



Original: **English**

No.: **ICC-01/04-02/06**
Date: **26 September 2016**

APPEALS CHAMBER

Before: Judge Sanji Mmasenono Monageng
Judge Christine Van den Wyngaert
Judge Howard Morrison
Judge Piotr Hofmański
Judge Raul C. Pangalangan

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR V. BOSCO NTAGANDA***

Public

**Urgent request on behalf of Mr Ntaganda seeking an extension of time limit to
submit the Document in Support of the Appeal**

Source: Defence Team of Mr Bosco Ntaganda

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart
Ms Nicole Samson

Counsel for the Defence

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Legal Representatives of Victims

Ms Sarah Pellet
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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation / Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Further to the *Decision on Defence request for leave to appeal the 'Decision reviewing the restrictions placed on Mr Ntaganda's contacts'* issued by Trial Chamber VI ("Chamber") on 16 September 2016¹ Counsel representing Mr Ntaganda ("Defence") hereby submits this:

Urgent request on behalf of Mr Ntaganda seeking an extension of time limit to submit the Document in Support of the Appeal

"Defence Urgent Request"

INTRODUCTION

1. The Defence respectfully requests a six-day extension of the statutory time-limit for filing its document in support of the appeal of the *Decision reviewing the restrictions placed on Mr Ntaganda's contacts* ("Impugned Decision").² If granted, the extension would postpone the deadline to 10 October 2016. The work-load imposed by the ongoing trial session in a single-accused case, combined with the legal and factual complexity of the issues, constitute good cause within the meaning of Regulation 35 of the Regulations of the Court ("RoC") justifying the limited extension requested.

SUBMISSIONS

2. Regulation 35 of the RoC provides that:
 1. Applications to extend or reduce any time limit as prescribed in these Regulations or as ordered by the Chamber shall be made in writing or orally to the Chamber seized of the matter setting out the grounds on which the variation is sought.
 2. The Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard.

¹ ICC-01/04-02/06-1513.

² ICC-01/04-02/06-1494-Red3.

3. The Appeals Chamber has defined as good cause as follows:

Such reasons as may found a good cause are necessarily associated with a party's duties and obligations in the judicial process. A cause is good, if founded upon reasons associated with a person's capacity to conform to the applicable procedural rule or regulation or the directions of the Court. Incapability to do so must be for sound reasons, such as would objectively provide justification for the inability of a party to comply with his/her obligations.³

4. The Appeals Chamber has previously recognized that "the important and complex issues at stake" in respect of a particular interlocutory appeal, combined with a concurrent heavy burden of work at a particular time, may justify an extension beyond the ten-day statutory limit.⁴
5. The appeal in question, even if strictly limited to legal issues, involves complex litigation that goes back to 2014.⁵ The factual foundation of the litigation includes numerous hours of audio-recordings. While the Defence has no intention of burdening the Appeals Chamber with any detailed factual submissions, some selected issues may need to be identified and presented. Doing so effectively and succinctly requires additional time.
6. The Defence is in the midst of the 6th evidential block of the Prosecution case, involving a total of 16 witnesses. Eight of those witnessed remain to be heard. Preparing an appeal of appropriate quality within the statutory time-limit would be jeopardized by the time-commitments imposed by cross-examination preparation.

³ Reasons for the 'Decision of the Appeals Chamber on the request of counsel to Mr. Thomas Lubanga Dyilo for modification of the time limit pursuant to regulation 35 of the Regulations of the Court of 7 February 2007' issued on 16 February 2007, 21 February 2007, ICC-01/04-01/06-834, para.9.

⁴ Decision on the Application by Counsel for Thomas Lubanga Dyilo to Extend the Time Limit for the Filing of the Response to the Prosecutor's Document in Support of the Appeal, ICC-01/04-01/06-190, 11 July 2006, para.5.

⁵ ICC-01/04-02/06-785-Red ; ICC-01/04-02/06-785-Red, Procedural History, para.1-22.

7. The Defence also notes that Mr Ntaganda is currently receiving a family visit that makes it difficult for the Defence to have full access to information that may be relevant to presentation of the appeal.
8. The limited extension of time will cause no prejudice to the victims or the Prosecution.

RELIEF SOUGHT

9. In light of the above submissions, the Defence respectfully requests the Chamber to:

GRANT the limited extension of time limit to file the document in support of the appeal until 10 October 2016.

RESPECTFULLY SUBMITTED ON THIS 26TH DAY OF SEPTEMBER 2016



Me Stéphane Bourgon, Counsel for Bosco Ntaganda