

ANNEX 21

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 26 July 2024 15:30
To: [REDACTED]; [REDACTED];
[REDACTED]
Cc: OTP Kony Communications; Kony LRV Team OPCV; Chamber Decisions
Communication; Pre-Trial Chamber III Communications
Subject: ICC-02/04-01/05 – Decision on the Defence ‘Request for variation of the
page limit’ (ICC-02/04-01/05-511) – Public

[ICC] RESTRICTED

Dear Counsel,
Dear colleagues,

The Single Judge has noted the Defence ‘Request for variation of the page limit’ dated 17 July 2024 (ICC-02/04-01/05-511), requesting (i) to combine its responses on the matters relating to the conduct of the proceedings in absentia and on the adoption of protocols and in situ hearing in Uganda, respectively listed in letters a and b of paragraph 27 of the ‘Decision on the Procedure for appointing Counsel’ of 2 May 2024 (ICC-02/04-01/05-499) (the ‘First Request’) and (ii) to be granted an extension of the page limit, ‘from 20 to 50 pages’ (‘the ‘Second Request’).

The Single Judge recalls that the 2 May 2024 Decision ordered Counsel for the Defence to provide responses to three distinct groups of matters, following a sequence of time limits to be running from counsel’s appointment; pursuant to the ‘Decision on the “Defence Request for Variation of Deadlines and for a Status Conference”’, those time limits will start running from 15 August 2024.

The Single Judge notes that, in support of their First Request, the Defence refers to ‘the overlap that exist between [the] two topics’, ie the first and the second group of topics as listed in letters a and b of paragraph 27 of the 2 May 2024 Decision, and the desire ‘to promote judicial efficiency’.

The Single Judge underlines that the order to provide separate sets of responses in the 2 May 2024 Decision was primarily and fundamentally justified by the different nature and complexity of each group of matters, and the ensuing need to ensure clarity as to which observations pertain to which of them. Therefore, preserving separate sets of submissions will redound to the benefit of the orderly conduct and overall efficiency of the proceedings.

Accordingly, the Single Judge rejects the First Request and instructs the Defence to provide separate responses to the matters respectively listed in letters a and b of paragraph 27 of the 2 May 2024 Decision.

The Single Judge recalls the first order issued during the status conference held on 23 July 2024 (ICC-02/04-01/05-T-012-CONF-ENG, page 22, line 4 to page 23, line 4), instructing the Defence to supplement its submissions to the second group of topics, as provided in letter b of paragraph 27 of the 2 May 2024 decision, with several items of information related to the conduct of the proceedings in absentia, should the proceedings go ahead.

For these reasons, the Single Judge considers that the circumstances warrant granting the Second Request. The Defence is allowed to extend the number of pages of its responses to the topics listed in letters a and b of paragraph 27 of the 2 May 2024 Decision to a maximum of 25 pages for each response.

Thank you and kind regards.

On behalf of Judge Alexis-Windsor, Single Judge