



Original: **English**

No.: **ICC-01/04-02/06**
Date: **18 September 2019**

TRIAL CHAMBER VI

Before: Judge Chang-ho Chung, Presiding Judge
Judge Kuniko Ozaki
Judge Robert Fremr

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public

Request for a variation of time limit to submit the Defence response to “Registry’s observations, pursuant to the Single Judge’s ‘Order for preliminary information on reparations’ of 25 July 2019, ICC-01/04-02/06-2366”

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

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**

Other

Further to the Single Judge's *Order for preliminary information on reparations* of 25 July 2019 ('Order')¹ and the Registry's *observations, pursuant to the Single Judge's "Order for preliminary information on reparations" of 25 July 2019, ICC-01/04-02/06-2366* of 5 September 2019 ('Registry's Observations'),² Counsel representing Mr Ntaganda ("Defence") hereby submit this:

Request for a variation of time limit to submit the Defence response to "Registry's observations, pursuant to the Single Judge's 'Order for preliminary information on reparations' of 25 July 2019, ICC-01/04-02/06-2366"

INTRODUCTION

1. On 25 July 2019, the Single Judge issued the Order, directing the Registry to submit information and observations on reparations by 5 September 2019.³ On the basis of those submissions, the parties and participants were to respond by 19 September 2019.⁴
2. The Defence request an extension of deadline of one week to submit its response to the information and observations. Variation of the 19 September 2019 time limit is supported by good cause – namely, the scheduling of sentencing hearings subsequent to the Order that coincides with the deadline imposed. The short extension requested will neither prejudice the victims nor impact the reparations calendar.

APPLICABLE LAW

3. The usual standard for extending or shortening a time limit, pursuant to Regulation 35(2) of the Regulations of the Court ("RoC"), is a showing of "good cause."

SUBMISSIONS

¹ ICC-01/04-2/06-2366.

² Decision on further matters related to the presentation of evidence by the Defence, ICC-01/04-02/06-1900.

³ Order, para. 4.

⁴ Order, para.4(b)

4. Several factors favour extending the deadline set by the Single Judge.
5. First, despite its best efforts, the Defence was not in a position to prepare its response due to concurring deadlines related to the concurrent Appeal and Sentencing. The Trial Chamber, on 20 August 2019, scheduled the hearing of sentencing witnesses on 17 and 18 September 2019, and oral sentencing submissions on 20 September 2019.⁵ Despite its best efforts, these coincident deadlines have placed a heavy burden on the Defence that have interfered with its ability to respond to the LRV's submissions since they were filed on 5 September 2019. The Defence submits that this constitutes good cause for a short delay.
6. Second, variation of time limit to submit its response will have no impact on the reparation calendar. The Single Judge indicated that the parties and participants will be requested to submit observations on reparations six weeks after the issuance of the Chamber's decision on sentence pursuant to Article 76 of the Statute.⁶ Given that the Chamber's decision on sentence will not be issued before 8 October 2019,⁷ the deadline for submission of observations on reparations will not be before 19 November 2019. Therefore, the variation of deadline will not prejudice victims who might be entitled to reparations.

⁵ Decision on requests to call witnesses in relation to sentencing and for increased monitoring of Mr Ntaganda's contacts and scheduling the sentencing hearing, ICC-01/04-02/06-2384-Conf, 20 August 2019, para.59-60.

⁶ Order, para. 5.

⁷ Deadline for submission of responses to written submissions on sentencing, Email from Trial Chamber VI Communications to the parties and participants, 12 September 2019, 10 :33.

RELIEF SOUGHT

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

GRANT the present request; and

ORDER the Defence to submit its response to the Registry's Observations by 26 September 2019.

RESPECTFULLY SUBMITTED ON THIS 18TH DAY OF SEPTEMBER 2019

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

Me Stéphane Bourgon, Counsel for Bosco Ntaganda

The Hague, The Netherlands