

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-02/06 A  
Date: 16 September 2019

**THE APPEALS CHAMBER**

**Before:**

**Judge Howard Morrison, Presiding  
Judge Chile Eboe-Osuji  
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  
With public Annex A**

**Request for translation of parts of the Judgment**

**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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Mr. James Stewart  
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Me Christopher Gosnell  
Mrs. Kate Gibson

**Legal Representatives of Victims**

Mrs. 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**

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**Registrar**

Mr. Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Further to the Appeals Chamber (“Chamber”)’s *Order in relation to Mr Bosco Ntaganda’s request for page and time extension for the appeal brief* of 13 September 2019 (“Order”), Counsel representing Mr Ntaganda (“Defence”) hereby submit this:

### **Request for translation of parts of the Judgment**

#### **INTRODUCTION**

1. The Defence hereby provides the information requested in the Chamber’s Order. In total, the Defence requests the translation of approximately 220 pages, which represents less than 60% of the Judgment, noting that 20% of these pages have already been translated.

#### **PROCEDURAL HISTORY**

2. On 8 July 2019, Trial Chamber VI rendered its Judgment under Article 74 of the Rome Statute (“Judgement” and “Statute”).<sup>1</sup>
3. On 9 July 2019, Trial Chamber VI identified parts of the Judgment it considered “Mr Ntaganda should receive Kinyarwanda translation of prior to the Defence filing its submissions on the merits of the sentencing”.<sup>2</sup> These parts are highlighted in yellow in Annex A.
4. The Defence received the partial translation as identified by Trial Chamber VI on 20 August 2019.
5. On 11 September 2019, the Defence submitted its *Request for extension of page limit and time to file appeal brief*, whereby it indicated that it had “made a request to the Registry for a fuller translation of the Trial Judgment, and [had]

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<sup>1</sup> ICC-01/04-02/06-2359.

<sup>2</sup> Email from Trial Chamber VI Communication to the Defence, 9 July 2019, 09:38.

been told that any such translation can only be undertaken on the basis of an order from the Appeals Chamber”.<sup>3</sup>

6. On 13 September 2019, the Chamber ordered Mr. Ntaganda to “specify by Monday, 16 September 2019, which sections of the ‘Judgment’ he requires translation of for the purposes of his appeal, as well as the order in which he would like to receive the relevant translated sections of the ‘Judgement’”.<sup>4</sup>

## SUBMISSIONS

7. In accordance with Rule 144, the Defence respectfully submits that the translation of the pages highlighted in green in Annex A, in addition to the pages that have already been translated pursuant to Trial Chamber VI’s request, is essential for the purpose of allowing Mr. Ntaganda to participate meaningfully in the drafting of his appeal and to give instructions to the Defence.
8. Notably, considering that some of the Trial Chamber’s most crucial reasoning is found in the footnotes to the Judgment,<sup>5</sup> it is also essential for all accompanying footnotes to be translated.
9. The Defence thus requests the translation of the following sections of the Judgement, in the order set out below:

) The Chamber’s legal findings on direct perpetration that have not yet been translated. Translation of these sections is necessary and required to allow Mr. Ntaganda to understand the Trial Chamber’s legal findings and thus findings fully participate in the preparation of his Appeal, in particular Grounds 3 to 13;

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<sup>3</sup> Request for extension of page limit and time to file appeal brief, ICC-01/04-02/06-2398, 11 September 2019.

<sup>4</sup> Order, para.1.

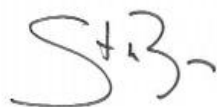
<sup>5</sup> See e.g. fn 2035 related to Mr Ntaganda’s knowledge of crimes committed in Kobu.

- J The Chamber's factual findings on all operations, including the contextual attacks, which have not yet been translated. Translation of these sections is necessary to allow Mr. Ntaganda to participate meaningfully in the preparation of his Appeal, in particular of Grounds 3 to 15;
- J The Chamber's legal findings on indirect co perpetration that have not yet been translated. Translation of these sections are necessary for Mr Ntaganda's full participation in the preparation of his Appeal, in particular Grounds 13 to 15;
- J The Chamber's legal findings on specific elements of the crimes that have not yet been translated yet. Translation of these sections are necessary for Mr Ntaganda's full participation in preparation of his Appeal, in particular Grounds 3 to 15;
- J The Chamber's assessment of the UPC FPLC radio communications logbooks. Translation of this section is critical and required to allow Mr. Ntaganda's full participation in the preparation of his Appeal, in particular Grounds 7, 8, 14 and 15;
- J The Chamber's assessment of the credibility of Prosecution witnesses P-0055, P-0768, P-0907, P-0963 and P-0017's. Translation of these sections is necessary for Mr. Ntaganda's full participation in the preparation of his Appeal, in particular of Grounds 7 and 8;
- J The Chamber's factual findings on origins of the FPLC, leadership, general staff and command structure. Translation of these sections is necessary to allow Mr. Ntaganda to participate meaningfully in the preparation of this Appeal, in particular of Part C, D and H.

## CONCLUSION AND RELIEF SOUGHT

10. The Defence requests the translation, in priority, of the sections and footnotes highlighted in green in Annex A, in the order specified above.
11. The Defence reiterates that it does not accept that an order for translation from the Chamber is a prerequisite for the automatic application of rule 144.

**RESPECTFULLY SUBMITTED THIS 16<sup>TH</sup> DAY OF SEPTEMBER 2019**

A handwritten signature in black ink, appearing to read 'StB', with a small flourish at the end.

Me Stéphane Bourgon, *Ad.E* Counsel representing Bosco Ntaganda

The Hague, The Netherlands