

ANNEX

Explanatory Note

Following the detection of typographical errors, a corrected version has been registered with the necessary amendments. Moreover, the following additions have been operated:

- Paragraph 26: Footnote 23 has been added (*'T. de Souza Dias, 'Interests of justice': Defining the scope of Prosecutorial discretion in Article 53(1)(c) and (2)(c) of the Rome Statute of the International Criminal Court', Leiden Journal of International Law (2017), pp 731-751, at 732.'*).
- Paragraph 29: The sentence *'Moreover, [a]uthors have also voiced diverging interpretations on Article 53'.²⁹* has been added.
Footnotes 29 (*'D. Đukić, 'Transitional justice and the International Criminal Court – in "the interests of justice"?', IRRC, Vol. 89, No. 867, September 2007, pp 691-718, at 697. Hence, some like Robinson, Stahn and Gavron, are in favour of a wider interpretation of this expression, while others like Đukić, Amnesty International and Human Rights Watch prefer a more restrictive interpretation; see Đukić, op. cit., at 698.'*) and 32 (*'I adopt the same methodology as that followed by de Souza Dias and Đukic. However, like de Souza Dias, I am in favour of a wider interpretation, contrary to Đukic who prefers a more restrictive interpretation.'*) have also been added.
- Paragraph 35: Footnote 39 has been added (*'T. de Souza Dias, op. cit., p. 736.'*).
- Paragraph 37: Footnote 40 has been added (*'C. Gallavin, 'Article 53 of the Rome Statute of the International Criminal Court: In the Interests of Justice?', in 14 King's Law Journal 179 (2003), p. 186. See also T. de Souza Dias, op. cit., p. 738 seq.'*).