


**Annex 2: Separate Concurring Opinion of Judge Howard Morrison in  
relation to the Appeals Chamber's 'Judgment in the appeal of the  
Prosecutor against Trial Chamber I's decision on the no case to answer  
motions' of 31 March 2021**

**Separate Concurring Opinion of Judge Howard Morrison**

**in relation to the Appeals Chamber's 'Judgment in the appeal of the Prosecutor against Trial Chamber I's decision on the no case to answer motions' of 31 March 2021**

1. I am in full agreement with the [Judgment of the Appeals Chamber](#), both in its outcome and in all of its reasoning.
2. There is only one issue in this appeal on which the majority judges had differing views. This concerns whether, on the facts of this case, the decision issued by the Trial Chamber on 15 January 2019 was 'in writing' within the meaning of article 74(5) of the Statute. I consider that it was, for the reasons set out at paragraphs 200 to 212 of the [Separate Concurring Opinion of Judge Eboe-Osuji](#). I therefore join him in respect of those paragraphs without needing to set out my views on that issue separately here. As a result, I do not consider that the Trial Chamber committed any error in relation to this requirement, let alone one that could possibly have had any material effect on its decision.

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



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**Judge Howard Morrison**

Dated this 31<sup>st</sup> day of March 2021

At The Hague, The Netherlands