



Original: **English**

No.: ICC-01/04-02/06
Date: **14 January 2020**

THE APPEALS CHAMBER

Before: Judge Howard Morrison, Presiding Judge
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

**Prosecution Response to the Defence Motion Seeking Extension of Time to
Submit Appeal Brief**

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

Ms Fatou Bensouda, Prosecutor
Mr James Stewart
Ms Helen Brady

Counsel for the Defence

Mr Stéphane Bourgon
Mr Christopher Gosnell
Ms Kate Gibson

Legal Representatives of the Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

1. The Prosecution does not, in principle, object to the Defence's request for an extension of time to file its appeal brief on the remaining grounds of appeal to one week following the Registry's provision of the Kinyarwanda translation of the judgment ("Request"),¹ provided the Prosecution remains entitled to 60 days thereafter to file its response in accordance with Regulation 59(1) of the Regulations of the Court.²

2. That said, given the Registry's advice that the draft Kinyarwanda translation will be completed by 17 February 2020,³ a revised briefing schedule accommodating the Request will result in the Chamber being briefed on the Defence's appeal against the Conviction Decision by late April 2020 (subject to any Defence request to reply) after it has been briefed on the Defence's appeal against the Sentencing Decision.⁴ The Prosecution considers that it would be preferable to address the Defence appeal against the Conviction Decision prior to its appeal against the Sentencing Decision. In this context, and noting that the Defence has already had over six months to-date to draft its conviction appeal brief after several extensions of time,⁵ if the Defence is in a position to file its appeal brief before receipt of the Kinyarwanda translation, and without prejudice to any request the Defence may seek to make to amend the appeal brief once the translation is received, the Prosecution would not object to an earlier deadline for the filing of the Defence appeal brief and corresponding filing of the Prosecution response within 60 days.

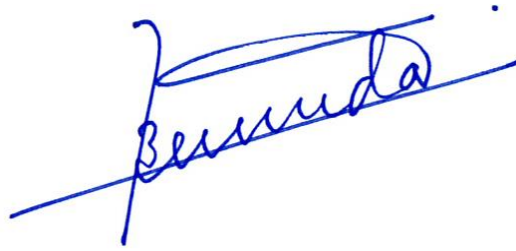
¹ ICC-01/04-02/06-2453, para. 8.

² The Prosecution's position is consistent with the briefing schedule originally ordered by the Chamber. *See* ICC-01/04-02/06-2415 ("Page and Time Limit Extension Decision"), p. 4 (ordering the Defence to file its appeal brief in relation to the remaining grounds of appeal by one week following the provision of the Kinyarwanda translation by the Registry, and ordering the Prosecution to file its response in accordance with the 60-day time limit afforded under the Regulations of the Court).

³ ICC-01/04-02/06-2456 ("Registry Submissions"), para. 4.

⁴ ICC-01/04-02/06-2448 ("Defence Notice of Appeal against Sentencing Judgment") (given that the Notice of Appeal was filed on 9 December 2019, the Defence appeal brief against the Sentencing Decision will be due on 6 February 2020 and the Prosecution's response due on 7 April 2020).

⁵ *See* ICC-01/04-02/06-2426 ("Reconsideration Decision on Page and Time Limit Extension Decision"), p. 3 (where the Appeals Chamber granted a further extension of time to the Defence to file the first two grounds of appeal and to first file the *third* ground of appeal instead of the *second* ground of appeal). *See also* Page and Time Limit Extension Decision, para. 13 (where the Appeals Chamber noted that the extension of time requested by Defence was only "*partially* contingent on his stated need to have sections of the Conviction Decision in Kinyarwanda") (emphasis added).

A handwritten signature in blue ink, appearing to read 'Bensouda', with a long horizontal line extending from the end of the signature.

Fatou Bensouda, Prosecutor

Dated this 14th day of January 2020

At The Hague, The Netherlands