

ANNEX 32

PUBLIC

From: Trial Chamber V Communications
Sent: 10 January 2022 14:12
To: Dimitri, Mylene; Trial Chamber V Communications
Cc: V44 LRV Team OPCV; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB Operations; OTP CAR IIB Case Management; OTP CAR IIB Managers; Office of the Director DJSS; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Decision on Additional Request for Extension of deadline to respond to ICC-01/14-01/18-1217-Conf & ICC-01/14-01/18-1218-Conf

Dear all,

In light of the reasons provided and noting that there are no objections, the Single Judge considers that good cause has been shown to extend the time limit pursuant to Regulation 35(2) of the Regulations of the Court. The extension is granted for all participants.

Kind regards, TC V

From: Dimitri, Mylene [REDACTED]
Sent: 08 January 2022 11:50
To: Trial Chamber V Communications [REDACTED] >
Cc: V44 LRV Team OPCV [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED] >; OTP CAR IIB Operations [REDACTED]; OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; Office of the Director DJSS [REDACTED]
Subject: Additional Request for Extension of deadline to respond to ICC-01/14-01/18-1217-Conf & ICC-01/14-01/18-1218-Conf

Dear Trial Chamber V,

On 17 December 2021 the Defence for Mr Yekatom respectfully requested extension of the deadlines to respond to filing (ICC-01/14-01/18-1217-Conf), filing (ICC-01/14-01/18-1218-Conf) and filing (ICC-01/14-01/18-1219-Conf) to 14 January 2022. The sought extension was granted by the Single Judge on 20 December at 09:27.

The Defence was able to complete its analysis of the Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-0966 pursuant to Rule 68(3), (ICC-01/14-01/18-1219-Conf), and will provide its formal position on Monday 10 January 2022.

The Defence attempted to meet all deadlines despite the limited number of staff available during the winter recess, however we are unfortunately unable to meet the proposed deadline to respond to the following filings :

- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-1595 pursuant to Rule 68(3), (ICC-01/14-01/18-1217-Conf), notified 15 December; and
- Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2083 pursuant to Rule 68(3), (ICC-01/14-01/18-1218-Conf), notified 15 December.

On 24 December the Yekatom Defence received the Prosecution's Communication of the Disclosure of Evidence on 24 December 2021 (ICC-01/14-01/18-1231). The package comprised 44 items of evidence containing more than 800 pages to analyse. The Defence had to prioritise the analysis in order to verify whether or not any of those documents could be used with the witnesses testifying in the upcoming block.

In addition, during the winter recess, the Defence prepared its responses to the 'Prosecution's Request for leave to add Six Items to the List of Evidence', filed on 14 December 2021, (ICC-01/14-01/18-1212-Conf) and to the 'Prosecution's Request for the Formal Submission of the Prior Recorded Testimony of P-2084 pursuant to Rule 68(3)' (ICC-01/14-01/18-1210-Conf) also filed on 14 December 2021. Both responses will be filed on Monday, 10 January 2022.

Furthermore, the Defence of Mr. Yekatom also had to reorganise its priorities during the winter recess in order to respond to the unanticipated Confidential Redacted Version of "Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-0889", dated 31 December 2021 and for which the deadline was shortened by the Single Judge to 11 January 2022. The Yekatom Defence response should be filed by Monday, 10 January 2022, COB.

The winter recess was also subsumed by the Defence final analysis of 203 items of evidence on Sexual Gender basis the Prosecution intended to submit. The careful review provided by the Yekatom Defence on an item-by-item basis was time consuming although necessary to meet the proposed time frame discussed with the Prosecution.

For the above reasons, the Defence would not be in position to meet the set deadline to respond to filings ICC-01/14-01/18-1217-Conf and ICC-01/14-01/18-1218-Conf, and apologises for the inconvenience this might cause, but respectfully submits that a further extension of the deadlines, to 18 January 2022, is warranted.

The Defence has consulted *inter partes* with the Prosecution this morning, who has indicated that it would not oppose the sought extension.

Should the Chamber prefer that this request be filed by way of a formal motion on the records, the Defence stands ready to do so.

Kind regards,

Mylène Dimitri

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