



Original: English

No. ICC-02/04-01/15 A3  
Date: 14 March 2024

**THE APPEALS CHAMBER**

**Before:**

**Judge Luz del Carmen Ibáñez Carranza, Presiding  
Judge Tomoko Akane  
Judge Solomy Balungi Bossa  
Judge Gocha Lordkipanidze  
Judge Erdenebalsuren Damdin**

**SITUATION IN UGANDA**

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

**Public document**

**Decision on the Defence's request for time extension for the notice of appeal and  
appeal brief against Trial Chamber IX's "Reparations Order"**

**Decision 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**

Chief Charles Achaleke Taku  
Ms Beth Lyons

**Legal Representatives of Victims**

Mr Joseph Akwenyu Manoba  
Mr Francisco Cox

**The Office of Public Counsel for Victims**

Ms Paolina Massidda  
Mr Orchlon Narantsetseg

**Trust Fund for Victims**

Ms Deborah Ruiz Verduzco

**REGISTRY**

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**Registrar**

Mr Osvaldo Zavala Giler

**Victims Participation and Reparations**

**Section**

Mr Philipp Ambach

The Appeals Chamber of the International Criminal Court,

Having before it the “Defence request for a suspension of its notice of its intent to appeal Trial Chamber IX’s Reparations Order pursuant to Rule 150(2) of the Rules of Procedure and Evidence” of 1 March 2024 (ICC-02/04-01/15-2075-Conf; public redacted version: ICC-02/04-01/15-2075-Red),

*Renders*, pursuant to rule 150(2) of the Rules of Procedure and Evidence, regulations 23bis(3) and 35(2) of the Regulations of the Court, the following

## DECISION AND ORDER

1. The time limit for the filing of the notice of appeal by the Defence is extended to 16h00, on 22 April 2024.
2. The Defence may seek, under regulation 61 of the Regulations of the Court, a variation of grounds of appeal within 14 days of the receipt by Mr Ongwen of an Acholi translation of the operative parts of the “Reparations Order” (ICC-02/04-01/15-2074).
3. The time limit for the filing of the appeal brief by the Defence is extended to 16h00, on 24 June 2024.
4. The time limit for the filing of a notice of appeal, if any, by the victims is extended to 16h00, on 22 April 2024, and for an appeal brief, if any, to 16h00, on 24 June 2024.
5. The Registry is directed to reclassify as public filing ICC-02/04-01/15-2078-Conf.

## 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.<sup>1</sup>
2. On 28 February 2024, the Trial Chamber issued the “Reparations Order”.<sup>2</sup>
3. On 1 March 2024, the Defence filed a request for a suspension of its notice of appeal against the “Reparations Order” (hereinafter: “Request”).<sup>3</sup>
4. On 11 March 2024, the Common Legal Representatives of Victims and the Legal Representatives of Victims (hereinafter: “LRVs”) filed a joint response to the Request (hereinafter: “LRVs’ Response”).<sup>4</sup>

### II. MERITS

#### A. Summary of the submissions

5. The Defence requests that the time limit for the filing of its notice of appeal against the “Reparations Order” be extended to 29 April 2024.<sup>5</sup> In its view, the Request meets the criterion of “good cause” in terms of rule 150(2) of the Rules of Procedure and Evidence (hereinafter: “Rules”) for an extension of the time limit because (i) an Acholi translation of the “Reparations Order” has not been provided yet; (ii) the complexity and length of the “Reparations Order” must be taken into account; and (iii) given Mr Ongwen’s special needs arising from his mental disabilities, he would not be able to “fully and meaningfully participate in his appeal” unless he is provided with the translation and “adequate time and resources to communicate with and instruct his Counsel”.<sup>6</sup> The Defence further requests that it be allowed 21 days after receiving the translations of the operative parts of the “Reparations Order” to add additional

<sup>1</sup> [Trial Judgment](#), ICC-02/04-01/15-1762-Red; confidential version notified on the same day (ICC-02/04-01/15-1762-Conf).

<sup>2</sup> [ICC-02/04-01/15-2074](#), with confidential *ex parte* Annex I and public Annexes II and III.

<sup>3</sup> [Defence request for a suspension of its notice of its intent to appeal Trial Chamber IX’s Reparations Order pursuant to Rule 150\(2\) of the Rules of Procedure and Evidence](#), 4 March 2024, ICC-02/04-01/15-2075-Red (confidential version filed on 1 March 2024, ICC-02/04-01/15-2075-Conf).

<sup>4</sup> Legal Representatives of Victims Joint Response to the ‘Defence request for a suspension of its notice of its intent to appeal Trial Chamber IX’s Reparations Order pursuant to Rule 150(2) of the Rules of Procedure and Evidence’, ICC-02/04-01/15-2078-Conf.

<sup>5</sup> [Request](#), paras 1-3, 27-42, 44.

<sup>6</sup> [Request](#), paras 2, 44.

points of fact or law to its appeal.<sup>7</sup> The Defence also requests that the due date for the appeal brief be 60 days after the notification of its intent to appeal.<sup>8</sup>

6. In their response, the LRVs emphasise that “any postponement should be carefully weighed against the victims’ rights to the expeditious conduct of the proceedings, particularly at the reparations stage”.<sup>9</sup> They disagree with some of the arguments raised by the Defence in support of its request, such as the alleged mental illness of Mr Ongwen, the large number of victims and counts, and the necessity to discuss sentencing matters with him.<sup>10</sup> The LRVs nevertheless find this extension requested by the Defence reasonable, as “[i]ts limited nature mitigates the potential delays in proceedings” and it will also give them more time to consult with their clients.<sup>11</sup> In the event the Appeals Chamber grants the Request, the LRVs request the same extension “as a matter of procedural fairness”.<sup>12</sup>

## **B. Determination by the Appeals Chamber**

7. Pursuant to rule 150(2) of the Rules, the Appeals Chamber may grant an extension of time limit for the filing of a notice of appeal for “good cause”, upon a request from the party seeking to file the appeal. Similarly, pursuant to regulation 35(2) of the Regulations of the Court (hereinafter: “Regulations”), a Chamber may extend the time limit for the filing of an appeal brief “if good cause is shown”.

8. In this regard, the Appeals Chamber notes that the “Reparations Order” is currently only available in English, and that under article 67(1)(b) and (f) of the Statute, “the accused shall be entitled to” “have adequate time and facilities for the preparation of the defence” and “[t]o have [...] such translations as are necessary to meet the requirements of fairness, if any of the proceedings of or documents presented to the Court are not in a language which the accused fully understands and speaks”. Rule 144(2)(b) of the Rules further provides that a copy of the decision of a trial chamber concerning reparations shall be provided as soon as possible to “[t]he accused,

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<sup>7</sup> [Request](#), paras 3, 27, 33-42, 45.

<sup>8</sup> [Request](#), paras 4, 28, 43, 46.

<sup>9</sup> LRVs’ Response, para. 2.

<sup>10</sup> LRVs’ Response, para. 16.

<sup>11</sup> LRVs’ Response, paras 13, 17.

<sup>12</sup> LRVs’ Response, paras 2, 19.

in a language he or she fully understands or speaks, if necessary to meet the requirements of fairness under article 67, paragraph 1 (f)".

9. The Appeals Chamber recalls that, in the present case, it has previously granted extensions of time for the filing of notices of appeal and appeal briefs due to the unavailability of Acholi translations of the impugned decisions.<sup>13</sup> The Appeals Chamber finds that the same considerations apply to the present Request. In particular, the Appeals Chamber takes note of the Defence's arguments that, *inter alia*, in the absence of an Acholi translation of the "Reparations Order", the Defence team has been "explaining the factual and legal findings of the Trial Chamber" to Mr Ongwen on the telephone, which takes time, effort, and resources, especially due to the complexity and length of the "Reparations Order", as well as Mr Ongwen's limited capacity to process legal issues.<sup>14</sup>

10. Taking into account the aforementioned considerations, the fact that the Registry has already been seized with a request for translation,<sup>15</sup> and the LRVs' position that it does not oppose the Request,<sup>16</sup> the Appeals Chamber is satisfied that the reasons put forward by the Defence demonstrate "good cause" within the meaning of rule 150(2) of the Rules and regulation 35(2) of the Regulations.

11. The Appeals Chamber, however, considers that granting the Request in full would lead to an undue delay of the present proceedings. In this regard, it notes the LRVs' argument that these reparations proceedings must be "conducted and concluded as expeditiously as possible".<sup>17</sup> The Appeals Chamber therefore finds that a modest extension is warranted and extends the time limit for the filing of a notice of appeal until 22 April 2024. The Appeals Chamber finds that this extension is sufficient for Mr Ongwen, with the assistance of counsel, to have a meaningful opportunity to identify which parts of the "Reparations Order" he intends to challenge on appeal.

<sup>13</sup> [Decision on Mr Ongwen's request for time extension for the notice of appeal and on translation](#), 24 February 2021, ICC-02/04-01/15-1781; [Decision on the Defence request for extension of time limit for the filing of the notice of appeal and the appeal brief](#), 2 June 2021, ICC-02/04-01/15-1837; [Order related to the translation of the Sentencing Decision into Acholi](#), 26 November 2021, ICC-02/04-01/15-1915.

<sup>14</sup> [Request](#), paras 29-31, 37, 39-40, 43.

<sup>15</sup> [Request](#), para. 32.

<sup>16</sup> LRVs' Response, para. 13.

<sup>17</sup> LRVs' Response, para. 12.

12. The Appeals Chamber finds it appropriate to grant an equal extension to the LRVs, should they wish to file a notice of appeal against the “Reparations Order”. The time limit for the Defence’s appeal brief and for the LRVs’ appeal brief, if any, is accordingly extended to 24 June 2024.

13. The Appeals Chamber further notes that, pursuant to regulation 61 of the Regulations, the Defence may seek a variation of the grounds of appeal within 14 days of Mr Ongwen’s receipt of the translations of the operative parts of the “Reparations Order”.

14. Finally, the Appeals Chamber finds that no reason exists for the LRVs’ Response to remain confidential<sup>18</sup> and directs that this document be reclassified as public.

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



**Judge Luz del Carmen Ibáñez Carranza**  
Presiding

Dated this 14th day of March 2024

At The Hague, The Netherlands

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<sup>18</sup> See LRVs’ Response, para. 11.