

ANNEX 16
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 25 August 2023 13:56
To: OTP CAR IIB
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Prosecution Request for an extension of the page-limit regarding two Prosecution Bar Table Applications

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Prosecution's request below.

The Single Judge is of the view that the Chamber will be assisted by the Prosecution's submissions on relevance and probative value of the items forming part of the respective requests.

Therefore, the Single Judge considers that exceptional circumstances exist, which warrant the extension of the applicable page limit pursuant to Regulation 37(2) of the Regulations of the Court for purposes of submitting 'argumentative' annexes, as requested.

Accordingly, the request is granted with regard to the mentioned 'CDR' 'bar table' application.

Further, the Single Judge notes that before filing its 13th 'bar table' application, the Prosecution did present a request for an extension of the page limit in relation to another 'bar table' application (see email from the Prosecution, 23 August 2023, at 15:29), and could therefore have considered doing the same for the 13th application. Nonetheless, he finds it going against judicial economy to now require the Prosecution to re-file its 13th application in accordance with the statutory page limit. The Chamber will therefore consider the substance of the 13th application as filed.

Kind regards,
 TC V

From: OTP CAR IIB [REDACTED]
Sent: 25 August 2023 11:10
To: Trial Chamber V Communications [REDACTED]
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]; OTP CAR IIB [REDACTED]
Subject: RE: Decision on Prosecution Request for an extension of the page-limit regarding the Facebook Prosecution Bar Table Application

[ICC] RESTRICTED

Dear Trial Chamber V,
 Dear All,

The Prosecution regrets that it overlooked one request for page extension to be filed by yesterday's instructed deadline. It hereby requests a page-limit extension for the submission of 'argumentative' annexes, pursuant to

regulations 37(2) and 38 of the Regulations of the Court (“RoC”) regarding its forthcoming Application for Submission of supplementary CDR evidence from the Bar Table.

The requested extension is necessary to properly substantiate the relevance and probative value of the items in their related annexes (pursuant to paragraph 62 of the Initial Directions on the Conduct of the Proceedings), which in addition detail, *inter alia*, the evidence registration number (“ERN”), date, source identity, title, date of disclosure, and also provide Call Sequence Tables to demonstrate the relevance of the items submitted.

Retrospectively, the Prosecution requests a similar extension of page-limit for its 13 Bar Table motion (ICC-01/14-01/18-2048-Conf), which was filed and notified yesterday at 10:50 (before the Chamber’s email setting the above mentioned deadline).

The Prosecution appreciates the Chamber’s consideration and notes, for the Parties and Participants, that the request should be considered as ‘confidential’.

Kind regards,
On behalf of the OTP Trial Team

De : OTP CAR IIB [REDACTED]
Envoyé : jeudi 24 août 2023 16:03
À : Trial Chamber V Communications [REDACTED]
Cc : D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]; OTP CAR IIB [REDACTED]
Objet : RE: Decision on Prosecution Request for an extension of the page-limit regarding the Facebook Prosecution Bar Table Application

[ICC] RESTRICTED

Dear Trial Chamber V,

Dear Counsel,

Please take note that the Annex regarding the Prosecution’s forthcoming Bar Table motion regarding video evidence provided by P-1819 will be provided this evening. Although the Chamber has previously directed that the Prosecution not file Bar Table motions until the Parties have had a reasonable opportunity to consider their positions on the tendered material, we consider that we are bound in this instance to comply with the Chamber’s 25 August 2023 deadline to submit such evidence. We recognise, of course, that this curtails the normal period afforded the Parties to provide their position on the tendered items, and have no objection to any related request by the Defence for an extension of time to consider the Annex prior to responding to the Bar Table motion, or in respect of filing a response altogether. We note that the tendered video evidence comprises a subset of the ‘associated documents’ identified in the Prosecution’s previous Rule 68(2)(c) motion to submit the witness’s written evidence.

In addition, given the volume of video evidence tendered — which comprises over 500 items — and the need to sufficiently to fully substantiate their relevance and probative value per the Initial Directions on the Conduct of the Proceedings, the Prosecution respectfully seeks an extension of the applicable page limits pursuant to Regulation 37. The Prosecution apologises for this late response.

Kind regards,

Kweku Vanderpuye

De : Trial Chamber V Communications [REDACTED]
Envoyé : jeudi 24 août 2023 11:33
À : OTP CAR IIB [REDACTED]
Cc : D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED]; Trial Chamber V Communications [REDACTED]
Objet : Decision on Prosecution Request for an extension of the page-limit regarding the Facebook Prosecution Bar Table Application

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Prosecution's request below.

In light of the reasons provided, the Single Judge considers that exceptional circumstances exist, which warrant the extension of the applicable page limit pursuant to Regulation 37(2) of the Regulations of the Court for purposes of submitting 'argumentative' annexes, as requested.

Accordingly, the request is granted.

Should the Prosecution intend to present similar requests on any other bar table applications to be filed in line with the time limit of 25 August 2023, it is instructed to send them no later than 15:30 today.

Kind regards,
 TC V

From: OTP CAR IIB [REDACTED]
Sent: 23 August 2023 15:29
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB [REDACTED]
Subject: Request for an extension of the page-limit regarding the Facebook Prosecution Bar Table Application

Dear Trial Chamber V,
 Dear All,

The Prosecution hereby requests a page-limit extension for the submission of 'argumentative' annexes, pursuant to regulations 37(2) and 38 of the Regulations of the Court ("RoC") regarding its forthcoming Application for Submission of Facebook evidence from the Bar Table.

The requested extension is necessary to properly substantiate the relevance and probative value of the items in their related annexes (pursuant to paragraph 62 of the Initial Directions on the Conduct of the Proceedings), which in addition detail, *inter alia*, the evidence registration number ("ERN"), date, type, source identity, title, date of disclosure, and the attribution of the accounts to their user.

The Prosecution appreciates the Chamber's consideration and notes, for the Parties and Participants, that the request should be considered as 'confidential'.

Kind regards,

On behalf of the OTP Trial Team