

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-02/04-01/15**
Date: **9 November 2021**

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

Confidential

**Prosecution Request for reclassification of annexes ICC-02/04-01/15-1882-Conf-AnxA
and ICC-02/04-01/15-1882-Conf-AnxB, 21 October 2021**

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

Mr Karim A.A. Khan Q.C.
Mr James Stewart
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

Legal Representatives of 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

Prosecution Request for Re-classification

1. On 26 October 2021, the Prosecution filed a confidential version of the “*Prosecution Response to ‘Defence Appeal Brief Against the Convictions in the Judgment of 4 February 2021’ (ICC-02/04-01/15-1866-Conf)*,”¹ along with its confidential annexes A, B and C.² The documents were all filed confidentially pursuant to regulation 23bis(1) of the Regulations of the Court (“RoC”) since they referred to confidential information.
2. Simultaneously to the present request, the Prosecution is filing public redacted versions of the Prosecution Response and of annex C. Given that a public version of the Prosecution Response will be available, the basis for the classification of annexes A and B no longer exists. Accordingly, the Prosecution requests the Appeals Chamber to re-classify annexes A and B to public, pursuant to regulation 23bis(3) of the RoC.
3. Further, pursuant to regulation 23bis(2) of the RoC, the Prosecution files this application as confidential since it refers to the Response and its annexes, which have the same confidentiality level. If the Chamber grants the Prosecution Request for Re-classification, this application should also be re-classified as “Public”.
4. Finally, the Prosecution notes that in certain passages of its Response it has redacted direct quotations from expert reports which were received into evidence at trial and treated as confidential.³ While the subject matter of these quotations may well be regarded as now being in the public domain, given the pronouncements of the Trial Chamber in the Judgment and that of the Parties in open session, the Prosecution has adopted this approach out of an abundance of caution. It is ready to file a lesser redacted version if the Appeals Chamber so directs.

¹ ICC-02/04-01/15-1882-Conf (“Prosecution Response”).

² ICC-02/04-01/15-1882-Conf-AnxA, ICC-02/04-01/15-1882-Conf-AnxB and ICC-02/04-01/15-1882-Conf-AnxC (Annexes to the Prosecution Response).

³ See e.g. ICC-02/04-01/15-1882-Red, paras. 200, 205, 210-212, 217, 221, 224-225, 228, 238, 288, 290-291, 295, 298-299.



Karim A.A. Khan QC, Prosecutor

Dated this 9th day of November 2021
At The Hague, The Netherlands