

ANNEX 18

PUBLIC

From: Trial Chamber V Communications
Sent: 04 March 2022 15:39
To: [REDACTED] Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; Associate Legal Officer-Court Officer; [REDACTED] V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D30 Ngaissona Defence Team; [REDACTED] Chamber Decisions Communication
Subject: Decision on Request for an extension of time to respond to ICC-01/14-01/18-1296

Dear all,

The Single Judge takes note of the Ngaissona Defence's request to extend the deadline to respond to ICC-01/14-01/18-1296 until 13 May 2022, as well as the Yekatom Defence's request to extend the deadline until mid-April.

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. Responses should therefore be filed by 13 May 2022.

Kind regards, TC V

From: [REDACTED]
Sent: 03 March 2022 10:11
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED] D29 Yekatom Defence Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED] V44 LRV Team <[REDACTED]> V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]
Subject: RE: Request for an extension of time to respond to ICC-01/14-01/18-1296

Dear Counsel,

While the Prosecution rejects any suggestion that it did not comply with the letter and/or spirit of paragraph 62 of the Initial Directions on the Conduct of Proceedings (having provided the Defence on 17 January 2022 with the list of documents it intends to submit), it does not oppose the joint Defence's request in light of the volume of the material under consideration.

Kind regards,

On behalf of OTP Trial team

From: [REDACTED]
Sent: 02 March 2022 18:19
To: Trial Chamber V Communications [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED] D29 Yekatom Defence Team [REDACTED] V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]

Subject: RE: Request for an extension of time to respond to ICC-01/14-01/18-1296

Dear Trial Chamber V,

The Defence for Mr Yekatom supports the request for extension of time formulated by Mr. Ngaïssona's Defence and, albeit for different reasons, also respectfully requests an extension of the deadline to respond to the 'Prosecution's submission of call data records and related evidence via the "bar table"' and its four annexes.

The Defence, when first consulted by the Prosecution, asked to be provided with Annex A to start its analysis of the material. The Prosecution responded that they would provide Annex A only when filing their motion. Accordingly, the Defence informed the Prosecution that it would request an extension of time to the Chamber to properly review the material.

In concordance with the first reason raised by the Ngaïssona Defence, the Yekatom Defence submits that additional time is needed to review, analyse, and test the reliability of the CSTs contained within Annex A. For the first time, the Prosecution has put forward the process by which it has created CSTs from multiple conflicting CDR (see paragraphs 15 to 20). These decisions must be scrutinized across multiple CDR. The Annex also makes a number of claims about contact, frequency, and general call behaviour; again, these must be analysed piece by piece. The Defence thus submits that the complexity and length of the exercise which was not possible to conduct beforehand constitute good cause for the sought extension.

The Defence notes the second and third reasons raised by the Ngaïssona Defence and the corresponding extension for a deadline on 13 May 2022. As those are particular as opposed to shared circumstances, the Yekatom Defence requests an extension of time until mid-April, but defers to the Chamber, should it deem it more appropriate to set a single extended deadline to 13 May 2022.

Kind regards,

Case Manager, Yekatom Defence

From: [REDACTED]

Sent: 02 March 2022 17:00

To: Trial Chamber V Communications ([REDACTED])

[REDACTED] [t](#)

Cc: OTP CAR IIB Case Management [REDACTED]

[REDACTED] D29 Yekatom Defence Team [REDACTED]

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

[REDACTED]; V45 LRV Team [REDACTED]; D30 Ngaïssona Defence Team [REDACTED]

Subject: Request for an extension of time to respond to ICC-01/14-01/18-1296

Dear Trial Chamber,

The Defence respectfully requests, pursuant to Regulation 35(2) of the Regulations of the Court, an extension of time to respond to the "Prosecution's submission of call data records and related evidence *via* the 'bar table'", ICC-01/14-01/18-1296 ("Prosecution Request"). In that motion the Prosecution requests to submit 686 items of evidence, which comprise Call Data Records ("CDR") and other related evidence. The current deadline to respond to the request is 14

March. The Defence submits that there is good cause to grant an extension of time to respond to the Prosecution Request for the following three reasons.

First, the Prosecution Request contains Annex A, with which the Defence was not provided on 17 January 2022, when the Prosecution sent Annexes B, C, and D to the Defence in order to determine whether the Defence had any objections to the submission of material related to CDR. Annex A, with which the Defence was provided today, contains call sequence tables, which are 808 pages in length. The Defence needs time to review these materials. The Defence further notes that Annex C contained in the Prosecution Request comprises additional attribution evidence that was not contained in the original Annex C sent to the Defence on 17 January. This additional evidence includes statements of individuals who have yet to testify. Given that the aforementioned materials were not provided by the Prosecution on 17 January when it sought the Defence's position on objections to the material, the Defence requires additional time to review the material.

Second, the Defence sent a disclosure request related to the CDR material contained in the Prosecution's Request to the Prosecution on 23 February 2022 at 18:06. The Defence is presently waiting for the Prosecution's response, which is forthcoming. The Defence submits that in order to fully respond to the Prosecution Request, these issues of disclosure must be first resolved since the disclosure of the underlying material will influence the Defence's position regarding potential objections to the material.

Third, the Defence's resources are currently strained. The current and forthcoming evidentiary blocks require extensive preparation since they relate to the alleged attack on Bossangoa with which Mr Ngaïssona is exclusively charged or to insider witnesses. According to the most updated schedule, the current 10-day deadline to respond would fall in the middle of the testimony of an insider witness (P-1193). Moreover, due to COVID-19 related circumstances, the Defence has had to reorganize certain tasks and responsibilities of team members, which has further contributed to the strain on Defence resources. The Defence is able to provide further information on this matter if needed, but will do so on an *ex parte* basis given it concerns the private life of certain team members.

For the aforementioned reasons, the Defence submits that good cause exists to grant the Defence an extension of time to respond to the Prosecution Request. The Defence respectfully requests an extension until 13 May 2022. This extension of time would take into account the current resource constraints and the review of the new information contained in the annexes to the Prosecution Request, while simultaneously having no impact on the expeditiousness of the proceedings.

Kind Regards,



On behalf of Geert-Jan Alexander Knoops

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