

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

**Original: English**

**No.: ICC-01/14-01/21  
Date: 16 December 2024**

**TRIAL CHAMBER VI**

**Before:**

**Judge Miatta Maria Samba, Presiding Judge  
Judge María del Socorro Flores Liera  
Judge Sergio Gerardo Ugalde Godínez  
Judge Keebong Paek, Alternate Judge**

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II  
IN THE CASE OF  
*THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI***

**Public**

**Second Decision Regarding Public Redacted Versions of Transcripts**

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

<b>The Office of the Prosecutor</b> Mr Karim A. A. Khan Ms Holo Makwaia	<b>Counsel for the Defence</b> Ms Jennifer Naouri Mr Dov Jacobs
<b>Legal Representatives of Victims</b> Ms Sarah Pellet	<b>Legal Representatives of Applicants</b>
<b>Unrepresented Victims</b>	<b>Unrepresented Applicants for Participation/Reparations</b>
<b>The Office of Public Counsel for Victims</b>	<b>The Office of Public Counsel for the Defence</b>
<b>States Representatives</b>	<b>Amicus Curiae</b>
<b>REGISTRY</b> <hr/>	
<b>Registrar</b> Mr Osvaldo Zavala Giler	<b>Counsel Support Section</b>
<b>Victims and Witnesses Unit</b> Mr Nigel Verrill	<b>Detention Section</b> Mr Harry Tjonk
<b>Victims Participation and Reparations Section</b>	<b>Other</b>
<hr/>	

**TRIAL CHAMBER VI** of the International Criminal Court, in the case of *The Prosecutor v. Mahamat Said Abdel Kani*, having regard to articles 64(2), 67(1)(b), and 68(1) of the Rome Statute (the ‘Statute’), issues this ‘Second Decision Regarding Public Redacted Versions of Transcripts’.

## **I. PROCEDURAL HISTORY**

### **A. Procedural Framework**

1. On 9 March 2022, the Chamber issued the Directions on the Conduct of Proceedings,<sup>1</sup> in which it set out the procedure for producing public redacted versions of transcripts (the ‘PRV’).
2. On 31 January 2024, the Chamber issued its decision regarding contested redactions and PRV, in which it amended the procedure for producing PRV (the ‘Amended Procedure’).<sup>2</sup> According to the Amended Procedure, the calling party is responsible for proposing and justifying redactions within five working days after being notified of the edited versions of the transcripts of a particular witness.<sup>3</sup>
3. On 29 February 2024, the Chamber acceded to a request by the parties and participants to allow the abovementioned five-day deadline to start running only after the parties have received the corrected versions of the transcripts.<sup>4</sup>
4. On 25 April 2024, the Registry provided additional guidance and information regarding the Amended Procedure, indicating that the procedure for producing corrected versions of transcripts should take a maximum of 31 days.<sup>5</sup>
5. On 20 November 2024, the Chamber provided additional instructions and guidance on the implementation of the Amended Procedure.<sup>6</sup>

---

<sup>1</sup> Directions on the Conduct of Proceedings, 9 March 2022, [ICC-01/14-01/21-251](#).

<sup>2</sup> Decision on Disagreements Regarding Lesser Redacted Versions of Public Transcripts, 31 January 2024, [ICC-01/14-01/21-683](#) (with confidential annex), paras 13-20.

<sup>3</sup> Amended Procedure, [ICC-01/14-01/21-683](#), para. 15.

<sup>4</sup> Email of Trial Chamber VI dated 29 February 2024 at 18:04.

<sup>5</sup> Email of Registry to Parties and Participant dated 25 April 2024 at 11:34.

<sup>6</sup> Email of Trial Chamber VI dated 20 November 2024 at 8:58.

## B. Current Status

### *1. Agreed Redactions*

6. After the entry into force of the Amended Procedure, the parties informed the Chamber that they had reached complete agreement on the redactions needed for the PRV of the following transcripts:

- a. T-050 and T-051 (testimony of P-1289) - email from Prosecution to Trial Chamber VI dated 21/03/2024 at 16:47
- b. T-052 (testimony of P-0662) - email from Prosecution to Trial Chamber VI dated 08/03/2024 at 12:20
- c. T-054 and T-055 (testimony of P-2179) - email from Prosecution to Trial Chamber VI dated 02/05/2024 at 15:22
- d. T-056 and T-057 (testimony of P-1524) - email from Prosecution to Trial Chamber VI dated 06/05/2024 at 16:19
- e. T-058 and T-059 (testimony of P-2263) - email from Prosecution to Trial Chamber VI dated 19/04/2024 at 10:11
- f. T-065, T-066 and T-067 (testimony of P-3047 and P-2251) - email from Prosecution to Trial Chamber VI dated 11/11/2024 at 12:20
- g. T-069 and T-079 (testimony of P-0510) - email from Prosecution to Trial Chamber VI dated 29/08/2024 at 12:17
- h. T-070 (testimony of P-0358) - email from Prosecution to Trial Chamber VI dated 27/11/2024 at 11:53
- i. T-074, T-075 and T-076 (testimony of P-3064 and P-0884) - email from Prosecution to Trial Chamber VI dated 29/08/2024 at 15:35
- j. T-080 and T-081 (testimony of P-1762) - email from Prosecution to Trial Chamber VI dated 06/09/2024 at 12:54
- k. T-082, T-083 and T-084 (testimony of P-0119) - email from Prosecution to Trial Chamber VI dated 08/10/2024 at 10:30
- l. T-085, T-86, T-087, T-088 and T-089 (testimony of P-1808 and 1743) - email from Prosecution to Trial Chamber VI dated 21/11/2024 at 15:00
- m. T-097 (testimony of P-0312) - email from Prosecution to Trial Chamber VI dated 26/11/2024 at 17:20
- n. T-098 (testimony of P-1264) - email from Prosecution to Trial Chamber VI dated 04/10/20254 at 15:47
- o. T-099 (testimony of P-0491) - email from Prosecution to Trial Chamber VI dated 11/11/2024 at 12:21

## 2. *Contested Redactions*

7. The parties have so far informed the Chamber that they could not reach agreement in relation to the transcripts of the testimony of one witness:

- a. T-063 and T-064 (testimony of P-2504) - email from Prosecution to Trial Chamber VI dated 11/09/2024 at 17:51; email from the Defence to Trial Chamber VI dated 12/09/2024 at 12:55; email from Prosecution to Trial Chamber VI dated 01/11/2024 at 09:34; and email from the Defence to Trial Chamber VI dated 14/11/2024 at 18:28.

## 3. *Pending Transcripts*

8. The Chamber has not received any information about the transcripts of the testimony of the following witnesses:

- a. P-2519 - T-053
- b. P-0291 - T-060, T-061 and T-062
- c. P-1180 - T-068
- d. P-0622 - T-071
- e. P-0481 - T-072 and T-073
- f. P-0884 - T-077 and T-078
- g. P-2573 - T-090, T-091, T-092 and T-093
- h. P-1967 – T-093 and T-094
- i. P-0349 - T-095 and T-096
- j. P-0664 - T-100 and T-101
- k. P-2232 - T-102, T-103 and T-104
- l. P-1263 - T-104, T-105 and T-106
- m. P-2161 - T-107, T-108 and T-109
- n. P-2563 - T-112, T-113, T-114 and T-115
- o. P-1563 - T-116, T-117
- p. P-0529 - T-118 and T-119
- q. P-3112 – T-119, T-120, T-121, T-122
- r. P-2239 - T-122, T-123
- s. P-0342 - T-123, T-124, T-125, T-126
- t. P-0834 - T-127
- u. P-2328 - T-128, T-129 and T-130
- v. P-1339 - T-131, T-132 and T-133

9. In relation to the transcripts of the testimony of P-3114 (T-110 and T-111), the Prosecution requested redactions on 20 September 2024,<sup>7</sup> apparently on the basis of the edited version of the transcripts and without having previously consulted the Defence, in violation of the Amended Procedure. The Defence informed the Chamber on 24 September 2024 that it would communicate its position to the Prosecution and initiate inter partes discussions once it was in possession of the corrected transcripts.<sup>8</sup> To date, the Chamber has not been informed of the outcome of this process.

## **II. ANALYSIS**

### **A. Failure to Implement the Amended Procedure in Timely Fashion**

10. The Chamber is concerned about the slow pace at which the parties are producing the PRV. Regarding the transcripts for which the Chamber has already received information from the parties since the amended procedure was adopted, it took on average 112 days to agree on the PRV. According to the Amended Procedure, this process should have taken no more than +/- 48 days.

11. The Chamber understands from the Registry<sup>9</sup> that there are frequent delays in the production of the corrected version of the transcripts. Indeed, since the Chamber clarified that PRV's should be prepared on the basis of the corrected version of the transcripts, the parties were able to produce the corrected version within the 31 day time limit in less than 15% of cases. On average, it took more than 50 days and in one case over 200 days.<sup>10</sup>

12. The Chamber appreciates that the process of making corrections is time-consuming and that the parties have many other, often more urgent, responsibilities. Nevertheless, the Chamber reminds the parties of the importance of respecting the deadlines in order to facilitate the publicity of these proceedings and urges them to adhere to the applicable deadlines.

---

<sup>7</sup> Email from Prosecution to Trial Chamber VI dated 20 September 2024 at 12:55.

<sup>8</sup> Email from the Defence to Trial Chamber VI dated 24 September 2024 at 16:47.

<sup>9</sup> Email from Registry to Trial Chamber VI dated 18 November 2024 at 15:35.

<sup>10</sup> These calculations are based on transcripts for which there is a corrected version available at this day (i.e. T-057 until T-114).

## **B. Disagreements in relation to T-063 and T-064**

13. The Prosecution argues that it is necessary to maintain a number of redactions, because the concerned passages contain information about the disarmament process in Central African Republic that would only be known by a limited number of persons. Moreover, the Prosecution claims these redactions are necessary in order to be consistent with other redactions elsewhere in the transcript that were agreed upon by the parties.<sup>11</sup>

14. According to the Defence, the information contained in the passages was known by the wider public and that hundreds of persons were involved in the disarmament process. The Defence refers to a number of exhibits as well as the testimony of P-0787 to demonstrate that the information in question is public knowledge.<sup>12</sup>

15. The Chamber has considered the requested redactions in the context of P-2504's entire testimony and in light of the items referred to by the parties. Based on this, the Chamber finds that all the contested passages should remain redacted. Unlike what is suggested by the Defence, it is not clear to the Chamber that the information provided by the witness would have been widely known by the public. Indeed, the information provided by P-2504 goes beyond general knowledge about the DDR process in the Central African Republic. The Chamber is not in a position to assess how many persons would have been aware of this information. However, out of an abundance of caution, the Chamber considers it prudent to keep the contested passages redacted.

16. As stated in the Amended Procedure it is now incumbent upon the Prosecution to prepare a final PRV of both transcripts and transmit them to the Registry for publication.<sup>13</sup>

---

<sup>11</sup> Email from Prosecution to Trial Chamber VI dated 1 November 2024 at 09:33.

<sup>12</sup> Email from the Defence to Trial Chamber VI dated 14 November 2024 at 18:28.

<sup>13</sup> Amended Procedure, [ICC-01/14-01/21-683](#), para. 20.

**FOR THESE REASONS, THE CHAMBER HEREBY**

**AUTHORISES** the contested redactions in transcripts T-063 and T-064 as requested by the Prosecution.

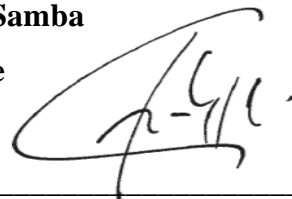


**Judge Miatta Maria Samba**

**Presiding Judge**



**Judge María del Socorro Flores Liera**



**Judge Sergio Gerardo Ugalde Godínez**

Done in both English and French, the English version being authoritative.

Dated 16 December 2024

At The Hague, The Netherlands