



**Original: English**

**No. ICC-02/04-01/15 A A2  
Date: 7 June 2022**

**THE 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 THE PROSECUTOR v. DOMINIC ONGWEN**

**Public document**

**Decision on the request to withdraw as counsel for Dominic Ongwen**

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

**The Office of the Prosecutor**

Mr Karim A. A. Khan, Prosecutor  
Ms Helen Brady

**Counsel for the Defence**

Mr Krispus Charles Ayena Odongo  
Mr Charles Achaleke Taku  
Ms Beth Lyons

**Legal Representatives of Victims**

Mr Joseph Akwenyu Manoba  
Mr Francisco Cox

**The Office of Public Counsel for Victims**

Ms Paolina Massidda

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Others**

Trial Chamber IX

**Counsel Support Section**

Mr Pieter Vanaverbeke

The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX entitled “Trial Judgment” of 4 February 2021 (ICC-02/04-01/15-1762-Red),

In the appeal of Mr Dominic Ongwen against the decision of Trial Chamber IX entitled “Sentence” of 6 May 2021 (ICC-02/04-01/15-1819-Red),

Having before it the “Public Redacted Version of ‘Request to Withdraw as Counsel for Dominic Ongwen’, filed on 1 June 2022”, of 1 June 2022 (ICC-02/04-01/15-1997-Red),

Pursuant to regulation 78(1) of the Regulations of the Court,

*Renders* the following

## DECISION

1. Mr Krispus Charles Ayena Odongo’s request for leave to withdraw as Counsel for Mr Dominic Ongwen in the above mentioned appeals is granted.
2. The Registry is directed to take all necessary steps to facilitate the prompt appointment of Mr Charles Achaleke Taku as the new defence Counsel for Mr Dominic Ongwen.

## REASONS

1. On 1 June 2022, Counsel for Mr Dominic Ongwen, Mr Krispus Charles Ayena Odongo (hereinafter: “Mr Ayena Odongo”), filed a request under regulation 78(1) of the Regulations of the Court in which he “requests to withdraw as Counsel for Dominic Ongwen in his proceedings” before the Court.<sup>1</sup> Mr Ayena Odongo adds that he was advised by the Court’s Counsel Support Section to file a request to withdraw before Trial Chamber IX (hereinafter: “Trial Chamber”).<sup>2</sup>

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<sup>1</sup> Request to Withdraw as Counsel for Dominic Ongwen, ICC-02/04-01/15-1997-Conf (public redacted version was registered on the same day (ICC-02/04-01/15-1997-Red) (hereinafter: “Request”), para. 1.

<sup>2</sup> [Request](#), paras 2-3.

2. On that same date, Co-Counsel for Mr Ongwen, Mr Charles Achaleke Taku (hereinafter: “Mr Taku”), filed a notification before the Appeals Chamber in which he indicates that Mr Ongwen has agreed to appoint Mr Taku as Counsel for the remainder of the proceedings before the Court.<sup>3</sup> Mr Taku states that communication between Mr Ayena Odongo and Mr Ongwen “has completely broken down”.<sup>4</sup> Mr Taku further submits that the composition of legal team representing Mr Ongwen will not change and that given the team’s familiarity with the case, the change of counsel will not disrupt or occasion any delays in the present proceedings.<sup>5</sup>

3. On 2 June 2022, the Trial Chamber granted Mr Ayena Odongo’s request to withdraw as Counsel in the ongoing reparations proceedings before that chamber but indicated that “the withdrawal will only become effective when also granted by the Appeals Chamber”.<sup>6</sup>

4. At the outset, the Appeals Chamber notes that the Request filed before the Appeals Chamber appears to be addressed solely to the Trial Chamber.<sup>7</sup> While Mr Ayena Odongo did not adjust the content of the Request by expressly seizing the Appeals Chamber, considering that the cover page refers to the composition of the Appeals Chamber in Mr Ongwen’s case, the Appeals Chamber understands that he is also seeking permission from the Appeals Chamber to withdraw as Counsel representing Mr Ongwen in the appeals proceedings.

5. The Appeals Chamber takes note of Mr Ayena Odongo’s wish to withdraw from representation of Mr Ongwen and the reason for his withdrawal. It also observes that Mr Ongwen has been consulted and has agreed that his Co-Counsel, Mr Taku, be appointment as Counsel in the present case once the Appeals Chamber grants Mr Ayena Odongo’s request to withdraw.<sup>8</sup> Noting that the composition of the legal team representing Mr Ongwen will remain the same and therefore will be able to provide

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<sup>3</sup> Notification to the Appeals Chamber, ICC-02/04-01/15-1998-Conf (public redacted version was registered on the same day (ICC-02/04-01/15-1998-Red)) (hereinafter: “[Notification](#)”), para. 8.

<sup>4</sup> [Notification](#), para. 10.

<sup>5</sup> [Notification](#), paras 8-9, 11.

<sup>6</sup> Decision on the Request to Withdraw as Counsel for Dominic Ongwen, ICC-02/04-01/15-1999 (hereinafter: “[Decision on Request to Withdraw](#)”), para. 4.

<sup>7</sup> See [Request](#), para. 3.

<sup>8</sup> [Notification](#), para. 8.

continuous assistance to the defence of Mr Ongwen, the Appeals Chamber considers that Mr Ayena Odongo's withdrawal will not affect Mr Ongwen's rights and the course of the present proceedings. While Mr Ayena Odongo is silent regarding his undertaking to adhere to the Code of Professional Conduct for counsel, the Appeals Chamber reminds Mr Ayena Odongo that he remains subject to the obligations set out in articles 8, 15, 17 to 19 of this Code.<sup>9</sup>

6. Furthermore, the Appeals Chamber notes that the Trial Chamber has granted Mr Ayena Odongo's request to withdraw subject to: (i) the Appeals Chamber granting permission in relation to the ongoing appellate proceedings; and (ii) the Registry taking the "necessary steps" in accordance with rules 20 to 22 of the Rules of Procedure and Evidence (hereinafter: "Rules") to ensure the continuous legal representation of Mr Ongwen and in view of protecting Mr Ongwen's rights.<sup>10</sup> The Trial Chamber further found that Mr Ayena Odongo's request to withdraw as counsel should "only take effect once the new defence Counsel, Mr Taku, has been properly appointed".<sup>11</sup>

7. In light of the foregoing, the Appeals Chamber finds it appropriate to grant the Request subject to the Registry taking the necessary steps regarding the prompt appointment of Mr Taku as the new defence Counsel for Mr Ongwen in accordance with rules 20 to 22 of the Rules.

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



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**Judge Luz del Carmen Ibáñez Carranza**  
**Presiding**

Dated this 7<sup>th</sup> day of June 2022

At The Hague, The Netherlands

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<sup>9</sup> See also [Decision on Request to Withdraw](#), para. 3.

<sup>10</sup> [Decision on Request to Withdraw](#), paras 4-5.

<sup>11</sup> [Decision on Request to Withdraw](#), para. 5.