

ANNEX 2
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Version

From: Trial Chamber V Communications
Sent: 02 August 2023 14:24
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Ngaissona Defence Further Request for Extension of Time to Respond to ICC-01/14-01/18-1971

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the request.

In light of the explanations provided, he considers that good cause has been shown pursuant to Regulation 35(2) of the Regulations of the Court. Further noting the absence of objections by the rest of participants, the Single Judge grants the request.

Kind regards,

TC V

From: OTP CAR IIB [REDACTED]
Sent: 02 August 2023 10:38
To: [REDACTED] Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; V45 LRV Team [REDACTED] V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED] D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Subject: RE: Urgent Regulation 35 Request for an additional extension of time

[ICC] RESTRICTED

Dear Trial Chamber V,

Dear All,

The Prosecution does not object to the Ngaissona Defence's Regulation 35 Request, and defers to the discretion of the Chamber. While the aggregated extension of time would be lengthy relative to the 7 July 2023 filing of P-1847's Rule 68(2)(d) Request, we fully understand the circumstances. It is a stark reminder of how prevalent COVID-19 remains, and still looms over the proceedings.

We wish the stricken team member well, and a speedy recovery.

Kind regards,

Kweku Vanderpuye

From: [REDACTED]
Sent: 01 August 2023 21:10
To: Trial Chamber V Communications [REDACTED] >
Cc: OTP CAR IIB [REDACTED]; V45 LRV Team [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; D29 Yekatom Defence Team [REDACTED]; [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
<[REDACTED]>
Subject: Urgent Regulation 35 Request for an additional extension of time
Importance: High

[ICC] RESTRICTED

Dear Trial Chamber V,

The Defence for Mr Ngaissona ("the Defence") respectfully requests an additional extension of time pursuant to regulation 35(2) of the Regulations of the Court to respond to the "Prosecution's Request for the Formal Submission of the Prior Statements of P-1847", ICC-01/14-01/18-1971 ('P-1847 Rule 68(2)(d) Application'). The additional extension is being sought due to intervening circumstances that were completely outside the Defence's control that occurred after the Chamber granted the Defence's initial request for an extension of time on 13 July 2021.

The Defence assigned one team member to draft the response to the P-1847 Rule 68(2)(d) Application. Responding to the request required not only analyzing and reviewing hundreds of pages of documents underlying the Prosecution's arguments of alleged interference, but also, [REDACTED]. Despite the importance of the filing, only one member could be assigned to draft the response because of the Defence's competing priorities with which other team members are tasked. The Defence is grateful for the Chamber recognizing these priorities through its initial decision to extend the deadline for the P-1847 Rule 68(2)(d) Application until 7 August 2023.

The team member responsible for the response was diligently working to meet the Chamber's new deadline, when they fell ill with COVID-19 on 25 July 2021, and developed symptoms of fever, cough, and extreme fatigue. Despite falling ill, the team member endeavored to meet the Chamber's deadline by continuing to work on the response. However, this evening, the team member informed Counsel that it would be impossible for them to meet the deadline due to the continued symptoms of COVID-19. These circumstances were completely outside the Defence's control and could not be foreseen in the Defence's initial request for an extension of time.

The Defence respectfully requests the Chamber to grant an extension of an additional week to respond to the P-1847 Rule 68(2)(d) Application. The new proposed deadline would be 14 August 2023, which corresponds to the end of the judicial recess. This additional week would allow the Defence to re-organize its priorities and allow the team member additional time to recover. Further, the Defence submits that the expeditious conduct of the proceedings would not be affected by a modest extension of a week, which would fall at the end of the judicial recess, when the Court will resume all its activities.

For the aforementioned reasons, the Defence respectfully requests that the Chamber grant its request for an extension of time to respond to the Rule 68(2)(d) Application until 14 August 2023.

Kind Regards,

[REDACTED]
On behalf the Ngaissona Defence team

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