



Original: English

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

Date: 24 May 2021

THE APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding
Judge Piotr Hofmański
Judge Solomy Balungi Bossa
Judge Reine Alapini-Gansou
Judge Gocha Lordkipanidze

SITUATION IN UGANDA

IN THE CASE OF THE PROSECUTOR v. DOMINIC ONGWEN

Public document

**Decision on Defence request to include Co-Counsel's name on the notification
page of orders and decisions**

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

The Office of the Prosecutor

Ms Fatou Bensouda

Ms Helen Brady

Counsel for the Defence

Mr Krispus Ayena Odongo

Chief Charles Achaleke Taku

Ms Beth Lyons

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba

Mr Francisco Cox

Ms Paolina Massidda

REGISTRY

Registrar

Mr Peter Lewis

The Appeals Chamber of the International Criminal Court,

Having before it the ‘Defence request on behalf of Co-Counsel Lyons to include her name on the notification page of filings’ of 5 May 2021 (ICC-02/04-01/15-1818),

Renders the following

DECISION

The Defence’s request is granted.

REASONS

1. The Defence requests that the Appeals Chamber include the name of co-counsel, Ms Beth Lyons on the notification page of its decisions and orders (the ‘Request’).¹ It submits that it was granted the funding to encompass two co-counsel positions ‘due to [the] number of charges and complexities’ of the case, and that Ms Lyons has served as co-counsel on Mr Ongwen’s defence team since 1 June 2017.² The Defence further submits that Ms Lyons ‘performs the same level of duties and has the same level of responsibilities’³ attributed to the other co-counsel, Chief Charles Achaleke Taku, and that including her name on the notification page ‘shows equality amongst those appointed through the Legal Aid Policy’.⁴

2. The Regulations of the Court⁵ and the Regulations of the Registry⁶ contain provisions regulating the distribution of documents to participants in the relevant proceedings,⁷ including the recipients of such notification.⁸ In particular, regulation 32

¹ [Defence request on behalf of Co-Counsel Lyons to include her name on the notification page of filings](#), 5 May 2021, ICC-02/04-01/15-1818 (the ‘Request’), paras 1 and 5.

² [Request](#), paras 2-3.

³ [Request](#), para. 4.

⁴ [Request](#), para. 2.

⁵ See regulation 31 and regulation 32 of the Regulations of the Court.

⁶ Regulations 34, 35 and 35bis of the Regulations of the Registry.

⁷ See in particular, regulation 31 of the Regulations of the Court (‘Notification’), which reads in sub-regulation 1: ‘Subject to the Statute, Rules, these Regulations or any order of a Chamber, all participants in the relevant proceedings shall be notified of all the documents registered by the Registry or any decision or order [...]’.

⁸ See in particular regulations 32 of the Regulations of the Court (‘Recipients of documents, decisions and orders notified by the Court’), and regulation 35bis of the Regulations of the Registry (‘Recipients of notification’).

of the Regulations of the Court provides, in the relevant part of sub-regulation 3, that ‘[a] participant represented by counsel shall be deemed notified when his or her counsel has been notified of a document, decision or order [...]’.⁹ Regulation 35*bis* of the Regulations of the Registry provides that ‘[t]he Registrar shall notify only those recipients listed in the template [used for documents, orders or decisions filed with the Registry].’¹⁰

3. The Appeals Chamber, however, finds that the above provisions do not provide further specification as to how many persons within a particular group of recipients should be included on the notification page of chambers’ decisions or orders. This specific matter is therefore left to the discretion of chambers and different chambers may follow different practices.¹¹

4. The Appeals Chamber considers it appropriate to include, under ‘Counsel for the Defence’ on the notification page of its judgments, decisions and orders, the names of the appointed counsel and co-counsel representing the appellant. Accordingly, in light of the reasons advanced by the Defence, in particular that Ms Lyons is one of two appointed co-counsel on Mr Ongwen’s defence team, the Appeals Chamber finds it appropriate to grant the Request.

Done in both English and French, the English version being authoritative.



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 24th day of May 2021

At The Hague, The Netherlands

⁹ Regulation 32 of the Regulations of the Court.

¹⁰ Regulation 35*bis* of the Regulations of the Registry (‘Recipients of notification’) provides that ‘[t]he Registrar shall notify only those recipients listed in the template provided for in regulation 24, sub-regulation 2’. Regulation 24 of the Regulations of the Registry (‘Filing of documents, material, orders and decisions with the Registry’) provides in its relevant part of sub-regulation 2 that ‘[...] Templates shall be used if available’.

¹¹ It is noted, for example, that the Trial Chamber in the present case included, on the notification page of its judgment, only the name of counsel, Mr Krispus Ayena Odongo. See [Trial Judgment](#), 4 February 2021, ICC-02/04-01/15-1762-Red, p. 2.