

ANNEX XXXVII

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 17 September 2018 10:33
To: [REDACTED] Trial Chamber IX Communications
Cc: [REDACTED]
Subject: RE: Request for extension of time

Dear parties,
 Dear participants,

The Chamber notes the Prosecution request for extension of time to respond to Defence request ICC-02/04-01/15-1329-Conf.

Considering that the completion of the review of the evidence database – for which the extension is requested – will help the Prosecution to provide accurate and complete information in its response the Chamber is of the view that good cause for the extension is shown. Further, it is absolutely exceptional that the Prosecution asks for an extension of a deadline to respond to filings.

For these reasons, the Chamber hereby grants the request and extends the response deadline for the Prosecution to Defence filing ICC-02/04-01/15-1329-Conf until Monday, 24 September 2018.

Kind regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 14 September 2018 09:52
To: [REDACTED] Trial Chamber IX Communications
Cc: [REDACTED]

Subject: RE: Request for extension of time

Dear Trial Chamber IX,

Writing on behalf of Counsel, the Defence does indeed oppose the request. As was noted in *inter partes* communications with the Prosecution, “the Defence’s position is that we oppose a request for a time extension as the timeliness of the disclosure mentioned in the filing was so very late”.

The Defence further notes that the request lacks merit because the Prosecution email noted in the Annex to 1329-Conf on 25 May 2018 stated:

“it may be the case that there are some undisclosed documents in the possession of the Prosecution which contain the names of persons listed on UGA-OTP-0032-0036. All of those documents have been the subject of separate reviews by two different reviewers in order to identify items which may be material to the preparation of the defence. ***The Prosecution does not intend to repeat that process unless the Chamber orders it to.***” (emphasis added)

It is improper at this stage to request an additional period of time to review material having previously put the Defence in the position of seeking an order of the Chamber in relation to the same material.

Kind regards,

From: [REDACTED]
Sent: 14 September 2018 08:58
To: Trial Chamber IX Communications
Cc: [REDACTED]
[REDACTED]

Subject: Request for extension of time

Dear Trial Chamber IX,

The Prosecution requests an extension of time to respond to the Defence's Request for Disclosure Pursuant to Rule 77 and Article 67(2) and Request for a Remedy in Light of Late and Untimely Disclosure ("Request"), ICC-02/04-01/15-1329-Conf, filed 5 September 2018.

In the course of preparing its response, the Prosecution has run further electronic searches in its evidence database in direct response to the submissions made in the Request. While the Prosecution hoped to complete its review of these items in time to file its response on Monday, 17 September 2018, it has become clear that the review will not be completed in time.

The Prosecution therefore exceptionally requests an extension of the time limit to respond to the Request by one week, to Monday 24 September. This extension will allow the Prosecution to finish reviewing the relevant documents. We submit that a response made on that basis will be more useful to the Chamber in reaching a decision on the Request.

Counsel for the Accused has indicated to the Prosecution that the Defence will oppose this request for an extension of time.

The Prosecution submits this request by email given the relatively short time before expiration of the current deadline. If the Chamber prefers this request to be made by formal filing, the Prosecution will comply as soon as possible.

Regards,

Ben Gumpert