

ANNEX 5

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 11 May 2023 16:28
To: OTP CAR IIB; Trial Chamber V Communications
Cc: V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; Chamber Decisions Communication; Associate Legal Officer-Court Officer; Trial Chamber V Communications
Subject: Decision on the Prosecution requests for an extension of the page-limit regarding upcoming Bar Table applications
Attachments: Request for an extension of the page-limit regarding two upcoming Prosecution Bar Table Applications; RE: Request for an extension of the page-limit regarding a prospective Facebook Bar Table Application; RE: Request for an extension of the page-limit regarding a prospective Facebook Bar Table Application; RE: Request for an extension of the page-limit regarding two upcoming Prosecution Bar Table Applications

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Prosecution's request below, and of its request for an extension of the page-limit regarding two upcoming applications from the Prosecution for the submission of documents from the Bar Table, concerning evidence related to the origins of the Anti-Balaka and Audio-Video material (*see attached email from the Prosecution, 8 May 2023, at 20:07*), as well as of the Yekatom Defence's and Ngaissona Defence's responses thereto (*see attached emails*).

The Single Judge considers that the Chamber will be assisted by its submissions on relevance and probative value of the items forming part of the respective requests. Therefore, in light of the reasons provided, and noting that both Defence teams do not oppose the requests, the Single Judge considers that exceptional circumstances exist which warrant the extension of the applicable page limit, pursuant to Regulation 37(2) of the Regulations of the Court. Accordingly, the requests are granted.

Kind regards, TC V

From: [REDACTED]
Sent: 05 May 2023 14:04
To: Trial Chamber V Communications [REDACTED]
Cc: V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Subject: Request for an extension of the page-limit regarding a prospective Facebook Bar Table Application

Dear Trial Chamber V,
 Dear All,

The Prosecution hereby requests a page-limit extension of an additional 15-pages, as well as for the submission of an 'argumentative' annex, pursuant to regulations 37(2) and 38 of the Regulations of the Court ("RoC") regarding a forthcoming Application for Submission of Documents from the Bar Table. The prospective application concerns Facebook evidence obtained from Facebook Ireland Limited (Meta INC - former Facebook INC's Irish subsidiary).

The requested extension is necessary to properly substantiate the relevance and probative value of a large number of conversations (682 conversations and two related documents), involving ten separate Facebook accounts, which discuss and mention the Accused NGAISSONA and many other Anti-Balaka leaders. The application substantiates the provenance of the accounts, and explains the relevance of the conversations. In addition, pursuant to art 62 of the Initial Directions on the Conduct of the Proceedings, the confidential annex comprises a chart listing the 684 items to be submitted, detailing their evidence registration number ("ERN"), type, title, main date, individual description, relevance/probative value, date of disclosure, and the defence's position.

The Prosecution appreciates the Chambers consideration and notes, for the Parties and Participants, that the request should be considered as 'confidential'.

Kind regards,

A solid black rectangular box used to redact the signature of the sender.

From: [REDACTED]
Sent: 10 May 2023 17:00
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB
Subject: RE: Request for an extension of the page-limit regarding two upcoming Prosecution Bar Table Applications

Dear Trial Chamber V,

The Defence of Mr. Yekatom takes note of the Prosecution's Request for an extension of the page-limit regarding two upcoming Bar Table Applications related to the Origins of the Anti-Balaka and Audio-Video material.

The Defence wishes to inform the Chamber that it does not intend to respond to this requested extension and defers to the discretion of the Chamber.

Kind regards,

[REDACTED]
 Legal Consultant – Yekatom Defence

From: OTP CAR IIB [REDACTED]
Sent: Monday, May 8, 2023 8:07 PM
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB [REDACTED]
Subject: Request for an extension of the page-limit regarding two upcoming Prosecution Bar Table Applications

Dear Trial Chamber V,

Dear All,

The Prosecution hereby requests a page-limit extension for the submission of 'argumentative' annexes, pursuant to regulations 37(2) and 38 of the Regulations of the Court ("RoC") regarding two forthcoming Applications for Submission of Documents from the Bar Table. The prospective applications concern evidence related to the Origins of the Anti-Balaka and Audio-Video material.

The requested extension is necessary to properly substantiate the relevance and probative value of the items in their related annexes (pursuant to paragraph 62 of the Initial Directions on the Conduct of the Proceedings), which in addition detail *inter alia*, their evidence registration number ("ERN"), date, type, source identity, title, date of disclosure, and/or the defence's position.

The Prosecution appreciates the Chamber's consideration and notes, for the Parties and Participants, that the request should be considered as 'confidential'.

Kind regards,

On behalf of the OTP Trial Team

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From: [REDACTED]
Sent: 10 May 2023 16:57
To: Trial Chamber V Communications
Cc: V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; [REDACTED]
Subject: RE: Request for an extension of the page-limit regarding a prospective Facebook Bar Table Application

Dear Trial Chamber V,

The Defence of Mr. Yekatom takes note of the Prosecution's Request for an extension of the page-limit regarding a prospective Facebook Bar Table Application.

The Defence wishes to inform the Chamber that it does not intend to respond to this requested extension and defers to the discretion of the Chamber.

Kind regards,

[REDACTED]
 Legal Consultant – Yekatom Defence

From: [REDACTED]
Sent: Friday, May 5, 2023 2:04 PM
To: Trial Chamber V Communications [REDACTED]
Cc: V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Subject: Request for an extension of the page-limit regarding a prospective Facebook Bar Table Application

Dear Trial Chamber V,
 Dear All,

The Prosecution hereby requests a page-limit extension of an additional 15-pages, as well as for the submission of an 'argumentative' annex, pursuant to regulations 37(2) and 38 of the Regulations of the Court ("RoC") regarding a forthcoming Application for Submission of Documents from the Bar Table. The prospective application concerns Facebook evidence obtained from Facebook Ireland Limited (Meta INC - former Facebook INC-'s Irish subsidiary).

The requested extension is necessary to properly substantiate the relevance and probative value of a large number of conversations (682 conversations and two related documents), involving ten separate Facebook accounts, which discuss and mention the Accused NGAISSONA and many other Anti-Balaka leaders. The application substantiates the provenance of the accounts, and explains the relevance of the conversations. In addition, pursuant to art 62 of the Initial Directions on the Conduct of the Proceedings, the confidential annex comprises a chart listing the 684 items to be submitted, detailing their evidence registration number ("ERN"), type, title, main date, individual description, relevance/probative value, date of disclosure, and the defence's position.

The Prosecution appreciates the Chambers consideration and notes, for the Parties and Participants, that the request should be considered as 'confidential'.

Kind regards,

[REDACTED]

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From: [REDACTED]
Sent: 09 May 2023 12:14
To: [REDACTED] Trial Chamber V Communications
Cc: V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; D30 Ngaissona Defence Team
Subject: RE: Request for an extension of the page-limit regarding a prospective Facebook Bar Table Application

Dear Trial Chamber V,
 Dear All,

The Defence for Mr Ngaissona ("Defence") does not intend to oppose the Prosecution's request for a page-limit extension of an additional 15-pages, as well as the submission of an argumentative annex, pursuant to regulations 37(2) and 38 of the Regulations of the Court ("RoC") regarding its forthcoming application for the submission of Facebook evidence from the Bar Table.

However, it is the Defence's understanding that this argumentative annex should not include any Prosecution submissions that did not originally appear in the annex the Prosecution sent to the Defence on 17 March 2023, as part of the Prosecution's preliminary inquiries on potential objections of the Defence pursuant to paragraph 62 of the "Initial Directions of the Conduct of the Proceedings" (ICC-01/14-01/18-631) ("Directions"). Any additional argument submitted in the annex at the time of the application would be inconsistent with the Single Judge's directions contained in paragraph 62 of the Directions.

The Defence's submissions above equally apply to the Prosecution's request for an extension of page limit conveyed to the Chamber by email on 8 May 2023 at 20:07.

The Defence thanks the Chamber for its consideration.

Kind regards,

[REDACTED]

From: [REDACTED]
Sent: 05 May 2023 14:04
To: Trial Chamber V Communications [REDACTED]
Cc: V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]
 [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]
Subject: Request for an extension of the page-limit regarding a prospective Facebook Bar Table Application

Dear Trial Chamber V,
 Dear All,

The Prosecution hereby requests a page-limit extension of an additional 15-pages, as well as for the submission of an 'argumentative' annex, pursuant to regulations 37(2) and 38 of the Regulations of the Court ("RoC") regarding a

forthcoming Application for Submission of Documents from the Bar Table. The prospective application concerns Facebook evidence obtained from Facebook Ireland Limited (Meta INC - former Facebook INC-'s Irish subsidiary).

The requested extension is necessary to properly substantiate the relevance and probative value of a large number of conversations (682 conversations and two related documents), involving ten separate Facebook accounts, which discuss and mention the Accused NGAISSONA and many other Anti-Balaka leaders. The application substantiates the provenance of the accounts, and explains the relevance of the conversations. In addition, pursuant to art 62 of the Initial Directions on the Conduct of the Proceedings, the confidential annex comprises a chart listing the 684 items to be submitted, detailing their evidence registration number ("ERN"), type, title, main date, individual description, relevance/probative value, date of disclosure, and the defence's position.

The Prosecution appreciates the Chambers consideration and notes, for the Parties and Participants, that the request should be considered as 'confidential'.

Kind regards,



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From: OTP CAR IIB
Sent: 08 May 2023 20:07
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; D29 Yekatom Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB
Subject: Request for an extension of the page-limit regarding two upcoming Prosecution Bar Table Applications

Dear Trial Chamber V,
Dear All,

The Prosecution hereby requests a page-limit extension for the submission of ‘argumentative’ annexes, pursuant to regulations 37(2) and 38 of the Regulations of the Court (“RoC”) regarding two forthcoming Applications for Submission of Documents from the Bar Table. The prospective applications concern evidence related to the Origins of the Anti-Balaka and Audio-Video material.

The requested extension is necessary to properly substantiate the relevance and probative value of the items in their related annexes (pursuant to paragraph 62 of the Initial Directions on the Conduct of the Proceedings), which in addition detail *inter alia*, their evidence registration number (“ERN”), date, type, source identity, title, date of disclosure, and/or the defence’s position.

The Prosecution appreciates the Chamber’s consideration and notes, for the Parties and Participants, that the request should be considered as ‘confidential’.

Kind regards,
On behalf of the OTP Trial Team