



Original: English

**No. ICC-02/05-03/09
Date: 11 October 2019**

TRIAL CHAMBER IV

**Before: Judge Kimberly Prost, Presiding Judge
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 Associate Counsel's Request pursuant to Regulation 78 of the
Regulations of the Court

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 Charles Achaleke Taku
Mr Anand Shah

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Defence Support Section

Mr Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

TRIAL CHAMBER IV ('Chamber') of the International Criminal Court ('Court'), in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, issues this 'Decision on Associate Counsel's Request pursuant to Regulation 78 of the Regulations of the Court'.

1. On 4 July 2018, the Registry informed the Chamber that Mr Anand Ajay Shah has been appointed as Associate Counsel for Mr Banda.¹
2. On 2 October 2019, Lead Counsel Mr Charles Achaleke Taku transmitted² Mr Shah's request to withdraw as Associate Counsel from this case ('Request').³ Mr Shah seeks the Chamber's leave to withdraw pursuant to Regulation 78(1) of the Regulations of the Court due to his new staff position at the Special Tribunal for Lebanon, which he considers to be incompatible with his mandate in this case.⁴ Lead Counsel fully supports the Request and submits that Mr Shah's withdrawal will not prejudice Mr Banda's continued representation before the Court.⁵
3. Noting Mr Shah's wish to withdraw and the reasons given, as well as Lead Counsel's assurances that Mr Banda's representation would not be prejudiced, the Chamber finds it reasonable to grant the Request. Nonetheless, the Chamber reminds Mr Shah of his continuing obligations under the Code of Professional Conduct for Counsel.

FOR THESE REASONS, THE CHAMBER HEREBY

GRANTS the Request.

¹ Registration of the appointment of Mr Anand Ajay Shah as Associate Counsel for Mr Abdallah Banda Abakaer Nourain, ICC-02/05-03/09-651.

² Submission of associate counsel's Request pursuant to Regulation 78 of the Regulations of the Court, ICC-02/05-03/09-665.

³ Annex 1 to the Submission of associate counsel's Request pursuant to Regulation 78 of the Regulations of the Court, ICC-02/05-03/09-665-Anx1.

⁴ ICC-02/05-03/09-665-Anx1, para. 1.

⁵ ICC-02/05-03/09-665, para. 2.

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



Judge Robert Fremr



Judge Kimberly Prost
Presiding Judge



Judge Reine Alapini-Gansou

Dated this Friday, 11 October 2019

At The Hague, The Netherlands