

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/04-01/15

Date: 20 May 2020

THE APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding Judge
Judge Chile Eboe-Osuji
Judge Howard Morrison
Judge Piotr Hofmański
Judge Solomy Balungi Bossa

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. DOMINIC ONGWEN***

Public Redacted Version of ICC-02/04-01/15-1529-Conf

CLRV's Request for an Extension of Time Limit

Source: **Office of Public Counsel for Victims**

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

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I. INTRODUCTION

1. The Common Legal Representative of Victims¹ (the “CLRV”) respectfully requests an extension of time limit to file her further submissions, pursuant to the Appeals Chamber’s Order No. ICC-02/04-01/15-1524.

II. PROCEDURAL HISTORY

2. On 1 February 2019, the Defence filed four motions alleging, *inter alia*, lack of notice to the Accused and certain deficiencies in the decision confirming the charges against Mr Ongwen (“the Initial Requests”).² On 5 February 2019, the Prosecution requested Trial Chamber IX (the “Trial Chamber”) to dismiss *in limine* the Initial Requests.³ On 6 February 2019, the Trial Chamber declined to dismiss said Requests, instructing the Prosecution and the Legal Representatives of Victims to file their consolidated responses to the Defence’s submissions by 25 February 2019.⁴ On 25

¹ See the “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights” (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-350, 27 November 2015, p. 19; the “Decision on issues concerning victims’ participation” (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-369, 15 December 2015, pp. 10-11; the “Second decision on contested victims’ applications for participation and legal representation of victims” (Pre-Trial Chamber II, Single Judge), No. ICC-02/04-01/15-384, 24 December 2015, pp. 20-22; and the “Decision on the ‘Request for a determination concerning legal aid’ submitted by the legal representatives of victims” (Trial Chamber IX, Single Judge), No. ICC-02/04-01/15-445, 26 May 2016, para. 13.

² See the “Defence Motion on Defects in the Confirmation of Charges Decision: Defects in Notice and Violations of Fair Trial (Part I of the Defects Series)”, No. ICC-02/04-01/15-1430, 1 February 2019; the “Defence Motion on Defects in the Confirmation of Charges Decision: Defects in the Modes of Liability (Part II of the Defects Series)”, No. ICC-02/04-01/15-1431, 1 February 2019; the “Defence Motion on Defects in the Confirmation of Charges Decision: Defects in Notice in Pleading of Command Responsibility under Article 28(a) and Defects in Pleading of Common Purpose Liability under Article 25(3)(d)(i) or (ii) (Part III of the Defects Series)”, No. ICC-02/04-01/15-1432, 1 February 2019; and the “Defence Motion on Defects in the Confirmation of Charges Decision: Defects in the Charged Crimes (Part IV of the Defects Series)”, No. ICC-02/04-01/15-1433, 1 February 2019 (cumulatively referred to as the “Initial Requests”).

³ See the “Prosecution request for dismissal, *in limine*, of the ‘Defence Motion on Defects in the Confirmation of Charges Decision: Defects in Notice and Violations of Fair Trial’ dated 1 February 2019”, No. ICC-02/04-01/15-1436, 6 February 2019.

⁴ See the “Decision on Responses to the ‘Defects Series’ Following Prosecution Request for Dismissal” (Trial Chamber IX, Single Judge), No. ICC-02/04-01/15-1438, 6 February 2019.

February 2019, the CLRV,⁵ the Prosecution⁶ and the Legal Representatives of Victims⁷ filed their responses to the Initial Requests.

3. On 7 March 2019, the Trial Chamber issued the “Decision on Defence Motions Alleging Defects in the Confirmation Decision” (the “Impugned Decision”).⁸ On 14 March 2019, the Defence filed a Request seeking leave to appeal the Impugned Decision on two issues (the “Leave to Appeal Request”).⁹ On 18 March 2019, the Prosecution¹⁰ and the CLRV¹¹ responded to the Leave to Appeal Request. On 1 April 2019, the Trial Chamber granted the Leave to Appeal Request in respect of one issue.¹²

4. On 11 April 2019, the Defence filed its Appeal Brief.¹³ On 23 April 2019, the Prosecution¹⁴ and the CLRV¹⁵ filed their responses to the Defence’s Appeal Brief.

⁵ See the “CLRV Response to the Defence’s Four Requests on Defects in the Confirmation of Charges Decision”, No. ICC-02/04-01/15-1461, 25 February 2019.

⁶ See the “Prosecution Response the ‘Defence Motion on Defects in the Confirmation of Charges Decision: Defects in Notice and Violations of Fair Trial’ dated 1 February 2019”, No. ICC-02/04-01/15-1463, 25 February 2019.

⁷ See the “Corrigendum to the Victims’ Response to ‘Defence Motion on Defects in the Confirmation of Charges Decision’ (Parts I-IV)”, No. ICC-02/04-01/15-1464-Corr (corrigendum notified on 26 February 2019), 25 February 2019.

⁸ See the “Decision on Defence Motions Alleging Defects in the Confirmation Decision” (Trial Chamber IX), No. ICC-02/04-01/15-1476, 7 March 2019 (the “Impugned Decision”).

⁹ See the “Defence Request for Leave to Appeal ‘Decision on Defence Motions Alleging Defects in the Confirmation Decision (ICC-02/04-01/15-1476), notified 7 March 2019”, No. ICC-02/04-01/15-1480, 14 March 2019 (the “Leave to Appeal Request”).

¹⁰ See the “Prosecution’s Response to ‘Defence Request for Leave to Appeal ‘Decision on Defence Motions Alleging Defects in the Confirmation Decision (ICC-02/04-01/15-1476), notified 7 March 2019’”, No. ICC-02/04-01/15-1486, 18 March 2019.

¹¹ See the “CLRV’s Response to ‘Defence Request for Leave to Appeal ‘Decision on Defence Motions Alleging Defects in the Confirmation Decision (ICC-02/04-01/15-1476), notified 7 March 2019’”, No. ICC-02/04-01/15-1484, 18 March 2019.

¹² See the “Decision on Defence Request for Leave to Appeal a Decision on Motions Alleging Defects in the Confirmation Decision” (Trial Chamber IX), No. ICC-02/04-01/15-1493, 1 April 2019.

¹³ See the “Defence’s appeal against the ‘Decision on Defence Motions Alleging Defects in the Confirmation Decision’”, No. ICC-02/04-01/15-1496 OA4, 11 April 2019.

¹⁴ See the “Prosecution’s Response to “Defence’s appeal against the ‘Decision on Defence Motion Alleging Defects in the Confirmation Decision’”, No. ICC-02/04-01/15-1502 OA4, 23 April 2019.

¹⁵ See the CLRV’s Response to “Defence’s Appeal against the Decision on Defence Motions Alleging Defects in the Confirmation Decision”, No. ICC-02/04-01/15-1503 OA4, 23 April 2019.

5. On 24 May 2019, the Appeals Chamber rendered the Order for Further Submissions, inviting the parties and participants to file additional observations on four issues by Friday, 31 May 2019.¹⁶

6. Pursuant to regulation 23*bis*(1) of the Regulations of the Court, this document is filed confidential since it refers to personal matters concerning the CLRV.

III. SUBMISSIONS

7. The CLRV herewith informs the Appeals Chamber that [REDACTED].

8. In light of the circumstances beyond her control, the CLRV is unable to file her further submissions in the Ongwen case by the deadline as set by the Appeals Chamber. Given the exceptional circumstances, the CLRV respectfully requests the Appeals Chamber to extend the deadline to file the further submissions until Monday, 3 June 2019, pursuant to regulation 35(2) of the Regulations of the Court.

9. The CLRV further submits that should her request be granted, the same extension should equally be granted to the parties and the participants.

IV. CONCLUSION

10. For the foregoing reasons, the Common Legal Representative requests the Appeals Chamber to extend the deadline to file the further submissions till Monday, 3 June 2019.

¹⁶ See Order for Further Submissions, No. ICC-02/04-01/15-1524 OA4, 24 May 2019, p. 3.

A handwritten signature in dark ink, consisting of a large, stylized 'O' followed by a horizontal line extending to the right.

Orchlon Narantsetseg
on behalf of
Paolina Massidda
Principal Counsel

Dated this 20th day of May 2020

At The Hague, The Netherlands