

**ANNEX 39**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 20 December 2022 13:03  
**To:** D30 Ngaissona Defence Team; D29 Yekatom Defence Team  
**Cc:** OTP CAR IIB; V44 LRV Team OPCV; V45 LRV Team; V44 LRV Team; Trial Chamber V Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer  
**Subject:** Decision on the Ngaissona and Yekatom Defence's requests for an extension of time to respond to the Prosecution's Request ICC-01/14-01/18-1702-Conf

Dear Counsel,

The Single Judge takes note of the Ngaissona Defence and Yekatom Defence's requests for an extension of time to respond to the Prosecution's 'Request for leave to add one item to the List of Evidence', ICC-01/14-01/18-1702-Conf, until 30 January 2023.

In light of the reasons provided and noting that no objections have been made, the Single Judge finds that 'good cause' has been shown pursuant to Regulation 35(2) of the Regulations of the Court and therefore grants the request for all participants.

Kind regards, TC V

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**From:** [REDACTED]  
**Sent:** 19 December 2022 11:37  
**To:** [REDACTED]; Trial Chamber V Communications  
 <[REDACTED]>  
**Cc:** D30 Ngaissona Defence Team [REDACTED] D29 Yekatom Defence Team [REDACTED]; OTP CAR IIB <[REDACTED]>; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; V44 LRV Team [REDACTED]>  
**Subject:** RE: Ngaissona Defence request for extension of time-limit pursuant to Regulation 35

Dear Trial Chamber V,  
 Dear all,

The Yekatom Defence supports the Ngaissona Defence request for an extension of time to respond to the Prosecution's "Request for leave to add one item to the List of Evidence" (ICC-01/14-01/18-1702-Conf) until 30 January 2023.

As the Yekatom Defence is currently discussing with the Ngaissona Defence about the possibility to provide a joint response to the abovementioned Prosecution's filing, it respectfully requests the Chamber to benefit from the same extension of time, should it be granted.

Kind regards,

[REDACTED]  
 Legal Consultant  
 Yekatom Defence

**From:** [REDACTED]  
**Sent:** vendredi 16 décembre 2022 15:55  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** D30 Ngaissona Defence Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]; OTP CAR IIB [REDACTED] V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED] V44 LRV Team [REDACTED]  
>  
**Subject:** Ngaissona Defence request for extension of time-limit pursuant to Regulation 35

Dear Trial Chamber V,

Pursuant to regulation 35 of the Regulations of the Court, the Defence for Mr Ngaissona ('Defence') respectfully requests the Chamber to allow an extension of time to respond to the Prosecution's "Request for leave to add one item to the List of Evidence" (ICC-01/14-01/18-1702-Conf), notified yesterday, 15 December 2022.

The deadline to respond to the request expires on 28 December 2021, which falls in the middle of the Court's judicial recess. The Defence kindly requests the Chamber to grant an extension of time to respond to the Prosecution Request by 30 January 2023. Following *inter partes* discussions, the Prosecution has confirmed it does not oppose to an extension of the deadline.

The Defence submits that good cause exists to grant the limited extension for the following reasons.

*First*, the Defence's resources will be significantly limited during the winter recess that is set to commence today by COB. The winter recess constitutes one of the very limited periods in the year where team members are able to go home and visit their respective families abroad.

*Second*, the Prosecution's request concerns adding an item to its list of evidence, which includes new phone attributions and alleged contacts between Mr Ngaissona and key Anti-Balaka figures during the relevant period, going thus to the heart of Mr Ngaissona's alleged criminal responsibility. Therefore, the Defence must have the time to thoroughly review it, discuss it with Mr Ngaissona, and prepare a response in light of team discussions and consultations with the client. In the present circumstances, there is good cause, which justifies the granting of the extension, given the in-depth analysis that needs to be conducted of a substantial amount of phone numbers included in the item, the timing of the expiration of the time limit, and the absence of any prejudice to the fairness or the expediency of the proceedings in granting the request.

Given the volume and complexity of the Request, its unfortunate timing and the strain on Defence resources, it is clear that the Defence is objectively not in a position to respond within the regulatory time limit. For the aforementioned reasons, the Defence kindly requests that the Chamber grant the Defence's request for an extension of time by 30 January 2023 to respond to the Prosecution's request.

Sincerely,

[REDACTED]

[REDACTED]  
Case Manager – Ngaissona Defence Team  
International Criminal Court (ICC)  
Telephone number: [REDACTED]  
[REDACTED]  
[www.icc-cpi.int](http://www.icc-cpi.int)

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