

ANNEX 5

PUBLIC REDACTED

From: Trial Chamber VI Communications
Sent: 20 October 2022 10:57
To: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV; Associate Legal Officer-Court Officer
Cc: Trial Chamber VI Communications; Chamber Decisions Communication
Subject: RE: 220930 - Prosecution's request for an extension of time limit

Dear Prosecution,

The Chamber takes note of the Prosecution's request for an extension of time to file its rule 68 application for P-1339.

As noted in its previous email decision dated 3 October 2022 at 15:37, the Chamber finds that good cause within the meaning of regulation 35(2) of the Regulations of the Court has been shown due to the fact that the preparation of the respective transcripts is a process outside of the Prosecution's control.

Furthermore, the Chamber observes that the Defence and the Common Legal Representative of Victims do not oppose the Prosecution's request.

Accordingly, the Chamber grants the Prosecution's request. The Chamber reiterates that its previous directions relating to response timelines remain in place. In addition, the Prosecution is ordered to keep the Chamber, the Defence and the Common Legal Representative of Victims updated regarding the availability and disclosure process of the relevant transcripts.

Kind regards,
 Trial Chamber VI

From: Jacobs, Dov [REDACTED]
Sent: 20 October 2022 09:37
To: Trial Chamber VI Communications [REDACTED]
Cc: Chamber Decisions Communication [REDACTED] OTP CAR IIA Communications [REDACTED] D33 Said Defence Team [REDACTED] Said LRV Team OPCV [REDACTED]
Subject: RE: 220930 - Prosecution's request for an extension of time limit

Chère Chambre de première instance VI,

La Défense ne s'oppose pas à la demande de l'Accusation.

Bien à vous,

Dov Jacobs

From: [REDACTED]
Sent: 20 October 2022 08:45
To: Trial Chamber VI Communications [REDACTED]
Cc: Chamber Decisions Communication [REDACTED] OTP CAR IIA Communications [REDACTED] D33 Said Defence Team [REDACTED] Said LRV Team OPCV [REDACTED]
Subject: RE: 220930 - Prosecution's request for an extension of time limit

Dear Trial Chamber VI,

The Prosecution respectfully requests for an additional extension of time limit pursuant to regulation 35(1) of the Regulations of the Court ("Regulations"), pertaining to the same rule 68 application for P-1339.

The Prosecution confirms that since the Prosecution requested for the extension of three weeks on 30 September 2022, two English transcripts (2 and 13 September 2022) have been produced by the CMS. However, all outstanding French transcripts remain unavailable. The Prosecution incorporates by reference its arguments made in its previous request on 30 September 2022, and submits that there is good cause within the meaning of regulation 35(2) of the Regulations for further extension of time limit.

Therefore, the Prosecution respectfully requests for an additional extension of three weeks from the current deadline to submit its rule 68 application pertaining to P-1339.

Kind regards,

From: Trial Chamber VI Communications [REDACTED]
Sent: 03 October 2022 15:37
To: OTP CAR IIA Communications [REDACTED] D33 Said Defence Team
[REDACTED] Said LRV Team OPCV [REDACTED]
Cc: Trial Chamber VI Communications [REDACTED] Chamber Decisions
Communication [REDACTED]
Subject: HPRM: RE: 220930 - Prosecution's request for an extension of time limit

Dear Prosecution,

The Chamber has considered your request.

The Chamber finds that good cause within the meaning of regulation 35(2) of the Regulations of the Court has been shown due to the fact that the preparation of the respective transcripts is a process outside of the Prosecution's control.

Furthermore, the Chamber observes that the Defence does not oppose the request.

Accordingly, the Chamber grants the Prosecution's request. In this regard, the Chamber notes that the existing directions given by the Chamber via email on 7 September 2022 at 09:35 in respect of response timelines remain in place. Furthermore, the Prosecution is ordered to keep the Chamber, the Defence and the Common Legal Representative of Victims informed of any relevant updates in respect of the availability and subsequent disclosure process of the relevant transcripts.

Kind regards,
Trial Chamber VI

From: Jacobs, Dov [REDACTED]
Sent: 03 October 2022 14:16
To: Trial Chamber VI Communications [REDACTED]
Cc: OTP CAR IIA Communications [REDACTED] D33 Said Defence Team
[REDACTED] Said LRV Team OPCV [REDACTED]
[REDACTED]
Subject: RE: 220930 - Prosecution's request for an extension of time limit

Chère Chambre de première instance VI,

La Défense ne s'oppose pas à la demande de l'Accusation.

Bien à vous,

Dov Jacobs

From: [REDACTED]
Sent: 30 September 2022 17:03
To: Trial Chamber VI Communications [REDACTED]
Cc: OTP CAR IIA Communications [REDACTED] D33 Said Defence Team
[REDACTED] Said LRV Team OPCV [REDACTED]
Subject: 220930 - Prosecution's request for an extension of time limit

Dear Trial Chamber VI,

The Prosecution respectfully requests for an extension of time limit to submit its rule 68(3) application pertaining to P-1339, which is currently due on 4 October 2022, pursuant to regulation 35(1) of the Regulations of the Court ("Regulations").

The Prosecution considers that there is good cause within the meaning of regulation 35(2) of the Regulations, justifying an extension of the time limit for the following reasons:

In its decision #305, para. 17, the Chamber extended the time limit for the submission of rule 68 applications pertaining to three Prosecution witnesses, namely P-0975, P-1339 and P-2269, to 20 days after completion of their respective testimony. One of these witnesses, P-1339, gave his oral testimony in the *Yekatom & Ngaissona* case on 1, 2, 5, 6, 7, 8, 9, 12, 13 and 14 September 2022, thereby setting the deadline for filing a request for this witness on 4 October 2022. However, as of today, English transcripts of 2 and 13 September 2022 as well as French transcripts of 1, 2, 6, 7, 8, 12, 13 and 14 September 2022 are yet available. The Prosecution inquired with CMS on 26 September 2022 on whether the remaining transcripts will be available by the end of this week. On 29 September 2022, CMS inform the Prosecution that they need more time to provide their response. The preparation of hearing transcripts are handled by the CMS, and the Prosecution has no control over this process.

The Prosecution submits that the remaining transcripts are necessary for its rule 68 application as they form part of the witness's prior recorded testimony which the Prosecution intends to assess and request for introduction into evidence through this filing. Their disclosure will also be required. As not all transcripts would be available by 4 October 2022, the Prosecution cannot proceed with a full request pursuant to rule 68 of the Rules.

In light of the above, the Prosecution respectfully requests for an additional extension of three weeks from the current deadline to submit its rule 68 application pertaining to P-1339.

Kind regards,

[REDACTED]

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