

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **27 January 2022**

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 *PROSECUTOR v. DOMINIC ONGWEN*

Public with Public Annex A and Confidential Annex B

Filing of authorities requested by the Defence

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Mr Karim Khan Q.C.
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Ms Helen Brady

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Mr Krispus Ayena Odongo
Mr Charles Taku
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Legal Representatives of Victims

Mr Joseph Akwenyu Manoba
Mr Francisco Cox
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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

The Office of Public Counsel for Victims

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. As indicated by e-mail of 26 January 2022,¹ the Prosecution hereby files the authorities requested by the Defence,² together with additional authorities which they indicate have not yet been supplied to them by the ICC library.³ For the Italian authorities, the Prosecution provides an informal translation by counsel of the relevant passages. It notes that its observations contain very limited reference to these passages.⁴
2. The Prosecution notes that the annexed material from the fourth edition of Ambos' commentary on the Rome Statute (informally known as the 'Triffterer' commentary, in memory of its original editor) need not be treated as confidential,⁵ since this work (in hard copy) is already commercially available.⁶
3. The Prosecution always remains open to addressing matters similar to those in the Request on an *inter partes* basis, without the necessity of recourse to the Appeals Chamber, or allegations of bad faith.⁷ At all times, the Prosecution has acted professionally and seeks to maintain a collegial relationship between the Parties and participants.



Karim Khan Q.C., Prosecutor

Dated this 27th day of January 2022
At The Hague, The Netherlands

¹ See E-Mail to the Appeals Chamber of 26 January 2022 at 18:57.

² ICC-02/04-01/15-1962 ("Request"), paras. 21, 27. See Annex A.

³ Request, para. 19. See Annex A.

⁴ See ICC-02/04-01/15-1952, fns. 92 (citing Amati), 119 (citing Amati), 123 (citing Amati and Aitala), 126 (citing Amati). No Prosecution submission depends solely on these authorities.

⁵ Cf. Request, paras. 4, 24.

⁶ *Contra* Request, paras. 4, 21, 23-24. See e.g. Confidential Annex B (proof of staff member's purchase of the work, ordered on 19 October 2021 and shipped on 12 December 2021). The Prosecution did not rely on a pre-publication version of this work: *contra* Request, fn. 24.

⁷ Cf. Request, paras. 22-23, 25.