

**ANNEX 37**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 11 April 2024 17:02  
**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 Lesser Redacted Version of P-2354's Transcript  
**Attachments:** OTP lesser redacted versions of trial transcripts of P-2354; RE: OTP lesser redacted versions of trial transcripts of P-2354

Dear Counsel,  
Dear colleagues from the Registry,

The Single Judge takes note of the (i) Prosecution's proposed lesser redacted versions of transcript T-210; (ii) Yekatom Defence's objections to some of the redactions which the Prosecution proposes to maintain in T-210; and (iii) Common Legal Representatives of Victims of Other Crimes' support to the Prosecution's proposal (see emails attached and 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*, the roles he held and his family details. However, the Single Judge does not consider that it is justified to maintain redactions to information that is more general in nature or that does not risk revealing the witness's identity.

The Single Judge notes that the transcript references below are to the corrected versions of the transcript, to the extent available.

Accordingly, the Single Judge rules as follows:

Transcript	Yekatom Defence objections	Single Judge's determination
T-210	p. 16, line 25 – p. 17, line 7 (ENG); p. 17, lines 4-11 (FRA)	Proposed redaction to be lifted: p. 17, line 4-5 (ENG) ('We were civilians. [...] We mustn't be targeted.')
	p. 28, lines 12-19 (ENG); p. 29, lines 15-23 (FRA)	Proposed redaction to be lifted: p. 28, line 13 (ENG) ('three or four')
	p. 30, lines 5-12 (ENG); p. 31, lines 10-17 (FRA)	Proposed redaction to be lifted: p. 30, line 6 (ENG) ('fellow traders')
	p. 45, lines 11-17 (ENG); p. 46, lines 3-10 (FRA)	Proposed redactions to be lifted: p. 45, lines 12, 15-17 (ENG) ('We are all traders. Why should we be armed?'; 'I've never used a weapon since my birth and I don't know a trader where the Seleka gave war weapons.')
		p. 46, lines 4-5, 8-10 (FRA) ('Nous sommes... nous étions des commerçants. Pour quelle raison devons-nous être armés?'; 'Je ne me suis jamais servi d'une arme depuis ma

naissance et je ne connais pas un commerçant à qui la Séléka a remis une arme de guerre.')

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-210.

Kind regards,  
TC V

**From:** [REDACTED]  
**Sent:** Tuesday, April 25, 2023 10:17 AM  
**To:** OTP CAR IIB [REDACTED]; Trial Chamber V Communications [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] Associate Legal Officer-Court Officer [REDACTED]  
**Subject:** RE: OTP lesser redacted versions of trial transcripts of P-2354

[ICC] RESTRICTED

Dear Trial Chamber V,  
Dear all,

The Yekatom Defence ("Defence") respectfully objects to some of the suggested Prosecution's redactions to P-2354's transcripts. In the table below, the Defence has indicated the redactions it objects to in bold, and has kept highlighted in red the suggested Prosecution redactions it agrees with for each relevant excerpt. Please note that the Defence's objections equally apply to the English version of the transcripts.

Opposed redactions (in bold)	Defence argument
<p><u>T-210-CONF-FRA ET, p. 17, p. 4 to 11</u></p> <p>4 Après son départ, ses éléments commettaient des crimes dans la ville. Mais chaque</p> <p>5 fois quand il revient, il désignait trois éléments ; il y avait musulmans, dont moi</p> <p>6 aussi, on rencontrait Rombhot en qualité de chef, nous lui... nous lui disions que</p> <p>7 nous voulions le voir en sa qualité de chef et de grand frère, que nous lui disions que</p> <p>8 nous, nous n'étions pas concernés par l'affaire. <b>Nous, nous étions des civils, des... des</b></p> <p><b>9 commerçants, nous n'avons rien à voir avec ce qui se passait.</b> Il fallait pas qu'on nous</p> <p>10 cible. Voilà. Rombhot nous a dit qu'il nous soutenait, Rombhot nous a dit qu'il n'était</p> <p>11 pas Anti-balaka, qu'il était FACA.</p>	<p>The Defence submits that the witness' civilian status and the fact that he is a merchant is general information that does not identify him as there are many with the same status living in Mbaïki.</p>
<p><u>T-210-CONF-FRA ET, p. 29, lines 15 to 23</u></p>	<p>The Defence submits that the age of one of the witness' children is not identifying information</p>

<p>15 R. [11:32:28] Vous savez, lorsque nous avons quitté la ville de Mbaïki, certains de 16 mes enfants, ils étaient encore de bas âge et le plus grand était euh... <b>3 ou 4</b>, mais à 17 aucun moment ils n'ont assisté à des... à... à des telles scènes. Mais moi... moi ce que 18 j'ai vécu, ces enfants n'ont pas vécu cela. C'est lorsque nous sommes partis... nous 19 voulions partir... partir au Tchad, ils ont été placés dans ces camions. Lorsqu'ils sont 20 sortis de la maison, ils sont montés dans les véhicules et, directement, ils ont été 21 évacués. Moi-même, j'ai pris les plus grands, trois... et trois, qui étaient plus grands, 22 je les ai pris dans mon véhicule jusqu'au KM 5, mais ce que j'ai vu de mes propres 23 yeux, ces atrocités, ils n'ont pas été témoins de... de cela.</p>	<p>as it is of general nature, [REDACTED].</p>
<p><u>T-210-CONF-FRA ET, p. 31, lines 10 to 17</u></p> <p>10 On faisait des efforts. Puisque nous sommes des religieux, je me battais parce que 11 j'étais un homme d'affaires, mes... mes <b>collègues commerçants</b> me donnaient à 12 manger, un peu d'argent, j'achetais des [REDACTED] et je revendais, je faisais des efforts 13 pour avoir de l'argent afin de subvenir aux besoins de mes enfants, de ma famille. 14 Parce que quand on était arrivés au Tchad, on n'avait rien, on était dépourvus de 15 tout et jusqu'à présent, il m'est difficile de rebondir ou de reprendre mes... mes 16 activités. Je suis là et je m'en remets à Dieu. Je sais pas ce que Dieu fera pour moi à 17 l'avenir.</p>	<p>The Defence submits that the fact that the witness was a merchant is of general nature and does not tend to identify him.</p>
<p><u>T-210-CONF-FRA ET, p. 46, lines 3 to 10</u></p> <p>3 R. [14:36:47] [REDACTED] Les autres 4 personnes citées, je les connais. <b>Nous sommes... nous étions des commerçants. Pour 5 quelle raison devons-nous être armés ?</b> Premièrement, nous sommes nés à Mbaïki, 6 nous avons grandi jusqu'à être déportés. Nous ne nous sommes jamais combattus, 7 chrétiens et nous. Nous étions des civils et, même aujourd'hui, [REDACTED] 8 <b>Pour quelle raison je devrais être armé ? Je ne me suis jamais servi d'une arme 9 depuis ma naissance et je ne connais pas un commerçant à qui la Séléka a remis une 10 arme de guerre.</b> Je n'en connais pas.</p>	<p>While the Defence agrees on keeping the information in red redacted, it submits that whether the witness was armed or not and the fact that he was a merchant is of general nature and does not identify the witness.</p>

In light of the above, the Defence respectfully requests the Chamber to assess whether or not the Prosecution's redactions mentioned above are necessary to protect the identity of P-2354.

Kind regards,

[REDACTED]

Legal Consultant – Yekatom Defence

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**From:** OTP CAR IIB [REDACTED]  
**Sent:** Friday, April 14, 2023 2:53 PM  
**To:** Trial Chamber V Communications [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] Associate Legal Officer-Court Officer [REDACTED]  
 [REDACTED] OTP CAR IIB [REDACTED]  
**Subject:** OTP lesser redacted versions of trial transcripts of P-2354

[ICC] RESTRICTED

Dear Trial Chamber V,  
 Dear All,

Please find attached the Prosecution's proposed lesser redacted versions of P-2354's transcripts (CONF ENG and FRA), T-210.

The Prosecution also requests authorisation to submit additional redactions as appropriate, should the Registry provide corrected versions of these transcripts in the future.

Given that P-2354 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.

Kind regards,

On behalf of OTP Trial Team

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[REDACTED]

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**From:** OTP CAR IIB  
**Sent:** 14 April 2023 14:53  
**To:** Trial Chamber V Communications  
**Cc:** Court Management-Transcripts; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; [REDACTED] V45 LRV Team; Associate Legal Officer-Court Officer; [REDACTED] OTP CAR IIB  
**Subject:** OTP lesser redacted versions of trial transcripts of P-2354  
**Attachments:** OTP2023 005590 ICC-01 14-01 18-T-210-CONF-ENG ET 01-03-2023 1-52 T (OTP COPY)(3).pdf; CR2023 00629 ICC-01 14-01 18-T-210-CONF-FRA ET 01-03-2023 1-52 T.pdf

[ICC] RESTRICTED

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Kind regards,

On behalf of OTP Trial Team

[REDACTED]

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**From:** Massidda, Paolina  
**Sent:** 19 April 2023 10:37  
**To:** Trial Chamber V Communications  
**Cc:** Court Management-Transcripts; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; [REDACTED]; V45 LRV Team; Associate Legal Officer-Court Officer; [REDACTED] OTP CAR IIB  
**Subject:** RE: OTP lesser redacted versions of trial transcripts of P-2354

[ICC] RESTRICTED

Dear All,

[REDACTED] CLRV of the dual status individual concerned supports the Prosecution's proposed lesser redacted versions of P-2354's transcripts.

She also supports the Prosecution's request for review of the corrected version of the transcripts.

Kind regards,

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**From:** OTP CAR IIB [REDACTED]  
**Sent:** 14 April 2023 14:53  
**To:** Trial Chamber V Communications [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]; Associate Legal Officer-Court Officer [REDACTED]; OTP CAR IIB [REDACTED]  
**Subject:** OTP lesser redacted versions of trial transcripts of P-2354

[ICC] RESTRICTED

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On behalf of OTP Trial Team