

Annex VI

Public

From: Trial Chamber VI Communications
Sent: Monday, 2 March 2026 14:30
To: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV
Cc: Trial Chamber VI Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer; [REDACTED]
Subject: Order regarding ICC-01/14-01/21-1045

[ICC] RESTRICTED

Dear Parties and Participants,

The Chamber is currently reviewing the Parties' joint filing regarding disagreements to certain redactions to the Defence's Closing Brief (ICC-01/14-01/21-1045) (the 'Joint Request').

In the course of its review, the Chamber has encountered a number of issues which are inhibiting its adjudication of the Joint Request.

The Chamber observes that the Parties do not appear to have been diligent when it has come to the preparation of the Joint Request. For example:

- Annex 1 to the Joint Request contains cross references to earlier positions which do not exist in the annex. Specifically, in relation to disputes at paragraphs 150, 151, 152, 154, 329, 522 there are cross references to unnamed paragraphs/comments 'above'. The Chamber understands that these cross references may refer to earlier disputes which have since been resolved, but this is by no means clear and the Chamber cannot properly ascertain what the cross references refer to.
- The way in which the Parties have formulated their submissions (positions spread out over several columns of Annex 1 to the Joint Request) makes it difficult for the Chamber to understand the Parties' submissions. Furthermore, in this regard, it is not always clear exactly what the Prosecution wants to redact. For example, in relation to the disputes at paragraph 150, the Prosecution makes reference to a disputed redaction regarding Nouradine Adam, however, in Annex 2 to the Joint Request no dispute relating to Nouradine Adam appears in paragraph 150.
- There are disputed redactions within Annex 2 to the Joint Request without any submission from the Parties. For example, footnote 978 appears to be disputed, but there are no submissions from the Parties on this dispute.

The Chamber is also concerned by the inconsistent manner in which the Parties appear to have approached redactions to the Defence's Closing Brief more generally. For example:

- Information which the Prosecution seeks to redact in paragraph 153 of the Defence's Closing Brief relating to P-2105 appears unredacted in paragraph 148.
- In respect of the disputed redaction at paragraph 551, the Prosecution appears to have changed its position, noting that it no longer seeks redaction to 'Chiba', submitting that the name is public at T-113 at page 24, appearing to only seek redaction to 'Melky'. However, the Chamber notes that that 'Melky' is also public at page 25 of T-113 ENG.
- The Prosecution seeks redaction to P-0664's and P-0662's witness codes and corresponding references in paragraphs 150-154 of the Defence's Closing Brief, however, reference to P-0664 and P-0662 remains unredacted at paragraph 149 ('elle n'aurait rien à démontrer et se contente de tirer des

allegations générales sur la manière dont aurait fonctionné le CEDAD sur la base de deux témoins crimes based (P-0664 et P-0662) uniquement’).

The Chamber will not rule on the Joint Request in its present state. Accordingly, the Chamber remands the Joint Request back to the Parties for refiling. When refiling Annex 1 and 2 to the Joint Request, the Chamber orders the Parties to take the following into consideration:

- In Annex 1, the disputed excerpt must be included, alongside the consolidated positions of the Prosecution and Defence. The Parties’ positions should not be spread out over multiple columns but in one column each, clearly setting out their position. There should be no cross references.
- In Annex 2, the disputed excerpts should be in purple highlight and the agreed redactions in yellow. Each disputed excerpt must have corresponding submissions from the Parties included in Annex 1.
- The Parties must review the entirety of the Defence’s Closing Brief anew to make sure that their positions vis-à-vis disputed redactions are consistent with their positions regarding the agreed redactions.

Last, the Chamber encourages the Parties to reflect on the consistency and logic of their approach to redactions because it is not entirely clear to the Chamber. In this regard, the Chamber notes the Prosecution’s position that the Defence’s Closing Brief must be read as a stand-alone document, but the Chamber also notes that a lot of the information the Prosecution seeks to redact is already public. In this regard, the Parties should check the references to the PRVs of transcripts referred to in the Defence’s Closing Brief in line with the disputed redactions. Furthermore, the Chamber reminds the Parties that they must specify who would be identified, and by extension how they would be identified, if information is made public.

Kind regards,
Trial Chamber VI