



Original: English

No. ICC-02/04-01/15 A A2

Date: 8 February 2022

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

Revised directions on the conduct of the hearing

Directions 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

Others

Dr. Mohammad Hadi Zakerhossein

Felicity Gerry QC, Wayne Jordash QC, Ben Douglas-Jones QC, Anna McNeil, Philippa Southwell, Dr. Beatrice Krebs and Jennifer Keene-McCann

Erin Baines, Anne-Marie de Brouwer, Annie Bunting, Eefje de Volder, Kathleen M. Maloney, Melanie O'Brien, Osai Ojigho, Valerie Oosterveld, Indira Rosenthal

Louise Arimatsu, Adejoké Babington-Ashaye, Kirsten Campbell, Danya Chaikel, Christine Chinkin; Carolyn Edgerton, Priya Gopalan; Gorana Mlinarević, Angela Mudukuti, Cynthia T. Tai

Sareta Ashraph, Stephanie Barbour, Kirsten Campbell, Alexandra Lily Kather, Jocelyn Getgen Kestenbaum, Maxine Marcus, Gorana Mlinarević, Valerie Oosterveld, Kathleen Roberts, Susana SáCouto, Jelja Sané, Hyunah Yang

Professor Jean Allain, Monash University, Castan Centre for Human Rights Law

Prof. Dr. Mario H. Braakman

Mr Arpit Batra

Professor Bonita Meyersfeld and the Southern African Litigation Centre Trust

Ms Ardila, Mariana; Ms Fernández-Paredes, Teresa; Ms Ibáñez, María Cecilia; Ms Kravetz, Daniela; Ms SáCouto, Susana; Ms Seoane, Dalila

Dr. Rosemary Grey, Global Justice Center (GJC); Amnesty International (AI), Women's Initiatives for Gender Justice (WIGJ)

NIMJ - National Institute of Military Justice

Tina Minkowitz, Robert D. Fleischner

Public International Law & Policy Group

Justice Francis M. Ssekandi

Professor Erin Baines, Professor Kamari M. Clarke, Professor Mark A. Drumbl

Dr. Paul Behrens, University of Edinburgh

Association of Defence Counsel Practicing before the International Courts and Tribunals (ADC-ICT)

Siobhán Mullally, UN Special Rapporteur on Trafficking in Persons, especially women and children

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 “Trial Judgment” of 4 February 2021 (ICC-02/04-01/15-1762-Red),

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),

Noting the “Directions on the conduct of the hearing” of 28 January 2022 (ICC-02/04-01/15-1968), wherein the Appeals Chamber set out the schedule for the hearing on these appeals from 14 to 18 February 2022,

Issues the following

DIRECTIONS

1. The Appeals Chamber revises the schedule for the hearing as follows:

Monday, 14 February 2022

- 10:00 – 10:10: Introduction by the Presiding Judge (10 minutes).
- 10:10 – 10:40: The Defence’s introductory submissions on its appeal against the Conviction Decision, including any response to the participating victims’ written observations (30 minutes).
- 10:40 – 11:10: The Prosecutor’s introductory submissions on the Defence’s appeal against the Conviction Decision, including any response to the participating victims’ written observations (30 minutes).
- 11:10 – 11:20: Victims’ Group 1’s introductory observations (10 minutes).
- 11:20 – 11:30: Victims’ Group 2’s introductory observations (10 minutes).
- 11:30 – 12:00: Break (30 minutes).

- 12:00 – 12:30: The Defence’s submissions on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (30 minutes).
- 12:30 – 13:00: The Prosecutor’s submissions on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (30 minutes).
- 13:00 – 14:00: Break (1 hour).
- 14:00 – 14:15: Victims’ Group 1’s observations on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (15 minutes).
- 14:15 – 14:30: Victims’ Group 2’s observations on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (15 minutes).
- 14:30 – 14:35: The Defence’s responses to submissions on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (5 minutes).
- 14:35 – 14:40: The Prosecutor’s responses to submissions on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (5 minutes).
- 14:40 – 14:45: Victims’ Group 1’s responses to submissions on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (5 minutes).
- 14:45 – 14:50: Victims’ Group 2’s responses to submissions on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (5 minutes).
- 14:50 – 15:10: *Amici curiae*’s submissions on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (20 minutes) – Gerry QC *et al.* and PILPG (10 minutes each).
- 15:10 – 15:40: Break (30 minutes).

- 15:40 – 16:00: *Amici curiae*'s submissions on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (20 minutes) – Professor Braakman and Dr Behrens (10 minutes each).
- 16:00 – 16:05: The Defence's response to the *amici curiae*'s submissions (5 minutes).
- 16:05 – 16:10: The Prosecutor's response to the *amici curiae*'s submissions (5 minutes).
- 16:10 – 16:15: Victims' Group 1's response to the *amici curiae*'s submissions (5 minutes).
- 16:15 – 16:20: Victims' Group 2's response to the *amici curiae*'s submissions (5 minutes).
- 16:20 – 16:45: Questions from the bench to the parties, the legal representatives of victims and the *amici curiae* on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (25 minutes).

Tuesday, 15 February 2022

- 10:00 – 10:10: Introduction by the Presiding Judge (10 minutes).
- 10:10 – 10:25: Questions from the bench to the parties, the legal representatives of victims, and *amici curiae* on grounds for excluding criminal responsibility pursuant to article 31(1)(a) and (d) of the Statute (continuation - 15 minutes).
- 10:25 – 10:50 The Defence's submissions on sexual and gender based crimes (25 minutes).
- 10:50 – 11:15: The Prosecutor's submissions on sexual and gender based crimes (25 minutes).
- 11:15 – 11:30: Victims' Group 1's observations on sexual and gender based crimes (15 minutes).

- 11:30 – 12:00: Break (30 minutes).
- 12:00 – 12:15: Victims’ Group 2’s observations on sexual and gender based crimes (15 minutes).
- 12:15 – 12:20: The Defence’s responses to submissions on sexual and gender based crimes (5 minutes).
- 12:20 – 12:25: The Prosecutor’s responses to submissions on sexual and gender based crimes (5 minutes).
- 12:25 – 12:30: Victims’ Group 1’s responses to submissions on sexual and gender based crimes (5 minutes).
- 12:30 – 12:35: Victims’ Group 2’s responses to submissions on sexual and gender based crimes (5 minutes).
- 12:35 – 12:55: *Amici curiae*’s submissions on sexual and gender based crimes (20 minutes) – Professor Allain and Professor Oosterveld *et al.* (10 minutes each).
- 12:55 – 13:55: Break (1 hour).
- 13:55 – 14:15: *Amici curiae*’s submissions on sexual and gender based crimes (20 minutes) – Dr Grey *et al.* and Professor Meyersfeld and SALCT (10 minutes each).
- 14:15 – 14:20: The Defence’s response to the *amici curiae*’s submissions (5 minutes).
- 14:20 – 14:25: The Prosecutor’s response to the *amici curiae*’s submissions (5 minutes).
- 14:25 – 14:30: Victims’ Group 1’s response to the *amici curiae*’s submissions (5 minutes).
- 14:30 – 14:35: Victims’ Group 2’s response to the *amici curiae*’s submissions (5 minutes).
- 14:35 – 15:15: Questions from the bench to the parties, the legal representatives of victims, and *amici curiae* on sexual and gender based crimes (40 minutes).

- 15:15 – 15:45: Break (30 minutes).
- 15:45 – 16:05: The Defence’s submissions on cumulative convictions (20 minutes).
- 16:05 – 16:25: The Prosecutor’s submissions on cumulative convictions (20 minutes).
- 16:25 – 16:35: Victims’ Group 1’s observations on cumulative convictions (10 minutes).
- 16:35 – 16:45: Victims’ Group 2’s observations on cumulative convictions (10 minutes).

Wednesday, 16 February 2022

- 10:00 – 10:10: Introduction by the Presiding Judge (10 minutes).
- 10:10 – 10:15: The Defence’s responses to submissions on cumulative convictions (5 minutes).
- 10:15 – 10:20: The Prosecutor’s responses to submissions on cumulative convictions (5 minutes).
- 10:20 – 10:25: Victims’ Group 1’s responses to observations on cumulative convictions (5 minutes).
- 10:25 – 10:30: Victims’ Group 2’s responses to observations on cumulative convictions (5 minutes).
- 10:30 – 11:00: *Amici curiae*’s submissions on cumulative convictions (30 minutes) – NIMJ, ADC-ICT and Dr Behrens (10 minutes each).
- 11:00 – 11:05: The Defence’s response to the *amici curiae*’s submissions on cumulative convictions (5 minutes).
- 11:05 – 11:10: The Prosecutor’s response to the *amici curiae*’s submissions on cumulative convictions (5 minutes).
- 11:10 – 11:15: Victims’ Group 1’s response to the *amici curiae*’s submissions on cumulative convictions (5 minutes).

- 11:15 – 11:20: Victims’ Group 2’s response to the *amici curiae*’s submissions on cumulative convictions (5 minutes).
- 11:20 – 11:30: Questions from the bench to the parties, the legal representatives of victims, and *amici curiae* on cumulative convictions (10 minutes).
- 11:30 – 12:00: Break (30 minutes).
- 12:00 – 12:20: Questions from the bench to the parties, the legal representatives of victims, and *amici curiae* on cumulative convictions (continuation – 20 minutes).
- 12:20 – 12:40: The Defence’s submissions on issues related to indirect co-perpetration (20 minutes).
- 12:40 – 13:00: The Prosecutor’s submissions on issues related to indirect co-perpetration (20 minutes).
- 13:00 – 13:10: Victims’ Group 1’s observations on issues related to indirect co-perpetration (10 minutes).
- 13:10 – 13:20: Victims’ Group 2’s observations on issues related to indirect co-perpetration (10 minutes).
- 13:20 – 14:20: Break (1 hour).
- 14:20 – 14:25: The Defence’s responses to submissions on issues related to indirect co-perpetration (5 minutes).
- 14:25 – 14:30: The Prosecutor’s responses to submissions on issues related to indirect co-perpetration (5 minutes).
- 14:30 – 14:35: Victims’ Group 1’s responses to submissions on issues related to indirect co-perpetration (5 minutes).
- 14:35 – 14:40: Victims’ Group 2’s responses to submissions on issues related to indirect co-perpetration (5 minutes).
- 14:40 – 15:25: Questions from the bench to the parties, the legal representatives of victims, and *amici curiae* on issues related to indirect co-perpetration (45 minutes).

- 15:25 – 15:55: Break (30 minutes).
- 15:55 – 16:10: The Defence’s submissions on any other issues on the remaining grounds of appeal (15 minutes).
- 16:10 – 16:25: The Prosecutor’s submissions on any other issues on the remaining grounds of appeal (15 minutes).
- 16:25 – 16:30: Victims’ Group 1’s observations on any other issues on the remaining grounds of appeal (5 minutes).
- 16:30 – 16:35: Victims’ Group 2’s observations on any other issues on the remaining grounds of appeal (5 minutes).

Thursday, 17 February 2022

- 10:30 – 10:40: Introduction by the Presiding Judge (10 minutes).
- 10:40 – 10:45: The Defence’s responses to submissions on any other issues on the remaining grounds of appeal (5 minutes).
- 10:45 – 10:50: The Prosecutor’s responses to submissions on any other issues on the remaining grounds of appeal (5 minutes).
- 10:50 – 10:55: Victims’ Group 1’s responses to submissions on any other issues on the remaining grounds of appeal (5 minutes).
- 10:55 – 11:00: Victims’ Group 2’s responses to submissions on any other issues on the remaining grounds of appeal (5 minutes).
- 11:00 – 11:30: Questions from the bench to the parties and the legal representatives of victims on any other issues on the remaining grounds of appeal (30 minutes).
- 11:30 – 12:00: Break (30 minutes).
- 12:00 – 12:30: The Defence’s submissions on its appeal against the Sentencing Decision, including any response to the participating victims’ written observations (30 minutes).

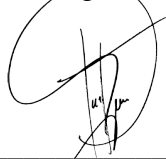
- 12:30 – 13:00: The Prosecutor’s submissions on the Defence’s appeal against the Sentencing Decision, including any response to the participating victims’ written observations (30 minutes).
- 13:00 – 14:00: Break (1 hour).
- 14:00 – 14:15: Victims’ Group 1’s observations on the Defence’s appeal against the Sentencing Decision (15 minutes).
- 14:15 – 14:30: Victims’ Group 2’s observations on the Defence’s appeal against the Sentencing Decision (15 minutes).
- 14:30 – 14:35: The Defence’s submissions on any other issues on the appeal against the Sentencing Decision (5 minutes).
- 14:35 – 14:40: The Prosecutor’s submissions on any other issues on the appeal against the Sentencing Decision (5 minutes).
- 14:40 – 14:45: Victims’ Group 1’s observations on the Defence’s appeal against the Sentencing Decision (5 minutes).
- 14:45 – 14:50: Victims’ Group 2’s observations on the Defence’s appeal against the Sentencing Decision (5 minutes).
- 14:50 – 15:20: Break (30 minutes).
- 15:20 – 16:20: Questions from the bench (1 hour).

Friday, 18 February 2022

- 10:00 – 10:10: Introduction by the Presiding Judge (10 minutes).
- 10:10 – 10:40: The Defence’s final submissions on the appeals (30 minutes).
- 10:40 – 11:10: The Prosecutor’s final submissions on the appeals (30 minutes).
- 11:10 – 11:25: Victims’ Group 1’s final observations on the appeals (15 minutes).
- 11:25 – 11:55: Break (30 minutes).

- 11:55 – 12:10: Victims’ Group 2’s final observations on the appeals (15 minutes).
 - 12:10 – 12:20: The Defence’s final observations (10 minutes).
 - 12:20 – 12:30: Personal address by Mr Ongwen (10 minutes) (optional).
 - 12:30 – 12:40: Final remarks by the Presiding Judge (10 minutes).
2. The Appeals Chamber directs the Defence, the Prosecutor and the participating victims to refrain from referring to information that has been classified as confidential during the open sessions of these proceedings. In the event that it is necessary to refer to confidential information, the parties and participants shall alert the Appeals Chamber in advance.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 8th day of February 2022

At The Hague, The Netherlands