

**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:

The Office of the Prosecutor

Ms Fatou Bensouda

Mr Julian Nicholls

Counsel for the Defence

Mr Karim Khan

Mr Charles Achaleke Taku

Mr Anand Ajay Shah

Legal Representatives of Victims

Ms H el ene Ciss e

Mr Jens Dieckmann

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Peter Lewis

Counsel Support Section

Mr Esteban Peralta Losilla

Victims and Witnesses Unit

Ms Nigel Verrill

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.¹
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.² 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.³ He also advises that Mr Taku be appointed as lead counsel.⁴
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.

¹ 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.

² ICC-02/05-03/09-652, with one confidential annex.

³ Request, ICC-02/05-03/09-652, para. 2.

⁴ Request, ICC-02/05-03/09-652, para. 3.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request.

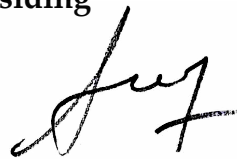
Done in both English and French, the English version being authoritative.



Judge Kimberly Prost, Presiding



Judge Robert Fremr



Judge Reine Alapini-Gansou

Dated 23 July 2018

At The Hague, The Netherlands