



Original: English

**No. ICC-02/04-01/15 OA
Date: 15 June 2015**

THE APPEALS CHAMBER

Before: Judge Christine Van den Wyngaert, Presiding Judge
Judge Sanji Mmasenono Monageng
Judge Howard Morrison
Judge Olga Herrera Carbuccion
Judge Piotr Hofmański

SITUATION IN UGANDA

IN THE CASE OF THE PROSECUTOR v. DOMINIC ONGWEN

Public document

Order

**to the Registrar on the registration of documents in the case record relating to
the appeal phase of the proceedings**

Order to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor
Ms Fatou Bensouda, Prosecutor
Ms Helen Brady

Counsel for the Defence
Mr Krispus Ayena Odongo

REGISTRY

Registrar
Mr Herman von Hebel

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against the decision of Pre-Trial Chamber II entitled “Decision Setting the Regime for Evidence Disclosure and Other Related Matters” of 27 February 2015 (ICC-02/04-01/15-203),

Noting regulations 26 (3) and (4) (d) of the Regulations of the Registry,

Issues the following

ORDER

The Registrar shall re-stamp and update the metadata of the documents listed in the annex to this order contained in the *Ongwen* Case Record. The level of classification of these documents shall be maintained until ordered otherwise.

REASONS

1. On 6 February 2015, Pre-Trial Chamber II rendered the “Decision Severing the Case Against Dominic Ongwen” ordering the severance of the case of the *Prosecutor v. Dominic Ongwen* from the case of the *Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen*. In addition, the Registrar was ordered, *inter alia*, to open a new record for the case of the *Prosecutor v. Dominic Ongwen*¹ (hereinafter: “*Ongwen* Case Record”) and to transfer the records of two previous appeals registered as OA and OA 3 respectively,² from the case of the *Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* to the *Ongwen* Case Record.

¹ ICC-02/04-01/05-424, p. 7.

² See ICC-02/04-01/05-424-Anx.

2. On 28 April 2015, the Prosecutor filed the “Prosecution’s appeal against the ‘Decision Setting the Regime for Evidence Disclosure and Other Related Material’”.³ This appeal was registered in the *Ongwen* Case Record as OA.

3. The Appeals Chamber notes that regulation 26 (3) (d) read with (4) (d) of the Regulations of the Registry requires that “documents, materials, orders and decisions” be registered in a situation or case record in “chronological order” and with respect to appeals pursuant to rules 154 or 155 of the Rules of Procedure and Evidence, the registration reference should contain the letters OA, to reflect the phase of the proceeding in which the appeal is lodged, followed by a consecutive number should more than one appeal arise in the same case and phase of the proceeding.

4. In this regard, the Appeals Chamber observes that the *Ongwen* Case Record contains two appeals registered as OA and another as OA 3. Thus the record is neither chronological nor is it consecutively numbered. In these circumstances, the Appeals Chamber deems it appropriate to order the Registrar to re-stamp and update the metadata of documents in the *Ongwen* Case Record as listed in Annex A to this order. Accordingly, documents currently registered as OA 3 should be re-stamped as OA 2 and documents pertaining to the current interlocutory appeal, registered as OA should be re-stamped as OA 3.

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



Judge Christine Van den Wyngaert
Presiding Judge

Dated this 15th day of June 2015

At The Hague, The Netherlands

³ ICC-02/04-01/15-225.