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

Request for extension of page limit and time to file appeal brief

Source: Defence Team of Mr. Bosco Ntaganda

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

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Further to the Judgment rendered by Trial Chamber VI on 8 July 2019,¹ and the Notice of Appeal therefrom filed on 9 September 2019,² Counsel representing Mr. Ntaganda (“Defence”) hereby submit this:

Request for extension of page limit and time to file appeal brief

INTRODUCTION

1. The Defence requests an extension to 14 January 2020 (*i.e.* of 100 days) to file its brief in support of appeal from the Trial Judgment in this case. Good cause for this request is based on: (i) the factual and legal complexity of the appeal, which includes the presentation of factually and legally complex fair trial grounds that have never previously been adjudicated by the Appeals Chamber; (ii) the concurrent burdens of the sentencing and reparations proceedings; (iii) the absence of translation of the Trial Judgment into Mr. Ntaganda’s language, as required by rule 144 of the Rules of Procedure and Evidence (“Rules”); and (iv) the Registry’s delay in appointing appeal team members who need time to familiarize themselves with the Trial Judgment and case record. Furthermore, no delay – and certainly no unreasonable delay – will arise from the requested extension in light of the schedule of any sentencing appeal, for which briefs will probably not be due before the end of January 2020.
2. The Defence also requests, given the factual and legal complexity of the appeal, an increase of the page-limit from 100 pages,³ to 250 pages. Exceptional circumstances justify this request, and the number of additional pages requested is proportionate to that granted for Mr. Bemba’s appeal brief

¹ Judgment, 8 July 2019, ICC-01/04-02/06-2359 (“Trial Judgment”).

² Mr. Ntaganda’s Notice of Appeal against the Judgment pursuant to Article 74 of the Statute, ICC-01/04-02/06-2359, 9 September 2019, ICC-01/04-02/06-2396 (“Notice of Appeal”).

³ Regulation 58 (3) of the Regulations of the Court (“RoC”).

(100 pages), which involved a narrower appeal, in respect of a shorter Trial Judgment and a less voluminous record.

3. These requests, in the absence of any more specific provision, are brought pursuant to regulations 35 and 37(2) of the RoC, or pursuant to the Appeals Chamber's inherent authority to control its own proceedings.

PROCEDURAL BACKGROUND

4. On 8 July 2019, Trial Chamber VI found Mr. Ntaganda guilty of 18 counts of crimes against humanity and war crimes. The Prosecution and Defence submitted requests for the introduction of supplementary sentencing evidence on 29 July 2019. The Trial Chamber ruled on these requests on 20 August 2019 and 23 August 2019, and scheduled hearings on sentencing during the week of 16 through 20 September.⁴ The Trial Chamber also scheduled the submission of written submissions for one week thereafter. The page limit for Mr. Ntaganda's written submissions on sentence is 60 pages.⁵
5. On 9 September 2019, the Defence submitted its Notice of Appeal from the Trial Chamber's Judgment. This Notice of Appeal is the first filed under regulation 57 of the RoC as amended on 12 July 2017 and, accordingly, sets out in some detail "the alleged errors and how they affect the appealed decision."
6. The Appeals Chamber had previously, on 19 July 2019, extended the deadline for submission of this Notice of Appeal by thirty days, at the Defence's request with the concurrence of the Prosecution, on the basis that the Trial Judgment "is indeed both complex and lengthy"; that the parties were concurrently

⁴ *Ntaganda*, Decision on requests to call witnesses in relation to sentencing and for increased monitoring of Mr. Ntaganda's contacts and scheduling the sentencing hearing, 20 August 2019, ICC-01/04-02/06-2384; *Ntaganda*, Preliminary ruling on prior recorded testimony pursuant to Rule 68(2)(b) in relation to sentencing, 23 August 2019, ICC-01/04-02/06-2385. All further references are to the *Ntaganda* case unless otherwise indicated.

⁵ Email sent on behalf of Trial Chamber VI to the parties and participants, 11 July 2019, 16.41.

involved in sentencing proceedings; and that portions of the Trial Judgment remained to be translated into Kinyarwanda.⁶ The Appeals Chamber rejected a requested extension of 60 days on the basis that it would be “disproportionate, bearing in mind that the regular time limit for the submission of the notice of appeal, as per rule 150(1) of the Rules, is 30 days.”⁷ The Appeals Chamber also rejected a Prosecution request – in which the Defence did not join, however – to already extend the deadline for the filing of appeal briefs from 90 days to 180 days.⁸ In so doing, the Appeals Chamber noted that the judicial recess would comprise a smaller fraction of the 90-day time period for the filing of the brief as opposed to the Notice of Appeal.⁹

APPLICABLE LAW

7. Regulation 58 of the RoC provides that: “[h]aving filed a notice of appeal in accordance with regulation 57, the appellant shall file an appeal brief within 90 days of notification of the relevant decision.”¹⁰
8. The *Bemba* Appeals Chamber granted an extension for the filing of the appeal brief of 90 days (for a total of 180 days from the date of the issuance of the Judgment appealed).¹¹ Three considerations were deemed sufficient to support good cause for such an extension:

(ii) the anticipated factual and legal complexity of the appeal, the novelty of the legal issues to be addressed and fair trial arguments that Mr Bemba may wish to make; (iii) the fact that the defence team is currently absorbed in the sentencing proceedings that are ongoing before the Trial Chamber, with final defence submissions due by 25

⁶ Decision on Mr. Bosco Ntaganda’s and the Prosecutor’s requests for time extension for the notice of appeal and the appeal brief, 19 July 2019, ICC-01/04-02/06-2364, para.5.

⁷ *Id.* para.6.

⁸ *Id.* para.7.

⁹ *Id.*

¹⁰ Regulation 58.

¹¹ Decision on Mr. Bemba’s request for an extension of time for the filing of his document in support of the appeal, 15 April 2016, ICC-01/05-01/08-3370 (“*Bemba* Extension Decision”).

April 2016; and (iv) the fact that the Conviction Decision is currently only available in English and that parts are being translated on a regular and expedited basis into French, the language Mr Bemba “fully understands and speaks”.¹²

9. The *Bemba* Appeals Chamber also took into consideration the agreement between the Prosecution and the Defence as to the duration of the proposed extension. One additional factor put forward by the Defence, namely Mr. Bemba’s involvement in concurrent article 70 proceedings, was not taken as a factor in favour of granting the requested extension.¹³
10. In granting the extension, the Appeals Chamber also required the *Bemba* Defence team to inform the Appeals Chamber within 90 days of issuance of the Judgment “of, at the very least, the legal findings in the Conviction Decision that he intends to challenge within the 90-day time limit” that normally applies to the filing of the document supporting the appeal.¹⁴
11. In the *Bemba et al.* case, the Appeals Chamber extended the time limit for filing appeal briefs by 90 days on the basis of:
 - (i) the anticipated factual, legal and procedural complexity of the appeal and the novelty of the legal issues to be addressed; (ii) the ongoing sentencing proceedings before the Trial Chamber, to which the defence teams are currently dedicating time and resources; and (iii) the unavailability of the complete French translation of the Conviction Decision.¹⁵
12. As in the *Bemba* case, the Appeals Chamber ordered the parties to file detailed notices of appeal.¹⁶

¹² *Id.* para.6 (citations omitted).

¹³ *Id.* para.7.

¹⁴ *Id.* para.9.

¹⁵ *Bemba et al.*, Decision on requests for an extension of the time limit for the filing of the documents in support of the appeal, ICC-01/05-01/13-2046, 23 November 2016 (“*Bemba et al.* Extension Decision”), para.18.

¹⁶ *Id.* para.19.

SUBMISSIONS

I. The factual and legal complexity of the appeal

13. The Defence has now filed its detailed Notice of Appeal pursuant to regulation 57 of the RoC.¹⁷ This Notice sets out not only the grounds of appeal, but also the errors that will be addressed in the appeal brief. The Appeals Chamber is therefore now apprised in some detail of the scope and substance of the appeal, which was not the case when the Appeals Chamber previously rejected Prosecution's request for an extension of time to file its appeal brief.
14. Mr. Ntaganda's appeal consists of 15 grounds. The factual and legal complexity of some of these grounds is self-evident, such as the purported errors committed by the Trial Chamber in its assessment of the evidence,¹⁸ and the ground identifying those specific instances where the Trial Chamber entered convictions going beyond the proper scope of the case.¹⁹ Analysing and demonstrating such errors is a labour-intensive exercise, especially given the length of such findings, some of which are to be found in the Trial Judgment's extensive footnotes.
15. Ground 2 raises particularly complex and labour-intensive issues. The Trial Chamber found at trial that the Prosecution's access to Mr. Ntaganda's telephone conversations was "prejudicial to the accused,"²⁰ but denied the Defence's request for a stay of proceedings on the basis of the purportedly limited *scope* of the information obtained by the Prosecution.²¹ The Defence is obliged to carefully review the 4,684 conversations obtained by the

¹⁷ Notice of Appeal.

¹⁸ See *e.g.* Notice of Appeal, Grounds 4, 5, 7 and 8.

¹⁹ Ground 3.

²⁰ Decision on Defence request for stay of proceedings with prejudice to the Prosecution, 28 April 2017, ICC-01/04-02/06-1883, para.42.

²¹ *Id.* para.43.

Prosecution to show that the Trial Chamber erred in its assessment of the *extent* of the prejudice. Although some of this analysis has been done since the end of trial, it has been impossible to complete in light of a variety of other tasks. In addition, the Trial Judgment needs to be carefully reviewed for indications that the prejudicial information available to the Prosecution did, in fact, have a concrete impact on the trial and on the Trial Chamber's findings.

16. Several grounds of appeal involve novel legal issues that have never before been adjudicated by the Appeals Chamber. This includes: Ground 1, involving judicial independence and the requirement that all Judges be present throughout deliberations; Ground 6, involving the proper definition of ordering displacements as a War Crime; and Grounds 10 and 12, involving the proper relationship between the *mens rea* required under article 30 and the *mens rea* set out in the Elements of Crimes for article 8(2)(e)(vii). These are issues that are not only novel, but that may have a broad jurisprudential significance that should be fully and carefully briefed.
17. The Defence appeal in this case, by any measure, is by far the most complex to have been presented to the ICC Appeals Chamber to date. The Trial Judgment is longer, the volume of the record is far greater, and the scope of the appeal is much broader than in either the *Bemba* or the *Bemba et al.* cases. Extensions of 90 days were granted to file the appeal brief in both of those cases.
18. An extension of 100 days to file an appeal brief in this case is, accordingly, proportionate and appropriate given the legal and factual complexity of the appeal, and of the Trial Judgment appealed.

II. Concurrent sentencing and reparations proceedings

19. Sentencing hearings will be held by the Trial Chamber during the week of 16 September, and are scheduled to be completed by 20 September 2019.²² The Defence is required to file its sentencing submissions before the Trial Chamber on or around 27 September 2019.²³ The page limits are substantial: the Defence has been accorded a page-limit of sixty pages, the Prosecution fifty pages.²⁴ Assuming that the Trial Chamber renders a sentencing decision approximately one month later, then any notice of appeal from sentence, barring any extensions, would be due at the end of November 2019, and any brief in support thereof would be due at the end of January 2020.
20. The Defence also takes note of the VPRS's submissions on reparations proceedings, which appear to contemplate a significant role for the Defence at the phase of identification of victims.²⁵
21. Concurrent sentencing procedures have previously been taken into consideration by the Appeals Chamber as a factor weighing in favour of extending the deadline for submitting appeal briefs.²⁶ These proceedings will continue intensively for the next three weeks,²⁷ and thereafter to the extent that any appeal is necessary.

²² Decision on requests to call witnesses in relation to sentencing and for increased monitoring of Mr. Ntaganda's contacts and scheduling the sentencing hearing, 20 August 2019, ICC-01/04-02/06-2384.

²³ Email sent from Trial Chamber VI Communications to the Parties and Participants, 11 July 2019, 16:41.

²⁴ Email sent on behalf of Trial Chamber VI to the parties and participants, 11 July 2019, 16:41.

²⁵ Registry's observations, pursuant to the Single Judge's "Order for preliminary information on reparations", of 25 July 2019, ICC-01/04-02/06-2366, 5 September 2019, ICC-01/04-02/06-2391, Annex 1, para.18.

²⁶ *Bemba et al.*, Extension Decision, para.18; *Bemba* Extension Decision, paras.6, 8.

²⁷ The Defence has been authorized to call three sentencing witnesses, and accorded one hour to present oral submissions, and 60 pages for its written sentencing brief. *See* Preliminary ruling on prior recorded testimony pursuant to Rule 68(2)(b) in relation to sentencing, 23 August 2019, ICC-01/04-02/06-2385; email sent on behalf of Trial Chamber VI to the parties and participants, 11 July 2019, 16:41.

22. Importantly, the requested extension for filing the appeal brief in respect of the article 74 decision will not be later than the statutory deadline for filing any appeal brief in respect of sentencing. This would allow the calendar for both appeals to be harmonized at a relatively early stage of proceedings. This will assist in streamlining procedures and will not extend the overall time required for the appeals in respect of both the merits and sentence.

III. A full translation of the trial judgment into Kinyarwanda, as required by rule 144, remains pending

23. Rule 144 of the Rules requires that decisions “concerning [...] [the] criminal responsibility of the accused [...] shall be provided as soon as possible to [...] [t]he accused, in a language he or she fully understands or speaks, if necessary to meet the requirements of fairness under article 67, paragraph 1(f).”
24. The language that Mr. Ntaganda fully understands and speaks is Kinyarwanda. The Trial Chamber acted expeditiously to identify for translation the portions of the Trial Judgment most important for *sentencing*²⁸ and, on that basis, approximately 102 pages of the Trial Judgment has now been provided to Mr. Ntaganda in Kinyarwanda. Even in respect of these pages, however, some of the most crucial reasoning has not been translated because it is to be found in the footnotes – as exemplified by pages 170 to 184 and 246 to 250. Accordingly, even portions of the Trial Judgment that the Trial Chamber acknowledges to be vital to Mr. Ntaganda’s understanding of his conviction have not yet been translated in full.
25. The Defence has made a request to the Registry for a fuller translation of the Trial Judgment, and has been told – notwithstanding rule 144 of the Rules – that any such translation can only be undertaken on the basis of an order from

²⁸ ICC-01/04-02/06-T-265-ENG, p.23, ll.22-24.

the Appeals Chamber. The Defence intends to make such a request imminently (without, however, accepting that any such order is a prerequisite for the automatic application of rule 144).

26. The Defence notes that the translation of approximately 102 pages without footnotes of the Trial Judgment was provided to the Defence in a period of approximately five weeks. The Defence has been informed unofficially by LSS that this time-period can be used as a basis to determine the time that will be required to translate additional pages of the Judgment. The Defence was also informed that LSS prefers to consider the number of words to be translated as opposed to the number of pages. The Defence can already indicate that it believes an additional 200 pages of the Trial Judgment, with substantive footnotes, are essential to Mr. Ntaganda's understanding thereof. A reasonable, if unofficial, estimate for the completion of this translation is a minimum of two months, possibly up to three months.
27. The Prosecution position as expressed in previous cases appears to be that the appeal deadlines are not tolled during the period that a rule 144(2) is not satisfied.²⁹ However, proposals to modify this rule so as to only require translation "[...] in whole or to the extent necessary to meet the requirements of fairness under article 67, paragraph 1(f)" have not been adopted.³⁰ The implication is that rule 144(2) is a mandatory requirement under the Rules that is closely related to a fair trial under article 67(1)(f).
28. Even assuming that the time-period for filing an appeal brief under regulation 58 is not tolled in the absence of a translation, the Appeals Chamber has

²⁹ *Bemba et al.*, Prosecution's response to Fidèle Babala Wandu's request for an extension of time to file his appeal brief, ICC-01/05-01/13-2013, 7 November 2016, paras.9-10.

³⁰ Report of the Bureau on Study Group on Governance, 28 November 2014, ICC-ASP/13/28, p.37, available at https://asp.icc-cpi.int/iccdocs/asp_docs/ASP13/ICC-ASP-13-28-ENG.pdf, last accessed 9 November 2016.

previously recognized that the absence of such a translation is a further consideration that weighs in favour of extending the time period for filing an appeal brief.³¹ Given the substantial portion of the Trial Judgment that remains yet to be translated, this is a factor that should be given substantial weight in the circumstances of the present case.

IV. The Registry's delay in appointing new counsel on appeal is a further factor in favour of the requested extension

29. Any appeal, but particularly an appeal of the scope necessitated in the present case, requires the perspective of fresh and experienced appeal counsel and legal consultants. The Prosecution is endowed with such a capacity, which must likewise be available to the Defence.
30. Two experienced lawyers have, accordingly, been engaged as Defence team members to assist in the preparation of Mr. Ntaganda's appeal. These lawyers will, evidently, require some time to become fully familiar with the relevant facts and issues in such a complex case. The Defence foresaw this need and made early and timely applications to the Registry for the necessary budgetary approvals for these and other Defence positions. Despite repeated reminders and requests – and specific references to the potential impact on appeal scheduling – these requests were not acted upon expeditiously.³² The

³¹ *Bemba* Extension Decision, para.6; *Bemba et al.* Extension Decision, para.18.

³² Request for the allocation of additional resources, 28 March 2019; Request for additional resources – Proceedings against Mr. Bosco Ntaganda, Email sent from the Defence to the Head of CSS Legal Aid Unit on 21 June 2019 (“The need for a decision as soon as practically possible has thus become critical in light of the fact that I really need a fully composed team from the moment the Article 74 trial judgement is rendered”); Email sent from the Defence to the Director of the Division of Judicial Support Services of 5 July 2019 (“As mentioned on many occasions, taking into consideration the short deadlines that will have to be met immediately following the delivery of the Trial Judgement, it is of the highest importance that a decision be rendered on our request for additional resources as soon as possible following the review of the Trial Judgement to ensure that we are able to fulfil our duties and responsibilities towards our client.”); Request for additional resources – proceedings against Mr. Bosco Ntaganda following the delivery of the trial Judgment, 8 July 2019, D18/2019/0017; Request for reconsideration of CSS decision on the Defence request for additional resources following the delivery

result was a delay in the hiring of one of the two new lawyers, and a delay in the hiring of another important team member who is also a qualified lawyer – both of whom could only be engaged on 1 September 2019.

31. The Defence submits that this is a further factor in favour of granting the requested extension.

V. The duration of the extension requested is reasonable, proportionate and will not cause undue, or possibly any, delay

32. The Defence requests an extension of 100 days beyond that prescribed in regulation 58, for a total of 190 days. This request falls well within the range of extensions granted at this Court and at other international tribunals where cases are often of similar complexity. This is the case whether the extension is measured in days (100 days), or as a percentage of the statutory default time limit (just over 100%).
33. First, the ICC Appeals Chamber has previously granted extensions of 90 days (100%) in the *Bemba* and *Bemba et al.* cases in circumstances that are less compelling than in the present case.³³ The Defence requests only a slightly longer extension than in those cases. The Defence notes that an extension of only 90 days would fall very shortly after New Years' Day, which would impose an unreasonable burden on Defence team members.
34. Second, the requested extension falls well within the time granted for the preparation of appeals at other international courts in cases of similar complexity, some of which also specifically involved delays in translation into

of the trial Judgment, 31 July 2019, D18/2019/0019 ("Despite numerous meetings held between CSS and representatives from the Bosco Ntaganda Defence team to discuss the resources deemed necessary to effectively represent Mr. Ntaganda following the delivery of the trial Judgment, the bulk of these discussions focused on whether it was possible or not, to render a decision before the date on which the trial Judgment would be rendered").

³³ *Bemba* Extension Decision; *Bemba et al.* Extension Decision.

a language that the accused understood. At the ICTY and ICTR, where the statutory time limit for filing an appeal brief (75 days) is even shorter than the deadline applicable at the ICC: in *Dragomir Milošević*, the appeal brief was required to be filed 246 days after the Trial Judgment;³⁴ in *Mrkšić*, 285 days after the Trial Judgment;³⁵ in *Martić*, 216 days after the Trial Judgment;³⁶ in *Popović et al.*, 225 days after the Trial Judgment;³⁷ in *Gatete*, 216 days after the Trial Judgment;³⁸ and in *Nizeyimana*, 412 days after the Trial Judgment.³⁹ The Supreme Court Chamber of the ECCC recently granted Khieu Samphan 336 days after the Trial Judgment in that case to file his appeal brief.⁴⁰

35. Third, the extension will not cause undue, or possibly any, delay in the ultimate disposition of the appeal of conviction because the brief will still be filed before the brief of any appeal of sentence. Both appeals could thereafter follow a unified calendar, which means that the overall briefing schedule would end no later than without the requested extension. Even assuming some modest delay arising from the extension, the delay will be insignificant in relation to the duration of the proceedings as a whole.

³⁴ *Dragomir Milošević*, IT-98-29/1-A, Decision on defence request to extend the deadline to file the appellant's brief and the respondent's brief, 20 February 2008; *Dragomir Milošević*, IT-98-29/1-A, Judgment, 12 November 2009, Annex A, pp.160-161.

³⁵ *Mrkšić et al.*, IT-95-13/1, Judgement, 5 May 2009, para.1, Annex I, paras.3,8; *Mrkšić*, IT-95-13/1, Decision on Joint Defense Motion for Extension of Time Limits on Submission of Briefs, 14 December 2007, p.2.

³⁶ *Martić*, IT-95-11, Judgement, 8 October 2008, para.1, Annex A, paras.3, 8; *Martić*, IT-95-11, Decision on Motion for Extension of Time for Filing the Respondent's Brief, 31 October 2007.

³⁷ *Popović et al.*, IT-05-88, Judgement, 30 January 2015, Annex A, paras.7-17; *Popović et al.*, IT-05-88, Decision on Motions for Extension of Time and for Permission to Exceed Word Limitations, 20 October 2010, p.6 (noting, in addition to the lack of translation into the language of the accused, the "length of the Judgement and the complexity of the issues it raises").

³⁸ *Gatete*, ICTR-00-61, Judgement, 9 October 2012, Annex A, paras.1-3; *Gatete*, ICTR-00-61, Decision on Extension of Time Limits, 26 May 2011.

³⁹ *Nizeyimana*, ICTR-00-55C, Judgement, 29 September 2014, Annex A, para.3; *Nizeyimana*, ICTR-00-55C, Decision on Ildéphonse Nizeyimana's Motion for Extension of Time for the Filing of the Appellant's Brief, 19 July 2012, p.3 (citing the absence of translation of the Trial Judgment into the language of the accused and that the "Trial Judgment is 445 single-spaced pages in length, excluding annexes, and is of substantial length for a judgement regarding a single accused.")

⁴⁰ Case No. 002/19-09-2007-ECCC/SC, Decision on Khieu Samphan's Request for Extensions of Time and Page Limits for Filing His Appeal Brief, 23 August 2019, paras.1, 36.

VI. An extension of the page limit to 250 pages is proportionate and reasonable

36. The Defence requests an extension of the page limit for its appeal brief of 150 pages, for a total of 250 pages. The “exceptional circumstances” under regulation 37(2) justifying the request include: the scope of the appeal, as indicated by the Notice of Appeal; the voluminous Trial Judgment and case record; the fair trial grounds of appeal that concern matters outside the scope of the Trial Judgement itself (and which otherwise could have been dealt with as matters of interlocutory appeal had leave been granted during trial); and the novelty of certain of the legal issues raised which, in light of the nascent state of ICC jurisprudence on these and other issues raised in the Notice of Appeal, should be fully and thoroughly briefed before the Appeals Chamber. Furthermore, in light of the detailed Notice of Appeal, the Appeals Chamber is concretely informed of the scope and substance of the appeal justifying the present request.
37. The *Bemba* Appeals Chamber, involving an appeal narrower in scope (six grounds of appeal) in respect of a shorter Trial Judgment and smaller case record, granted the Defence an extension of 100 pages.⁴¹ A proportionate and reasonable extension in the present case is 150 pages.

⁴¹ *Bemba*, Decision on Mr Bemba’s Request for an Extension of Page Limit for his Document in Support of the Appeal, ICC-01/05-01/08-3405, 11 July 2016, para.14. See also *Popović et al.*, IT-05-88-A, Decision on motions for extension of time and for permission to exceed word limitations, 20 October 2010, p.6; *Tolimir*, IT-05-88/2-A, Decision on motion for setting a time limit for filing an appellant’s brief and for an extension of word limit, 17 May 2013, p.4.; *Tihomir Blaškić*, IT-95-14-A, Decision on appellant’s motion to extend deadline for filing appellant’s brief and request for authorization to exceed the page limit for appellant’s brief, 7 November 2001; *Mladić*, MICT-13-56-A, Decision on Ratko Mladić’s motion for extensions of time and word limits, 22 May 2018, p.4; *Karadžić*, MICT-13-55-A, Decision on a motion for an extension of a word limit, 8 September 2016, p.3.

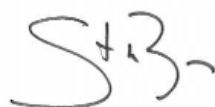
CONCLUSION AND RELIEF SOUGHT

38. The Defence requests an extension of the time period for filing its appeal brief prescribed by regulation 58(1) of the RoC. This request is amply justified by: the complexity of the Trial Judgment and the appeal, in particular the detailed work to be done on Ground 2, as well as on other grounds; the need for translation of the Trial Judgment into Kinyarwanda as required by rule 144 of the Rules; the concurrent burdens of the sentencing and reparations proceedings; and the delay in the appointment of additional appeals counsel by the Registry. The quantum of the extension is reasonable and falls well within the range of extensions granted in appeals of lesser complexity.
39. The request for additional pages is likewise justified by the complexity of the Trial Judgment and the appeal, including the need to address substantial fair trial grounds that go beyond the four corners of the Trial Judgment itself.
40. The Defence therefore respectfully requests the Appeals Chamber to:

GRANT authorisation to file its appeal brief under regulation 58 of the RoC no later than 14 January 2019, being a 100-day extension of the applicable time-limit;

GRANT authorisation to file an appeal brief not to exceed 250 pages.

RESPECTFULLY SUBMITTED ON THIS 11TH DAY OF SEPTEMBER 2019



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

The Hague, The Netherlands