

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/05-03/09**

Date: **16 July 2018**

TRIAL CHAMBER IV

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

SITUATION IN THE DARFUR, SUDAN

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

**Public
with Confidential Annex I**

**Lead Counsel's Request Pursuant to Regulation 78(1) of the Regulations of the
Court**

Sources: Defence Team of Abdallah Banda Abakaer Nourain

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

The Office of the Prosecutor

Ms. Fatou Bensouda

Mr. Julian Nicholls

Counsel for the Defence

Mr. Karim A. A. Khan QC

Chief Charles Achaleke Taku

Mr. Anand Shah

Legal Representatives of the Victims

Ms. Hélène Cissé

Mr. Jens Dieckmann

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr. Peter Lewis

Counsel Support Section

Dr. Esteban Peralta-Losilla

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. Pursuant to Regulation 78(1) of the Regulations of the Court, Lead Counsel for Mr. Abdallah Banda Abakaer Nourain (“Mr. Banda”) before the International Criminal Court (ICC) respectfully requests the authorisation of the Trial Chamber to withdraw from his representation of Mr. Banda in case ICC-02/05-03/09.
2. Lead Counsel submits this request to withdraw as counsel further to his appointment, on 31 May 2018, as the United Nations Special Advisor and Head of the Investigative Team established pursuant to Security Council Resolution 2379 (2017). The nature of and responsibilities arising from this new mandate will result in Lead Counsel being unavailable to continue to represent Mr. Banda in the present case.
3. Lead Counsel respectfully advises the Chamber that further to discussions between Lead Counsel and the Counsel Support Section (CSS), if the Chamber is minded to grant this withdrawal request, Chief Charles Achaleke Taku, who was appointed an Associate Counsel on the Defence Team effective 11 July 2018,¹ is available and may be appointed as Lead Counsel for Mr. Banda in case ICC-02/05-03/09.
4. In view of the Trial Chamber’s decision of 11 September 2014² which, *inter alia*, vacated the date of trial and suspended preparatory measures for Mr. Banda’s trial until Mr. Banda’s appearance before the Court, Lead Counsel submits that the proposed change in the composition of Mr. Banda’s legal team will not result in any procedural delays in the case.

¹ See Confidential Annex I, containing the Chief of CSS’ letter confirming the appointment of Chief Charles Taku as an Associate Counsel on the Defence Team for Mr. Banda. This document is submitted confidentially as it contains private contact details of Chief Taku.

² ICC-02/05-03/09-606.

5. In the event this withdrawal request is granted, Lead Counsel further confirms that he shall fully comply with his obligations under the Code of Professional Conduct for counsel.

Respectfully Submitted,



Mr. Karim A. A. Khan QC
Lead Counsel
for Abdallah Banda Abakaer Nourain

Dated this 16th Day of July 2018
At New York, United States of America