

ANNEX 44

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 17 July 2024 17:25
To: Trial Chamber V Communications; D30 Ngaissona Defence Team; OTP CAR IIB; V45 LRV Team; V44 LRV Team; V44 LRV Team OPCV; D29 Yekatom Defence Team
Cc: Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision on the Yekatom Defence request for an extension of time to file its bar table motion concerning items relevant to Count 29

Dear Counsel,

The Single Judge takes note of the request below.

In light of the explanations provided, and noting that the Defence consulted with the other participants, the Single Judge is satisfied that good cause exists for an extension of time pursuant to Regulation 35 of the Regulations of the Court. He therefore grants the request.

Kind regards, TC V

From: [REDACTED]
Sent: Wednesday, July 17, 2024 3:59 PM
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB [REDACTED]
V45 LRV Team [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV
[REDACTED] D29 Yekatom Defence Team [REDACTED]
Subject: Yekatom Defence request for extension of time to file BTM on Count 29

Dear Trial Chamber,

Pursuant to regulation 35(2) of the Regulation of the Court, the Yekatom Defence hereby seeks an extension of time to file its penultimate Bar table motion which is dedicated to the fabrication of evidence in relation to Count 29.

The Defence will unfortunately not be in a position to file its application by the deadline set by the Chamber on 18 July 202 (email sent by the Chamber on 15 May 2024 at 10:30). Members of the team assigned to this BTM had to unexpectedly go on mission in order to collect 68(2) statements and complete certifications with the Registry. The other part of the team was involved in the preparation of P-5012's testimony and with the drafting of other bar table applications and requests of additional material/witnesses to the Defence LoE and LoW.

This workload impacted the drafting of the 268 items bar table application, and the Defence was only able to send to the Prosecution, parties and participants the application on Monday 15 July (in the evening) for their assessment. Considering the number of items and the timing with which the bar table was sent, the Defence informed the Prosecution that it will seek authorisation for an extension of time to file its application, which would also provide them with a reasonable period to review the material. The Defence also requested the Prosecution for an estimation of the time they would require to give their position on the items. The Prosecution and the CLR1 indicated that they would be in a position to review the material respectively by 29 July 2024 and by 26 July 2024.

It is submitted that the requested extension until 29 July 2026 to allow the Prosecution and the CRL1 to provide their position ahead of filing the motion will ultimately expedite the resolution of the motion and ensure that there is no procedural prejudice.

The Defence wishes to inform the Chamber that this extension will not have any impact on the submission of its last bar table application ('miscellaneous') which will be filed one week after the last witness' testimony.

In light of the above, the Defence respectfully requests the Chamber authorization to file its BTM application by 31 July 2024.

Kind regards,

██████████ - Yekatom Defence

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