



Original: **English**

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

Date: **04 April 2018**

**TRIAL CHAMBER VI**

**Before:**

**Judge Robert Fremr, Presiding Judge  
Judge Kuniko Ozaki  
Judge Chang-ho Chung**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

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

**Public**

**Response on behalf of Mr Ntaganda  
to Prosecution request for an extension of time to file its closing brief**

**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**

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**Legal Representatives of Victims**

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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**

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**Registrar**

Mr Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

**Victims Participation and Reparations  
Section**

Further to Trial Chamber VI (“Chamber”)’s “Order providing directions related to the closing briefs and statements” (“Chamber’s Order”),<sup>1</sup> and the “Prosecution’s Request for a short extension of time to file its closing brief” (“Prosecution Request for an Extension of Time”),<sup>2</sup> Counsel representing Mr Ntaganda (“Defence”) hereby submit this:

**Response on behalf of Mr Ntaganda  
to Prosecution request for an extension of time to file its closing brief  
“Defence Response”**

## INTRODUCTION

1. Taking into consideration certain arguments raised in the Prosecution Request for an Extension of Time, the Defence does not oppose the Prosecution being granted a limited extension of time - with a view to submitting its closing brief on Friday 20 April 2018 - as long as this does not impact the Defence filing its closing brief within eight weeks of notification of the Prosecution and Legal Representatives’ closing briefs.<sup>3</sup>
2. Granting the Prosecution Request for an Extension of Time thus implies that the Prosecution would file its closing brief on 20 April 2018 while the Defence would do the same on Monday 18 June 2018, bearing in mind that Friday 15 June is a holiday recognized by the International Criminal Court (“Court”).

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<sup>1</sup> Order providing directions related to the closing briefs and statements, 28 December 2017, ICC-01/04-02/06-2170.

<sup>2</sup> Prosecution’s Request for a short extension of time to file its closing brief, 3 April 2018, ICC-01/04-02/06-2267.

<sup>3</sup> ICC-01/04-02/06-2170, para. 13.

## SUBMISSIONS

3. The Defence acknowledges that the Registry has been and will continue notifying corrections in bulk to many transcripts, including transcripts of the Accused testimony, which places an additional burden on the Parties and the Participants at this time.
4. The Defence also recognizes having identified discrepancies in the Registry, Prosecution and Defence's respective lists of items admitted in evidence and that the Parties and Participants are presently involved in establishing a definitive list with the assistance of the Court Management Section.
5. For these reasons, the Defence agrees that good cause has been shown justifying the four-day extension requested by the Prosecution.
6. Considering that these reasons also impact the work of the Defence and Participants at this time, the Defence submits that granting the four-day extension should not impact the Defence filing its closing brief within eight weeks of notification of the Prosecution and Legal Representatives' closing briefs.

## CONCLUSION

7. Should the Prosecution Request for an Extension of Time be granted, this implies – without prejudice to additional requests being submitted by the Parties or Participants - that the Parties and Participants would file their respective submissions, as provided for in the Chamber’s Order,<sup>4</sup> on the following dates:
- Prosecution and Participants’ closing briefs : 20 April 2018;
  - Defence closing brief : 18 June 2018 ( within 8 weeks of notification of the Prosecution and Participants’ closing briefs);
  - Prosecution and Participants’ responses : 3 July 2018 (two weeks following notification of the Defence closing brief); and
  - Defence reply : 18 July 2018 (two weeks following notification of the Prosecution and Participants’ responses)
8. In light of the above mentioned filing dates, it is likely that the closing statements - which pursuant to the Chamber’s Order are to be held approximately two weeks after the Defence reply<sup>5</sup> - will be scheduled after the Court summer recess from 21 July 2018 to 12 August 2018.

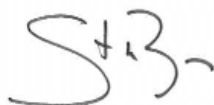
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<sup>4</sup> ICC-01/04-02/06-2170, paras 8, 13 and 15.

<sup>5</sup> ICC-01/04-02/06-2170, para. 16.

9. In this regard, for planning purposes and having consulted with the Prosecution, the Defence suggests that closing statements be held a minimum of two weeks after the Court summer recess, *i.e* not before the week of 27 August at the earliest.

**RESPECTFULLY SUBMITTED ON THIS 04<sup>TH</sup> DAY OF APRIL 2018**

A handwritten signature in black ink, consisting of the letters 'S', 'B', and a small flourish.

Me Stéphane Bourgon, Counsel for Bosco Ntaganda