

ANNEX 13

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 05 September 2024 15:18
To: D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; OTP CAR IIB
Cc: Trial Chamber V Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision on the Yekatom Defence Request for Variation of Time Limit pursuant to Regulation 35 to Present Additional Evidence for Potential Sentencing (ICC-01/14-01/18-2671-Conf)

Dear Counsel,

The Single Judge takes note of the *Yekatom Defence Request for Variation of Time Limit pursuant to Regulation 35 to Present Additional Evidence for Potential Sentencing* (ICC-01/14-01/18-2671-Conf) until 15 October 2024 in relation to 10 additional statements, which could not be obtained in time before the applicable 6 September 2024 deadline as per decision ICC-01/14-01/18-2600 (the '6 September 2024 Deadline'). The Single Judge understands that the requested extension is limited to the filing of these 10 statements and that the Yekatom Defence will comply with the 6 September 2024 Deadline in relation to all statements that it has already obtained.

He further notes the responses to this request, including the Ngaïssona Defence's request to benefit from the same extension (see email from the Prosecution, 4 September 2024, at 17:25; email from the CLRV, 4 September 2024, at 17:59; email from the Ngaïssona Defence, 5 September 2024, at 11:57).

In light of the specific explanations provided by the Yekatom Defence, and noting the absence of objections, the Single Judge considers that good cause has been shown pursuant to Regulation 35(2) of the Regulations of the Court in relation to these 10 statements. However, bearing in mind the Chamber's considerations leading to the schedule as set out in its decision ICC-01/14-01/18-2600, the Single Judge grants the extension to submit these additional 10 statements only until 4 October 2024. Responses to the Yekatom Defence's upcoming request in relation to these 10 statements are to be filed by 10 October 2024.

The Single Judge notes that the Ngaïssona Defence failed to substantiate good cause for its request to benefit from the same extension, both in terms of which difficulties it encountered, as well in relation to which specific items it was unable to obtain on time. Moreover, it is unclear whether the Ngaïssona Defence seeks an extension with respect to all its proposed additional evidence for potential sentencing or only certain additional items. Accordingly, the Single Judge rejects the Ngaïssona Defence's request. This is without prejudice to the Ngaïssona Defence justifying in its upcoming request to present additional evidence for potential sentencing due by the 6 September 2024 Deadline, which additional evidence it was unable to obtain by this deadline and for which reasons.

Noting that the participants have been aware of the deadline to submit requests to present additional evidence for potential sentencing since 18 July 2024, and recalling the abundance of evidence already on the record, the Single Judge stresses that the Chamber will not entertain further extension requests in this regard after the 6 September 2024 Deadline.

Kind regards, TC V

From: [REDACTED]
Sent: Thursday, September 5, 2024 11:57 AM
To: Massidda, Paolina [REDACTED] Trial Chamber V Communications
 [REDACTED] >
Cc: Chamber Decisions Communication [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; D29 Yekatom Defence Team

[REDACTED] D30 Ngaissona Defence Team

[REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV

[REDACTED]; V45 LRV Team [REDACTED] OTP CAR IIB [REDACTED]

Subject: Re: Order shortening the time limit to respond to Yekatom Defence Request ICC-01/14-01/18-2671-Conf

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear Trial Chamber, dear All,

The Ngaissona Defence does not object to the Yekatom Defence request for an extension of time limits.

Separately, the Ngaissona Defence has also encountered delays and difficulties in its investigations related to sentencing issues. For this reason, we kindly ask to benefit from the same extension.

Thank you and kind regards,

[REDACTED]

From: Massidda, Paolina [REDACTED]

Sent: 04 September 2024 17:39

To: Trial Chamber V Communications [REDACTED]

Cc: Chamber Decisions Communication [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; D29 Yekatom Defence Team

[REDACTED] D30 Ngaissona Defence Team

[REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV

[REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB [REDACTED]

Subject: RE: Order shortening the time limit to respond to Yekatom Defence Request ICC-01/14-01/18-2671-Conf

[ICC] RESTRICTED

Dear All,

The CLR2 leave the matter to the discretion of the Chamber. They wish, however, to indicate that they share the Prosecution's comment below in relation to the scheduling of the proceedings.

Kind regards,

Paolina Massidda

From: OTP CAR IIB [REDACTED]

Sent: Wednesday, September 4, 2024 5:24 PM

To: Trial Chamber V Communications <[REDACTED]>

Cc: Chamber Decisions Communication [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; OTP CAR IIB [REDACTED] D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team

[REDACTED] V44 LRV Team [REDACTED] V44 LRV Team OPCV

[REDACTED]; V45 LRV Team <[REDACTED]>

Subject: RE: Order shortening the time limit to respond to Yekatom Defence Request ICC-01/14-01/18-2671-Conf

[ICC] RESTRICTED

Dear Trial Chamber V,

The Prosecution takes note of the Yekatom Defence's Request for Variation of Time Limit pursuant to Regulation 35 to Present Additional Evidence for Potential Sentencing, ICC-01/14-01/18-2671-Conf.

The Prosecution does not intend to file a formal Response, but defers to the discretion of the Chamber, bearing in mind the clear intention and objectives underlying the Chamber's deliberate scheduling of the proceedings through the rendition of the consolidated article 74 and 76 decisions. Thank you.

Kind regards,
On behalf of OTP Trial Team

From: Trial Chamber V Communications [REDACTED]
Sent: mercredi 4 septembre 2024 16:12
To: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team <[REDACTED]>
 D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team
 [REDACTED] V44 LRV Team OPCV [REDACTED]; V45 LRV Team
 [REDACTED]
Cc: Trial Chamber V Communications [REDACTED] Chamber Decisions Communication
 [REDACTED] Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]
Subject: Order shortening the time limit to respond to Yekatom Defence Request ICC-01/14-01/18-2671-Conf

Dear Counsel,

The Single Judge takes note of the *Yekatom Defence Request for Variation of Time Limit pursuant to Regulation 35 to Present Additional Evidence for Potential Sentencing* (ICC-01/14-01/18-2671-Conf).

Noting that the request relates to the impending deadline to file requests for additional evidence for potential sentencing on 6 September 2024 (*see* decision ICC-01/14-01/18-2600), the Single Judge instructs that any responses to the request are to be sent by 5 September 2024, 12:00. Given the short timeframe available, the Single Judge exceptionally permits the participants to respond per email.

Kind regards, TCV

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