

Annex 2

Public redacted

From: Trial Chamber VI Communications
Sent: 13 January 2023 10:38
To: OTP CAR IIA Communications; D33 Said Defence Team; Said LRV Team OPCV
Cc: Trial Chamber VI Communications; Chamber Decisions Communication
Subject: Decision in respect of ICC-01/14-01/21-574-Conf-Red

Dear Parties and participants,

On 15 December 2022, the Prosecution filed the 'Prosecution's request to vary the time limit for application to introduce the prior recorded testimony of witnesses P-2269 and P-0975 pursuant to Rule 68' (ICC-01/14-01/21-574-Conf-Red) (the 'Request'). Therein it requested an extension of the deadline imposed for the submission of rule 68 requests for P-2269 and P-0975 until 15 February 2023.

On 11 January 2022, the Defence and the Common Legal Representative of Victims notified the Chamber that they do not intend to respond to the Request (Email from the Defence at 14:56; Email from the Common Legal Representative of Victims at 17:39).

The Chamber notes the Prosecution's submissions to the effect P-2269 and P-0975 are also witnesses in the *Yekatom and Ngaissona* case, have yet to testify in that case and there are issues regarding their availability. Specifically, the Prosecution requests further time to establish whether these witnesses can still be contacted within a reasonable period of time, given the state of the proceedings, or whether the criteria of rule 68(2)(c) of the Rules may be met.

The Chamber finds that, at this stage, the Prosecution should be afforded further time to gather the necessary information regarding the availability of the aforementioned witnesses. Furthermore, the Chamber is cognisant of the fact that the Defence does not object to the Request and the Chamber can ascertain no prejudice to the Defence by extending the deadline at this juncture. Accordingly, the Chamber grants the Request and extends the deadline imposed for the submission of rule 68 requests for P-2269 and P-0975 to 15 February 2023.

Kind regards,
Trial Chamber VI