'expurgation des passages aux lignes 23 à 25, page 17, de la version française du transcrit (T-124 ENG, ligne 25, page 16, et lignes 1 à 5, page 17). En effet, le témoin donne ici le nom de personnalités publiques apparaissant sur une photographie montrée au témoin, sans qu'aucune indication [REDACTED]
[REDACTED].

Prosecution position: the Prosecution objects to the lifting of the redactions. The excerpt contains information revealing [REDACTED]
[REDACTED]. Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : La Défense considère que ces passages ne sont pas identifiants. Le témoin se limite à nommer des personnalités publiques figurant sur une photographie. Ces propos ne révèlent donc [REDACTED] et ne peuvent être considérés comme des informations identifiantes.

- La Défense propose la levée de l'expurgation des passages aux lignes 8 à 28, page 18, et lignes 1 à 3, page 19, de la version française du transcrit (T-124 ENG, lignes 13 à 25, page 17, et lignes 1 à 8, page 18). En effet, le témoin donne ici le rôle qu'aurait eu Nourredine Adam et décrit la tenue vestimentaire qu'aurait porté le général Arda sur une photo montrée au témoin, sans qu'aucune indication [REDACTED]
[REDACTED].

Prosecution position: the Prosecution objects to the lifting of the redactions. The excerpt contains information revealing [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense: La Défense estime que ces passages ne sont pas identifiants. Le fait d'évoquer le rôle attribué à Nourredine Adam ou de décrire l'habillement du général Arda correspond à des informations générales concernant des personnalités publiques et connues. Ces éléments ne permettent pas de déduire l'identité [REDACTED] du témoin. Par ailleurs, [REDACTED] dès lors que d'autres témoins ont déjà été amenés à faire de tels commentaires en audience sans que cela n'ait été jugé identifiant. Ces propos ne justifient donc pas le maintien des expurgations.

- La Défense propose la levée de l'expurgation des passages aux lignes 13 à 19, page 22, de la version française du transcrit (T-124 ENG, lignes 10 à 16, page 21). En effet, le témoin donne ici les noms de personnalité publiques sur une photographie montrée au témoin, sans qu'aucune indication [REDACTED] ne soit rendue publique ou ne puisse se déduire de ces passages.

Prosecution position: the Prosecution objects to the lifting of the redactions. The excerpt contains an analysis of a photograph. [REDACTED]
[REDACTED]. Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : La Défense considère que ce passage n'est pas identifiant. Ces éléments ne permettent pas de déduire l'identité [REDACTED] du témoin. Enfin, le fait de commenter une photographie ne permet pas davantage de déduire [REDACTED], d'autres témoins ont déjà commenté des photos sans que cela ne les identifie [REDACTED]. Pourquoi en serait-il autrement pour P-0342 ?

- La Défense propose la levée de l'expurgation du passage de la ligne 14, page 29, à la ligne 1, page 30, de la version française du transcrit (T-124 ENG, lignes 3 à 13, page 28). En effet, le témoin donne ici des indications sur la route empruntée par les Séléka dans leur arrivée à Bangui, sans qu'aucune indication [REDACTED]
[REDACTED].

Prosecution position: the Prosecution objects to the lifting of the redactions. The excerpt contains information which [REDACTED]
[REDACTED] ("Do you know the routes they entered Bangui through? The Seleka entered Bangui through various roads...") and that [REDACTED]. Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : La Défense considère que ce passage n'est pas identifiant. Le témoin évoque, de manière générale, les routes empruntées par les Séléka pour entrer à Bangui. Le fait de rapporter ces indications générales ne permet pas de déduire l'identité [REDACTED] ne saurait être assimilé à [REDACTED]
[REDACTED].

- La Défense propose la levée de l'expurgation des passages aux lignes 2 à 10, page 35, et aux lignes 2 à 15 et 18 à 27, page 36, de la version française du transcrit (T-124 ENG, lignes 7 à 14, page 33, et lignes 5 à 24, page 34). En effet, le témoin donne ici des indications quant à un incidents qui aurait été causé par les Séléka dans le quartier de Boy-Rabe, sans qu'aucune indication [REDACTED]

[REDACTED]. Au surplus, la Défense note que le fait que le témoin parle des opérations présumées de la Séléka à Bangui est une information publique puisqu'il a été publié sur les réseaux sociaux de la Cour pénale internationale que P-0342 viendrait témoigner de « La coordination et l'organisation de la Séléka et leurs opérations présumées à Boy Rabe en avril et en août 2013 » (<https://x.com/CourPenaleInt/status/1846135763844358436/photo/1>).

Prosecution position: the Prosecution understands that the relevant pages of the English transcript (T-124) are pages 33 and 34. The Prosecution objects to the lifting of the redactions. The excerpt contains information which [REDACTED] and could be identifying. Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense: La Défense estime que ce passage n'est pas identifiant. Le témoin se limite à décrire un incident attribué aux Séléka dans le quartier de Boy-Rabe, sans fournir d'éléments personnels permettant de l'identifier. Ces informations relèvent d'événements connus et de portée publique, la Cour ayant elle-même indiqué sur ses réseaux sociaux que P-0342 viendrait témoigner de « la coordination et l'organisation de la Séléka et leurs opérations présumées à Boy-Rabe en avril et en août 2013 ». Le fait d'évoquer de tels incidents ne saurait donc être assimilé à [REDACTED] ni permettre de déduire l'identité du témoin.

- La Défense propose la levée de l'expurgation des passages aux lignes 21 à 28, page 52, et 1 à 12, page 53, de la version française du transcrit (T-124 ENG, lignes 2 à 19, page 50). En effet, le témoin donne ici des indications quant à la dynamique qu'auraient la Séléka avec les FACA, sans qu'aucune indication [REDACTED] ou ne puisse se déduire de ces passages. Au surplus, la Défense note que le fait que le témoin parle de l'organisation présumée de la Séléka est une information publique puisqu'il a été publié sur les réseaux sociaux de la Cour pénale internationale que P-0342 viendrait témoigner de « La coordination et l'organisation de la Séléka » (<https://x.com/CourPenaleInt/status/1846135763844358436/photo/1>).

Prosecution position: the Prosecution agrees with the Defence proposal to lift the redactions with the following exception which should remain redacted: "If you see on the photograph"(T-124-ENG, 50:7-8/ T-124-FR, 52:27)

Position de la Défense : Le fait de commenter une photographie ne permet pas davantage [REDACTED], d'autres témoins ont déjà commenté des photos sans que cela ne les identifie [REDACTED]. Pourquoi en serait-il autrement pour P-0342 ?

- La Défense propose la levée de l'expurgation des mentions des Anti-balaka, expurgées dans la version française à la page 6, ligne 2 à 21, (T-125 ENG, page 5, ligne 19 à 25 et page 6, lignes 1 à 10). En effet, le simple fait pour le témoin d'expliquer la notion d'Anti-balaka ne semble pas donner d'indications identifiante sur le témoin. Dans le même sens, la Défense propose la levée de l'expurgation des mentions Séléka, expurgée dans la version française à la page 6, lignes 22 à 28 et page 7, lignes 1 à 9, (T-125 ENG page 6, lignes 11 à 25). En effet, la simple explication du terme Séléka et du contexte qui entoure ce groupe ne semble être pas une information identifiante.

Prosecution position : the Prosecution objects to the lifting of the redactions. The excerpt contains information about Zere, an area which was not easily accessible during the time of relevance to the charges. Lifting the redactions would be identifying in so far as it would reveal [REDACTED]. Further, P-0342 referred to the Anti-Balaka as "anti-balles AK". He was the only witness who used that terminology and this could be identifying. Relatedly, lifting the redactions in this excerpt could endanger the witness who disclosed the information with the guarantees that it would remain confidential (please see general objection).

Position de la Défense : La Défense considère que ces passages ne sont pas identifiants. Le témoin se borne à expliquer la notion d'Anti-Balaka et Séléka ainsi que le contexte général entourant ces groupes, ce qui ne révèle aucune information personnelle permettant d'identifier le témoin. L'utilisation de l'expression « anti-balles AK » ne saurait non plus être considérée comme identifiante : il s'agit d'une formulation descriptive qui, à elle seule, ne permet pas d'établir l'identité du témoin. Enfin, les références générales à la zone de Zéré ne suffisent pas à démontrer [REDACTED], d'autant que ces informations demeurent générales et de nature contextuelle.

Kind Regards,

[REDACTED]
Sent on behalf of the SAID Prosecution Team