

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 28 May 2021

APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding Judge
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

Victims' Response to "Defence request for an Alteration of the due date for its Notice of Appeal and the Document in Support of its Appeal of the Sentence"

Source: Legal Representatives of Victims

Document 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

Mr Charles Achaleke Taku

Ms Beth Lyons

Legal Representatives of the Victims

Mr Joseph Akwenyu Manoba

Mr Francisco Cox

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**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

I. INTRODUCTION

1. The Legal Representatives for Victims (“LRVs”) consider the Defence Request for an Alteration of the due date for its Notice of Appeal and Document in Support of its Appeal of the Sentence (“Defence Request”)¹ reasonable in light of the fact that Mr Ongwen is yet to receive a full and complete translation of the Sentence.

II. PROCEDURAL HISTORY

2. On 24 May 2021, the Defence filed the Defence Request, where it requested the Appeals Chamber move the due date of its notice of appeal of the Sentence from 7 June to 28 June 2021 and the due date of the document in support of appeal from 5 August 2021 to 26 August 2021.²
3. On 26 May 2021, the Prosecution filed the ‘Prosecution Response to the Defence request for an alteration of the due date for its notice of appeal and document in support of its appeal of the Sentence’ (“Prosecution Response”)³, where it supported the Defence Request and extension of the due date for its notice of appeal in relation to Mr Ongwen’s sentence.
4. On the same day, the Appeals Chamber ordered that the Prosecutor and the participating victims may to respond to the Defence Request by 16h00 on Monday, 31 May 2021.

III. SUBMISSIONS

5. The Court’s legal framework enables the Appeals Chamber to extend the 30-day time limit for the filing of the notice of appeal and the 90-day limit for the filing of the document in support of the appeals if ‘good cause’ has been shown, pursuant to rule 150(2) of the Rules of Procedure and Evidence (“Rules”) and

¹ Defence Request, ICC-02/04-01/15-1828.

² Ibid

³ ICC-02/04-01/15-1830.

regulation 35(2) of the Regulations of the Court (“RoC”).

6. The Defence submits that in this instance good cause exists because 1) Mr Ongwen has not received a translation of the Sentence in a language that he understands and speaks and therefore requires additional time to review the Sentence to participate meaningfully in the appeal; and 2) the appeal is complex and the Defence must prepare for concurrent appeal proceedings concerning its appeal against the Conviction Decision.⁴
7. The LRVs submit that in the circumstances an extension of approximately three weeks with respect to the submission of the notice of appeal and the document in support of the appeal does not appear to be unreasonable.
8. The Appeals Chamber has previously granted an extension for the filing of an appeal brief in the *Ntaganda* case where it found that: (i) the factual and legal complexity and the scope of the appeal; (ii) the concurrent burdens of the sentencing and reparations proceedings; and (iii) the unavailability of the Conviction Decision in the language that Mr Ntaganda fully understands and speaks; demonstrated good cause with respect to an extension of the time limits.⁵
9. The Defence Request outlines similar factors to be taken into consideration in this case.

IV. CONCLUSION

10. In light of the foregoing, LRVs support the Defence Request for the extension of the notice of appeal against the Sentence to 28 June 2021 and the due date of the document in support of the appeal to 26 August 2021.

⁴ Defence Request, para. 2.

⁵ Decision on Mr Ntaganda’s request for an extension of the page and time limit for the filing of the appeal brief and related matters, ICC-01/04-02/06-2415, 20-09-2019, para. 12.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Manoba', with a stylized flourish at the end.

Joseph A. Manoba

A handwritten signature in blue ink, appearing to read 'Francisco Cox', with a stylized flourish at the end.

Francisco Cox

Dated this 28th day of May 2021
At Kampala, Uganda and at Santiago, Chile