

ANNEX 38
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Version

From: Trial Chamber V Communications
Sent: 09 July 2024 15:00
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer
Cc: Trial Chamber V Communications; Chamber Decisions Communication
Subject: Decision on the Yekatom Defence's Request for Leave to Reply to Prosecution's Response to the 'Yekatom Defense Request for the Formal Submission of Open-source Evidence from the Bar Table'

Dear Counsel,

The Single Judge takes note of the *Yekatom Defence's Request for Leave to Reply to Prosecution's Response to the 'Yekatom Defense Request for the Formal Submission of Open-source Evidence from the Bar Table', 18 June 2024, ICC-01/14-01/18-2534-Conf, 21 June 2024 (ICC-01/14-01/18-2539-Conf)* as well as the Prosecution's reply thereto (ICC-01/14-01/18-2547-Conf).

According to Regulation 24(5) of the Regulations, 'a reply must be limited to new issues raised in the response which the replying participant could not reasonably have anticipated'.

The Single Judge finds that the issue of the alibi defence is not a new issue which could not have been anticipated. More importantly, the Single Judge does not consider that the Chamber would be assisted in receiving additional submissions on this matter in order to adjudicate the Yekatom Defence's Request for the Formal Submission of Open-source Evidence from the Bar Table, ICC-01/14-01/14-01/18-2516. Accordingly, the request for leave to reply is rejected.

Kind regards, TC V