

Public

Annex 1

Procedural Background

1. On 8 July 2019, Trial Chamber VI issued the Judgment and convicted Mr Ntaganda of five counts of crimes against humanity and thirteen counts of war crimes.¹
2. On 18 July 2019, Judge Howard Morrison was appointed Presiding Judge in any appeal arising from the Judgment.²
3. On 19 July 2019, following requests for time extensions filed by the Defence and the Prosecutor,³ the Appeals Chamber extended the time limit for the filing of the Defence's and the Prosecutor's notices of appeal against the Judgment by 30 days.⁴
4. On 9 September 2019, the Defence filed his notice of appeal against the Judgment,⁵ indicating that the appeal would be directed against the whole decision and setting out fifteen grounds of appeal.
5. On 20 September 2019, the Appeals Chamber ruled on a further request for page and time extension for the appeal brief of Mr Ntaganda, instructing the Defence to file its appeal brief in relation to the first two grounds of appeal identified in its notice of appeal by 7 October 2019 and extending the time limit for its appeal brief in relation to the remaining grounds of appeal to 14 January 2020.⁶
6. On 1 October 2019, following a request for reconsideration filed by Mr Ntaganda,⁷ the Appeals Chamber varied its earlier decision, instructing the Defence to file its appeal brief in relation to the first and third grounds of appeal identified in its notice of appeal by 11 November 2019 and the Prosecutor to file a response to the Defence's appeal brief in relation to the first and third grounds of appeal by 27 January 2020.⁸

¹ See the [Judgment](#).

² See the "Decision on the Presiding Judge of the Appeals Chamber in any appeal against the decision of Trial Chamber VI entitled 'Judgment'" (Appeals Chamber), [No. ICC-01/04-02/06-2363 A](#), 18 July 2019.

³ See respectively the "Request for extension of time to file notice of appeal", [No. ICC-01/04-02/06-2361 A](#), 17 July 2019; and the "Prosecution's response to request for extension of time to file notice of appeal", [No. ICC-01/04-02/06-2362 A](#), 18 July 2019.

⁴ See the "Decision on Mr Bosco Ntaganda's and the Prosecutor's requests for time extension for the notice of appeal and the appeal brief" (Appeals Chamber), [No. ICC-01/04-02/06-2364 A](#), 19 July 2019.

⁵ See the [Notice of Appeal](#).

⁶ See 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" (Appeals Chamber), [No. ICC-01/04-02/06-2415 A](#), 20 September 2019.

⁷ See the "Urgent request for reconsideration of 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'", [No. ICC-01/04-02/06-2417 A](#), 23 September 2019.

⁸ See the "Decision on Mr Ntaganda's request for reconsideration of the decision on time and page extensions" (Appeals Chamber), [No. ICC-01/04-02/06-2426 A](#), 1 October 2019.

7. On 8 October 2019, the Appeals Chamber issued its decision on victim participation in the appeals against the Judgment.⁹ In relation to the appeal initiated by Mr Ntaganda, the victims who participated in the trial proceedings were authorised to participate for the purpose of presenting their views and concerns in respect of their personal interests in the issues on appeal. Each of the legal representatives of victims was instructed to file observations in two parts within 30 days of the notification of each of the Prosecutor's responses to the Defence's appeal brief.

8. On 11 November 2019, the Defence filed his appeal brief in relation to the first and third grounds of appeal identified in his notice of appeal (the "First Appeal Brief").¹⁰

9. On 17 January 2020, the Appeal Chambers extended the time limit for the filing of the Defence's appeal brief in relation to the remaining grounds of appeal to 31 January 2020 due to delays in the provision of the Kinyarwanda translation of the Judgment.¹¹

10. On 27 January 2020, the Prosecution filed its response to the First Appeal Brief (the "Prosecution First Response").¹²

11. On 31 January 2020, the Defence filed its appeal brief in relation to the remaining grounds of appeal identified in his notice of appeal (the "Second Appeal Brief").¹³

12. On 3 February 2020, Mr Ntaganda filed the Defence Request for Leave to Reply, requesting leave to file a reply to the Prosecution First Response.¹⁴

13. On 6 February 2020, the Prosecution filed a response to the Defence Request for Leave to Reply.¹⁵

14. On 27 February 2020, the Legal Representative filed her observations on the First Appeal Brief.¹⁶

⁹ See the "Decision on victim participation" (Appeals Chamber), [No. ICC-01/04-02/06-2439 A](#), 8 October 2019.

¹⁰ See the [First Appeal Brief](#).

¹¹ See the "Decision on the request for extension of time" (Appeals Chamber), [No. ICC-01/04-02/06-2461 A](#), 17 January 2020.

¹² See the [Prosecution First Response](#).

¹³ See the [Second Appeal Brief](#). A redacted version was filed on 27 March 2020. See the Public "Redacted Version of 'Defence Appeal Brief – Part II', 31 January 2020, ICC-01/04-02/06-2465", [No. ICC-01/04-02/06-2465-Red A](#), 27 March 2020.

¹⁴ See the [Defence Request for Leave to Reply](#).

¹⁵ See the "Prosecution Response to the Defence Request for Leave to File a Reply to the 'Prosecution Response to Defence Appeal Brief – Part I'", [No. ICC-01/04-02/06-2467 A](#), 6 February 2020.

¹⁶ See the "Observations of the Common Legal Representative of the Former Child Soldiers on Part I of Mr Ntaganda's Appeal against the Judgment pursuant to Article 74 of the Rome Statute", [No. ICC-01/04-02/06-2473 A](#), 27 February 2020.

15. On 5 March 2020, the Prosecution requested an extension of 40 pages to respond to the Second Appeal Brief.¹⁷

16. On 9 March 2020, the Appeals Chamber issued an order scheduling a hearing from 29 June to 1 July 2020 to hear submissions and observations of the appeals of the Defence and the Prosecutor against the Judgement and the appeal of the Defence against the Sentencing Judgment.¹⁸

17. On 10 March 2020, pursuant to an order of the Appeals Chamber,¹⁹ the Defence filed its response to the Prosecution's request for an extension of the page limit for its response to the Second Appeal Brief.²⁰

18. On 11 March 2020, the Appeals Chamber granted the Defence's request for leave to reply to the Prosecution First Response and ordered the reply to be delivered orally at the hearing to be held between 29 June and 1 July 2020.²¹

19. On 13 March 2020, the Appeals Chamber rejected the Prosecutor's request for an extension of the page limit for her response to the Second Appeal Brief and ordered the parties to file public redacted version of their respective filings in this respect.²²

20. On 16 March 2020, the Prosecution notified the Appeals Chamber of its intention to comply with the pending deadlines in the *Ntaganda* appeals proceedings despite the disruptions resulting from the COVID-19 outbreak. It also notifies the Appeals Chamber that it may be required to request a reasonable extension of time pursuant to regulation 35(2) of the Regulations of the Court, if necessary.²³

¹⁷ See the "Prosecution Request for an extension of the page limit for its response to the 'Defence Appeal Brief - Part II'", [No. ICC-01/04-02/06-2482-Conf A](#), 5 March 2020.

¹⁸ See the "Scheduling order for a hearing before the Appeals Chamber" (Appeals Chamber), [No. ICC-01/04-02/06-2486 A A2 A3](#), 9 March 2020.

¹⁹ See the "Order on the filing of a response to 'Prosecution Request for an extension of the page limit for its response to the 'Defence Appeal Brief - Part II''" (Appeals Chamber), [No. ICC-01/04-02/06-2485 A](#), 9 March 2020.

²⁰ See the "Defence response to 'Prosecution Request for an extension of the page limit for its response to the 'Defence Appeal Brief - Part II''", [No. ICC-01/04-02/06-2487-Conf A](#), 10 March 2020.

²¹ See the "Decision on request for leave to reply" (Appeals Chamber), [No. ICC-01/04-02/06-2488 A](#), 11 March 2020.

²² See the "Decision on request for extension of page limit and Order on the filing of public redacted versions of submissions" (Appeals Chamber), [No. ICC-01/04-02/06-2489 A](#), 13 March 2020.

²³ See the "Prosecution notice of intention regarding deadlines", [No. ICC-01/04-02/06-2491 A](#), 16 March 2020.

21. On 16 March 2020, the Defence responded to the Legal Representative of the former child soldiers' observations on the First Appeal Brief.²⁴
22. On 3 April 2020, the Prosecution responded to the Second Appeal Brief (the "Prosecution Second Response").²⁵
23. On 15 April 2020, Mr Ntaganda filed the Second Defence Request for Leave to Reply, requesting leave to file a reply to the Prosecution Second Response.²⁶
24. On 20 April 2020, the Prosecution requested the Appeals Chamber to dismiss the Second Defence Request for Leave to Reply.²⁷
25. On 4 May 2020, the Appeals Chamber issued the "Decision on request for leave to reply", granting the Second Defence Request for Leave to Reply in part.²⁸

²⁴ See the "Defence Response to 'Observations of the Common Legal Representative of the Former Child Soldiers on Part I of Mr Ntaganda's Appeal against the Judgment pursuant to Article 74 of the Rome Statute', 27 February 2020, ICC-01/04-02/06-2473", [No. ICC-01/04-02/06-2490 A](#), 16 March 2020.

²⁵ See the "Prosecution response to 'Defence Appeal Brief - Part II'", [No. ICC-01/04-02/06-2500-Conf A](#), 3 April 2020. A public redacted version was filed on 14 April 2020. See the "Public Redacted Version of 'Prosecution response to 'Defence Appeal Brief - Part II'', 3 April 2020, ICC-01/04-02/06-2500-Conf", [No. ICC-01/04-02/06-2500-Red A](#), 14 April 2020.

²⁶ See the "Defence request for leave to reply to the Prosecution Response to Defence Appeal Brief - Part II", [No. ICC-01/04-02/06-2512 A](#), 15 April 2020 (the "Second Defence Request for Leave to Reply").

²⁷ See the "Prosecution Response to the Defence Request for Leave to Reply to the 'Prosecution Response to Defence Appeal Brief – Part II'", [No. ICC-01/04-02/06-2514 A](#), 20 April 2020.

²⁸ See the "Decision on request for leave to reply" (Appeals Chamber), [No. ICC-01/04-02/06-2522 A](#), 4 May 2020.