

ANNEX 7
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Version

From: Trial Chamber V Communications
Sent: 11 August 2023 18:15
To: OTP CAR IIB; D29 Yekatom Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D30 Ngaissona Defence Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Regulation 35 Request for an extension of time to respond to the Prosecution's Eleventh Bar Table Motion (ICC-01/14-01/18-2010)

Dear Counsel,

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

In light of the explanations provided, and noting the absence of objections, the Single Judge considers that good cause has been shown pursuant to Regulation 35(2) of the Regulations of the Court. However, considering that the requested deadline falls on the weekend, the Single Judge grants the extension of time to respond until 29 September 2023. The extension is granted to all participants.

Kind regards,

TC V

From: [REDACTED]
Sent: 02 August 2023 11:08
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]
Subject: Regulation 35 Request for an extension of time to respond to the Prosecution's Eleventh Bar Table Motion (ICC-01/14-01/18-2010)

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Dear Trial Chamber V,

On 31 July 2023, the Prosecution filed its Eleventh Application for Submission of Open-Source Evidence from the Bar Table (ICC-01/14-01/18-2010) ('Eleventh Bar Table Application'). The request concerns 42 items totalling at around 500 pages. The deadline to respond to the Eleventh Bar Table Application is on 24 August 2023, taking account of the suspension of deadlines during the judicial recess.

The Defence for Mr NGAÏSSONA ('Defence') respectfully requests Trial Chamber V ('Chamber') to vary the time limit for the Defence to respond to the Eleventh Bar Table Application until 30 September 2023. This additional time is necessary for the Defence to address this newest bar table request whilst preparing the responses to the Eighth, Ninth and Tenth Bar Table Applications.


As recognised by the Chamber, preparing responses to bar table applications requires an in-depth analysis (ICC-01/14-01/18-1884, para 17). However, to meet the tight deadlines requested *inter partes* by the Prosecution, the Defence was only able to carry out a cursory review of the items by solely identifying major procedural bars to submission. Consequently, additional time is needed to further analyse the documents and the arguments raised by the Prosecution in the core submissions of its Application, and therefore to be able to file a response.

Under these time and workload constraints, the Defence appointed a consultant who began working on 26 June 2023. This newly appointed team member had to become familiar with the numerous items sought to be submitted under the Eighth, Ninth and Tenth Bar Table Applications in a very limited timeframe.

The Defence has also recently had to invest resources in the changes to the trial schedule as a result of the unforeseen addition of witness P-0974, whose statement has been introduced by the Chamber under Rule 68(3). This unexpected development has further impact on the Defence's limited resources and considerable workload. Lastly, the Defence is prioritising its forces to meet the deadlines set by the Chamber for the preparation of the potential defence case.

Given these various competing priorities and the voluminous bar-table motions submitted by the Prosecution, the Defence submits there is good cause to grant an extension of time of 5 weeks. Therefore, taking due account of the need to advance the proceedings, the Defence respectfully requests the Chamber to vary the time limit for the Defence to respond to the Eleventh Bar Table Application until 30 September 2023.

Kind Regards,


Legal Consultant for the Defence of Patrice-Edouard Ngaïssona

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