

ANNEX 3
PUBLIC
REDACTED

From: Trial Chamber V Communications
Sent: 10 May 2022 21:34
To: Vanderpuye, Kweku; [REDACTED]
Cc: OTP CAR IIB Case Management; OTP CAR IIB Operations; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: RE: Request to extend the page limit of the response to ICC-01/14-01/18-1296

Dear Counsel,

The Single Judge takes note of the Ngaissona Defence's request and the Prosecution's response thereto (*see emails below*).

In light of the reasons provided, the Single Judge considers that exceptional circumstances exist, which warrant the extension of the applicable page limit under Regulation 37(1) of the Regulations of the Court. Accordingly, the request is granted.

Kind regards, TC V

From: Vanderpuye, Kweku [REDACTED]
Sent: 10 May 2022 12:00
To: [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]
Subject: RE: Request to extend the page limit of the response to ICC-01/14-01/18-1296

Dear Trial Chamber V,

Dear Counsel,

The Prosecution notes that the Ngaissona Defence could have easily requested an extension of the applicable *page* limit on 2 March 2022 when seeking an extension of the time limit under Regulation 35(2) to respond to the Prosecution's Bar Table Motion (*see attached*). The Defence was fully aware of the nature and extent of the Bar Table Motion at that time, having received the relevant annexes of material on 17 January 2022. Instead, the Defence chose to use the opportunity to baselessly accuse the Prosecution, *inter alia*, of violating the Initial Directions, and of inappropriately submitting additional attribution evidence. This is unfortunate.

However, with that said, the Prosecution defers to the Chamber's discretion, given that the volume of material under consideration is indeed substantial. Thank you.

Kind regards,

Kweku Vanderpuye



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Pénale
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Court



Kweku Vanderpuye

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 International Criminal Court
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From: [REDACTED]
Sent: 10 May 2022 10:53
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Operations [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] V44 LRV Team [REDACTED]

V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]

Subject: Request to extend the page limit of the response to ICC-01/14-01/18-1296

Dear Trial Chamber,

I am writing on behalf of Counsel for Mr Ngaïssona to request an extension of the page limit for the response to ICC-01/14-01/18-1296 pursuant to Regulation 37(2) of the Regulations of the Court. The Defence requests that the page limit for the cover filing be extended to 30 pages. The response is due 13 May 2022. Thus, the Defence would be greatly assisted if the Chamber could render its decision on an expedited basis.

There are exceptional circumstances meriting this request.

The page-length request is merited because the Prosecution request raises numerous legal issues (see below regarding submissions in OTP annexes). At present, the Defence has organised its response in an efficient manner whereby the cover filing addresses categories of material and cross-cutting observations and objections. These are cross-referenced from an annex that mirrors the Prosecution Annex C. As the Defence has compiled its analysis to respond, it has become evident that, the clarity of argumentation may suffer if the Defence is limited to 20 substantive pages. The Defence will make concise arguments but given the depth and breadth of the Prosecution bar table motion, it seeks 10 additional pages out of an abundance of caution.

The Defence request for an extension of the page limit is proportionate to the length and nature of the Prosecution request. The Prosecution request concerns the submission of 686 items and the request is accompanied by four annexes totalling 920 pages, which included substantive arguments therein. These annexes also include additional observations on 18 already-submitted items and 8 statements submitted pursuant to Rule 68(3).

For these reasons, the Defence kindly requests the Chamber to extend the page limit by 10 pages.

Kind regards,

[REDACTED] on behalf of Counsel

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