



Original: English

**No. ICC-01/04-02/06 A3
Date: 19 May 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 document

Decision on request for extension of time limit

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

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Ms Helen Brady

Counsel for the Defence

Mr Stéphane Bourgon

Ms Kate Gibson

Legal Representatives of Victims

Ms Sarah Pellet

Mr Dmytro Suprun

REGISTRY

Registrar

Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Bosco Ntaganda against Trial Chamber VI's 'Sentencing judgment' of 7 November 2019 (ICC-01/04-02/06-2442),

Having before it the 'Request for an extension of time to file a reply to the "Prosecution response to 'Sentencing Appeal Brief"' of 18 May 2020 (ICC-01/04-02/06-2532),

Pursuant to regulation 35(2) of the Regulations of the Court,

Renders the following

DECISION

The time limit for the filing of a reply to the 'Prosecution response to "Sentencing Appeal Brief"' by Mr Bosco Ntaganda is extended to 16h00 on Wednesday, 27 May 2020.

REASONS

I. PROCEDURAL HISTORY

1. On 8 July 2019, Trial Chamber VI issued the 'Judgment'.¹
2. On 7 November 2019, the Trial Chamber rendered the 'Sentencing judgment' (the 'Sentencing Decision').²
3. On 10 February 2020, Mr Ntaganda filed his appeal brief against the Sentencing Decision (the 'Appeal Brief').³
4. On 14 April 2020, the Prosecutor filed her response to the Appeal Brief (the 'Response to the Appeal Brief').⁴

¹ [ICC-01/04-02/06-2359](#).

² [ICC-01/04-02/06-2442](#).

³ [Public Redacted Version of 'Sentencing Appeal Brief', 10 February 2020, ICC-01/04-02/06-2468-Conf](#), 9 April 2020, ICC-01/04-02/06-2468-Red (confidential version registered on 10 February 2020).

5. On 28 April 2020, Mr Ntaganda filed his request for leave to reply to the Response to the Appeal Brief⁵ and the Prosecutor responded to this request on 6 May 2020.⁶

6. On 15 May 2020, the Appeals Chamber granted Mr Ntaganda leave to file a written reply no longer than 15 pages on two issues by 16h00 on Friday, 22 May 2020 (the ‘Decision on Leave to Reply’).⁷

7. On 18 May 2020, Mr Ntaganda filed his request for an extension of time to file his reply by 16h00 on Tuesday, 2 June 2020 (the ‘Request’).⁸

8. On 19 May 2020, the Prosecutor filed her response to the Request (the ‘Response’).⁹

II. MERITS

9. Mr Ntaganda submits that good cause exists to grant the requested extension in light of the high workload that his defence team is facing at the moment and the difficult circumstances under which the work is undertaken as a result of the COVID-19 pandemic.¹⁰ Mr Ntaganda acknowledges that the Appeals Chamber granted leave to reply only in relation to two issues but argues that ‘neither issue is straightforward’, each requiring ‘a considered response’.¹¹ Finally, he requests an extension until Tuesday, 2 June 2020, the date on which his response to the victims’ observations on the appeal is due.¹²

10. The Prosecutor responds that ‘[w]hile the reasons provided by Ntaganda may justify a moderate extension of time, an extension of 10 days appears

⁴ [Prosecution response to ‘Sentencing Appeal Brief’](#), ICC-01/04-02/06-2509-Red (confidential version registered on the same date).

⁵ Defence request for leave to reply to the ‘Prosecution Response to “Sentencing Appeal Brief”’, ICC-01/04-02/06-2521-Conf.

⁶ Prosecution Response to the ‘Defence request for leave to reply to the “Prosecution Response to Sentencing Appeal Brief”’, ICC-01/04-02/06-2527-Conf; corrigendum dated 8 May 2020 and registered on 11 May 2020 (ICC-01/04-02/06-2527-Conf-Corr).

⁷ Decision on request for leave to reply, ICC-01/04-02/06-2530.

⁸ Request for an extension of time to file a reply to the ‘Prosecution response to “Sentencing Appeal Brief”’, ICC-01/04-02/06-2532.

⁹ Prosecution Response to Defence ‘Request for an extension of time to file a reply to the “Prosecution response to ‘Sentencing Appeal Brief”’’, ICC-01/04-02/06-2533.

¹⁰ Request, paras 15-19.

¹¹ Request, para. 20.

¹² Request, paras 21-22.

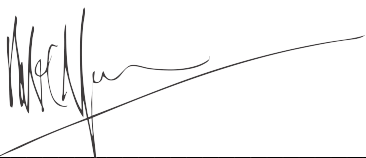
disproportionate'.¹³ Nonetheless, she 'does not oppose a moderate extension of one week' for the filing of the reply to the Response to the Appeal Brief.¹⁴

11. Pursuant to regulation 35(2) of the Regulations of the Court, a Chamber may extend or reduce a time limit if good cause is shown.

12. The Appeals Chamber considers that Mr Ntaganda has advanced valid reasons in support of his request. In particular, the Appeals Chamber notes the high workload that he is facing in the coming days and the negative impact that the COVID-19 pandemic has on the discharge of this workload. At the same time, the Appeals Chamber recalls that it granted leave to reply only with respect to two discrete legal issues.¹⁵

13. In light of the foregoing, the Appeals Chamber considers that good cause has been shown warranting a time extension for the filing of the reply to the Response to the Appeal Brief. However, the Appeals Chamber considers that in light of the limited scope of the reply, it is appropriate to extend the time limit for the filing of the reply to 16h00 on Wednesday, 27 May 2020.

Done in both English and French, the English version being authoritative.



Judge Howard Morrison
Presiding

Dated this 19th day of May 2020

At The Hague, The Netherlands

¹³ Response, para. 2.

¹⁴ Response, para. 5. *See also* para. 4.

¹⁵ Decision on Leave to Reply, paras 17-20.