



Original: English

**No. ICC-02/04-01/15 A2
Date: 26 November 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

Order related to the translation of the Sentencing Decision into Acholi

Order 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, Prosecutor
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,

In the appeal of the Defence against the decision of Trial Chamber IX entitled “Sentence” of 6 May 2021 (ICC-02/04-01/15-1819-Red),

Pursuant to regulations 34 and 61 of the Regulations of the Court,

Renders the following

ORDER

1. Any application by the Defence for a variation of the grounds of appeal pursuant to regulation 61 of the Regulations of the Court following receipt of the translation of the Sentencing Decision shall be filed by Monday, 6 December 2021.
2. Responses to any such application should be filed within one week of notification of the application.
3. Should the Defence not intend to file any such application, it should inform the Appeals Chamber, the parties and the participants accordingly at the earliest opportunity.

REASONS

I. PROCEDURAL HISTORY

1. On 4 February 2021, Trial Chamber IX (hereinafter: “Trial Chamber”) convicted Mr Ongwen of crimes against humanity and war crimes (hereinafter: “Conviction Decision”).¹
2. On 24 February 2021, the Appeals Chamber issued its “Decision on Mr Ongwen’s request for time extension for the notice of appeal and on translation”,² in which it noted, *inter alia*, that “pursuant to regulation 61 of the Regulations,

¹ [Trial Judgment](#), ICC-02/04-01/15-1762-Conf (public redacted version filed on the same day, ICC-02/04-01/15-1762-Red).

² [Decision on Mr Ongwen’s request for time extension for the notice of appeal and on translation](#), ICC-02/04-01/15-1781 (A) (hereinafter: “Decision on extension of time and translation”).

Mr Ongwen can seek a variation of the grounds of appeal once he has received a translation of the sections of the Conviction Decision relevant to those grounds”.³

3. On 6 May 2021, the Trial Chamber, by majority, sentenced Mr Ongwen for the aforementioned crimes for which he was convicted (hereinafter: “Sentencing Decision”) to a total period of imprisonment of 25 years as a joint sentence.⁴

4. On 21 July 2021, the Defence filed its appeal brief against the Conviction Decision.⁵

5. On 2 June 2021, following a Defence’s request for an extension of time,⁶ the Appeals Chamber extended the time limits for the filing of the notice of appeal and the appeal brief against the Sentencing Decision to 28 June 2021 and 26 August 2021, respectively.⁷

6. On 28 June 2021, the Defence filed its notice of appeal,⁸ and on 26 August 2021, the Defence filed its appeal brief against the Sentencing Decision (hereinafter: “Appeal Brief”).⁹ In the Appeal Brief, the Defence indicated that it may request a variation of the grounds of appeal pursuant to regulation 61 of the Regulations of the Court (hereinafter: “Regulations”) once a full translation of the Sentencing Decision into Acholi is provided.¹⁰

7. On 11 October 2021, the Appeals Chamber issued a decision in relation to the translation into Acholi of the Conviction Decision, in which it set a deadline for the Defence to file any application for variation of the grounds of appeal pursuant to regulation 61 of the Regulations following receipt of the translation of the Conviction

³ [Decision on extension of time and translation](#), para. 11.

⁴ [Sentence](#), ICC-02/04-01/15-1819-Conf (public redacted version filed on the same day, ICC-02/04-01/15-1819-Red).

⁵ [Defence Appeal Brief Against the Convictions in the Judgment of 4 February 2021](#), ICC-02/04-01/15-1866-Conf (public redacted version filed on 19 October 2021, ICC-02/04-01/15-1866-Red), with public Annexes A-B, D, and confidential Annex C.

⁶ [Defence Request for an Alteration of the due date for its Notice of Appeal and Document in Support of its Appeal of the Sentence](#), 24 May 2021, ICC-02/04-01/15-1828.

⁷ [Decision on the Defence request for extension of time limit for the filing of the notice of appeal and the appeal brief](#), ICC-02/04-01/15-1837.

⁸ [Defence Notice of Appeal of the Sentencing Decision](#), ICC-02/04-01/15-1862.

⁹ [Defence Document in Support of its Appeal against the Sentencing Decision](#), ICC-02/04-01/15-1871-Conf (a corrected version was filed on 30 August 2021, ICC-02/04-01/15-1871-Conf-Corr, and a public redacted version was filed on 31 August 2021, ICC-02/04-01/15-1871-Corr-Red).

¹⁰ [Appeal Brief](#), para. 6.

Decision, which was notified to the Defence on 8 October 2021.¹¹ The Defence did not file any such application.

8. On 21 and 26 October 2021, the Prosecutor filed his responses to the appeal brief against the Conviction Decision and to the appeal brief against the Sentencing Decision, respectively.¹² On the same dates, the participating victims filed their observations on the two appeals.¹³

9. On 25 November 2021, the Language Services Section (hereinafter: “LSS”) informed the Appeals Chamber that the translation of the Sentencing Decision into Acholi was completed and made accessible to the Defence on that day.¹⁴

II. MERITS

10. Regulation 61 of the Regulations entitled “Variation of grounds of appeal presented before the Appeals Chamber” provides in its relevant part that:

1. An application for variation of grounds of appeal shall state the name and number of the case and shall specify the variation sought and the reasons in support thereof.
2. The application for variation shall be filed as soon as the reasons warranting it become known.
3. Participants may file a response within seven days of notification of the application for variation.

11. Noting that the translation of the Sentencing Decision was provided to the Defence on 25 November 2021, the Appeals Chamber considers it appropriate to set a time limit for the Defence to file any application for variation of grounds of appeal

¹¹ [Decision related to the translation of the Conviction Decision into Acholi](#), ICC-02/04-01/15-1876. See also [Decision on the “Defence Request for Reconsideration of a Decision”](#), 21 October 2021, ICC-02/04-01/15-1881.

¹² [Prosecution Response to “Defence Appeal Brief Against the Convictions in the Judgment of 4 February 2021” \(ICC-02/04-01/15-1866-Conf\)](#), ICC-02/04-01/15-1882-Conf (public redacted version filed on 9 November 2021, ICC-02/04-01/15-1882-Red); [Prosecution response to Sentencing Appeal Brief](#), ICC-02/04-01/15-1886-Conf (public redacted version filed on 27 October 2021, ICC-02/04-01/15-1886-Red).

¹³ [CLRV Observations on the “Defence Appeal Brief Against the Convictions in the Judgment of 4 February 2021”](#), ICC-02/04-01/15-1880-Conf (public redacted version filed on 28 October 2021, ICC-02/04-01/15-1880-Red); Victims’ Observations on the “Defence Appeal Brief Against the Convictions in the Judgment of 4 February 2021”, ICC-02/04-01/15-1883-Conf; [CLRV Observations on the “Defence Appeal of the Sentence”](#), ICC-02/04-01/15-1885-Conf (public redacted version filed on 28 October 2021, ICC-02/04-01/15-1885-Red); Victims’ Observations on the “Defence Document in Support of its Appeal against the Sentencing Decision”, ICC-02/04-01/15-1887-Conf.

¹⁴ Email from the LSS to the Legal Officers of the Appeals Chamber, sent on 25 November 2021, at 18:13.

pursuant to regulation 61 of the Regulations. Any such application should be filed by Monday, 6 December 2021, and comply with the requirements set out in subparagraphs 1 and 2 of regulation 61 of the Regulations. In particular, it should identify the specific grounds of appeal, or arguments made within those, which require variation or need to be supplemented in light of the translation, and set out the reasons in support thereof. Responses to any such application should be filed within one week of notification of the application. Should the Defence not intend to file any such application, it should inform the Appeals Chamber, the parties and the participants accordingly at the earliest opportunity.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 26th day of November 2021

At The Hague, The Netherlands