

Annex 21

From: Trial Chamber V Communications
Sent: 03 December 2020 18:12
To: Dimitri, Mylene; D29 Yekatom Defence Team
Cc: D30 Ngaissona Defence Team; Office of the Director DJSS; OTP CAR IIB Managers; OTP CAR IIB Case Management; V44LRVTeam-OPCV; V44 LRV Team; V45 LRV Team; Trial Chamber V Communications
Subject: RE: Confidential Redacted version of Yekatom Request to suspend deadline to respond to ICC-01/14-01/18-744-Conf & ICC-01/14-01/18-745-Conf (27 November 2020)

Dear counsel, dear colleagues from the Registry,

The Single Judge takes note of the update provided by the Defence.

In view of this new information, the Single Judge no longer considers it necessary to receive further information from the Registry (*see* email order on 1 December 2020, at 15:58) and lifts the suspension of the commencement of the Yekatom Defence's time limit to respond to the Prosecution's requests ICC-01/14-01/18-744-Conf & ICC-01/14-01/18-745-Conf. The Defence's time limit to respond is set to 15 December 2020.

Kind regards, TC V

From: Dimitri, Mylene
Sent: 03 December 2020 14:34
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team ; Office of the Director DJSS ; OTP CAR IIB Managers ; OTP CAR IIB Case Management ; V44LRVTeam-OPCV ; V44 LRV Team ; V45 LRV Team ; D29 Yekatom Defence Team
Subject: RE: Confidential Redacted version of Yekatom Request to suspend deadline to respond to ICC-01/14-01/18-744-Conf & ICC-01/14-01/18-745-Conf (27 November 2020)

Dear Trial Chamber V,

We are sending this *ex-parte* communication to update the Chamber on the circumstances underlying our previous *ex-parte* request of 30 November 2020. Our client [REDACTED] we can now have meaningful consultations with him such that he can provide us with informed instructions in relation to the Prosecution's Second and Third Requests pursuant to Rule 68(2)(B) respectively ICC-01/14-01/18-744-Conf & ICC-01/14-01/18-745-Conf (the "Requests"). We therefore are in a position to inform the Chamber that the suspension of the commencement of the Yekatom Defence's time limit to respond to the Requests can now be lifted. We sincerely appreciate the suspension granted by the Single Judge and if the time limit starts running as of today, the Defence will have ample time to respond within the time limits prescribed in the Regulations.

Kind regards,

Mylène Dimitri & Thomas Hannis

From: Dimitri, Mylene
Sent: 02 December 2020 09:59
To: Trial Chamber V Communications
Cc: D30 Ngaissona Defence Team; Office of the Director DJSS; OTP CAR IIB Managers; OTP CAR IIB Case

Management; V44LRVTeam-OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team

Subject: RE: Confidential Redacted version of Yekatom Request to suspend deadline to respond to ICC-01/14-01/18-744-Conf & ICC-01/14-01/18-745-Conf (27 November 2020)

Dear Trial Chamber V,

On behalf of Mr. Yekatom and his Defence team we wish to thank you for your understanding and prompt decision. As stated, the Defence will proceed as swiftly as possible when it is in a position to seek meaningful instructions from Mr. Yekatom.

Kind regards,
Mylène Dimitri

From: Trial Chamber V Communications [REDACTED]
Sent: 01 December 2020 16:37
To: Dimitri, Mylene; D29 Yekatom Defence Team
Cc: D30 Ngaissona Defence Team; Office of the Director DJSS; OTP CAR IIB Managers; OTP CAR IIB Case Management; V44LRVTeam-OPCV; V44 LRV Team; V45 LRV Team; Trial Chamber V Communications
Subject: RE: Confidential Redacted version of Yekatom Request to suspend deadline to respond to ICC-01/14-01/18-744-Conf & ICC-01/14-01/18-745-Conf (27 November 2020)

Dear counsel,

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

In light of the current circumstances and in order to enable the Defence to seek meaningful instructions from Mr Yekatom on the Prosecution's requests ICC-01/14-01/18-744-Conf and ICC-01/14-01/18-745-Conf, the Chamber suspends the commencement of the Yekatom Defence's time limit to respond.

The Single Judge will review this ruling upon receipt of further information on 4 December 2020.

Kind regards, TC V

From: Dimitri, Mylene <[REDACTED]>
Sent: 30 November 2020 09:26
To: Trial Chamber V Communications <[REDACTED]>
Cc: D29 Yekatom Defence Team <[REDACTED]>; D30 Ngaissona Defence Team <[REDACTED]>; Office of the Director DJSS <[REDACTED]>; OTP CAR IIB Managers <[REDACTED]>; OTP CAR IIB Case Management <[REDACTED]>; V44LRVTeam-OPCV <[REDACTED]>; V44 LRV Team <[REDACTED]>; V45 LRV Team <[REDACTED]>
Subject: Confidential Redacted version of Yekatom Request to suspend deadline to respond to ICC-01/14-01/18-744-Conf & ICC-01/14-01/18-745-Conf (27 November 2020)

Dear Trial Chamber V

This afternoon, Friday 27 November 2020, the Yekatom Defence received two filings, the Prosecution's Second and Third Requests pursuant to Rule 68(2)(B) respectively ICC-01/14-01/18-

744-Conf & ICC-01/14-01/18-745-Conf (the "Requests"). Both filings contain almost 300 hundred pages of statements.

We are sending this informal *ex-parte* communication to advise the Chamber that we are respectfully requesting, pursuant to Regulation 35 of the RoC, an extension of time to file our responses to these requests due to the current situation regarding [REDACTED]. It may well be that we don't respond to the Requests. However, we do not feel comfortable at this stage to take a final position, one way or another, without having an adequate opportunity to review and discuss them with Mr. Yekatom. [REDACTED]. [REDACTED]. We sincerely hope and believe that there will be positive changes in that regard in the coming days but wanted to advise the Chamber of the situation.

We have contacted the Prosecution (Mr. Vanderpuye), the LRV (Mrs. Massida) as well as the Ngaïssona Defence (Mr. Knoop), to inform them that we would send an *ex parte* communication to the Chamber regarding our current inability to respond to the Requests and our request to seek an extension of time through a suspension of the deadline. [REDACTED] we could not inform them of the reasons underpinning our request for a suspension of deadline. If the Chamber wishes so, we stand ready to file the present request through a formal *ex parte* filing and/or a confidential redacted version. Please advise at your earliest convenience as to how you would like us to proceed.

While awaiting your decision, please be assured that the Defence team is fully engaged in the proceedings and continue to prepare Mr. Yekatom's Defence in order to be ready for trial. As soon as we are able to meaningfully seek instructions from him we will proceed with our responses, if any, and will do our best to proceed as expeditiously as possible and may respond prior to the time limits prescribed in the Regulations.

Kind regards,

Mylène Dimitri and Thomas Hannis

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