

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: **19 May 2020**

THE 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 with Public Annex A

**Prosecution Response to Defence “Request for an extension of time to file a reply
to the “Prosecution response to ‘Sentencing Appeal Brief’”**

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor
Mr James Stewart
Ms Helen Brady

Counsel for the Defence

Mr Stéphane Bourgon
Ms Kate Gibson

Legal Representatives of the Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

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

Other

Submissions

1. Mr Ntaganda requests an extension of 10 days to file his Sentence Reply, that is, by 2 June 2020 instead of 22 May 2020.¹ Ntaganda submits that the current appeal briefing schedule (with two other filings due this week) and the restricted working conditions caused by the COVID-19 pandemic constitute ‘good cause’ justifying the extension.²
2. While the reasons provided by Ntaganda may justify a moderate extension of time, an extension of 10 days appears disproportionate. Ntaganda has had ample time to conduct research on the issues arising from the Prosecution response to his sentencing appeal brief. The Prosecution filed its response on 14 April 2020—more than one month ago.³ Moreover, on 28 April 2020 Ntaganda requested leave to reply.⁴ By then, Ntaganda would have been expected to have conducted most of the necessary research informing his Sentence Reply. Otherwise, he would have not been able to conclude that a Reply was warranted. Notably, and as Ntaganda himself acknowledges, the Sentence Reply relates to only two issues and should not exceed 15 pages of length.⁵
3. Further, the Prosecution provided yesterday (18 May) the relevant extracts of the three academic sources requested by Ntaganda. The Prosecution also attaches the extracts to this filing.⁶
4. Based on the foregoing, the Prosecution respectfully submits that an extension of one week to file Ntaganda’s Sentence Reply (that is, by 29 May 2020) is reasonable.

¹ ICC-01/04-02/06-2532 (“Extension Request”), para. 21. On 15 May 2020, the Appeals Chamber granted the Defence leave to reply to two issues: ICC-01/04-02/06-2530.

² Extension Request, paras. 16-19.

³ ICC-01/04-02/06-2509-Red.

⁴ ICC-01/04-02/06-2521-Conf.

⁵ Extension Request, para. 20.

⁶ See Annex A. See Extension Request, fn. 23.

Conclusion

5. For the reasons set out above, the Prosecution does not oppose a moderate extension of one week for Ntaganda to file his Sentence Reply.



Fatou Bensouda, Prosecutor

Dated this 19th day of May 2020

At The Hague, The Netherlands