

ANNEX 45

PUBLIC

From: Trial Chamber V Communications
Sent: 25 April 2022 12:02
To: Dimitri, Mylene; Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Operations; Suprun, Dmytro; OTP CAR IIB Prosecution Team; OTP CAR IIB Managers; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; D30 Ngaissona Defence Team;
Subject: Chamber Decisions Communication; Associate Legal Officer-Court Officer
 Decision on the Yekatom Defence Request for an Extension of Time to respond to ICC-01/14-01/18-1361-Conf

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's request to extend the deadline to respond to ICC-01/14-01/18-1361-Conf until 6 May 2022 and that the Prosecution reportedly did not oppose this request.

In light of the reasons provided, the Single Judge considers that good cause has been shown to extend the time limit as requested, pursuant to Regulation 35(2) of the Regulations of the Court.

Kind regards, TC V

From: Dimitri, Mylene [REDACTED]
Sent: 25 April 2022 08:20
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Operations [REDACTED] Suprun, Dmytro [REDACTED] OTP CAR IIB Prosecution Team [REDACTED]; OTP CAR IIB Managers [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]
Subject: RE: Request for an Extension of Time to respond to ICC-01/14-01/18-1361-Conf

Dear Trial Chamber V,

The Common Legal Representative of the former child soldiers is absolutely correct. We sincerely apologies for the typos and the inconvenience caused. The correct request should read as follow with the corrections in red :

Dear Trial Chamber V,

Pursuant to Regulation 35 of the Regulations of the Court, the Defence for Mr Yekatom respectfully requests the Chamber to allow an extension of time to respond to the "Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2620 pursuant to Rule 68(3) "(ICC-01/14-01/18-1361-Conf) notified on 14 April 2022.

The Defence submits that an extension of the deadlines, to **6 May 2022**, is warranted in the circumstances. As it currently stands, the deadline to respond to this filing would fall on the **29 April 2022**. Since the notification of the filing, a number of team members were engaged in preparing the following Yekatom Defence responses ICC-01/14-01/18-1366-Conf, ICC-01/14-01/18-1367-Conf & ICC-01/14-01/18-1373-Conf. In addition, priority was given to the Defence Request for Leave to Appeal in order to provide a courtesy copy prior to the weekend.

Furthermore, the Defence still has the following deadlines to meet :

25 April :

- Response to ICC-01/14-01/18-1346
- Response to ICC-01/14-01/18-1345-Conf
- Response to ICC-01/14-01/18-1360-Conf

13 May :

- Response to ICC-01/14-01/18-1296

27 May :

- Response to ICC-01/14-01/18-1330-Conf

The Defence tried its best to meet the **29 April** deadline for ICC-01/14-01/18-1361-Conf. However, it appears that the necessary time and resources in the past week were underestimated in light of the numerous filings, which was exacerbated by the fact that a team member tested positive to Covid 19 and the fact that a team member was on leave following the Easter Holliday.

Hence, despite its best efforts, the Defence realized yesterday that an additional week would be necessary to respond to ICC-01/14-01/18-1361-Conf. The Defence apologies for this late request to allow an extension but nevertheless wishes to inform the Chamber that it has consulted *inter partes* with the Prosecution last night who was sensitive to the current workload on the team and indicated that it would not oppose an extension to the **6 May**.

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

Kind regards,
Mylène Dimitri

From: Suprun, Dmytro [REDACTED]
Sent: 25 avril 2022 08:06
To: Dimitri, Mylene [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Operations [REDACTED]
 [REDACTED] > OTP CAR IIB Prosecution Team [REDACTED] OTP CAR IIB Managers [REDACTED]; V44 LRV Team OPCV <[REDACTED]>; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team <[REDACTED]>
Subject: RE: Request for an Extension of Time to respond to ICC-01/14-01/18-1361-Conf

Dear Trial Chamber V,

In response to the below request, the Common Legal Representative of the former child soldiers (the "Legal Representative") notes that pursuant to regulation 33(1)(c) of the Regulations of the Court, "[w]here the day of notification is a Friday, or the day before an official holiday of the Court, the time limit shall not begin to run until the next working day of the Court". Since 15 and 18 April 2022 were official holidays of the Court, the time limit for a response to the Prosecution Request No. 1361-Conf notified on 14 April 2022 should begin to run on 19 April. Accordingly, it is the Legal Representative's understanding that the standard deadline to respond to the Prosecution Request should be 29 April 2022 and not 22 April as referred to by the Yekatom Defence.

Kind regards,
Dmytro Suprun

From: Dimitri, Mylene [REDACTED]
Sent: Saturday, April 23, 2022 15:26
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED] > OTP CAR IIB Operations [REDACTED]

[REDACTED]; OTP CAR IIB Prosecution Team [REDACTED]; OTP CAR IIB Managers [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED] D30 Ngaissona Defence Team [REDACTED]

Subject: Request for an Extension of Time to respond to ICC-01/14-01/18-1361-Conf

Dear Trial Chamber V,

Pursuant to Regulation 35 of the Regulations of the Court, the Defence for Mr Yekatom respectfully requests the Chamber to allow an extension of time to respond to the "Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2620 pursuant to Rule 68(3) "(ICC-01/14-01/18-1361-Conf) notified on 14 April 2022.

The Defence submits that an extension of the deadlines, to 29 April 2022, is warranted in the circumstances. As it currently stands, the deadline to respond to this filing would fall on the 22 April 2022. Since the notification of the filing, a number of team members were engaged in preparing the following Yekatom Defence responses ICC-01/14-01/18-1366-Conf, ICC-01/14-01/18-1367-Conf & ICC-01/14-01/18-1373-Conf. In addition, priority was given to the Defence Request for Leave to Appeal in order to provide a courtesy copy prior to the weekend.

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- Response to ICC-01/14-01/18-1296

27 May :

- Response to ICC-01/14-01/18-1330-Conf

The Defence tried its best to meet the 22 April deadline for ICC-01/14-01/18-1361-Conf. However, it appears that the necessary time and resources in the past week were underestimated in light of the numerous filings, which was exacerbated by the fact that a team member tested positive to Covid 19 and the fact that a team member was on leave following the Easter Holliday.

Hence, despite its best efforts, the Defence realized yesterday that an additional week would be necessary to respond to ICC-01/14-01/18-1361-Conf. The Defence apologies for this late request to allow an extension but nevertheless wishes to inform the Chamber that it has consulted *inter partes* with the Prosecution last night who was sensitive to the current workload on the team and indicated that it would not oppose an extension to the 29 April.

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

Kind regards,
Mylène Dimitri

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