

## **Annex A: Procedural History**

## ANNEX A - PROCEDURAL HISTORY

1. On 8 July 2019, the Trial Chamber rendered the Conviction Decision, in which it found Mr Ntaganda guilty of five counts of crimes against humanity and thirteen counts of war crimes.<sup>1</sup>
2. On 18 July 2019, the Appeals Chamber designated Judge Howard Morrison as the Presiding Judge in any appeal arising from the Conviction Decision.<sup>2</sup>
3. On 19 July 2019, the Appeals Chamber extended the time limit for the submission of Mr Ntaganda's and the Prosecutor's notices of appeal of the Conviction Decision by 30 days, and rejected the Prosecutor's request for an extension of the time limit for the filing of the appeal brief.<sup>3</sup>
4. On 9 September 2019, the Prosecutor and Mr Ntaganda filed their respective notices of appeal.<sup>4</sup>
5. On 20 September 2019, the Appeals Chamber decided, *inter alia*, that Mr Ntaganda should file his appeal brief in relation to the first two grounds of his appeal by 7 October 2019 and in relation to the remaining grounds of appeal by 14 January 2020.<sup>5</sup>
6. On 1 October 2019, the Appeals Chamber instructed Mr Ntaganda to file his appeal brief in relation to the first and third grounds of appeal by 11 November 2019, the Appeals Chamber also instructed the Prosecutor to file a response to

---

<sup>1</sup> [Conviction Decision](#).

<sup>2</sup> [Decision on the Presiding Judge of the Appeals Chamber in any appeal against the decision of Trial Chamber VI entitled 'Judgment'](#), ICC-01/04-02/06-2363.

<sup>3</sup> [Decision on Mr Bosco Ntaganda's and the Prosecutor's requests for time extension for the notice of appeal and the appeal brief](#), ICC-01/04-02/06-2364. *See* [Request for extension of time to file notice of appeal](#), 17 July 2019, ICC-01/04-02/06-2361; [Prosecution's response to request for extension of time to file notice of appeal](#), 18 July 2019, ICC-01/04-02/06-2362.

<sup>4</sup> [Prosecutor's Notice of Appeal; Mr Ntaganda's Notice of Appeal](#).

<sup>5</sup> [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](#), ICC-01/04-02/06-2415. *See* [Request for extension of page limit and time to file appeal brief](#), 11 September 2019, ICC-01/04-02/06-2398.

Mr Ntaganda's appeal brief in relation to the first and third grounds of appeal by 27 January 2020.<sup>6</sup>

7. On 7 October 2019, the Prosecutor filed her appeal brief.<sup>7</sup>
8. On 8 October 2019, the Appeals Chamber issued the 'Decision on victim participation',<sup>8</sup> setting, *inter alia*, time limits for the Victims to file observations.
9. On 11 November 2019, Mr Ntaganda filed the first part of his appeal brief, in relation to the first and third grounds of appeal.<sup>9</sup>
10. On 9 December 2019, Mr Ntaganda filed his response to Prosecutor's appeal.<sup>10</sup>
11. On 8 January 2020, Victims Group 2 filed their observations on the Prosecutor's appeal.<sup>11</sup>
12. On 17 January 2020, the Appeals Chamber extended the time limit for the filing of Mr Ntaganda's appeal brief in relation to the remaining grounds of appeal to 31 January 2020.<sup>12</sup>
13. On 24 January 2020, Mr Ntaganda and the Prosecutor filed their responses to the observations of Victims Group 2 on the Prosecutor's appeal.<sup>13</sup>
14. On 27 January 2020, the Prosecutor filed her response to the first part of Mr Ntaganda's appeal brief.<sup>14</sup>

---

<sup>6</sup> [Decision on Mr Ntaganda's request for reconsideration of the decision on time and page extensions](#), ICC-01/04-02/06-2426. See [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"](#), 23 September 2019, ICC-01/04-02/06-2417.

<sup>7</sup> [Prosecutor's Appeal Brief](#).

<sup>8</sup> [Decision on victim participation](#), ICC-01/04-02/06-2439.

<sup>9</sup> [Mr Ntaganda's Appeal Brief – Part I](#).

<sup>10</sup> [Mr Ntaganda's Response to Prosecutor's Appeal](#).

<sup>11</sup> [Observations of Victims Group 2 on Prosecutor's Appeal](#).

<sup>12</sup> [Decision on the request for extension of time](#), ICC-01/04-02/06-2461. See [Motion seeking extension of time to submit Appeal Brief due to unavailability of translation of Judgment](#), 9 January 2020, ICC-01/04-02/06-2453; [Prosecution Response to the Defence Motion Seeking Extension of Time to Submit Appeal Brief](#), 14 January 2020, ICC-01/04-02/06-2457; [Defence Notice further to "Prosecution Response to the Defence Motion Seeking Extension of Time to Submit Appeal Brief"](#), 16 January 2020, ICC-01/04-02/06-2458.

<sup>13</sup> [Mr Ntaganda's Response to Observations of Victims Group 2 on Prosecutor's Appeal](#); [Prosecutor's Response to Observations of Victims Group 2 on Prosecutor's Appeal](#).

15. On 31 January 2020, Mr Ntaganda filed the second part of his appeal brief, in relation to the remaining grounds of his appeal.<sup>15</sup>
16. On 11 March 2020, the Appeals Chamber granted Mr Ntaganda's request for leave to reply to the Prosecutor's response to the first part of his appeal brief and directed that the reply may be delivered orally at the hearing.<sup>16</sup>
17. On 27 February 2020, Victims Group 1 filed their observations on the first part of Mr Ntaganda's appeal brief.<sup>17</sup>
18. On 9 March 2020, the Appeals Chamber scheduled a hearing from June 2020 to 1 July 2020, to hear submissions and observations by the parties and participants on the appeals.<sup>18</sup>
19. On 16 March 2020, Mr Ntaganda filed his response to the observations of Victims Group 1 on the first part of his appeal brief.<sup>19</sup>
20. On 3 April 2020, the Prosecutor filed her response to the second part of Mr Ntaganda's appeal brief.<sup>20</sup>
21. On 4 May 2020, the Appeals Chamber granted Mr Ntaganda leave to reply to the Prosecutor's response to the second part of his appeal brief.<sup>21</sup>
22. On 6 May 2020, both Victims groups filed their observations on the second part of Mr Ntaganda's appeal brief.<sup>22</sup>

---

<sup>14</sup> [Prosecutor's Response to Appeal – Part I](#).

<sup>15</sup> [Mr Ntaganda's Appeal Brief – Part II](#).

<sup>16</sup> [Decision on request for leave to reply](#), ICC-01/04-02/06-2488. See [Defence request for leave to file a reply to the "Prosecution Response to 'Defence Appeal Brief - Part I'"](#), 3 February 2020, ICC-01/04-02/06-2466; [Prosecution Response to the Defence Request for Leave to File a Reply to the "Prosecution Response to 'Defence Appeal Brief – Part I'"](#), 6 February 2020, ICC-01/04-02/06-2467.

<sup>17</sup> [Observations of Victims Group 1 on Appeal – Part I](#).

<sup>18</sup> [Scheduling order for a hearing before the Appeals Chamber](#), ICC-01/04-02/06-2486.

<sup>19</sup> [Mr Ntaganda's Response to Observations of Victims Group 1 on Appeal - Part I](#).

<sup>20</sup> [Prosecutor's Response to Appeal – Part II](#).

<sup>21</sup> [Decision on request for leave to reply](#), ICC-01/04-02/06-2522. See [Defence request for leave to reply to the Prosecution Response to Defence Appeal Brief - Part II](#), 15 April 2020, ICC-01/04-02/06-2512; [Prosecution Response to the Defence Request for Leave to Reply to the "Prosecution Response to Defence Appeal Brief – Part II"](#), 20 April 2020, ICC-01/04-02/06-2514.

23. On 19 May 2020, Mr Ntaganda filed his reply to the Prosecutor’s response to the second part of his appeal brief.<sup>23</sup>
24. On 22 May 2020, the Prosecutor filed her response to the observations of the Victims on the second part of Mr Ntaganda’s appeal.<sup>24</sup>
25. On 5 June 2020, the Appeals Chamber vacated the dates for the hearing, scheduled for 29 June 2020 to 1 July 2020, noting ‘the impact of the COVID-19 pandemic on the scheduling of hearings’.<sup>25</sup>
26. On 24 July 2020, the Appeals Chamber invited qualified publicists of international humanitarian and/or criminal law to request, by 14 August 2020, leave to submit observations on legal questions related to the Prosecutor’s appeal.<sup>26</sup>
27. On 20 August 2020, the Appeals Chamber scheduled the hearing for 12 to 14 October 2020.<sup>27</sup>
28. On 22 October 2020, the Appeals Chamber rejected Mr Ntaganda’s request for the admission of additional evidence of a witness.<sup>28</sup>
29. On 24 August 2020, the Appeals Chamber, having received requests for leave to submit observations pursuant to rule 103 of the Rules as *amici curiae*, invited 12 publicists to file written submissions.<sup>29</sup>

---

<sup>22</sup> [Observations of Victims Group 1 on Appeal – Part II; Observations of Victims Group 2 on Appeal – Part II](#).

<sup>23</sup> [Mr Ntaganda’s Reply to Prosecutor’s Response to Appeal – Part II](#).

<sup>24</sup> [Prosecutor’s Response to Observations of Victims on Appeal – Part II](#).

<sup>25</sup> [Order regarding the hearing scheduled for 29 June - 1 July 2020](#), ICC-01/04-02/06-2542.

<sup>26</sup> [Order inviting expressions of interest as \*amici curiae\* in judicial proceedings \(pursuant to rule 103 of the Rules of Procedure and Evidence\)](#), ICC-01/04-02/06-2554.

<sup>27</sup> [Second order scheduling a hearing](#), ICC-01/04-02/06-2568.

<sup>28</sup> [Decision on request for the admission of additional evidence on appeal](#), ICC-01/04-02/06-2617-Conf, public redacted version was filed on 13 November 2020 (ICC-01/04-02/06-2617-Red). See [Defence request for admission of additional evidence on appeal](#), dated 27 August 2020 and registered on 28 August 2020, ICC-01/04-02/06-2570-Conf, public redacted version was filed on 11 September 2020 (ICC-01/04-02/06-2570-Red); [Directions regarding the application for additional evidence on appeal](#), 9 September 2020, ICC-01/04-02/06-2574-Conf, public redacted version was filed on 22 October 2020 (ICC-01/04-02/06-2574-Red); [Prosecution response to “Defence request for admission of additional evidence on appeal”](#), 16 September 2020, ICC-01/04-02/06-2582-Conf, public redacted version was filed on 30 October 2020 (ICC-01/04-02/06-2582-Red); [Response to the “Defence request for admission of additional evidence on appeal” \(No. ICC-01/04-02/06-2570-Conf\) of 28 August 2020 on behalf of the Former Child Soldiers](#), 16 September 2020, ICC-01/04-02/06-2583-Conf, public redacted version filed on 17 September 2020 (ICC-01/04-02/06-2583-Red).

30. On 17 September 2020, 18 September 2020, and 6 October 2020, the *amici curiae* filed their written observations.<sup>30</sup>

31. On 1 October 2020, the Appeals Chamber invited some of the *amici curiae* to attend the hearing before it remotely.<sup>31</sup>

32. On 12, 13, and 14 October 2020, the Appeals Chamber held the hearing, on a partially virtual basis.<sup>32</sup>

33. On 23 February 2021, the Presidency granted an extension of mandate to Judge Eboe-Osuji and Judge Morrison until no later than 31 March 2021 for the purpose of completing the appeals.<sup>33</sup>

34. On 11 March 2021, the Appeals Chamber scheduled the delivery of the judgment in the present appeals for 30 March 2021.<sup>34</sup>

---

<sup>29</sup> [Decision on the requests for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence](#), ICC-01/04-02/06-2569.

<sup>30</sup> [Mr Newton's Observations](#), [Mr O'Keefe's Observations](#), [Ms Gamarra's Observations](#), [ALMA's Observations](#), [Antiquities Coalition, Blue Shield International and Genocide Watch's Observations](#), [Mr Corn et al.'s Observations](#), [Ms Levina's and Ms Vaid's Observations](#), [Ms Jachec-Neale's Observations](#), [Mr Clancy's and Mr Kearney's Observations](#), [Ms Bagott's Observations](#), [Public International Law and Policy Group's Observations](#), [Mr Heyns et al.'s Observations](#).

<sup>31</sup> [Order on participation of amici curiae in the hearing before the Appeals Chamber](#), ICC-01/04-02/06-2603.

<sup>32</sup> [T-270, T-271, T-272](#). See [Directions on the conduct of the hearing](#), 14 September 2020, ICC-01/04-02/06-2580.

<sup>33</sup> [Notification concerning extension of mandate of judges in the Appeals Chamber](#), ICC-01/04-02/06-2653.

<sup>34</sup> [Scheduling Order for the delivery of judgments on the appeals of Mr Bosco Ntaganda and the Prosecutor against the "Judgment" and on the appeal of Mr Bosco Ntaganda against the "Sentencing judgment"](#), ICC-01/04-02/06-2662-Corr.