

ANNEX 14
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 24 August 2023 17:22
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 the Ngaissona Defence request for extension of time to respond to the 12th bar table application and all other outstanding bar table applications

[ICC] RESTRICTED

Dear counsel,

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

The Single Judge is cognisant of the competing deadlines and tasks currently faced by the participants. At the same time, the Single Judge is of the view that prolonging the time limit to respond until the date on which the Defence is to file its Final Witness List is not justified given the circumstances. Even more so, the Single Judge considers that resolution of as many pending applications on the submission of evidence as possible before the Defence is to provide its Final Witness and Evidence Lists is also in the interests of the Defence, as it will have more clarity on which items will have been recognised as submitted until then.

Bearing this in mind, and considering that good cause has been shown pursuant to Regulation 35(2) of the Regulations of the Court to grant at least a certain extension of time, the Single Judge grants the Ngaissona Defence an extension of time to respond to the Prosecution's 12th bar table application, ICC-01/14-01/18-2032-Conf, until **6 October 2023**. This extended time limit also applies to the other participants.

Further, the Single Judge notes the Prosecution's submission of a 13th 'bar table' application, ICC-01/14-01/18-2048-Conf, which appears to be one of the filings that the Ngaissona Defence mentions as outstanding below. The Single Judge is of the view that good cause exists pursuant to Regulation 35(2) of the Regulations of the Court to extend the time limit to respond and grants the Ngaissona Defence an extension of time to respond until **6 October 2023**. This extended time limit also applies to the other participants.

However, as concerns any other potentially outstanding 'bar table' applications, the Single Judge is of the view that no extension of time to respond to *prospective* filings can be granted. This is without prejudice to ruling on any requests for extension of time to respond to 'bar table' applications if and when they will actually be filed on the record.

Kind regards,
 TC V

From: [REDACTED]
Sent: 23 August 2023 16:40
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: RE: Regulation 35 Request for a global extension of time to respond to the Prosecution's Twelfth Bar Table Motion (ICC-01/14-01/18-2032-Conf) and all other outstanding Bar Table Applications

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[ICC] RESTRICTED

Dear Trial Chamber V,

The Defence wishes to make a correction to its Regulation 35 Request for a global extension of time to respond to the Prosecution's Twelfth Bar Table Motion (ICC-01/14-01/18-2032-Conf) and all other outstanding Bar Table Applications – marked in red below.

Kind Regards,

[REDACTED]
Legal Consultant for the Defence of Patrice-Edouard Ngaissona

From: [REDACTED]
Sent: 23 August 2023 09:29
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]
 V44 LRV Team [REDACTED]; V44LRVTeam-OPCV [REDACTED]; V45 LRV Team
 [REDACTED] D30 Ngaissona Defence Team [REDACTED]
Subject: Regulation 35 Request for a global extension of time to respond to the Prosecution's Twelfth Bar Table Motion (ICC-01/14-01/18-2032-Conf) and all other outstanding Bar Table Applications

Dear Trial Chamber V,

On 18 August 2023, the Prosecution filed its Twelfth Application for Submission of Photographic Evidence from the Bar Table (ICC-01/14-01/18-2032-Conf) ('Twelfth Bar Table Application'). The request concerns 65 items and the deadline to respond to the Twelfth Bar Table Application is on 31 August 2023.

For the reasons set out below, the Defence for Mr NGAÏSSONA ('Defence') respectfully requests Trial Chamber V ('Chamber') to vary the time limit for the Defence to respond to the Twelfth Bar Table Application, as well as all other outstanding Bar Table Applications, until the deadline to submit the Defence's Final Witness List.

Considering the Chamber's Further Directions on the conduct of Proceedings ('Further Directions') setting a time limit on 25 August 2023 for any further requests by the Prosecution to submit evidence in writing as part of its presentation of evidence (ICC-01/14-01/18-1892), the Prosecution indicated, in June 2023, that it was yet to file nine Bar Table Applications, all of which totalised 982 items at the minimum, comprising over 11,477 pages and 17h19m37 of audio/video. (ICC-01/14-01/18-1916)

As, in parallel, the Defence is committed to preparing for its Defence case, it requested on 21 July 2023 the reconsideration of the Further Directions regarding the 17 November 2023 deadline to submit its Final Witness List to be postponed to 15 December 2023. (ICC-01/14-01/18-1997-Conf-Exp)

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 Defence is grateful for the Chamber's granting of its request for an extension of time to respond to the Eleventh Bar Table Application until 29 September 2023. (Chamber's email dated 11 August 2023, at 18h15)

Since then, the Prosecution filed its Twelfth Bar Table Application, and according to the Prosecution's estimates (ICC-01/14-01/18-1916), another **four** bar table applications are expected to be filed by the Prosecution by 25 August 2023 ('**Four** Outstanding Bar Table Applications') on the following types of evidence:

- Anti-Balaka and Central African Republic government documents: 47 Anti-Balaka documents (167 pages), and 101 documents obtained from CAR national authorities (621 pages);
- Facebook Materials: 176 items (6853 pages) – also considering the Prosecution’s Request for an extension of the page-limit regarding the Facebook Prosecution Bar Table Application (Prosecution’s email dated 23 August 2023, at 15h29);
- Call data Records: 10 items (539 pages); and
- Miscellaneous: 36 items (over 500 pages – even though the Prosecution suggests that the actual number of pages it asks the Defence to consider would be approximately 160, see Prosecution’s email dated 21 August 2023, at 15h56).


The Defence submits that there is good cause under Regulation 35 of the Regulations of the Court to extend the deadline for the same reasons upon which it elaborated in its request for an extension of time to respond to the Prosecution’s Eleventh Bar Table Application. (Defence’s email dated 2 August 2023, at 11h08)

The Defence has also recently had to invest resources in the preparation of the upcoming testimonies of the three participating victims, as well as that of Chamber witness P-0952, and other investigative activities ahead of the Defence case. These undertakings have further impact on the Defence’s limited resources and considerable workload.

Given the Defence’s various competing priorities and the voluminous Bar Table Applications submitted – and expected to be submitted – by the Prosecution, the Defence submits there is good cause to grant a global extension of time for the Defence to respond to the Twelfth and **Four** Outstanding Bar Table Applications. 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 Twelfth and **Four** Outstanding Bar Table Applications until the deadline to submit the Defence’s Final Witness List.

In the alternative, the Defence respectfully requests the Chamber to vary the time limit until 13 October 2023 for the Defence to respond to the Twelfth Bar Table Application, and until the deadline to submit the Defence’s Final Witness List for the Defence to respond to the **Four** Outstanding Bar Table Applications.

Kind Regards,


Legal Consultant for the Defence of Patrice-Edouard Ngaïssona

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