



Original: **English**

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

Date: **14 January 2022**

**TRIAL CHAMBER II**

**Before:** Judge Chang-ho Chung, Presiding Judge  
Judge Péter Kovacs  
Judge Maria del Socorro Flores Liera

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

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

**Public**

**Request on behalf of Mr Ntaganda seeking an extension of the page limit to  
respond to the Draft Implementation Plan of the Trust Fund for Victims**

**Source:** Defence Team of Mr Bosco Ntaganda

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

**Legal Representatives of Victims**

Ms Sarah Pellet

Ms Caroline Walters

Mr Dmytro Suprun

Ms Anne Grabowski

**Counsel for the Defence**

Me Stéphane Bourgon, *Ad.E.*

Ms Judy Mionki

Me Jacopo Ricci

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**REGISTRY**

**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Trust Fund for Victims**

Mr Pieter de Baan

Further to the submission by the Trust Fund for Victims (“TFV”) of its Draft Implementation Plan (“DIP”) on 17 December 2021,<sup>1</sup> Counsel for Mr Ntaganda (“Defence”) hereby submit this:

**Request on behalf of Mr Ntaganda seeking an extension of the page limit to respond to the Draft Implementation Plan of the Trust Fund for Victims**

**“Defence Request”**

## INTRODUCTION

1. The Defence hereby moves Trial Chamber II (“Chamber”) to grant a limited extension of the applicable page limit respond to the DIP submitted by the TFV on 17 December 2021.<sup>2</sup>

2. Pursuant to Regulation 37(2) of the Regulations of the Court (“RoC”), the scope and nature of the arguments included in the TFV DIP constitute exceptional circumstances that justify granting the Defence a limited extension of the applicable page limit, which would neither prejudice the other parties nor the participants.

3. Leave is sought to submit a response comprising 30 pages.

## SUBMISSIONS

4. On 15 December 2021, the Defence submitted a request to be granted an extension of the time limit to respond to the TFV DIP,<sup>3</sup> yet to be submitted. At the time, before the TFV submitted its DIP, the Defence did not request an extension of the page limit due to the absence of information on the scope, length and submissions included

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<sup>1</sup> Trust Fund of Victims’ submission of Draft Implementation Plan, 17 December 2021, [ICC-01/04-02/06-2732](#), with Confidential Annex A.

<sup>2</sup> The DIP was notified to the parties on 20 December 2021.

<sup>3</sup> Defence request for an extension of the time limit to respond to the Trust Fund for Victims’ Draft Implementation Plan, 15 December 2021, [ICC-01/04-02/06-2728](#) (“Defence Request for extension of time”).

therein. The Defence request was granted by the Chamber on 17 December 2021 and the Defence Response to the DIP is scheduled to be submitted on 24 January 2022.<sup>4</sup>

5. Pursuant to Regulation 37(1) RoC, the applicable page limit for the Defence Response to the DIP is 20 pages.

6. Pursuant to Regulation 37(2) RoC, the Chamber may grant an extension of the page limit upon a showing of exceptional circumstances justifying the over-sized filing requested.

7. The TFV DIP and its attachments filed on 17 December comprise almost 120 pages. Without prejudice to the content of the Defence response that will be submitted on 24 January, the TFV DIP addresses many issues related to the reparations process in this case, without providing sufficient justification. The Defence respectfully submits that it is necessary to address most of these issues and that it is in the interest of justice that the Defence be granted a sufficient number of pages to respond to the same.

8. By analogy, it is noteworthy that pursuant to the Court's legal framework, an appeal brief comprising 100 pages authorizes the respondent to submit a 100-page response.<sup>5</sup>

9. While the Defence expected the filing of a DIP comprising many pages,<sup>6</sup> it could not be anticipated that the DIP would comprise more than 100 pages and include so many submissions requiring a response which, in and of themselves, constitute exceptional circumstances.

10. Having now completed its analysis of the DIP and being involved in drafting its response, the Defence respectfully submits that a minimum of 30 pages is required

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<sup>4</sup> Order for the submission of observations on the draft implementation plan, 17 December 2021, [ICC-01/04-02/06-2731](#).

<sup>5</sup> Regulation 58(5) RoC and Regulation 59(2) RoC.

<sup>6</sup> [Defence Request for extension for time](#), para.8.

to complete this exercise and submit a response that will assist the Chamber in adjudicating the TFV requests addressed in its DIP.

11. Authorizing the Defence - as well as the parties and participants – to submit 30-page responses will neither delay the proceedings nor prejudice anyone involved in the reparations proceedings, including the potential beneficiaries.

#### **RELIEF SOUGHT**

12. In light of the foregoing, the Defence respectfully requests the Chamber to:

**GRANT** the Defence Request for an Extension of Time; and

**AUTHORIZE** the Defence, parties and participants to submit responses to the TFV DIP comprising no more than 30 pages.

**RESPECTFULLY SUBMITTED ON THIS 14<sup>th</sup> DAY OF JANUARY 2022**

A handwritten signature in black ink, appearing to read 'S+B-'.

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

The Hague, The Netherlands