

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: **1 June 2022**

APPEALS CHAMBER

Before:

**Judge Luz del Carmen Ibáñez Carranza, Presiding Judge
Judge Piotr Hofmański
Judge Solomy Balungi Bossa
Judge Reine Apapini-Gansou
Judge Gocha Lordkipanidze**

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. DOMINIC ONGWEN***

PUBLIC

Public Redacted Version of ‘Notification to the Appeals Chamber’, filed on 1 June 2022

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

Karim A.A. Khan, QC, Prosecutor
Colin Black

Counsel for the Defence

Krispus Ayena Odongo
Chief Charles Achaleke Taku
Beth Lyons

Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox

Common Legal Representative for Victims

Paolina Massidda

The Office of Public Counsel for Victims

Paolina Massidda
Caroline Walter
Orchlon Narantsetseg

Others

Trial Chamber IX

REGISTRY

Registrar

Peter Lewis

Victims and Witnesses Unit

Nigel Verrill

Detention Centre

Harry Tjonk

Counsel Support Section

Pieter Vanaverbeke

I. INTRODUCTION

1. On 27 May 2022, Counsel Krispus Ayena Odongo filed a request to withdraw as Counsel for Dominic Ongwen before the International Criminal Court.¹ In the request, Counsel Ayena Odongo stated, “[m]ay I take this opportunity to wish Dominic and his new team the best of luck.”²
2. On 30 May 2022, Co-Counsel Taku had an email sent to Trial Chamber IX, the Prosecution, the Common Legal Representative for Victims, the Legal Representatives for Victims and Counsel Support Section notifying Trial Chamber IX about several issues directly relating to Counsel Ayena Odongo’s withdrawal.³
3. On 31 May 2022, Trial Chamber IX sent an email to the Defence requesting that it file the composition of the Defence Team on the record of the case as soon as practicable.⁴
4. On 1 June 2022, the Defence filed the notification to Trial Chamber IX about the composition of the Defence Team.⁵
5. On 1 June 2022, the Counsel Ayena Odongo filed a request to withdraw as Counsel for Dominic Ongwen to the Appeals Chamber.⁶

II. CONFIDENTIALITY LEVEL

6. Pursuant to Regulation 23 *bis*(2) of the Regulations of the Court, Co-Counsel Taku files this request confidentially as it directly relates to a filing of the same classification. A public redacted version shall be filed as soon as practicable.

¹ Trial Chamber IX, *Request to Withdraw as Counsel for Dominic Ongwen*, ICC-02/04-01/15-1995-Conf.

² *Ibid.*, para. 2.

³ Email from Defence to Trial Chamber IX, Prosecution, CLRV, LRV and CSS, *Message from the Ongwen Defence*, sent on 30 May 2022 at 18h11 CET.

⁴ Email from Trial Chamber IX to the Defence, RE: *Message from the Ongwen Defence*, received on 31 May 2022 at 12h01 CET.

⁵ Trial Chamber IX, *Notification to Trial Chamber IX*, ICC-02/04-01/15-1996-Conf.

⁶ Appeals Chamber, *Request to Withdraw as Counsel for Dominic Ongwen*.

III. NOTIFICATION

7. Pursuant to Trial Chamber IX's request, the Defence hereby files this notification regarding a statement made by Counsel Ayena Odongo in his request to withdraw on 27 May 2022. This notification is made with the consent of Mr Dominic Ongwen and Co-Counsel Chief Charles Achaleke Taku.⁷
8. Co-Counsel Taku hereby informs the Appeals Chamber that Mr Ongwen and himself have spoken about Mr Ongwen's representation before the International Criminal Court and Mr Ongwen has agreed to appoint Co-Counsel Taku as Counsel for the remainder of his proceedings before the Court after the Appeals Chamber grants Counsel Ayena Odongo's withdrawal as Counsel. Co-Counsel Taku notes that he has been the Co-Counsel for Dominic Ongwen since May 2016.
9. Co-Counsel Taku also informs the Appeals Chamber that, unlike as was written by Counsel Ayena Odongo on 27 May 2022, there shall not be a *new* legal team representing Mr Ongwen. Co-Counsel Taku intends to continue [REDACTED]⁸ and [REDACTED]. [REDACTED].
10. Co-Counsel Taku further informs the Appeals Chamber that communication between Counsel Ayena Odongo and Mr Ongwen has completely broken down. [REDACTED].
11. Finally, Co-Counsel Taku takes this opportunity to notify the Appeals Chamber, the Prosecution, CLRV and LRV that he does not see this change in Counsel as a means of disrupting the legal proceedings currently before Trial Chamber IX or the Appeals Chamber. As the core members remaining on the Defence Team will be persons familiar with the case, Co-Counsel Taku does not foresee any delays from this change in Counsel.⁹

⁷ Phone call between Defence and Dominic Ongwen on 31 May 2022.

⁸ [REDACTED].

⁹ The Defence notes that it does not waive in any way Mr Ongwen's right to have decisions translated into the language which Mr Ongwen reads and understands, Acholi.

Respectfully submitted,



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Chief Charles Achaleke Taku, Co-Counsel
On behalf of Dominic Ongwen

Dated this 1st day of June, 2022
At Maryland, United States of America