

ANNEX 14

PUBLIC REDACTED

From: Trial Chamber VI Communications
Sent: 22 July 2022 14:40
To: [REDACTED]
Cc: OTP CAR IIA Communications; Said LRV Team OPCV; D33 Said Defence Team; Trial Chamber VI Communications; Chamber Decisions Communication
Subject: Decision on Request for page extension for a final bar table motion and a request to vary the time limit

Dear Ms [REDACTED]

The Chamber has considered your request below for an extension of page limit for a combined request under regulation 35(2) of the Regulations and article 69(4) of the Statute. The Chamber appreciates that the Prosecution intends to make the two requests in one motion 'in the interest of judicial economy', but nevertheless considers that it would be more appropriate for the Prosecution to first file a separate request under regulation 35(2) of the Regulations of the Court. The Chamber will rule on the requested extension of page limit if the request for variation of time limit is granted.

Kind regards,
 Trial Chamber VI

From: [REDACTED]
Sent: 21 July 2022 20:53
To: Trial Chamber VI Communications [REDACTED]
Cc: OTP CAR IIA Communications [REDACTED]; Said LRV Team OPCV [REDACTED]; D33 Said Defence Team [REDACTED]
Subject: Request for page extension for a final bar table motion and a request to vary the time limit
Importance: High

Dear Trial Chamber,

Pursuant to your order ICC-01/14-01/21-277 of 11 April 2022, the Prosecution respectfully requests an extension of the page limit for a request pursuant to article 64(9) in conjunction with a request to vary the time limit pursuant to regulation 35(2).

The cover filing will be limited to 12 pages. However, the filing includes substantive Annex A which includes 20 items requested for submission pursuant to article 64(9). This Annex consists of additional 16 pages. Annex A fully complies with the instructions given by the Chamber in the directions on the conduct of the proceedings decision, as it contains (i) a short description of the content of each item; (ii) in the case of a lengthy document, an index of the most relevant portions of the document or recording; and (iii) a short description of its relevance, and prima facie probative value. The Annexes follow the model of the first Bar Table Motions, as it includes columns for the ERN, date, title, authenticity and defence position. The field on relevance and probative value summarises the content, relevance and probative value in a concise manner. This information is substantive and is complemented by the legal submissions of the cover filing.

The Prosecution considers that there are exceptional circumstances within the meaning of regulation 37(2) of the Regulations, justifying an extension of the page limit for the following reasons: Annex A concerns judicial files collected shortly before the disclosure deadline of 13 June 2022, Call Data Records analysed by P-3108 on which the Call Sequence Tables are based she created, and additional supporting evidence items collected from various sources, which the Prosecution argues are sufficiently relevant to being submitted to the bar table pursuant to articles 64(9)(a) and 69(2)-(4) of the Statute.

These items prima facie satisfy the criteria for submission. They are relevant to material issues at trial, probative, and bear sufficient indicia of reliability. They are also cumulative to or corroborative of other Prosecution evidence. Their admission would assist the Chamber to determine the truth and contribute to an expeditious trial. The documents are directly relevant to issues at trial, namely the individual criminal responsibility of the Accused, the incident referred to as the Flyers Incident in the Trial Brief and aspects of the contextual elements, namely the attack on the 7th arrondissement as well as the detentions at the CEDAD.

The cover filing also includes a request pursuant to regulation 35(2) as the deadline set by the Chamber for requests pursuant to article 64(9) has lapsed. In its request, the Prosecution argues in detail that the conditions for granting an extension are met concerning the items set out in Annex A as meeting the deadline for requesting the submission of these specific items was outside of its control and granting the extension would also be in the interest of justice. There would also not be any prejudice to the Accused.

The Prosecution is mindful that page limits are imposed on parties' submissions to make them present their arguments in a concise and coherent manner. However, the page limit extension sought by the Prosecution is for a combined motion under regulation 35 and article 64(9). The Annex which list the actual items submitted, sets out their relevance to the case in a detailed manner, while the cover filing sets out the legal submissions and how the items relate to other Prosecution evidence. Both have to be read jointly as the cover filing cites the items in the Annex. Finally, the request is based on the Prosecution's careful assessment of the length necessary to complete the Bar Table Motion and the extension request pursuant to regulation 35, which was included in one motion in the interest of judicial economy.

For the above reasons, the Prosecution requests that the Chamber grant an extension of the page limit of 16 pages. The Prosecution stands ready to submit the request at any time.

Kind regards, 

