

ANNEX 9

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 13 December 2024 14:41
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 the Prosecution's Request to Extend the Deadline set in ICC-01/14-01/18-2600, para.9 to midnight

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Prosecution's request below, as well as the responses by the Yekatom Defence and Ngaissona Defence. He further notes that the CLRV1 already filed his written submissions on the potential sentencing.

The Single Judge is of the view that the Prosecution should have anticipated earlier the filing of its written submissions on potential sentencing. However, he also notes that the requested extension of time is minimal.

The Single Judge therefore grants an extension of time for the filing of written submissions on potential sentencing until midnight today, for the rest of the parties and participants.

He further instructs the Registry to wait until all such briefs have been received to notify them, and to notify them as a matter of priority on Monday morning. The parties and participants, with the exception of the CLRV1, are further instructed to provide courtesy copies of their briefs by at the latest noon, tomorrow.

Kind regards, TC V

From: OTP CAR IIB
Sent: Friday, December 13, 2024 1:08 PM
To: [REDACTED]; OTP CAR IIB ; Trial Chamber V Communications ; D29 Yekatom Defence Team ; D30 Ngaissona Defence Team ; V44 LRV Team ; V44 LRV Team OPCV ; V45 LRV Team ; Associate Legal Officer-Court Officer
Subject: RE: Prosecution's Request to Extend the Deadline set in ICC-01/14-01/18-2600, para.9 to midnight

[ICC] RESTRICTED

Dear Counsel,

First, the Prosecution notes that while its filing addresses the recommendation of sentencing regarding both defendants, each Accused need only address their own respective interests. As such, the NGAISSONA Defence suggests a false equivalence. The same applies as regards the relative resource burdens and demands that attach to the production of the Parties' Closing Briefs and Final Submissions. The Prosecution's resources are neither unlimited nor inexhaustible.

Second, the Decision #2600 does not specify a filing hour, but rather a filing date – and the Prosecution does not seek an extension of the latter. It moreover, does not consider that the modest request for an extension of the hour warrants the same degree of justification as that of a change of the filing date. Finally, as with all filings of this

nature, the Prosecution's internal approval process must be observed and, given that the Deputy Prosecutor who would normally approve such filing is in travel and will be unavailable before the end of the day, is a factor the Chamber may reasonably take into account.

Finally, the Prosecution does not see that the request in any way prejudices the Defence – which advances no genuine claim to that effect. Thank you.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]
Sent: Friday, December 13, 2024 12:16 PM
To: [REDACTED] OTP CAR IIB [REDACTED] Trial Chamber V
 Communications [REDACTED]; D29 Yekatom Defence Team
 [REDACTED]; D30 Ngaissona Defence Team
 [REDACTED]; V44 LRV Team [REDACTED] V44 LRV Team OPCV
 [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer
 [REDACTED]
Subject: RE: Prosecution's Request to Extend the Deadline set in ICC-01/14-01/18-2600, para.9 to midnight

[ICC] RESTRICTED

Dear Trial Chamber V,

The Defence strongly opposes the below OTP request.

First, there are no objective reasons to justify such an extension. The filing is very short, in that it is maximum 20 pages long. Second, the Prosecution, and all parties and participants, have been on notice of the 13 December deadline since 18 July 2024 – **5 months ago** (ICC-01/14-01/18-2600). Third, the Prosecution has finished its closing submissions on Tuesday morning; it has therefore had the rest of the week – unlike the Defence – to finalise its sentencing written submissions. Fourth, the Prosecution's request is filed at the 11th hour, without any justification.

In these circumstances, there is no reason justifying an extension of time.

Fifth, we note that the Prosecution does not even attempt to justify its request for an extension; it fails to show good cause pursuant to regulation 35(2).

In the event the Chamber would grant the request, the Defence requests that the same deadline apply to it, but that CMS file all sentencing submissions simultaneously on Monday morning, as it had done with the closing briefs. This would prevent any unfair advantage to one party or another.

Kind regards,

[REDACTED]
 Defence of Mr Ngaissona

From: [REDACTED]
Sent: Friday, December 13, 2024 12:10 PM
To: OTP CAR IIB [REDACTED] Trial Chamber V Communications [REDACTED]
 D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team
 [REDACTED] V44 LRV Team [REDACTED]; V44 LRV Team OPCV
 [REDACTED]; V45 LRV Team [REDACTED] Associate Legal Officer-Court Officer

< [REDACTED]

Subject: RE: Prosecution's Request to Extend the Deadline set in ICC-01/14-01/18-2600, para.9 to midnight

Dear Trial Chamber V,

Dear all,

The Yekatom Defence takes note of the Prosecution's request and the absence of any justification or good cause for an extension which is filed mere hours before the deadline.

However, in the event that the Trial Chamber is minded to grant the extension, the Defence requests that CMSS is directed to suspend the notification of all filings until Monday morning to ensure there is no disparity amongst parties as per the procedure for the final briefs.

Further, we would request that a direction for courtesy copies to be circulated by noon tomorrow, 14 December 2024, by all parties and participants. As you can appreciate, the Defence had intended to review the submissions over the weekend in preparation of its oral submissions in order to avoid further disruption during the judicial recess and allow team members to travel for the holidays without interruption.

Thank you in advance.

Kind regards

[REDACTED]

From: OTP CAR IIB [REDACTED]**Sent:** Friday, December 13, 2024 11:55 AM**To:** Trial Chamber V Communications [REDACTED] D29 Yekatom Defence Team

[REDACTED] D30 Ngaissona Defence Team

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

[REDACTED] V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer

[REDACTED]

Cc: OTP CAR IIB [REDACTED]**Subject:** Prosecution's Request to Extend the Deadline set in ICC-01/14-01/18-2600, para.9 to midnight

[ICC] RESTRICTED

Dear Trial Chamber V,

The Prosecution respectfully requests a short extension of time until today midnight to file its written submissions relevant to potential sentencing.

The deadline is currently set for today 16h00 (ICC-01/14-01/18-2600, para. 9).

This extension would be greatly appreciated.

Best regards,

On behalf of TP Trial Team

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