



Original: English

**No. ICC-02/04-01/15 A
Date: 11 October 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

Decision related to the translation of the Conviction Decision into Acholi

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

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 Mr Dominic Ongwen against the decision of Trial Chamber IX entitled “Trial Judgment” of 4 February 2021 (ICC-02/04-01/15-1762-Red),

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

Renders the following

DECISION

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 Conviction Decision shall be filed by Friday, 22 October 2021.
2. Responses to any such request should be filed by Monday, 1 November 2021.
3. The Defence’s requests related to the translation of the Conviction Decision into Acholi are dismissed as moot.

REASONS

I. PROCEDURAL HISTORY

1. On 4 February 2021, Trial Chamber IX 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 notified 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](#), 24 February 2021, 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. The Appeals Chamber further directed the Defence to inform the Language Services Section (hereinafter: “LSS”) and the Appeals Chamber of the sections of the Conviction Decision to be prioritised for translation into Acholi,⁴ and the Registry to provide the Defence a translation of those sections on a rolling basis.⁵ It finally directed the LSS to “inform the defence team and the Appeals Chamber of the estimated time to deliver the sections of the translation as well as the full translation of the Conviction Decision, in draft and revised versions”.⁶

4. Following this, the Defence indicated the sections to be prioritised for translation,⁷ and the LSS indicated the estimate time for the translation.⁸

5. On 21 July 2021, the Defence filed its appeal brief.⁹

6. On 9 September 2021, the LSS indicated that the transmission of the draft translation of the priority sections identified by the Defence had been completed on 3 September 2021.¹⁰ On 8 October 2021, the LSS confirmed that a draft translation of the entire Conviction Decision was provided to the Defence on the same day.¹¹

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

⁴ [Decision on extension of time and translation](#), para. 12.

⁵ [Decision on extension of time and translation](#), para. 14.

⁶ [Decision on extension of time and translation](#), para. 14.

⁷ [Defence Notification of Priority Sections of the Trial Judgment to be Translated and other Related Requests](#), filed on 12 March 2021 and notified on 15 March 2021, ICC-02/04-01/15-1793-Corr-Red (original confidential version filed on 12 March 2021) (hereinafter: “Defence notification and request regarding translation”), with public Annex A.

⁸ Email from the LSS to the Legal Officers of the Appeals Chamber, sent on 30 March 2021, at 17:37, indicating that the draft translation of the priority sections identified by the Defence should be completed by 3 September 2021, and the draft translation of the entire Conviction Decision by 8 October 2021.

⁹ Defence Appeal Brief Against the Convictions in the Judgment of 4 February 2021, ICC-02/04-01/15-1866-Conf, with public Annexes A-B, D, and confidential Annex C.

¹⁰ Email from the LSS to the Legal Officers of the Appeals Chamber, sent on 9 September 2021, at 14:33.

¹¹ Email from the LSS to the Legal Officers of the Appeals Chamber, sent on 8 October 2021, at 14:30. The completed draft translation was provided on 8 October 2021, even if an extension of 10 days, until 18 October 2021, was granted on 10 September 2021 (email from Legal Officers of the Appeals Chamber to LSS, sent on 10 September 2021, at 9:06), following a request for extension of time by the LSS (email from the LSS to the Legal Officers of the Appeals Chamber, sent on 9 September 2021, at 14:33).

II. MERITS

7. Regulation 61 of the Regulations of the Court (hereinafter: “Regulations”) entitled “Variation of grounds of appeal presented before the Appeals Chamber” provides 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.

8. Noting that the translation of the priority sections into Acholi was completed on 3 September 2021, and that the translation of the entire Conviction Decision was provided to the Defence on 8 October 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 pursuant to regulation 61 of the Regulations. Any such request should be filed by Friday, 22 October 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 request should be filed by Monday, 1 November 2021. Should the Defence not intend to file any such request, it should inform the Appeals Chamber, the parties and the participants accordingly at the earliest opportunity.

9. Finally, the Appeals Chamber notes that, when notifying the priority sections for translation, the Defence also requested the Appeals Chamber: (i) to accept the list of priority sections to be translated, with a few sections being over the 25-page limit set by the Appeals Chamber in the Decision on extension of time and translation;¹² (ii) that, “if LSS does not take its own initiative”, a liaison be designated from the LSS to liaise with the Defence about the progress of the translation of the Conviction Decision;¹³ and (iii) that the LSS be ordered to update the Defence on the status of its request for

¹² [Defence notification and request regarding translation](#), paras 15 and 19.

¹³ [Defence notification and request regarding translation](#), paras 16 and 19.

translation.¹⁴ In light of the actions taken by the LSS, and the current status of the translation of the Conviction Decision into Acholi, the Defence's requests are moot and therefore dismissed.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 11th day of October 2021

At The Hague, The Netherlands

¹⁴ [Defence notification and request regarding translation](#), paras 18 and 19. On 15 April 2021, the LSS indicated that the Defence had been informed on 31 March 2021 of the time estimate for the draft and revised translation of the Conviction Decision; that LSS would keep the Defence updated with progress reports, and that in any event the Defence also received notifications as soon as draft translations of additional parts were ready). Email from the LSS to the Legal Officers of the Appeals Chamber, sent on 15 April 2021, at 16:40.