

ANNEX 33

PUBLIC

From: Trial Chamber V Communications
Sent: 11 January 2022 14:47
To: [REDACTED] Trial Chamber V Communications
Cc: V44 LRV Team OPCV; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB Operations; OTP CAR IIB Case Management; OTP CAR IIB Managers; Office of the Director DJSS; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Decision on Request for extension of time to respond to ICC-01/14-01/18-1233

Dear all,

In light of the reasons provided and noting that there are 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: 10 January 2022 16:47
To: Trial Chamber V Communications [REDACTED]
Cc: V44 LRV Team OPCV [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB Operations [REDACTED]; OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; Office of the Director DJSS [REDACTED]
Subject: Request for extension of time to respond to ICC-01/14-01/18-1233

Dear Trial Chamber V,

Pursuant to regulation 35 of the Regulations of the Court, the Defence for Mr Ngaissona respectfully requests the Chamber to allow an extension of time to respond to the Prosecution's "Request for the Submission of Evidence from the Bar Table regarding the Prevalence of Sexual and Gender Based Violence" notified on 5 January 2022 (ICC-01/14-01/18-1233).

The deadline to respond to the Request expires on 20 January 2021, which falls in the middle of the next evidentiary block. The Defence submits that the good cause criterion under Regulation 35 is met for the following reasons: (1) responding to the Request entails a thorough review of the Prosecution's arguments regarding the authenticity, reliability and relevance of the 140 items it is seeking to be recognized as formally submitted; (2) the Defence's resources are currently fully invested in the preparation of the witnesses testifying in the upcoming evidentiary block, which is set to end on 4 February 2021. For these reasons, the Defence requests that the deadline be extended such that the response be due on 11 February 2022, i.e. one week after the end of the block.

The Defence wishes to clarify that the Prosecution's understanding that the Defence "has not consented to the submission of any of the items, and has reserved its right to object to any or all of the Submitted Items" (see Request, para. 5) is not correct. In an email dated 20 December 2021, a copy of which can be provided to the Chamber if required, the Defence has objected to the *submission* of a few of the items sought to be formally submitted, based on procedural bars it identified. However, the Defence in this email also reserved its right to present further objections as to the *admissibility* of any of the relevant items "based on the criteria of authenticity, reliability and relevance of the said items once the Prosecution submits its bar table application to the Chamber". The Defence's position, and it apologises to the Prosecution if this was not clear, is that it is only after it will have

completed its review of the Prosecution's arguments on the authenticity, reliability and relevance of each item that it will be in a position to appropriately object to the *admission* of any of the said items. The Defence understands that the fact that most of the items (save for any procedural bars) will be recognised as formally submitted does not preclude the Defence from providing comments as to the admissibility of the said items, for the Chamber's consideration as part of its holistic assessment of the evidence at the end of the proceedings.

This limited extension, which will not have any impact whatsoever on the proceedings, would allow the Defence to conduct a thorough and effective review of the Prosecution's arguments in preparation of its response, without having to divert resources which are currently essential to the effective preparation of the next evidentiary block hearings.

For the aforementioned reasons, the Defence kindly requests that the Chamber grant the Defence's above request.

Kind Regards,



Ngaissona Defence – Legal Assistant

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