



Original: English

No. ICC-02/04-01/15 A3

Date: 24 April 2024

THE APPEALS CHAMBER

Before: Judge Luz del Carmen Ibáñez Carranza, Presiding
Judge Tomoko Akane
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

SITUATION IN UGANDA

IN THE CASE OF THE PROSECUTOR v. DOMINIC ONGWEN

Public document

Order setting a time limit for submissions on the request for suspensive effect

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

Chief Charles Achaleke Taku
Ms Beth Lyons

Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox

The Office of Public Counsel for Victims

Ms Paolina Massidda
Mr Orchlón Narantsetseg

Trust Fund for Victims

Ms Deborah Ruiz Verduzco

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Victims Participation and Reparations Section

Mr Philipp Ambach

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX entitled “Reparations Order” of 28 February 2024 (ICC-02/04-01/15-2074),

Having before it the “Defence Notice of Appeal of the Reparations Order dated 28 February 2024 and Request for Suspensive Effect” of 22 April 2024 (ICC-02/04-01/15-2084),

Issues the following

ORDER

1. The Trust Fund for Victims may submit written observations on the Defence’s request for suspensive effect of Trial Chamber IX’s decision entitled “Reparations Order” (ICC-02/04-01/15-2074), by 16h00 on Wednesday, 1 May 2024.
2. The Victims Participation and Reparations Section may make written submissions on the aforementioned request for suspensive effect, by 16h00 on Wednesday, 1 May 2024.
3. The legal representatives of victims may respond to the aforementioned request for suspensive effect, the observations of the Trust Fund for Victims, and the submissions of the Victims Participation and Reparations Section by 16h00 on Monday, 6 May 2024.
4. The Defence may respond to the observations of the Trust Fund for Victims and the submissions of the Victims Participation and Reparations Section by 16h00 on Monday, 6 May 2024.

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 28 February 2024, the Trial Chamber issued the “Reparations Order” (hereinafter: “Impugned Decision”).²
3. On 22 April 2024, the Defence filed its notice of appeal, in which it, *inter alia*, requests the Appeals Chamber to “suspend the implementation of the Impugned Decision until it renders a judgment on the appeal” (hereinafter: “Request for Suspensive Effect”).³

II. MERITS

4. Rule 103 of the Rules of Procedure and Evidence (hereinafter: “Rules”) provides as follows:
 1. At any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate.
 2. The Prosecutor and the defence shall have the opportunity to respond to the observations submitted under sub-rule 1.
 3. A written observation submitted under sub-rule 1 shall be filed with the Registrar, who shall provide copies to the Prosecutor and the defence. The Chamber shall determine what time limits shall apply to the filing of such observations.
5. The Appeals Chamber recalls that its decision under rule 103(1) of the Rules is discretionary and that it may permit the filing of observations, either by inviting such

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 [ICC-02/04-01/15-2074](#), with a confidential *ex parte* Annex I and two public Annexes II and III.

³ [Defence Notice of Appeal of the Reparations Order dated 28 February 2024 and Request for Suspensive Effect](#), ICC-02/04-01/15-2084, para. 12.

submissions *proprio motu* or following a request for leave to address the Appeals Chamber.⁴

6. Having regard to the Defence's request for the Appeals Chamber to "give suspensive effect to the implementation of the Impugned Decision"⁵ and the role of the Trust Fund for Victims (hereinafter: "TFV") and the Victims Participation and Reparations Section (hereinafter: "VPRS") in the implementation of that decision,⁶ the Appeals Chamber finds it desirable for the proper determination of the said request to invite the TFV to submit observations and the VPRS to make submissions on issues arising from the aforementioned request. The TFV and the VPRS may file their observations and submissions by 16h00 on Wednesday, 1 May 2024.

7. The Defence may respond to the observations submitted by the TFV and the submissions made by the VPRS by 16h00 on Monday, 6 May 2024. The legal representatives of victims may respond to the Request for Suspensive Effect, the TFV's observations, and the VPRS' submissions, by 16h00 on Monday, 6 May 2024.

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



Judge Luz del Carmen Ibáñez Carranza
Presiding

Dated this 24th day of April 2024

At The Hague, The Netherlands

⁴ Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Order setting a time limit for responses to the request for suspensive effect and invitation to the Trust Fund for Victims to submit observations on that request](#), 11 June 2021, ICC-01/04-02/06-2678 (A4 A5), para. 5 and the jurisprudence cited therein. *See also* Appeals Chamber, *The Prosecutor v. Bosco Ntaganda*, [Order inviting the Trust Fund for Victims to submit observations on the requests for suspensive effect and setting a time limit for responses to the requests and observations](#), 22 August 2023, ICC-01/04-02/06-2866 (A6 A7), para. 8.

⁵ [Request for Suspensive Effect](#), para. 28.

⁶ [Impugned Decision](#), pp. 360-361.