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No. ICC-01/14-01/18

Date: 4 July 2023

TRIAL CHAMBER V

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public

**Decision on the Defence Requests for Extension of Time to Respond to Bar Table
Applications**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Judge Bertram Schmitt, acting as Single Judge on behalf of Trial Chamber V of the International Criminal Court, in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, having regard to Regulation 35 of the Regulations of the Court (the ‘Regulations’), issues this ‘Decision on the Defence Requests for Extension of Time to Respond to Bar Table Applications’.

1. On 26 and 27 June 2023, respectively, the Office of the Prosecutor (the ‘Prosecution’) filed its eighth¹ and ninth² applications for the submission of evidence from the bar table (the ‘Ninth Application’, and jointly, the ‘Applications’).
2. On 28 June 2023, the Ngaïssona Defence requested that the time limit to respond to the Applications be extended until 1 September 2023 (the ‘Ngaïssona Defence Request’).³ It argues that there is good cause because (i) ‘the Defence does not have sufficient resources to respond’ in a timely manner without additional support;⁴ (ii) the recent changes in the witness schedule monopolise the available time of several team members;⁵ and (iii) the ‘critical juncture of the case requires that those members who are not in trial be dedicated to preparing the potential Defence case’.⁶
3. On 3 July 2023, the Yekatom Defence requested an extension of time to respond to the Ninth Application, until 14 July 2023 (the ‘Yekatom Defence Request’).⁷ The Yekatom Defence argues that every team member is ‘fully engaged in several

¹ Prosecution’s Eighth Application for Submission of Audio/Videos Evidence from the Bar Table, ICC-01/14-01/18-1945-Conf.

² Prosecution’s Ninth Application for the Submission of Evidence from the Bar Table and request for reconsideration of the Decision on the submission of CAR-OTP-2053-0576, ICC-01/14-01/18-1947-Conf (with one confidential annex).

³ Consolidated Defence Request pursuant to Regulation 35 to vary the time limit to respond to ICC-01/14-01/18-1945-Conf and ICC-01/14-01/18-1947-Conf, ICC-01/14-01/18-1949. On the same day, the Single Judge shortened the deadline for responses to the Ngaïssona Defence Request, if any, to 3 July 2023 (email from the Chamber, 28 June 2023, at 16:14).

⁴ Request, ICC-01/14-01/18-1949, paras 1, 6-9.

⁵ Request, ICC-01/14-01/18-1949, paras 1, 11, 13.

⁶ Request, ICC-01/14-01/18-1949, paras 1, 12-13.

⁷ Email from the Yekatom Defence, 3 July 2023, at 15:06.

different tasks involving competing priorities and tight deadlines’, and that therefore four additional days are necessary to respond to the Ninth Application.

4. Pursuant to Regulation 35(2) of the Regulations, a chamber may extend a time limit at the request of a participant ‘if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard’.
5. At the outset, the Single Judge finds it unnecessary for the proper adjudication of the Yekatom Defence Request to receive further responses thereon.⁸
6. Turning to the substance of the requests submitted respectively by the defence teams, the Single Judge is of the view that good cause has been shown for an extension of time to respond to the Applications. In particular, as regards the Yekatom Defence Request, the Single Judge notes that the requested extension to file its response until 14 July 2023 is very limited and accordingly granted.
7. At the same time, the Single Judge notes that the extension requested by the Ngaïssona Defence is substantially longer. While the Single Judge is of the view that, in the circumstances at hand, good cause has been shown for an extension of time, he also considers that this extension should be more limited than requested, to take due account of the need to advance the proceedings. Therefore, the Single Judge grants an extension of time for the Ngaïssona Defence to respond to the Applications until 18 August 2023.


⁸ The Single Judge also notes in this regard that the Yekatom Defence indicates that in *inter partes* consultations, the Prosecution has informed that it would not oppose the requested extension. See email from the Yekatom Defence, 3 July 2023, at 15:06.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS the Ngaïssona Defence Request in part, extending the time limit to respond to the Applications until 18 August 2023; and

GRANTS the Yekatom Defence Request.

Done in both English and French, the English version being authoritative.



Judge Bertram Schmitt

Single Judge

Dated 4 July 2023

At The Hague, The Netherlands