

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 3 May 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**

**Prosecution's Response to the "Request on behalf of Mr Ntaganda seeking an extension of the page limit for the submission of the Defence Closing Brief",  
ICC-01/04-02/06-2280**

**Source:** Office of the Prosecutor

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

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**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Other  
Section**

## Introduction

1. Further to the Chamber's direction,<sup>1</sup> the Prosecution responds to the Defence request for additional pages to address issues raised in the closing written submissions of the Legal Representatives for Victims ("Defence Request").<sup>2</sup>
2. The Prosecution does not, in principle, oppose the Defence Request for some additional pages. The Prosecution does, however, submit that the Defence has not adequately supported its request for an extra 100 pages to address any unique issues in the Legal Representatives for Victims' ("LRVs") briefs.<sup>3</sup>

## Prosecution's Submissions

3. First, the Defence acknowledges that many of the arguments cited by the Legal Representatives of Victims of the Attacks and of the Former Child Soldiers "*repeat arguments put forward in the Prosecution Closing Brief*".<sup>4</sup> Indeed, none of the issues identified by the Defence in the Defence Request are unique to the LRV submissions: age assessment of children, presence and experience of children in training camps, the evidence of rape and sexual slavery of children in the UPC/FPLC, the factual circumstances of the crimes, suffering of victims, and the Accused's criminal responsibility for the charged crimes.<sup>5</sup> These issues are addressed extensively in the Prosecution's closing brief<sup>6</sup> and the Defence would have to address them in any event.
4. Second, while the Defence states that it must analyse the evidence relied upon by the LRVs as a ground for requiring additional pages,<sup>7</sup> it fails to identify any instance where the evidence relied upon by the LRVs is any different than the

<sup>1</sup> Email sent by Trial Chamber VI to the Parties and participants on 26 April 2018 at 17:58.

<sup>2</sup> ICC-01/04-02/06-2280.

<sup>3</sup> ICC-01/04-02/06-2275-Conf and ICC-01/04-02/06-2276-Conf.

<sup>4</sup> Defence Request, paras. 10 and 14.

<sup>5</sup> Defence Request, para. 14.

<sup>6</sup> ICC-01/04-02/06-2277-Conf-Anx1.

<sup>7</sup> Defence Request, para. 15.

evidence cited by the Prosecution. The Defence thus fails to provide concrete support for this ground.

5. Third, neither the Prosecution nor the LRVs used the full extent of the initial page extension (their submissions comprised 421, 105 and 169 pages, respectively, which include the cover/notification pages and lengthy tables of contents). The Defence currently has 450 pages to respond to these submissions.
6. Moreover, if the Chamber were to grant the Defence Request, the Defence would be free to use the 100 pages to address the Prosecution's submissions. The Defence has not clearly defined the scope of LRVs submissions to which it intends to respond, and, as the Defence notes, many of the LRVs arguments repeat Prosecution arguments. Without further limits on the scope of the response contained in the additional pages, the Defence Request amounts to a blanket request for 100 additional pages to respond to both the Prosecution's brief and the LRVs' briefs.
7. Accordingly, the Prosecution does not oppose an extension of 25 pages, which it submits would be more than adequate to address any unique issues arising from the LRVs' briefs.
8. Should the Chamber grant the Defence additional pages, the Prosecution reserves its right to seek additional pages for its response.




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**Fatou Bensouda**  
**Prosecutor**

Dated this 3<sup>rd</sup> day of May 2018  
At The Hague, The Netherlands