

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/11-01/12**

Date: **14 April 2016**

**PRE-TRIAL CHAMBER I**

**Before:** Judge Joyce Aluoch, Presiding Judge  
Judge Cuno Tarfusser  
Judge Péter Kovács

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE  
IN THE CASE OF *THE PROSECUTOR* v. *SIMONE GBAGBO***

**Public**

**Decision on Withdrawal of Counsel**

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

**The Office of the Prosecutor**  
 Fatou Bensouda, Prosecutor  
 James Stewart, Deputy Prosecutor

**Counsel for the Defence**  
 Sylvia Geraghty  
 Babo Ange Rodrigue Dadjé  
 Habiba Touré

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
 Participation/Reparation**

**The Office of Public Counsel for  
 Victims**

**The Office of Public Counsel for the  
 Defence**

**States Representatives**

**Amicus Curiae**

## **REGISTRY**

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**Registrar**  
 Herman von Hebel

**Counsel Support Section**  
 Esteban Peralta Losilla

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
 Section**

**Others**

**Pre-Trial Chamber I** (the “Chamber”) of the International Criminal Court (the “Court”) issues the following decision on the “Application pursuant to Article 67(1)(d) of the Rome Statute, Regulation 78 of the Regulations of the Court and Article 18(3) of the Code of Professional Conduct for Counsel” (the “Application”).<sup>1</sup>

1. On 29 February 2012, the Chamber issued a warrant of arrest (the “Warrant of Arrest”) for Simone Gbagbo (“Ms Gbagbo”), which was made public on 22 November 2012.<sup>2</sup>

2. On 19 March 2012, the Registrar notified Côte d’Ivoire of the Warrant of Arrest and requested the State to arrest Ms Gbagbo and surrender her to the Court.<sup>3</sup> The execution of the Warrant of Arrest and the surrender of the suspect are still pending.

3. On 13 December 2013, the Registrar filed in the record of the case a power of attorney signed by Ms Gbagbo in favour of Sylvia Geraghty (“Ms Geraghty”) to represent her in the proceedings.<sup>4</sup>

4. On 20 February 2014, the Registrar confirmed the appointment of Babo Ange Rodrigue Dadjé (“Mr Dadjé”) and Habiba Touré (“Ms Touré”) as legal assistants to the defence team led by Ms Geraghty, after having verified their qualifications under regulations 124 and 125 of the Regulations of the Registry.<sup>5</sup>

5. On 10 March 2016, the Chamber received the Application in which Ms Geraghty seeks the Chamber’s leave to withdraw from the representation

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<sup>1</sup> ICC-02/11-01/12-77-Conf-Exp with one confidential *ex parte* annex.

<sup>2</sup> “Warrant of Arrest for Simone Gbagbo”, ICC-02/11-01/12-1. See also Pre-Trial Chamber I, “Decision on the Prosecutor’s Application Pursuant to Article 58 for a warrant of arrest against Simone Gbagbo”, 2 March 2012, ICC-02/11-01/12-2-Red.

<sup>3</sup> ICC-02/11-01/12-6.

<sup>4</sup> ICC-02/11-01/12-23 together with two confidential and one public annex.

<sup>5</sup> ICC-02/11-01/12-36 with four confidential annexes.

of Ms Gbagbo. She submits that considering the “intention of the State of Côte d’Ivoire not to transfer Simone Gbagbo to the jurisdiction of this Court”,<sup>6</sup> “proceedings before this [...] Court are becalmed”.<sup>7</sup> Moreover, Ms Geraghty argues that Mr Dadjé, Ms Gbagbo’s “longstanding principal Ivorian lawyer and [...] Assistant in these proceedings”, who is privy to the aspects of the present proceedings, can “take over as new Lead Counsel to [Ms Gbagbo] before this [...] Court”.<sup>8</sup> Ms Geraghty annexed to the Application a “*Mandat*” from Ms Gbagbo in favour of Mr Dadjé.<sup>9</sup>

6. On 6 April 2016, the Registrar informed the Chamber of the appointment of Mr Dadjé as Defence counsel of Ms Gbagbo,<sup>10</sup> after having received and verified the respective power of attorney signed by Ms Gbagbo. The Chamber was further informed that Ms Touré remains a legal assistant to the defence team.<sup>11</sup>

7. The Chamber notes article 67(1)(d) of the Rome Statute, rule 22 of the Rules of Procedure and Evidence, regulation 23*bis* and 78 of the Regulations of the Court (the “Regulations”) and articles 8, 15(2), 17 to 19 of the Code of Professional Conduct for counsel (the “Code of Conduct”).

8. As a preliminary matter, the Chamber re-classifies the Application as public, pursuant to regulation 23 *bis*(3) of the Regulations, since it does not contain any confidential information.

9. The Chamber notes the reasons provided for withdrawing from representing Ms Gbagbo. In view of the fact that Ms Gbagbo has appointed a new counsel to represent her, the Chamber sees no reason not to permit

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<sup>6</sup> Application, para. 22.

<sup>7</sup> Application, para. 23.

<sup>8</sup> Application, para. 25(v) and (vi).

<sup>9</sup> ICC-02/11-01/12-77-Conf-Exp-Anx.

<sup>10</sup> ICC-02/11-01/12-78 with four annexes.

<sup>11</sup> ICC-02/11-01/12-78, para. 7.


Ms Gheraty to withdraw. The Chamber reminds counsel that she remains subject to articles 8, 15(2) and 17 to 19 of the Code of Conduct.

**FOR THESE REASONS, THE CHAMBER HEREBY**

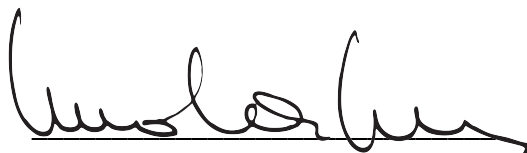
**GRANTS** the Application; and

**ORDERS** the Registrar to re-classify as public the Application (ICC-02/11-01/12-77-Conf-Exp).

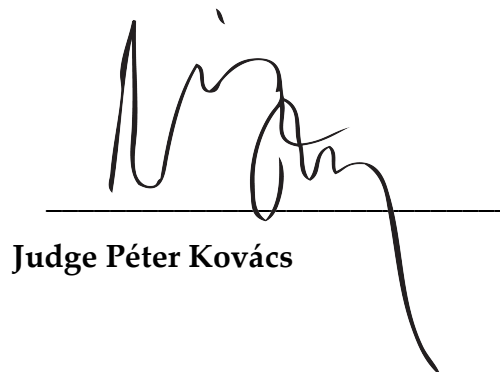
Done in both English and French, the English version being authoritative.



**Judge Joyce Aluoch**  
**Presiding Judge**



**Judge Cuno Tarfusser**



**Judge Péter Kovács**

Dated this Monday, 14 April 2016

At The Hague, The Netherlands