

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 2 June 2021

**THE 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**

**CLR V Response to the “Defence Request for a Page Limit Extension for its Document in Support of its Appeal against the Trial Judgment”**

**Source:** Office of Public Counsel for 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

**Common Legal Representatives for Victims**

Ms Paolina Massidda

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for Victims**

Ms Paolina Massidda  
Mr Orchlón Narantsetseg  
Ms Caroline Walter

**The Office of Public Counsel for the Defence**

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Section**

**Other**

## I. PROCEDURAL HISTORY

1. On 4 February 2021, Trial Chamber IX issued the Judgement, declaring Mr Ongwen guilty of 61 charges of war crimes and crimes against humanity (the “Judgement”).<sup>1</sup> On 6 May 2021, the same Chamber issued the Sentence, imposing upon Mr Ongwen a total period of imprisonment of 25 years.<sup>2</sup>

2. On 21 May 2021, the Defence filed the Notification of its Intent to Appeal the Judgment.<sup>3</sup> On 27 May 2021, the Defence filed its Request for an extension up to 600 pages for its Document in Support of the Appeal against the Judgment (the “Defence Request”).<sup>4</sup>

3. On 28 May 2021, the Appeals Chamber issued the Order concerning the time limit for responses to the Defence Request indicating that said responses shall be filed by 2 June 2021.<sup>5</sup>

4. On 1 June 2021, the Prosecution filed its Response to the Defence Request (the “Prosecution’s Response”).<sup>6</sup>

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<sup>1</sup> See the “Trial Judgment” (Trial Chamber IX), [No. ICC-02/04-01/15-1762-Red](#), 4 February 2021 (the “Judgement”).

<sup>2</sup> See “Sentence” (Trial Chamber IX), [No. ICC-02/04-01/15-1819-Red](#), 6 May 2021.

<sup>3</sup> See the “Defence Notification of its Intent to Appeal the Trial Judgment”, [No. ICC-02/04-01/15-1826 A](#), 21 May 2021.

<sup>4</sup> See the “Defence Request for a Page Limit Extension for its Document in Support of its Appeal against the Trial Judgment”, [No. ICC-02/04-01/15-1832 NM A](#), 27 May 2021 (the “Defence Request”).

<sup>5</sup> See the “Order concerning the time limit for responses to the Defence request for a page limit extension for its appeal brief” (Appeals Chamber) [No. ICC-02/04-01/15-1833 A](#), 28 May 2021.

<sup>6</sup> See the “Prosecution Response to “Defence Request for a Page Limit Extension for its Document in Support of its Appeal against the Trial Judgment” (ICC-02/04-01/15-1832) and Request under regulation 35(2) to extend the time limit for the filing of the Prosecution”, No. ICC-02/04-01/15-1836, dated 1 June 2021 and notified on 2 June 2021 (the “Prosecution’s Response”).

## II. SUBMISSIONS

5. The Common Legal Representative of the Victims participating in the proceedings<sup>7</sup> (the “CLR V”) strongly opposes the Defence Request as unreasonable.

6. While the Appeals Chamber has already recognised “*the length and complexity of the Conviction Decision*” in its ruling extending the page-limit for the submission of the notice of appeal,<sup>8</sup> it has also indicated that a page extension must be “*reasonable and supported by a discernible assessment of the impact [of said factors]*”<sup>9</sup> on the formulation of the document in support of the appeal.

7. In this regard, the CLR V posits that the factors identified by the Defence do not justify such an exponential increase in the page limit. In particular, the Defence insists on the complexity of the proceedings. Yet, the CLR V submits that the complexity of the present case is not so unusual given the nature of the crimes falling under the jurisdiction of the Court. In any case, the arguments raised by the Defence fail to constitute exceptional circumstances that would warrant an extraordinary amount of extension totalling up to 600 pages (or more than the half of the Judgment itself). In any case, should the Chamber grant the Request, the extension should be minimal and not exceeding 30 pages.

8. Finally, the CLR V notes the request contained in the Prosecution’s Response for a time extension to file its response to the Defence’s document in support of the

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<sup>7</sup> See the “Decision on contested victims’ applications for participation, legal representation of victims and their procedural rights” (Pre-Trial Chamber II, Single Judge), [No. ICC-02/04-01/15-350](#), 27 November 2015, p.19; the “Decision on issues concerning victims’ participation” (Pre-Trial Chamber II, Single Judge), [No. ICC-02/04-01/15-369](#), 15 December 2015, pp. 10-11; the “Second decision on contested victims’ applications for participation and legal representation of victims” (Pre-Trial Chamber II, Single Judge), [No. ICC-02/04-01/05-384](#), 24 December 2015, pp. 20-22; and the “Decision on the ‘Request for a determination concerning legal aid’ submitted by the legal representatives of victims” (Trial Chamber IX, Single Judge), [No. ICC-02/04-01/15-445](#), 26 May 2016, para. 13.

<sup>8</sup> See the “Decision on ‘Defence request for a page limit extension for its notice of appeal’” (Appeals Chamber), [No. ICC-02/04-01/15-1825 A](#), 18 May 2021, para. 10.

<sup>9</sup> *Idem*, para. 11.

appeal against the Judgement. She does not oppose said request. Should the Chamber grant it, the CLRV submits that the same extension should be granted to the legal representatives.

**FOR THE FOREGOING REASONS**, the Common Legal Representative respectfully requests the Appeals Chamber to reject the Defence Request. Should the Chamber grant the Request, the extension should be minimal and not more than 30 pages. In addition, should the Chamber grant the Prosecution's request for an extension of time limit to file its response to the Defence's document in support of the appeal against the Judgement, the CLRV respectfully requests that the same extension is granted to the legal representatives.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is written in a cursive style with a horizontal line underneath the name.

**Paolina Massidda**  
**Principal Counsel**

Dated this 2<sup>nd</sup> day of June 2021

At The Hague, The Netherlands