

ANNEX 9
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 15 November 2023 17:18
To: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB; '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 Yekatom Defence Request for Extension of Page Limits to File its First Rule 68(2)(b) Request

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the request below.

In light of the explanations provided, and noting the absence of objections by the Prosecution, the Single Judge is satisfied that exceptional circumstances exist warranting the extension of the page limit pursuant to Regulation 37(2) of the Regulations of the Court. The request is therefore granted.

The extension is also granted to the rest of the participants, should they file any response.

Kind regards,

TC V

From: [REDACTED]
Sent: 15 November 2023 15:51
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V45 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]; D29 Yekatom Defence Team [REDACTED]; V44 LRV Team [REDACTED]
Subject: Request for extension of page limits– First Defence Request for the Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(b)

[ICC] RESTRICTED

Dear Trial Chamber V,
Dear all,

The Defence for Mr. Yekatom kindly requests an extension of page limits in accordance with regulation 37(2) in respect of its forthcoming 'First Defence Request for the Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(b)' ('First Defence Request').

The Defence considers that an extension of up to 40 pages is both reasonable and warranted. As per the Trial Chamber's Further Directions (ICC-01/14-01/18-1892, para. 21(iii)), the Defence has prepared applications for the formal submission of prior recorded testimony pursuant to rule 68(2)(b). In doing so, the Defence has grouped its applications per category so as to allow for clarity of argument and the presentation of its case.

The First Defence Request concerns the prior record testimony of 20 Defence witnesses whose testimony is relied on in response to allegations relating to Count 29. An extension of page limits is sought in order to afford the Defence a sufficient opportunity to substantiate its application as to how each of the relevant factors pursuant to rule 68(2)(b) are fulfilled for each witness. It also exceptionally requires a comprehensive summary of the salient issues arising within the prior recorded testimony of 20 witnesses. This is intended to facilitate the Trial Chamber's proper determination of the matter in an expedited manner, and prevent the artificial division of the First Defence Request in multiple filings of the same nature.

Following *inter partes* consultation, the Defence is also grateful for the Prosecution's indication that it does not oppose the requested extension of up to 40 pages.

Kind regards



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