

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/04-02/06

Date: 9 January 2020

THE APPEALS CHAMBER

Before:

**Judge Howard Morrison, Presiding
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

**Motion seeking extension of time to submit Appeal Brief due to unavailability of
translation of Judgment**

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

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Unrepresented Victims

**Unrepresented Applicants
(Participation / Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
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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 Decision on Mr Ntaganda's request for an extension of the page and time limit for the filing of the appeal brief and related matters rendered by the Appeals Chamber on 20 September 2019,¹ Counsel representing Mr. Ntaganda ("Defence") hereby submit this:

Motion seeking extension of time to submit Appeal Brief due to unavailability of translation of Judgment

INTRODUCTION

1. The Registry has not produced the Kinyarwanda translation of additional portions of the Trial Judgment by 7 January 2020, contrary to the order of the Appeals Chamber.
2. The Defence requests, as a result of this failure, an extension of the deadline for filing its appeal brief until one week after the Registry has provided this translation.

PROCEDURAL BACKGROUND

3. On 11 September 2019, the Defence submitted a request for an extension of the time to file to file its appeal brief ("First Request for Extension").² The Defence submitted that the need for translation of additional portions of the Trial Judgment was a factor supporting the requested extension of time.³ In a separate filing, the Defence specified the additional portions of the Trial Judgment that it considered had to be translated prior to the filing of its appeal brief pursuant to rule 144 of the Rules of Procedure and Evidence.⁴

¹ Decision on Mr Ntaganda's request for an extension of the page and time limit for the filing of the appeal brief and related matters, 20 September 2019, [ICC-01/04-02/06-2415](#) ("Decision").

² Request for extension of page limit and time to file appeal brief, 11 September 2019, [ICC-01/04-02/06-2398](#).

³ *Id.* paras.23-28.

⁴ Request for translation of parts of the Judgment, 16 September 2019, [ICC-01/04-02/06-2405](#).

4. The Appeals Chamber, in its Decision on the request, noted that the Defence's request "can be accommodated within the schedule set out below without impacting the consideration of the present appeal."⁵ The Appeals Chamber then ordered that:

the Registrar is ordered to provide translation into Kinyarwanda of the sections of the Conviction Decision identified in the Translation Request on a rolling basis in the order set out by Mr. Ntaganda. The full translation of these sections shall be provided no later than 7 January 2020.⁶

5. The Appeals Chamber also ordered, with the exception of two grounds of appeal "that the translation issue does not appear to impact",⁷ that the Defence's appeal submissions be filed by 14 January 2020.⁸
6. On the morning of 8 January 2020, the Defence made inquiries to the Registry about the status of the translation that was due the day before.⁹ The Defence has been informed by the Registry by electronic correspondence that the ordered translation is not yet complete. No indication has yet been provided as to when the translation will be completed.

SUBMISSIONS

7. The Appeals Chamber in its Decision evidently considered that the deadline for the Defence to file its appeal brief and the translation of further portions of the Trial Judgment into Kinyarwanda were interdependent. In particular, the Chamber noted that the need for this additional translation could be "accommodated" within the schedule that it subsequently prescribed in its Decision – namely, the requirement that the appeal brief be filed by 14 January

⁵ [Decision](#), para.14.

⁶ *Id.*

⁷ *Id.* para.15.

⁸ *Id.*

⁹ The Defence contacted the Appeals Chamber legal officer informally to advise him of this information.

2020. The Appeals Chamber therefore considered that Mr. Ntaganda should have at least one week – between 7 and 14 January 2020 – to review the further Kinyarwanda translation before requiring him to submit his appeal brief.

8. The Registry has failed to comply with the Appeals Chamber's order. The Defence has not received by 7 January 2020 the additional translation prescribed by the Appeals Chamber. In addition to any remedial orders that the Appeals Chamber may wish to direct to the Registry, the Defence hereby requests that the deadline for filing of its appeal brief be extended until one week after the Registry has provided the translation in question.

RESPECTFULLY SUBMITTED THIS 9TH DAY OF JANUARY 2020

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

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

The Hague, The Netherlands