

**Cour
Pénale
Internationale**

**International
Criminal
Court**

No.: ICC-01/04

Date: 1 August 2005

Original: English

PRE-TRIAL CHAMBER I

Before: Judge Claude Jorda, Presiding Judge
Judge Akua Kuenyehia
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

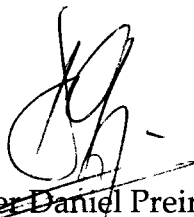
SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

Public Document

**APPOINTMENT OF Mr. Tjarda Van der Spoel AS AD HOC COUNSEL FOR THE
DEFENCE PURSUANT TO THE DECISION OF PRE-TRIAL CHAMBER I
DATED 26 APRIL 2005**

The Office of the Prosecutor
Mr Luis Moreno Ocampo
Ms Fatou Bensouda
Mr Ekkerhad Withopf
Ms Lyne Decarie

Ad hoc Counsel for Defence
Tjarda Van der Spoel



Didier Daniel Pereira
Head, Division of Victims and Counsel

Dated this 1 August 2005

At The Hague

Cour Pénale Internationale

International Criminal Court

THE REGISTRY

DIVISION OF VICTIMS AND COUNSEL

Reference: DVC/2005/074/DDP/hh

File No:

The Hague, 1st August 2005

Dear Mr. van der Spoel,

Subject: Appointment as *ad hoc* defence counsel

Following the Decision of 26 April 2005, Pre-Trial Chamber I, which has been assigned the situation in the Democratic Republic of Congo, ordered the Registrar to appoint an *ad hoc* defence counsel to represent the general interest of the defence for the purpose of the forensic examinations as soon as the Registrar is in receipt of the record and the report of the Netherlands Forensic Institute. The Decision is attached hereto for your reference.

Following your confirmation that you are available to act as *ad hoc* counsel for the defence, I have pleasure, on the Registrar's instructions and on his behalf, in informing you of your appointment as *ad hoc* defence counsel in accordance with the above Decision of Pre-Trial Chamber I.

Please allow me to draw your attention to the provisions of the Code of Professional Conduct for Counsel at the International Criminal Court as provisionally adopted in September 2004 by the Assembly of States Parties and, in particular, to the provisions of article 8¹.

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¹ **Article 8**

Respect for professional secrecy and confidentiality.

1. Counsel shall actively exercise all care to respect professional secrecy and to protect confidential information in accordance with the statutory and regulatory provisions.
2. Counsel shall reveal information confidential by nature or by order of the Court only to persons working with him or her and solely to enable the exercise of his or her functions in the case in question. Counsel shall actively exercise all care to respect and maintain the confidentiality of such information. ICC-ASP/3/11/Rev.1, Page 8.
3. Information confidential by nature is understood as information such as envisaged by rule 73.
4. Counsel may disclose information confidential by nature only under the terms of rule 73, sub-rule 1, or where information confidential by order of the Court is involved, only when the Court expressly lifts the restriction on disclosure.

Page 2

1 August 2005

Mr. Tjarda van der Spoel, Defence Counsel, Boergoensevliet 168, 3082 KX Rotterdam

.../Contd.

I wish to inform you that you will be remunerated in accordance with the payment scheme of the Court's Legal assistance programme.

Yours sincerely,

For the Registrar
Didier Daniel Preira
Head, Division of Victims and Counsel

