



Original: English

No.: ICC-01/04-02/06
Date: 20 September 2019

APPEALS CHAMBER

Before: Judge Howard Morrison, Presiding Judge
Judge Chile Eboe-Osuji
Judge Piotr Hofmański
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public

Request for leave to reply to Prosecution response to Mr. Ntaganda's 'Request for extension of page limit and time to file appeal brief' (ICC-01/04-02/06-2398)

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 Helen Brady

Counsel for the Defence

Me Stéphane Bourgon *Ad.E*
Me Christopher Gosnell
Ms Kate Gibson

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. Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Further to the *Prosecution response to Mr Ntaganda "Request for extension of page limit and time to file appeal brief"* (ICC-01/04-02/2368) of 17 September 2019 ("Response"),¹ Counsel representing Mr Ntaganda ("Defence") hereby submit this:

**Request for leave to reply to Prosecution response to Mr. Ntaganda's
'Request for extension of page limit and time to file appeal brief'
(ICC-01/04-02/06-2398)**

1. The Defence, pursuant to Regulation 24(5) of the Regulations of the Court, seeks leave to reply to one issue raised in the Prosecution Response: that the extension of time requested by the Defence to file its appeal brief is "excessive and unjustified."² This submission was wholly unforeseeable in light of the Prosecution's previous position in this very appeal that an extension should be granted to file appeal briefs in this case just ten days shorter than that now characterised as "excessive and unjustified."
2. If granted leave, the Defence will refute the Prosecution's assertion with reference to the Prosecution's own position in respect of previous briefing schedules on appeal. The need to make this argument could not have been foreseen in light of the position previously taken by the Prosecution in this very appellate proceeding.³

¹ ICC-01/04-02/06-2408.

² Response, para. 3.

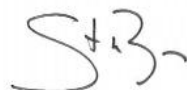
³ Prosecution's response to request for extension of time to file notice of appeal, ICC-01/04-02/06-2362, 18 July 2019, para. 4.

RELIEF SOUGHT

3. In light of the submissions and arguments presented herein, the Defence respectfully requests the Appeal Chamber to:

GRANT leave to reply as indicated above.

RESPECTFULLY SUBMITTED ON THIS 20TH DAY OF SEPTEMBER 2019

A handwritten signature in black ink, appearing to read 'StB' with a flourish.

Me Stéphane Bourgon, *Ad.E*, Counsel representing Mr. Ntaganda

The Hague, The Netherlands