

ANNEX 17

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Version

From: Trial Chamber V Communications
Sent: 12 September 2024 16:13
To: Trial Chamber V Communications; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision on the Prosecution's request for extension of time to file its response to ICC-01/14-01/18-2678-Conf

Dear Counsel,

The Single takes note of the Prosecution's request below, as well as the Yekatom Defence's objections thereto.

Considering the explanations provided, the Single Judge is not persuaded that the Prosecution has shown good cause to warrant an extension of time under Regulation 35(2) of the Regulations of the Court. Accordingly, the request is rejected.

Kind regards, TC V

From: [REDACTED]
Sent: Thursday, September 12, 2024 3:08 PM
To: Trial Chamber V Communications <[REDACTED]>
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]
D30 Ngaissona Defence Team [REDACTED] V44 LRV Team
[REDACTED] V44 LRV Team OPCV [REDACTED]
[REDACTED]; V45 LRV Team [REDACTED]
Subject: RE: Prosecution's request for extension of time to file its response to ICC-01/14-01/18-2678-Conf

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear Trial Chamber V,
Dear all,

The Defence opposes the Prosecution's request for a variation of the time limit as good cause has not been shown.

First, the Prosecution was put on notice of the fact that the Defence would be tendering several statements as early as 26 August when the Defence requested an extension of the page limit to 50 pages for its request for the introduction of potential sentencing evidence, which the Prosecution did not oppose (see email from the Defence dated 26 August at 17:28). Further, the Prosecution has had nearly a week to digest the contents therein. Despite such notice, the Prosecution has opted to wait until the day before the deadline to request this extension without any explanation as to the delay in submitting this request.

Second, like the Defence, the Prosecution has argued in its request to present additional evidence for sentencing that the procedural prerequisites of Rule 68 do not apply (ICC-01/14-01/18-2679-Conf, paras. 19-21). Therefore, the Prosecution's submissions should be limited in this regard insofar as it concerns the introduction of the statements for sentencing purposes. Moreover, the statements submitted by the Defence pertain only to brief and specific events relevant solely to sentencing, with half of the pages in its request dedicated to summarizing these

statements. The Prosecution's reference to the extension of pages is therefore no more than a red herring and is not by any means a sound basis to seek additional time.

The Defence also notes with concern that the Prosecution was already granted a two-hour extension to its request to present additional evidence, sought just thirty minutes before the September 6 deadline (See "Description" box on JWP, ICC-01/14-01/18-2679-Conf). The Defence notes that this is the second time in the past month that the Prosecution files important procedural motions after the 4 pm deadline set by Regulation 33 without informing the Parties of the existence of this request for time variation or the reasons justifying it as required under Regulation 35 (see ICC-01/14-01/18-2657-Conf). On a separate note, the Defence notes that the Prosecution's two-hour extension to file ICC-01/14-01/18-2679-Conf was requested ten minutes after the Defence disclosed its sentencing evidence to the parties, which provided it with an opportunity to review the Defence's disclosure as well as its request to present additional evidence which was notified at 16:49.

While the Defence typically defers to the Chamber's discretion on such matters, the deadlines, which were moreover deemed appropriate by the Chamber, have been established and known to the parties since 18 July 2024, and the Defence has made every effort to adhere to them diligently. In these circumstances and recalling the Prosecution's prior concerns that any delay related to sentencing could bear on the proceedings (ICC-01/14-01/18-2618, para. 13), the Defence therefore considers that the sought extension of nearly a week to be unwarranted.

Kind regards,


Yekatom Defence

From: 
Sent: Thursday, September 12, 2024 11:58 AM
To: Trial Chamber V Communications 
Cc: OTP CAR IIB ; D29 Yekatom Defence Team 
 D30 Ngaissona Defence Team ; V44 LRV Team
 V44 LRV Team OPCV ; V45 LRV Team

Subject: Prosecution's request for extension of time to file its response to ICC-01/14-01/18-2678-Conf

[ICC] RESTRICTED

Dear Trial Chamber V,

Pursuant to Regulation 35(2) of the Regulations of the Court ("ROC"), the Prosecution respectfully requests a variation of the seven-day time limit to respond to the "Yekatom Defence Request to Present Additional Evidence for Potential Sentencing" - ICC-01/14-01/18-2678-Conf (see ICC-01/14-01/18-2600, para. 8). Specifically, the Prosecution requests authorisation to file its response by no later than 19 September 2024.

The limited variance sought is warranted, particularly given that the Request - for which the Chamber authorised an extension of page limits (see email decision dated 27 August 2024, at 9:51) – comprises some 42 substantive pages regarding the proposed statements of 12 new witnesses, separately amounting to around 84 pages.

Good cause thus exists for the extension sought, which amounts to merely four working days. It is moreover, reasonable and proportionate in the circumstances, and does not exceed the period for a response to a standard filing per Regulation 34(b) of the RoC. Thank you.

Kind regards,

On behalf of OTP Trial Team

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