

ANNEX 26

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 22 October 2024 15:12
To: Trial Chamber V Communications; OTP CAR IIB; 'D29 Yekatom Defence [REDACTED]
 'D30NgaissonaDefence [REDACTED]
Cc: V45 LRV Team; [REDACTED] V44 LRV Team OPCV; Chamber
 Decisions Communication; Associate Legal Officer-Court Officer
Subject: Clarification and amendment of the deadline for closing briefs

Dear Counsel,

The Single Judge takes note of the below emails in relation to the applicable deadline to file closing briefs. In particular, he notes that the Prosecution and CLRV2 seem to be of the view that they may file by 14 November 2024, while the Yekatom Defence calculated the deadline to be 15 November 2024.

He recalls that the Chamber set the deadline '*eight weeks after the declaration of the closure of the submission of evidence*' (decision ICC-01/14-01/18-2342, para. 9). In light of this direction, and noting that the submission of evidence was declared as closed on 18 September 2024 (ICC-01/14-01/18-2697) the deadline to file closing briefs is 13 November 2024.

However, in light of the specific circumstances at hand, in particular the Yekatom Defence's genuine belief that the deadline was on 15 November 2024, and considering the limited difference of two days, the Single Judge considers it prudent to amend the deadline to 15 November 2024 for all participants. All closing briefs are expected to be filed latest by this date.

Kind regards, TC V

From: Massidda, Paolina [REDACTED]
Sent: Tuesday, October 22, 2024 11:20 AM
To: Trial Chamber V Communications [REDACTED] OTP CAR IIB [REDACTED]
 'D29 Yekatom Defence [REDACTED]'; [REDACTED]; 'D30NgaissonaDefence [REDACTED]
 [REDACTED]
Cc: [REDACTED] V45 LRV Team
 <[REDACTED]>; 'V44LRV [REDACTED]'; [REDACTED]; V44 LRV Team OPCV
 [REDACTED]
Subject: FW: Closing briefs

[ICC] RESTRICTED

Dear All,
 Please be informed that the OPCV team was not copied in the exchange of e-mails of yesterday related to the date of the submission of the Final Brief.
 Please include our e-mail in any correspondence related to the case (V44LRV Team OPCV, in copy).

Concerning the matter raised by the Defence, the CLR2 defer to the Chamber's discretion and support the Prosecution position - should the Chamber grant the request - that the same deadline should apply to all parties and participants.

Thank you in advance and kind regards,

Paolina Massidda

From: OTP CAR IIB [REDACTED]
Sent: Monday, October 21, 2024 8:08 PM
To: [REDACTED]; OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED] V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] Trial Chamber V Communications [REDACTED]
Subject: RE: Closing briefs

[ICC] RESTRICTED

Dear Trial Chamber V,

Dear All,

The Prosecution defers to the Chamber's discretion regarding the Yekatom Defence's application to extend the deadline for the Parties' Closing Briefs through 15 November 2024. However, the Prosecution does not agree with the Yekatom Defence's time calculation pursuant to Regulation 33(1)(b) of the Regulations, and considers that the 13 November 2024 time limit properly accords with that provision, subject to the actual filing of the documents "on the *first working day* of the Court *following expiry of the time limit*" per Regulation 33(1)(d).

In any event, should the Chamber grant the Request, the Prosecution considers that it should apply to the Parties and Participants equally. Thank you.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]
Sent: Monday, October 21, 2024 2:40 PM
To: [REDACTED]; OTP CAR IIB <[REDACTED]> D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED] Trial Chamber V Communications [REDACTED]
Subject: Re: Closing briefs

[ICC] RESTRICTED

Dear Trial Chamber V,

Thank you for the information with regard to the deadline for the closing briefs which we understand, is now stated to fall on 13 November 2024.

Please note however that the Yekatom Defence has been preparing its schedule in order to file its brief by **15 November 2024**.

In the absence of any explicit fixed deadline in the Chamber's Declaration (ICC-01/14-01/18-2697) which was notified on 18 September 2024, the Defence calculated the schedule in accordance with regulations 33(1)(b) and 33(1)(d) of the Regulations of the Court i.e. the 8 week countdown as set out in the Chamber's Further Conduct of Proceedings (ICC-01/14-01/18-2697, para. 9) commenced from

Thursday 19 September and will expire on 14 November 2024 so that the closing briefs would be due the following day on **15 November 2024**.

Whilst we appreciate that the email from the Trial Chamber's Legal Officer was prompted by a question from the Ngaissona Defence, we consider that it is significantly prejudicial for the deadline to be altered at this stage of the drafting process. The Yekatom Defence has detrimentally relied on the calculation of time limits as set out by the framework of this Court and did so on a reasonable basis, noting that there was no specific direction that the Regulations of the Court would not be applicable.

In particular, having relied on regulation 33 to calculate the deadline for its closing brief, the Yekatom Defence has organised, with the Registry, for the appointment of a member of the team to commence from 4 November 2024 in order to replace maternity cover for another team member. This appointment was scheduled in furtherance of the Yekatom Defence's reliance on regulation 33 to calculate the deadline for its closing brief, and in the absence of any contrary instruction from the Chamber.

The Yekatom Defence therefore requests that the deadline of **15 November 2024** is maintained for the submission of the closing briefs in accordance with regulation 33, or that an extension of time - for all parties - is granted as a result of the apparent ambiguity of the initial scheduling order and to allow the Yekatom Defence sufficient time to prepare its closing brief in accordance with regulation 35 and for the reasons set out above.

Kind regards

[REDACTED]

From: [REDACTED]

Sent: Monday, October 21, 2024 10:28 AM

To: OTP CAR IIB [REDACTED] D29 Yekatom Defence Team [REDACTED]

D30 Ngaissona Defence Team [REDACTED] V44 LRV Team

[REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]

Subject: Closing briefs

[ICC] RESTRICTED

Dear all,

[REDACTED] kindly informed me that there are differing views regarding the deadline for the closing briefs (decision ICC-01/14-01/18-2342).

To clarify: the deadline of 'eight weeks after the declaration of the closure of the submission of evidence' is 13 November 2024. Briefs are to be filed by that date.
I hope this helps.

Wishing you all a good week!

Kind regards, [REDACTED]

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.