ICC-02/05-03/09-654 23-07-2018 1/4 EO T

Cour Pénale Internationale



International Criminal Court

Original: English

No.: ICC-02/05-03/09 Date: 23 July 2018

## TRIAL CHAMBER IV

Before:

Judge Kimberly Prost, Presiding Judge Robert Fremr Judge Reine Alapini-Gansou

## SITUATION IN DARFUR, SUDAN

IN THE CASE OF THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN

Public

Decision on the withdrawal of Counsel

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

<b>The Office of the Prosecutor</b> Ms Fatou Bensouda Mr Julian Nicholls	<b>Counsel for the Defence</b> Mr Karim Khan Mr Charles Achaleke Taku Mr Anand Ajay Shah
<b>Legal Representatives of Victims</b> Ms Hélène Cissé Mr Jens Dieckmann	Legal Representatives of Applicants
Unrepresented Victims	Unrepresented Applicants for Participation/Reparation
<b>The Office of Public Counsel for</b> <b>Victims</b> Ms Paolina Massidda	<b>The Office of Public Counsel for the Defence</b> Mr Xavier-Jean Keïta

States' Representatives

Amicus Curiae

## REGISTRY

**Registrar** Ms Peter Lewis

Victims and Witnesses Unit Ms Nigel Verrill **Counsel Support Section** Mr Esteban Peralta Losilla

**Detention Section** Mr Paddy Craig

Victims Participation and Reparations Section Mr Philipp Ambach

Others

Trial Chamber IV ('Chamber') of the International Criminal Court in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, having regard to Article 67(1)(d) of the Rome Statute ('Statute'), Regulation 78 of the Regulations of the Court, and Articles 8, 15, and 17 to 19 of the Code of Professional Conduct for counsel ('Code of Conduct'), issues the following 'Decision on the withdrawal of Counsel'.

- 1. On 30 March 2010, the Registry registered the appointment of Mr Karim Khan as counsel for Mr Abdallah Banda Abakaer Nourain.
- 2. On 11 July 2018, the Registry appointed Mr Charles Achaleke Taku as associate counsel for Mr Banda.<sup>1</sup>
- 3. On 16 July 2018, the Chamber received 'Lead Counsel's Request Pursuant to Regulation 78(1) of the Regulations of the Court' ('Request'), in which Mr Khan seeks the Chamber's leave to withdraw from the representation of Mr Banda.<sup>2</sup> He submits that his recent appointment as a special advisor to the United Nations does not allow him to continue the representation of Mr Banda.<sup>3</sup> He also advises that Mr Taku be appointed as lead counsel.<sup>4</sup>
- 4. The Chamber, noting counsel's wish to withdraw and the reasons provided, hereby grants the Request. The appointment of a new lead counsel is a matter for the Registry's Counsel Support Section.
- 5. The Chamber reminds counsel that he remains subject to Articles 8, 15 and 17 to 19 of the Code of Conduct. Having regard to Article 67(1)(d) of the Statute, the withdrawal of Mr Khan shall only take effect once new counsel has been appointed for Mr Banda.

<sup>&</sup>lt;sup>1</sup> Registration of the appointment of Mr Charles Achaleke Taku as Associate Counsel for Mr Abdallah Banda Abakaer Nourain, ICC-02/05-03/09-653, 16 July 2018, with one confidential annex and two public annexes.

 $<sup>^{2}</sup>$  ICC-02/05-03/09-652, with one confidential annex.

<sup>&</sup>lt;sup>3</sup> Request, ICC-02/05-03/09-652, para. 2.

<sup>&</sup>lt;sup>4</sup> Request, ICC-02/05-03/09-652, para. 3.

## FOR THESE REASONS, THE CHAMBER HEREBY

**GRANTS** the Request.

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

Judge Kimberly Prost, Presiding

Judge Robert Fremr

Judge Reine Alapini-Gansou

Dated 23 July 2018

At The Hague, The Netherlands