



Original: **English**

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

Date: **26 May 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 *PROSECUTOR v. DOMINIC ONGWEN*

Public

**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**

Source: Office of the Prosecutor

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

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Prosecution supports Mr Ongwen's request to extend the due date of his notice of appeal of the Sentence to 28 June 2021 and the due date of his document in support of the appeal to 26 August 2021 ("Request").¹

2. Rule 150(2) of the Rules of Procedure and Evidence ("Rules") and regulation 35(2) of the Regulations of the Court ("RoC") respectively provide that the Appeals Chamber may extend the 30-day time limit for the filing of the notice of appeal and the 90-day time limit for the filing of the document in support of the appeal if 'good cause' has been shown. The Defence submits that 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.²

3. The Prosecution considers that these factors constitute good cause for extending the due dates for the filing of the notice of appeal and document in support of the appeal. The Prosecution notes that Mr Ongwen's Defence team has been providing him with translation assistance in the absence of an Acholi translation of the Sentence.³ As the Prosecution has previously stated, Mr Ongwen is entitled to such assistance as necessary to understand the most relevant parts of the impugned decision (in this case, the Sentence) that would enable him to meaningfully participate in his appeal.⁴

4. The Prosecution also agrees that the burden of the concurrent appeal proceedings against the Conviction Decision warrants the extension of the due dates for the notice of appeal against the Sentence and the appeal brief.⁵ Under the existing timetable, the Defence appeal brief in support of its appeal of the Sentence would be due only two weeks following its filing of the appeal brief against the Conviction Decision.⁶ Given the complexity of the Defence appeal against the Conviction Decision, which raises 90 grounds of appeal,⁷ and the intervening judicial recess from 23 July to 16 August 2021, the Prosecution considers that the

¹ [ICC-02/04-01/15-1828](#) ("Request").

² [Request](#), paras. 18-22, 23-26, 27.

³ [Request](#), paras. 20-21.

⁴ See [ICC-02/04-01/15-1775](#), para. 5.

⁵ [Request](#), paras. 25-26.

⁶ The Defence appeal brief in support of its appeal against the Conviction Decision is due on 21 July 2021: [ICC-02/04-01/15-1811](#), p. 3. In accordance with Regulation 58(1) of the RoC, the Defence appeal brief in support of its appeal against the Sentence would be due on 5 August 2021.

⁷ [ICC-02/04-01/15-1826](#).

concurrent appeal proceedings will place undue pressure on the Parties if the existing timetable for the Sentence appeal is maintained.

5. The Appeals Chamber has previously granted an extension of time for the filing of an appeal brief on similar grounds, finding that good cause existed in light of the burden of the conviction and sentence appeal proceedings running concurrently, and the unavailability of the impugned decision in the language that the convicted person fully understands and speaks.⁸ Moreover, the length of the extensions sought in this instance amount to a further three weeks for the notice of appeal and the appeal brief, and do not appear unreasonable.

CONCLUSION

6. The Prosecution supports Mr Ongwen's request to extend the due date for his notice of appeal against the Sentence to 28 June 2021 and the due date of his document in support of the appeal to 26 August 2021.



Fatou Bensouda, Prosecutor

Dated this 26th day of May 2021
At The Hague, The Netherlands

⁸ [ICC-01/04-02/06-2415](#), para. 12.