

ANNEX 4

PUBLIC

From: Trial Chamber V Communications
Sent: 16 February 2022 12:32
To: [REDACTED]
Cc: Court Management-Transcripts; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Associate Legal Officer-Court Officer; [REDACTED] Trial Chamber V Communications; Chamber Decisions Communication
Subject: RE: Proposed redactions to the English version of P-0876'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-085, T-086, T-087, T-088 and T-089 (*see* emails from the Prosecution, 2 February 2022, at 18:31 and 18:33), and the Ngaïssona Defence's objections to some of the redactions which the Prosecution proposes to maintain in T-085 and T-088 (the 'Contested Redactions') (*see* below email from the Ngaïssona Defence, 9 February 2022, at 16:05).

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 or position during the relevant period.

On the contrary, the Single Judge considers that it is not justified to maintain redactions to, *inter alia*, (i) P-0876's general knowledge about an individual named [REDACTED] (ii) references to the general political situation in the CAR at the time; and (iii) the use of the nickname '*soleil*' by the Anti-Balaka to refer to François Bozizé. Accordingly, the Single Judge considers that the Contested Redactions should be lifted, with the exception of the below redactions to the English versions of T-085 and T-088, which should be maintained and/or added as follows:

- (i) T-085, p. 12, line 13. Additionally, and as proposed by the Ngaïssona Defence, the information contained in p. 12, lines 22 (from [REDACTED] to 24 should additionally be redacted.
- (ii) T-085, p. 75, lines 2 to 4 (until [REDACTED] lines 7 (from [REDACTED] to 10;
- (iii) T-085, p. 85, lines 12 to 14; and
- (iv) T-088, p. 39, lines 24 (from [REDACTED] to 25.

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-085 and T-088.

As regards the Prosecution's remark that its post-hearing request to redact identifying information in T-085 (*see* email from the Prosecution, 7 December 2021, at 19:14) is still pending, the Single Judge recalls the Presiding Judge's directions on exceptional requests for additional redactions (*see* email from the Chamber, 7 July 2021, at 17:05). He directs the Registry to proceed accordingly.

Kind regards, TC V

From: [REDACTED]
Sent: 09 February 2022 16:05
To: [REDACTED] Trial Chamber V Communications <[REDACTED]>
[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]; OTP CAR IIB Case Management
 [REDACTED] OTP CAR IIB Operations <[REDACTED] Associate
 Legal Officer-Court Officer [REDACTED]; [REDACTED]
 [REDACTED]

Subject: RE: Proposed redactions to the English version of P-0876's transcripts

Dear Trial Chamber V,
 Dear all,

The Ngaïssona Defence thanks the Prosecution for reviewing the transcripts and for proposing lesser redacted versions. The Ngaïssona Defence respectfully submits that some of the remaining redactions proposed by the Prosecution for the lesser redacted versions of transcripts T-085 and T-088 of witness P-0876 go beyond what is necessary for the protection of the witness' identity.

Accordingly, the Ngaïssona Defence identified parts of the transcripts that are of too general nature to pose a risk of identification and that should not be redacted. The lifting of the redaction should be equally applied to the French transcripts.

T-085 :

- Page 12 - The mention to [REDACTED] p. 12, lns 7, 10, 11, 13 and 19 which is not identifying in itself. The reactions at lines 13-14 can remain and eventually an additional redaction at lines 23-24 [REDACTED] [REDACTED] could be added.
- Page 13 – The mention of the current role [REDACTED] at lines 7 to 9 from “Are you aware of...” to “... prerogatives of a minister”.
- Page 28 – The mention of the political situation is not identifying, at lines 8 to 11 from “The international community...” to “... there would be too many death”.
- Page 36 – At lines 21 the mention “on the hill” should not be redacted and [REDACTED] could remain redacted.
- Page 44 – The mention of “soleil” is not identifying in itself : the redactions at lines 13 and 16-17 could therefore be removed.
- Page 75 – The reference to [REDACTED] is not identifying, therefore the following part should not be redacted : lines 2-4 from [REDACTED] [REDACTED] AND at lines 7 - 10 from [REDACTED] [REDACTED]
- Page 85 – The reference to [REDACTED] is not identifying in itself : at lines 12-14 from [REDACTED] [REDACTED]

T-088 :

- Page 39 - At lines 24-25 from [REDACTED] This portion is not identifying in itself and therefore should not be redacted.

Kind regards,

[REDACTED]

From: [REDACTED]

Sent: 02 February 2022 18:31

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]; OTP CAR IIB Case Management
 [REDACTED]; OTP CAR IIB Operations [REDACTED]; Associate
 Legal Officer-Court Officer [REDACTED]; [REDACTED]
 [REDACTED]

Subject: Proposed redactions to the English version of P-0876's transcripts

Importance: High

Dear Trial Chamber V,
 Dear All,

Please find attached the CONF ET transcripts of 7, 9, 10, 14 and 15 December 2021 (T-085 to T-089), in English. The red highlights indicate the discrete parts of P-0876's testimony that should remain redacted in the public versions. All other parts (with the exception of the redactions decided by the Chamber in the course of the hearing) – including those previously held in private session – can be published in the public version without redaction.

Because of the size of the highlighted transcripts, the Prosecution sends their English and French versions in two separate emails.

The Prosecution respectfully reminds the Chamber of its request, sent on 7 December 2021 at 7:14pm (in attachment), for the redaction of identifying information provided by P-0876 in public session on the same day. To the Prosecution's knowledge, this request has not been decided upon.

Kind regards,
 On behalf of OTP Trial Team

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