

ANNEX 5
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 04 November 2022 17:55
To: Court Management-Transcripts; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Contested Redactions to the Lesser Redacted Version of P-1719's Transcript
Attachments: ICC-01 14-01 18-T-143-CONF-ENG ET 13-07-2022.pdf

Dear Counsel, dear colleagues from the Registry,

The Single Judge takes note of (i) the Prosecution's proposed lesser redacted version of transcript T-143, in which it also requests that additional redactions be implemented thereto, and (ii) the Ngaissona Defence's objections to some of the redactions which the Prosecution proposes to maintain and to some of the additional redactions it proposes to implement (*see* emails below).

Having assessed these 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*, specific dates, interactions or events in which he participated. However, the Single Judge does not consider that it is justified to maintain or add redactions to information that is more general in nature or that does not risk revealing the witness's identity to the extent that such information has already been disclosed to the public in T-142-Red-ENG (including, *inter alia*, certain information related to Sabe and his instructions to those on the ground).

Accordingly, the Single Judge rules as follows:

Redactions	Redactions that <u>should be lifted</u>	Additional redactions that <u>should be implemented</u>	Additional redactions ordered by the Single Judge <i>proprio motu</i>
P. 8, lines 7-17 from "I mentioned two diamond collectors..." [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	P. 8, lines 7 (from 'I mentioned...') to 10 ('...had set up a system.')		

<p>P. 30, remove redactions from lines 18-24 as follows :</p> <p>██████████</p> <p>Line 22 “several weeks before” ██████████</p> <p>██████████</p> <p>██████████</p>	<p>P. 30, line 22 (‘several weeks before’)</p>		<p>In addition, and as suggested by the Ngaïssona Defence, ██████ should also be redacted in p. 30, line 22 of the transcript for consistency purposes and in order to avoid rendering moot the redactions to be kept thereto.</p>
<p>P. 31, lines 23-24 remove all redactions</p>	<p>P. 31, lines 23-24 (‘end of November’), line 24 (‘word “mobilising” young people’)</p>		
<p>p. 32, line 7 ██████</p> <p>██████████</p> <p>line 16 “end of November”</p>	<p>P. 31, line 16 (‘end of November’)</p>		
<p>p. 39, line 22 “Mr Sabe and Mr Ngaïssona in Yaoundé were by phone, isn't it?”</p>	<p>P. 39, line 22 (‘Mr Sabe and Mr Ngaïssona in Yaoundé were by phone, isn't it?’)</p>		
<p>p. 40, line 5 “sabe”</p>	<p>P. 40, line 5 (‘sabe’)</p>		
<p>Pp 44-47 : all redactions.</p> <p>██████████</p> <p>██████████</p> <p>██████████</p>	<p>P. 44, lines 12-13 (‘That is what Sabe told us’), line 14 (‘Sabe tell you this?’), line 22 (‘which was told to you by Mr Sabe’); p. 45, lines 1-2 (‘if my memory does not fail me’), lines 12-13 (‘were relayed to him by Mr Sabe, he told him about certain instructions’); p. 46, line 25 (‘once more, Elisée Sabe just conveyed the instructions’); p. 47, line 1 (‘according to him’), line 8 (‘According to Elisée Sabe’)</p>		
<p>p. 48, ln. 3-4, 10 – “<i>What I know is that the instructions were issued by the general coordination and they</i></p>		<p>None. The contested additional redactions (highlighted in yellow) are rejected.</p>	

<p>were conveyed to us by Sabe, according to him. And did Sabe tell you that these instructions came from Yaoundé." ... So what did Mr Sabe -- to bring it to the point, what did Mr Sabe tell you, if he told you anything about that, where these instructions came from?";</p>			
<p>p. 49, ln. 8-10, 12-16 – “you spoke about Mr Sabe, and you mentioned that [REDACTED] whether [REDACTED]” -- ... Sabe said [REDACTED] that we had to be patient and wait because there had been a promise about weapons ... Now my question to you, sir, is [REDACTED] Mr Sabe to get weapons to defend yourselves, of which time frame we're speaking here? What was the approximate time frame [REDACTED] Sabe for weapons to defend yourself?";</p>		<p>None. The contested additional redactions in this extract (highlighted in yellow) are rejected.</p>	
<p>p. 49, ln 18-22 – “I think it was when I arrived at the border. That was part of the briefing with those who were ready at the border, including particularly Sabe told us, and [REDACTED] to Sabe ... It's the day after [REDACTED] the border, it is the day after where a briefing took place, and during that briefing, [REDACTED]. That's my answer";</p>		<p>None. The contested additional redactions in this extract (highlighted in yellow) are rejected.</p>	
<p>p. 50, Ln. 5-6, 17 – “Because you say that [REDACTED] Mr Sabe to get weapons to defend yourselves -- to defend ourselves ... that is why [REDACTED]";</p>		<p>None. The contested additional redactions in this extract (highlighted in yellow) are rejected.</p>	

<p>p. 57, ln 15-17, 23-24 – “Let me then address the topic of [REDACTED] contacts with [REDACTED] which you say was [REDACTED] [REDACTED] and from whom [REDACTED] the number of Mr Ngaissona ... He himself, according to his own words, [REDACTED] that he had received money from Mr Ngaissona ”;</p>		<p>P. 57, line 18 ([REDACTED]). The contested additional redaction in this extract (highlighted in yellow) should therefore be implemented.</p>	
<p>p. 58, ln. 3-4, 3-6 – “It was through [REDACTED] [REDACTED] the phone number of the authority, Mr Ngaissona ... Mohi, in fact, I really do not know where he was living in Douala, but [REDACTED] [REDACTED]</p>		<p>P. 58, line 3 ([REDACTED]). The contested additional redaction in this extract (highlighted in yellow) should therefore be implemented.</p>	

The Registry is 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-143.

Kind regards, TC V

From: [REDACTED]
Sent: 05 August 2022 15:26
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 transcript of P-1719

Dear Trial Chamber V,
Dear all,

The Ngaissona Defence (the “Defence”) respectfully objects to some of the suggested Prosecution’s redactions to P-1719 transcript (the “Request”). The Defence provides in the table below the various objections and associated arguments identified from the transcript. In addition, under the table the Defence objects and provides arguments to some of the new additional redactions identified by the prosecution.

Opposed redaction	Defence argument
<p>P. 8, lines 7-17 from “I mentioned two diamond collectors...” [REDACTED] [REDACTED]</p>	<p>The Defence submits that the reference is of very general nature and does not identify the Witness. In addition, the involvement [REDACTED] [REDACTED]</p>

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED]
P. 30, remove redactions from lines 18-24 as follows : Line 19 [REDACTED] Line 22 "several weeks before" and [REDACTED] [REDACTED]	The allegation that [REDACTED] is not identifying in itself.
P. 31, lines 23-24 remove all redactions	The allegation that [REDACTED] is not identifying in itself.
p. 32, line 7 [REDACTED] line 16 "end of November"	The allegation that [REDACTED] is not identifying in itself. The date is not precise enough to be identifying.
p. 39, line 22 "Mr Sabe and Mr Ngaïssona in Yaoundé were by phone, isn't it? "	The allegation that there was phone contact between Mr Ngaïssona and Sabe is not identifying. The same information appears unredacted on the same page at lines 8-9.
p. 40, line 5 "sabe"	It is evident from the context and the lines above that the alleged contacts between Mr Sabe and Mr Ngaïssona are being discussed therefore this additional redaction to the name of Mr Sabe is unnecessary and not identifying.
Pp 44-47 : all redactions. [REDACTED] [REDACTED].	The allegation that [REDACTED] [REDACTED] [REDACTED], therefore the information is not specific enough to be identifying.

The Defence also objects to the proposed additional redactions identified by the Prosecution relating to Sabe for the same reasons as provided below in the table i.e. that there were over 200 individuals at the border. The Defence objects to the redactions that are highlighted in yellow :

- **at, p.48, ln.3-4, 10** – "What I know is that the instructions were issued by the general coordination and they were conveyed **to us** by Sabe, **according to him**. And did Sabe **tell you** that these instructions came from Yaoundé." ... So what did Mr Sabe -- to bring it to the point, what did Mr Sabe **tell you, if he told you anything about that**, where these instructions came from?";
- **at p.49, ln. 8-10, 12-16** – "you spoke about Mr Sabe, and you mentioned that [REDACTED] whether [REDACTED] -- ... Sabe **said** [REDACTED] that **we had** to be patient and wait because there had been a promise about weapons ... Now my question to you, sir, is [REDACTED] Mr Sabe to get weapons to defend **yourselves**, of which time frame we're speaking here? What was the approximate time frame [REDACTED] Sabe for weapons to defend **yourself**?";
- **p. 49, ln 18-22** – "I think it was when **I arrived** at the border. That was part of the briefing with those who were ready at the border, including particularly Sabe **told us**, and [REDACTED] to Sabe ... It's the day after [REDACTED] the border, it is the day after where a briefing took place, and during that briefing, [REDACTED] **hat's my answer**";
- **p.50, Ln. 5-6, 17** – "Because you say that [REDACTED] Mr Sabe to get weapons to defend **yourselves** -- to defend **ourselves** ... that is why [REDACTED]";

In addition, the Defence also objects to two additional Prosecution redactions, as identified in yellow. The identity of Mr Mohi does not pose the risk of identifying the witness if the reference to a direct contact with witness P-1719 is redacted, for example by adding an additional redaction on [REDACTED] at page 57 :

- **p.57, ln 15-17, 23-24** – “Let me then address the topic of [REDACTED] contacts with [REDACTED], which you say was [REDACTED] and from whom [REDACTED] the number of Mr Ngaïssona ... He himself, according to his own words, [REDACTED] that he had received money from Mr Ngaïssona ”;
- **p.58, ln. 3-4, 3-6** – “It was through [REDACTED] the phone number of the authority, Mr Ngaïssona ... Mohi, in fact, I really do not know where he was living in Douala, but [REDACTED]”; and

Kind regards,

[REDACTED]
On behalf of the Ngaïssona Defence

From: [REDACTED]
Sent: 03 August 2022 17:02
To: Trial Chamber V Communications [REDACTED]
Cc: Court Management-Transcripts [REDACTED] D29 Yekatom Defence Team
 [REDACTED] D30 Ngaïssona Defence Team
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 [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 transcript of P-1719

Dear Trial Chamber V,

Dear All,

Please find attached the Prosecution’s proposed lesser redacted versions of the CONF ET transcript T-143. Redactions which were approved by the Chamber in open session should also to be maintained.

In the process of review, the Prosecution has identified additional redactions to be implemented and seeks the Chamber’s authorisation in this regard. These comprise:

at p.48, ln.3-4, 10 – “What I know is that the instructions were issued by the general coordination and they were conveyed *to us* by Sabe, *according to him*. And did Sabe *tell you* that these instructions came from Yaoundé.” ... So what did Mr Sabe -- to bring it to the point, what did Mr Sabe *tell you, if he told you anything about that, where these instructions came from?*”;

at p.49, ln. 8-10, 12-16 – “you spoke about Mr Sabe, and you mentioned that [REDACTED] whether [REDACTED] -- ... Sabe *said* [REDACTED] that *we had* to be patient and wait because there had been a promise about weapons ... Now my question to you, sir, is [REDACTED] Mr Sabe to get weapons to defend *yourselves*, of which time frame we're speaking here? What was the approximate time frame [REDACTED] Sabe for weapons to defend *yourself?*”;

p. 49, ln 18-22 – “I think it was when *I arrived* at the border. That was part of the briefing with those who were ready at the border, including particularly Sabe *told us*, and [REDACTED] to Sabe ... It's the day after [REDACTED] the border, it is the day after where a briefing took place, and during that briefing, [REDACTED] That's my answer”;

p.50, Ln. 5-6, 17 – “Because you say that [REDACTED] Mr Sabe to get weapons to defend [REDACTED] -- to defend [REDACTED] ... that is why [REDACTED]”;

p.57, ln 15-17, 23-24 – “Let me then address the topic of your contacts with [REDACTED] which you say was [REDACTED] and from whom [REDACTED] the number of Mr Ngaïssona ... He himself, according to his own words, [REDACTED] that he had received money from Mr Ngaïssona ”;

p.58, ln. 3-4, 3-6 – “It was through [REDACTED] the phone number of the authority, Mr Ngaiissona ... Mohi, in fact, I really do not know where he was living in Douala, but [REDACTED]”;
and

p.65, ln. 1-3 – “ And for the CDRs, it's tab 39 and 33 of the 1 Defence binder, CAR-OTP-2046-0701, at rows responsive to [REDACTED] and CAR-OTP-2025-0650 at 3 tab [REDACTED], one of the numbers of [REDACTED].”

The above information is manifestly identifying and consistent with the several redactions granted by the Chamber during the course of P-1719’s testimony. Thus, the Prosecution does not consider that the further redactions sought in any way prejudices the Defence or the proceedings. Any marginal prejudice is outweighed by countervailing article 68 interests.

Separately, the Prosecution reserves the right to request authorisation to submit additional redactions as appropriate, should the Registry provide corrected versions of this transcript in the future. Given that P-1719 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. Thank you.

Kind regards,

On behalf of OTP Trial Team

[REDACTED]
OTP – Case manager

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