

**ANNEX 37**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 12 October 2023 14:33  
**To:** D30 Ngaissona Defence Team  
**Cc:** OTP CAR IIB; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications  
**Subject:** Decision on Ngaissona Defence Request for an Extension of Page Limit Regarding its Request for Leave to Appeal Decision ICC-01/14-01/18-2127-Conf

[ICC] RESTRICTED

Dear counsel,

The Single Judge takes note of the request of the Ngaissona Defence below.

In light of the reasons provided, and noting the absence of objections, 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.

Accordingly, the request is granted.

Kind regards,  
 TC V

---

**From:** OTP CAR IIB [REDACTED]  
**Sent:** 12 October 2023 13:49  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]  
**Subject:** RE: D30 Request for an Extension of Page Limit

[ICC] RESTRICTED

Dear Trial Chamber V,

Dear All,

The Prosecution defers to the Trial Chamber in respect of the Ngaissona Defence's requested extension of the applicable page limit to 30 pages. Thank you.

Kind regards,

On behalf of OTP Trial Team

---

**De :** [REDACTED]  
**Envoyé :** mercredi 11 octobre 2023 18:24  
**À :** Trial Chamber V Communications [REDACTED]  
**Cc :** D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]

< [REDACTED] OTP CAR IIB [REDACTED] V44 LRV Team  
[REDACTED]; V45 LRV Team [REDACTED]

**Objet : D30 Request for an Extension of Page Limit**

[ICC] RESTRICTED

Dear Trial Chamber V,

The Defence for Mr Ngaïssona (the Defence) hereby respectfully requests an extension of the page limit for its forthcoming request for leave to appeal (LTA) the "Third Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(c) of the Rules" (ICC-01/14-01/18-2127-Conf) pursuant to Regulation 37(1) of the Regulations of the Court ('RoC'). The Defence requests that the page limit for the cover filing be extended to 30 pages.

The sought extension is justified and reasonable given the nature of the Decision and the criteria in Article 82(1)(d) that the Defence must meet.

Considering that the general page limit of 20 pages applies for written submissions relating to one request not exceeding 20 pages, the sought increase of 10 pages is reasonable given the length of the Decision, which is 34 pages long, and its substance, as it covers 4 separate 68(2)(c) requests filed by the Prosecution.

Additionally, the rules governing a LTA require that the Defence substantiates how:

1. The decision involves an appealable issue;
2. Such issue would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial; and
3. The immediate resolution by the Appeals Chamber of such issue may materially advance the proceedings.

While the Defence will try to keep its LTA concise, it currently anticipates that the 20-page limit will hinder the clarity of the arguments and the substantiation of how the above criteria are met for each issue stemming from the Decision on four requests.

In light of the above, the Defence submits that exceptional circumstances have been shown and that the sought extension is warranted.

Finally, given that the LTA is due on 16 October 2023, it would assist the Defence if a decision can be taken by the end of the week so as to allow the Defence to adjust its submissions, if needed.

Kind regards,

[REDACTED]  
*On behalf of the Defence Team for Mr Ngaïssona*

---

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par

erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.