

CONCURRING OPINION OF JUDGE HENDERSON

1. While I agree with my colleagues that leave to appeal should not be granted, I disagree with the reasons given for this rejection. In particular, I am of the view that the First and Second Issues do arise out of the Impugned Decision. However, I do not believe that immediate appellate resolution of these issues will materially advance the proceedings. Accordingly, one of the criteria of article 82(1)(d) has not been met and therefore leave cannot be granted at this stage, regardless of the merits of the issues raised by the Defence.

A handwritten signature in black ink, reading 'G Henderson', is written over a solid horizontal line. The signature is stylized, with a large 'G' and a long, sweeping horizontal stroke at the end.

Judge Geoffrey Henderson

Dated 11 October 2017

At The Hague, The Netherlands