

ANNEX XI

PUBLIC

From: Trial Chamber IX Communications
Sent: 18 March 2020 09:22
To: [REDACTED]
 [REDACTED] Trial Chamber IX Communications;
 [REDACTED]
Subject: Decision on Request for clarification and possible variation of deadline and page-limit

Dear Defence,
 Dear parties and participants,

The Chamber takes note of the exceptional circumstances currently applicable which affect the work of the parties and participants. Pursuant to Regulation 35 of the Regulations of the Court, the Chamber orders that the Defence may reply to all responses, irrespective their date of filing, on 1 April 2020, as requested by the Defence.

With regard to the request for an extension of page limit the Chamber notes that in its order from 26 February 2020 the Defence was instructed to respond to one discrete issue, namely the contact restrictions currently applicable to the accused. No further matter should be addressed.

Further, as remarked by the Defence itself, the response will most likely contain argumentation which is identical to all three potential responses. Accordingly, an extension of the page limit to 60 pages is not necessary.

Pursuant to Regulation 37 of the Regulations of the Court, the Chamber extends the page limit of the Defence response to 25 pages.

Kind regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 17 March 2020 17:21
To: Trial Chamber IX Communications
Cc: [REDACTED]
Su

Dear Trial Chamber,

The present email is on behalf of Counsel for Mr Ongwen and contains a request for clarification and requests for possible variation of a deadline and page limit. The CLRV filed their observations yesterday on ending communication restrictions placed on Mr Ongwen. This was in advance of the 20 March 2020 deadline for observations specified by the Trial Chamber on 26 February 2020.

The Trial Chamber instructed the Defence to "file its response on the submissions concerning the new issue of contact restrictions within the statutory time limit of Regulation 34(b)" RoC. Therefore, ordinarily the deadline for the CLRV response is 26 March 2020. Should the Prosecution and LRV also make observations, responses to those observations will fall on a different date and as late as 1 April 2020.

The Defence seeks clarification as to whether the response deadlines to all parties and participants observations is 1 April - which would be the deadline in respect to 20 March - or is individual to each filing? If it is the latter, than for the purposes of potentially avoiding repetitive argumentation and procedural history, the Defence requests that the deadline to the CLRV observations be varied so that a response to the CLRV can be made at the same time as the last observation notified or alternatively 1 April 2020.

Relatedly, although the a Defence response would be unlikely to use a full 60 pages, given that a response may be required to potentially three separate filings, the Defence requests that should the Defence file an omnibus response, that the Trial Chamber permit a varied page limit of 60 pages which would be the total number of pages under the statutory limit if each response was filed separately.

Kind regards,



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