

ANNEX 28

PUBLIC

From: Trial Chamber V Communications
Sent: 20 December 2021 09:27
To: [REDACTED]
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: RE: Request for extension of deadlines to respond to Prosecution filings ICC-01/14-01/18-1217-Conf, ICC-01/14-01/18-1218-Conf, and ICC-01/14-01/18-1219-Conf
Attachments: Request for extension of deadlines to respond to Prosecution filings ICC-01/14-01/18-1217-Conf, ICC-01/14-01/18-1218-Conf, and ICC-01/14-01/18-1219-Conf; Ngaissona Defence Regulation 35 Request re: ICC-01/14-01/18-1212-Conf; Request for extension of deadline to respond to Prosecution filing ICC-01/14-01/18-685

Dear all,

The Single Judge takes note of the following time extension requests.

The Yekatom Defence requests an extension until 10 January 2022 to respond to the 'Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2084 pursuant to Rule 68(3)' (ICC-01/14-01/18-1210-Conf) (see email from the Yekatom Defence, 14 December 2021, at 15:28); as well as an extension until 14 January 2022 to respond to the following filings (see email from the Yekatom Defence, 17 December 2021, at 14:37):

- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-1595 pursuant to Rule 68(3), (ICC-01/14-01/18-1217-Conf)
- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2083 pursuant to Rule 68(3), (ICC-01/14-01/18-1218-Conf)
- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-0966 pursuant to Rule 68(3), (ICC-01/14-01/18-1219-Conf)

The Ngaissona Defence requests an extension until 10 January 2022 to respond to the 'Prosecution's Request for leave to add Six Items to the List of Evidence,' ICC-01/14-01/18-1212-Conf (see email from the Ngaissona Defence, 15 December 2021, at 11:34).

In light of the reasons provided and noting that there were no objections, the Single Judge considers that good cause has been shown to extend the time limit pursuant to Regulation 35(2) of the Regulations of the Court. The extension is granted for all participants.

Kind regards, TC V

From: [REDACTED]
Sent: 17 December 2021 14:37
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]
Subject: Request for extension of deadlines to respond to Prosecution filings ICC-01/14-01/18-1217-Conf, ICC-01/14-01/18-1218-Conf, and ICC-01/14-01/18-1219-Conf

Dear Trial Chamber V,

The Defence for Mr Yekatom respectfully requests extension of the deadlines to respond to the following Prosecution filings:

- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-1595 pursuant to Rule 68(3), (ICC-01/14-01/18-1217-Conf), notified 15 December;
- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2083 pursuant to Rule 68(3), (ICC-01/14-01/18-1218-Conf), notified 15 December; and,
- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-0966 pursuant to Rule 68(3), (ICC-01/14-01/18-1219-Conf), notified 16 December.

The Defence submits that an extension of the deadlines, to 14 January 2022, is warranted in the circumstances. As they currently stand, the deadlines to respond to these filings would fall in the week between the Christmas and New Year's holidays, during which period the Defence will be understaffed due to a number of team members being on leave.

Should the Chamber prefer that this request be filed by way of a formal motion on the record, the Defence stands ready to do so.

Best regards,



Legal Assistant, Yekatom Defence

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.

From: [REDACTED]
Sent: 17 December 2021 14:37
To: Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team
Subject: Request for extension of deadlines to respond to Prosecution filings ICC-01/14-01/18-1217-Conf, ICC-01/14-01/18-1218-Conf, and ICC-01/14-01/18-1219-Conf

Dear Trial Chamber V,

The Defence for Mr Yekatom respectfully requests extension of the deadlines to respond to the following Prosecution filings:

- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-1595 pursuant to Rule 68(3), (ICC-01/14-01/18-1217-Conf), notified 15 December;
- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2083 pursuant to Rule 68(3), (ICC-01/14-01/18-1218-Conf), notified 15 December; and,
- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-0966 pursuant to Rule 68(3), (ICC-01/14-01/18-1219-Conf), notified 16 December.

The Defence submits that an extension of the deadlines, to 14 January 2022, is warranted in the circumstances. As they currently stand, the deadlines to respond to these filings would fall in the week between the Christmas and New Year's holidays, during which period the Defence will be understaffed due to a number of team members being on leave.

Should the Chamber prefer that this request be filed by way of a formal motion on the record, the Defence stands ready to do so.

Best regards,

[REDACTED]
Legal Assistant, Yekatom Defence

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.

From: [REDACTED]
Sent: 15 December 2021 11:34
To: Trial Chamber V Communications
Cc: D30 Ngaïssona Defence Team; D29 Yekatom Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; OTP CAR IIB Managers; V44 LRV Team; V45 LRV Team; V44 LRV Team OPCV
Subject: Ngaïssona Defence Regulation 35 Request re: ICC-01/14-01/18-1212-Conf

Dear Trial Chamber V,

Pursuant to regulation 35 of the Regulations of the Court, the Defence for Mr Ngaïssona respectfully requests the Chamber to allow an extension of time to respond to the "Prosecution's Request for leave to add Six Items to the List of Evidence," ICC-01/14-01/18-1212-Conf.

The deadline to respond to the request expires on 29 December 2021, which falls in the middle of the Court's judicial recess. The Defence kindly requests the Chamber to grant an extension of time to respond to the Prosecution Request until 10 January 2022, the date on which the judicial recess ends.

The Defence submits that good cause exists to grant the limited extension for the following three reasons.

First, the Defence is currently occupied with the current witness block that will end on 17 December, and with other competing tasks it wishes to finalize before the judicial recess. Second, the Defence's resources will be significantly limited during the winter recess that is set to commence in two days. The winter recess constitutes one of the very limited periods in the year where team members are able to go home and visit their respective families abroad. Third, the Prosecution's request concerns adding items to its list of evidence that go to the heart of Mr Ngaïssona's alleged criminal responsibility. The documents subject to the request relate to evidence that the Prosecution has characterized as "potentially dispositive of the *actus reus* of the charged modes of liability." (Email From : Mr Vanderpuye To: Trial Chamber V on 11/4/2021 11:01 AM). The Defence contests this characterization, but uses it to illustrate the importance the Prosecution places on the material to prove its case. Therefore, the Defence must have the time to thoroughly review it, discuss it with Mr Ngaïssona, and prepare a response in light of team discussions and consultations with the client.

For the aforementioned reasons, the Defence kindly requests that the Chamber grant the Defence's request for a limited extension of time of just 12 days to respond to the Prosecution's request.

Kind Regards,

[REDACTED]
 Legal Assistant for the Defence of Patrice-Edouard Ngaïssona

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.

From: [REDACTED]
Sent: 14 December 2021 15:28
To: Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team
Subject: Request for extension of deadline to respond to Prosecution filing ICC-01/14-01/18-685

Dear Trial Chamber V,

The Defence for Mr Yekatom respectfully requests an extension of the deadline to respond to the 'Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2084 pursuant to Rule 68(3)' (ICC-01/14-01/18-1210-Conf), notified today, to 10 January 2022.

The Defence submits that the sought extension is warranted in the circumstances. As it currently stands, the deadline to respond to the filing would fall in the week between the Christmas and New Year's holidays, during which period the Defence will be understaffed due to a number of team members being on leave.

The Defence has consulted *inter partes* with the Prosecution, who have indicated that they would not oppose the sought extension on the understanding that the extension would not affect the 45-day minimum period between the submission of Rule 68(3) applications and the commencement of P-2084's testimony (ICC-01/14-01/18-685, para. 8).

Should the Chamber prefer that this request be filed by way of a formal motion on the record, the Defence stands ready to do so.

Best regards,

[REDACTED]
 Legal Assistant, Yekatom Defence

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.