

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 1 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

Order concerning the “Victims’ request for reclassification of ICC-02/04-01/15-1887-Conf”

Order 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 the Defence against the decision of Trial Chamber IX entitled “Sentence” of 6 May 2021 (ICC-02/04-01/15-1819-Red),

Having before it the “Victims’ request for reclassification of ICC-02/04-01/15-1887-Conf”, of 8 December 2021 (ICC-02/04-01/15-1924),

Issues the following

ORDER

The Registrar shall reclassify as public document ICC-02/04-01/15-1887-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.¹
2. On 6 May 2021, the Trial Chamber, by majority, sentenced Mr Ongwen to 25 years of imprisonment with a deduction for time spent in detention between 4 January 2015 and 6 May 2021 (hereinafter: “Sentence Decision”).²

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

² [Sentence](#), ICC-02/04-01/15-1819-Red; confidential version notified on the same day (ICC-02/04-01/15-1819-Conf). *See also* [Partly Dissenting Opinion of Judge Raul C. Pangalangan](#), 6 May 2021, ICC-02/04-01/15-1819-Anx.

3. On 30 August 2021, the Defence filed its appeal brief against the Sentence Decision confidentially (hereinafter: “Sentence Appeal Brief”).³ On 31 August 2021, a public redacted version of the Appeal Brief was filed.⁴

4. On 26 October 2021, the participating victims filed their respective observations on the Sentence Appeal Brief confidentially.⁵

5. On 6 December 2021, the Appeals Chamber, *inter alia*, ordered the Legal Representatives of Victims (hereinafter: “Victims Group 1”) to file a public redacted version of document ICC-02/04-01/15-1887-Conf.⁶

6. On 8 December 2021, Victims Group 1 requested the reclassification as public of document ICC-02/04-01/15-1887-Conf (hereinafter: “Reclassification Request”).⁷

II. MERITS

7. Victims Group 1 seek reclassification as public of the “Victims’ Observations on the ‘Defence Document in Support of its Appeal against the Sentencing Decision’” filed on 26 October 2021.⁸ They provide that, pursuant to regulation 23*bis*(1) and (2) of the Regulations of the Court, the submission in question was filed as confidential since it was a response to a confidential Defence filing.⁹ Further, they submit that document ICC-02/04-01/15-1887-Conf discloses no confidential information.¹⁰

³ Corrected version of “Defence Document in Support of its Appeal against the Sentencing Decision”, filed on 26 August 2021, ICC-02/04-01/15-1871-Conf-Corr (with confidential annex ICC-02/04-01/15-1871-Conf-AnxA).

⁴ [Corrected version of “Defence Document in Support of its Appeal against the Sentencing Decision”, filed on 26 August 2021](#), ICC-02/04-01/15-1871-Corr-Red; [Annex A to the Corrected version of “Defence Document in Support of its Appeal against the Sentencing Decision”, filed on 26 August 2021](#), ICC-02/04-01/15-AnxA-Red.

⁵ CLRV Observations on the “Defence Appeal of the Sentence”, ICC-02/04-01/15-1885-Conf (a public redacted version of these observations was filed on 28 October 2021: [ICC-02/04-01/15-1885-Red](#)); Victims’ Observations on the “Defence Document in Support of its Appeal against the Sentencing Decision”, ICC-02/04-01/15-1887-Conf.

⁶ [Order on the request for reclassification and on the filing of public redacted versions](#), ICC-02/04-01/15-1916.

⁷ [Victims’ request for reclassification of ICC-02/04-01/15-1887-Conf](#), ICC-02/04-01/15-1924.

⁸ [Reclassification Request](#), para. 4.


⁹ [Reclassification Request](#), para. 3.

¹⁰ [Reclassification Request](#), para. 4.

8. Noting that no responses were made to the Reclassification Request and given the absence of confidential information in the aforementioned filing, the Appeals Chamber grants the request.

9. Accordingly, the Registrar is ordered to reclassify as public document ICC-02/04-01/15-1887-Conf.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 1st day of February 2022

At The Hague, The Netherlands