

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: **ICC-02/04-01/15**

Date: **20 January 2022**

APPEALS CHAMBER

Before:

**Judge Luz del Carmen Ibáñez Carranza, Presiding Judge
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

**Defence Correction to a Serious Error in the Common Legal Representative for Victims
Observations on the *Amici Curiae***

Source: Defence for Dominic Ongwen

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**The Office of the Prosecutor**

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Dr Mohammad Hadi Zakerhossein

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

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Amici Curiae (con't)

Mariana Ardila, Teresa Fernández-Paredes, Mariá Cecilia Ibáñez, Daniela Kravetz, Susana SáCouto, Dalila Seonae

Dr Rosemary Grey, Global Justice Center, Amnesty International, Women's Initiatives for Gender Justice

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Justice Francis M. Ssekandi

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I. INTRODUCTION

1. The Defence for Dominic Ongwen ('Defence') hereby corrects errors contained in the *CLRV consolidated response to the Amici Curiae observations in the Defence's Appeals against the Conviction and the Sentence* ('CLRV Response').¹
2. The Defence respectfully submits this document to correct the serious errors made in the CLRV Response involving Justice Francis Muzingu Ssekandi's qualifications to submit *amicus curiae* observations. With respect, the Common Legal for Representative for Victims ('CLRV') misrepresents the *amicus curiae*'s professional status, experience and expertise.

II. PROCEDURAL HISTORY

3. On 25 October 2021, the Appeals Chamber issued the *Order inviting expressions of interest as amici curiae in judicial proceedings (pursuant to rule 103 of the Rules of Procedure and Evidence)*.² The Appeals Chamber identified three (3) main topics with subsidiary topics on which it desired to receive *amicus curiae* observations.
4. On 15 November 2021, Justice Ssekandi submitted his *Request to Submit an Amicus Curiae pursuant to Rule 103(1) of the Rules of Procedure and Evidence*.³
5. On 23 November 2021, Justice Ssekandi submitted his *Request to Submit an Amicus Curiae pursuant to Rule 103(1) of the Rules of Procedure and Evidence*, which outlined his specific professional status, experience and expertise in law.⁴
6. On 24 November 2021, the Appeals Chamber granted 18 *amicus curiae*, including Justice Ssekandi, the right to file observations on the identified topics in the 25 October 2021 order.⁵
7. On 20 December 2021, Justice Ssekandi submitted his *Amicus Brief by Justice Francis M. Ssekandi*.⁶

¹ Appeals Chamber, *CLRV consolidated response to the Amici Curiae observations in the Defence's Appeals against the Conviction and the Sentence*, [ICC-02/04-01/15-1951](#).

² Appeals Chamber, *Order inviting expressions of interest as amici curiae in judicial proceedings (pursuant to rule 103 of the Rules of Procedure and Evidence)*, [ICC-02/04-01/15-1884](#).

³ Appeals Chamber, *Request to Submit an Amicus Curiae pursuant to Rule 103(1) of the Rules of Procedure and Evidence*, [ICC-02/04-01/15-1905](#).

⁴ Appeals Chamber, *Request to Submit an Amicus Curiae pursuant to Rule 103(1) of the Rules of Procedure and Evidence*, [ICC-02/04-01/15-1912](#).

⁵ Appeals Chamber, *Decision on the request for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence*, [ICC-02/04-01/15-1914](#).

⁶ Appeals Chamber, *Amicus Brief by Justice Francis M. Ssekandi*, [ICC-02/04-01/15-1926](#).

8. On 17 January 2022, the CLRV filed her consolidated responses to the 18 different *amici curiae* observations.⁷ In the CLRV Response, the CLRV wrote “that the *Amicus* [Justice Ssekandi] does not provide – neither in its request to appear nor in its brief – background information as to its professional status, experience or expertise.”⁸

III. CORRECTIONS

9. Justice Ssekandi’s notification about his professional status, experience and expertise claimed by the CLRV is incorrect. Justice Ssekandi submitted a separate document, ICC-02/04-01/15-1912, detailing his professional status, experience and expertise to the Appeals Chamber before it rendered its decision allowing the 18 *amici curiae* to submit observations. This submission is noted in the Appeals Chamber decision of 24 November 2021, noting specifically that Justice Ssekandi submitted the additional information by request of the Appeals Chamber.⁹
10. Justice Ssekandi was a prosecutor in Uganda, dealing with cases that included murder and mental disease, from 1966-1972. During this time, he worked closely with mental health professionals in the course of his work. He was a judge on both the benches of the High Court and Supreme Court of Uganda from 1974-1978. From 1981-1996, Justice Ssekandi worked as an international civil servant at the United Nations Office of Legal Affairs, which includes the position of Deputy Director. Justice Ssekandi retired from the practice of law in 2000 from the African Development Bank, but still continued to work with the UN as a consultant, especially on peace keeping operations, and lectured in law at Columbia University from 2001-2019. Justice Ssekandi holds an LLB from London University (with honours) and an LLM from Columbia University, specializing in international law and jurisprudence.
11. Everything noted in paragraph 10 above can be found in the supplementary document provided by Justice Ssekandi to the Appeals Chamber on 23 November 2021 as [ICC-02/04-01/15-1912](#). Justice Ssekandi’s experience in law, international justice and academia has spanned six (6) decades and would be a valuable asset to the ongoing proceedings.

⁷ Appeals Chamber, *CLRV consolidated response to the Amici Curiae observations in the Defence’s Appeals against the Conviction and the Sentence*, [ICC-02/04-01/15-1951](#).

⁸ CLRV Response, para. 6.

⁹ Appeals Chamber, *Decision on the request for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence*, [ICC-02/04-01/15-1914](#), fn. 16.

IV. RELIEF

12. The Defence respectfully submits this correction to the Appeals Chamber to correct serious errors contained in the CLRV Response.

Respectfully submitted,



.....
Hon. Krispus Ayena Odongo
On behalf of Dominic Ongwen

Dated this 20th day of January, 2022
At Kampala, Uganda