



Original: English

No.: ICC-01/04-02/06
Date: 29 October 2015

THE APPEALS CHAMBER

Before: Judge Christine Van den Wyngaert, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Piotr Hofmański
Judge Raul Pangalangan

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR V. BOSCO NTAGANDA***

Public

Expedited preliminary response on behalf of Mr Ntaganda to “Prosecution’s application to dismiss *in limine* Bosco Ntaganda’s Appeal against Trial Chamber VI’s decision in respect of Counts 6 and 9”

Source: Defence Team of Mr Bosco Ntaganda

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

Me Stéphane Bourgon
Me Luc Boutin

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation / Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Further to the submission of the “*Prosecution’s application to dismiss in limine Bosco Ntaganda’s Appeal against Trial Chamber VI’s decision in respect of Counts 6 and 9*” by the Office of the Prosecutor (“Prosecution”) on 27 October 2015 (“Prosecution Application”),¹ Counsel representing Mr Ntaganda (“Defence”) hereby submit this:

Expedited preliminary response on behalf of Mr Ntaganda to “Prosecution’s application to dismiss *in limine* Bosco Ntaganda’s Appeal against Trial Chamber VI’s decision in respect of Counts 6 and 9”

1. The Prosecution moves the Appeals Chamber to dismiss *in limine* the Defence appeal against Trial Chamber VI’s “*Decision on the Defence’s challenge to the jurisdiction of the Court in respect of Counts 6 and 9*”, ICC-01/04-02/06-892 (“Prosecution Application for *In Limine* Dismissal”). Mindful that the Defence’s document in support of the appeal is due on Monday, 2 November 2015, the Prosecution further requests the Appeals Chamber to issue directions on the conduct of proceedings following the submission of its Application, including the suspension of the appeal briefing as scheduled, if deemed necessary (“Prosecution Request for Directions”).²
2. The Defence opposes the Prosecution Application for *In Limine* Dismissal and will submit its response on the merits thereof in accordance with the schedule set by the Appeals Chamber.
3. Consequently, with a view to ensuring the fairness of the appeal proceedings in the instant case – including the adherence by *both* parties to the time limits set in the Regulations of the Court for the appeal briefing – the Defence concurs with the Prosecution Request for Directions, including the suspension of the appeal briefing as scheduled.

¹ ICC-01/04-02/06-952.

² Prosecution Application, paras.10-11, 13.

RELIEF SOUGHT

In light of the above submissions, the Defence respectfully requests the Appeals Chamber to:

ISSUE directions for the conduct of proceedings following the submission of the Prosecution Application, including the suspension of the running of the applicable time limits for the filing of the document in support of the appeal and related submissions pending a decision on the Prosecution Application for *In Limine* Dismissal.

RESPECTFULLY SUBMITTED ON THIS 29TH DAY OF OCTOBER 2015

A handwritten signature in dark ink, appearing to read 'StB' with a flourish at the end.

Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands