

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **18 July 2019**

THE APPEALS CHAMBER

Before: Judge Chile Eboe-Osuji
Judge Howard Morrison
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

Prosecution's response to request for extension of time to file notice of appeal

Source: Office of the Prosecutor

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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Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section **Other**

1. The Prosecution confirms that it does not oppose the Defence request for an extension of up to 60 days to file its notice of appeal in this case, subject to the grant of a similar extension for any notice of appeal which may be filed by the Prosecutor.¹
2. In taking this position, the Prosecution welcomes the Defence intention to file a “well-articulated notice of appeal” which should enable “more focused” submissions thereafter.² The Prosecution is also mindful of the concurrent sentencing proceedings,³ and the impending judicial recess, and recognises the practical benefit in obtaining appropriate translations at this time into Kinyarwanda.⁴ It submits that, to the extent good cause is shown for an extension for one possible appellant, good cause is likewise shown for a matching extension for all parties, in order to ensure that the briefing schedule for any appeals remains synchronous.
3. The Prosecution notes that the requested extension under rule 150(2), relating to the notice of appeal, does not displace the deadline for the appeal brief under regulation 58(1)—which will therefore now be due on the *same day* as the notice of appeal, if the Request is granted.⁵ The time limits under both rule 150(2) and regulation 58(1) run from the date of the notification of the Judgment.
4. In the interest of judicial economy, and subject to any request which the Defence may ultimately file, the Prosecution indicates that it would not in principle oppose an extension to the deadline under regulation 58(1) equal to that granted for the notice of appeal plus an additional 30 days. This means that, if the Appeals Chamber grants an extension of 60 days for the filing of the notice of the appeal, the Prosecution would not oppose an extension of 90 days for the filing of the appeal brief, such that it becomes due 180 days after notification of the Judgment.

¹ ICC-01/04-02/06-2361 (“Request”), paras. 1-3.

² Request, para. 17.

³ Request, paras. 18-19.

⁴ Request, paras. 20-23.

⁵ Compare Request, paras. 2, 24 (seeking to file the notice of appeal 90 days after notification of the Judgment), with regulation 58(1) (“the appellant shall file an appeal brief within 90 days of notification”).

5. The Prosecution submits that good cause for this extension to the deadline for the appeal brief flows as a natural consequence of any extension granted for the notice of appeal, together with a modest additional increment in recognition of the considerations which may apply in crafting a brief on the issues provisionally indicated by the Defence.⁶ The Prosecution, again, takes this position conditional on the grant of a similar extension for any appeal brief which it might file.



Fatou Bensouda, Prosecutor

Dated this 18th day of July 2019

At The Hague, The Netherlands

⁶ Request, paras. 14-17.