

ANNEX 21

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 20 September 2024 12:13
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Yekatom Defence Request for extension of page limits for its request related to PRVs of D29 Statements and Protection of their Identities

[ICC] RESTRICTED

Dear Counsel,

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

In light of the explanations provided, the Single Judge considers that exceptional circumstances exist warranting the extension of the page limit pursuant to Regulation 37(2) of the Regulations of the Court. Accordingly, the Yekatom Defence's request is granted.

Kind regards, TC V

From: OTP CAR IIB [REDACTED]
Sent: Friday, September 20, 2024 11:24 AM
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB [REDACTED] V45 LRV Team [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]
Subject: RE: Yekatom Defence Request for an extension of page limits for its request related to PRVs of D29 Statements and Protection of their Identities

Dear Trial Chamber,

The Prosecution opposes the Defence's request as proposed. The efficiency of the proceedings is not advanced by extending a benefit to one party and a burden of equal measure to the other.

If such a request were to be granted the onus would then be on the Prosecution to request and obtain additional time to be able to fully respond to the Defence's consolidated filing.

Best regards,

On behalf of OTP Trial Team

From: [REDACTED]
Sent: Thursday, September 19, 2024 3:06 PM
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] <[REDACTED]>; OTP CAR IIB [REDACTED] V45 LRV Team [REDACTED]

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

Subject: Yekatom Defence Request for an extension of page limits for its request related to PRVs of D29 Statements and Protection of their Identities

Dear Trial Chamber V,
Dear all,

The Defence for Mr. Yekatom requests an extension of page limits, in accordance with Regulation 37(2) of the Regulations of the Court, in respect of its forthcoming *“Requête de la Défense de M. Yekatom aux fins de protection de l’identité de certains témoins, non divulgation de déclarations au public, et autorisation d’expurgations dans les versions publiques de déclarations”*.

Further to the Chamber’s order for a calling party “to propose a redacted version of the written records of each prior recorded testimony, or indicate that it may be made public in its entirety” as regard to prior recorded testimony (“PRT”) introduced under Rule 68 of the Rules ([see Email from the Chamber to the Parties dated 3 June 2021 at 15:58](#)), the Defence prepared the above mentioned request as regard to its witnesses for which non-disclosure of their PRT is sought and witnesses for which disclosure to the public of their PRT is possible with specific redactions applied.

For efficiency the Defence elected to submit a single request that will provide the measures sought for the totality of the Defence witnesses which had their PRT introduced pursuant to Rule 68; for a total of 25 different witnesses. The presentation of the request in a single filing is deemed more appropriate than its artificial division in multiple ones, which would all have the same topic but only for different witnesses. In this context granting an extension of pages would be in line with the objective to preserve judicial economy as it would limit the numbers of requests and their corresponding responses.

To afford the Defence an opportunity to sufficiently substantiate its requests of disclosure to the public of PRT with appropriate redactions, or non-disclosure altogether, for all of its witnesses in a single comprehensive filing, the Defence exceptionally requests an extension of up to 35 pages.

The Defence would not oppose other Parties and Participants requesting additional time to respond to its request should the extension be granted.

Should the Chamber deems it necessary, the Defence is ready to formalize the present request for an extension of pages in a proper filing in the case record.

Kind regards,

[REDACTED]
Yekatom Defence

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