

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-02/05-01/20**

Date: **14 October 2021**

TRIAL CHAMBER I

Before: Judge Joanna Korner, Presiding Judge
Judge Reine Alapini-Gansou
Judge Althea Violet Alexis-Windsor

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR *v.* ALI MUHAMMAD ALI ABD-AL-RAHMAN
(‘ALI KUSHAYB’)**

Public

Request for permission to withdraw as a legal representative of victims and to transfer copies of the case file, including confidential victim information, to replacement counsel

Source: Amal Clooney

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

The Office of the Prosecutor

Mr Karim A.A. Khan
Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci
Mr Iain Edwards

Legal Representatives of the Victims

Ms Natalie von Wistinghausen
Ms Paolina Massidda
Mr Nasser Mohamed Amin Abdalla

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Ms Sarah Pellet
Ms Ludovica Vetrucchio

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Mr Philipp Ambach

Other

Ms Amal Clooney

I. Introduction

1. These submissions are made in response to the Order of 11 October 2021 on legal representation of victims and further to the Trial Chamber's instructions of 14 October 2021.¹

II. Procedural History

2. Pre-Trial Chamber II admitted 151 victims to participate in 'the confirmation proceedings' at the pre-trial stage.² At that stage, Ms Clooney was appointed to represent 126 of the victims as a 'joint legal representative' with Mr Nasser Amin.³ The other 25 were represented by Ms Paolina Massidda from the Office of Public Counsel for Victims (OPCV).⁴ The Pre-Trial Chamber determined that 'it would be premature ... to set in motion the formal selection process for one or more common legal representatives' under rule 90 of the Court's Rules of Procedure and Evidence at that stage.⁵

3. On 21 September 2021, Ms Clooney informed the Trial Chamber that she had been appointed Special Adviser to the Prosecutor and did not seek appointment as legal representative of victims 'during the trial or any other phase of this case'.⁶ She also stated that '[all] victims who have been consulted so far have indicated that they would like to appoint Ms von Wistinghausen as replacement counsel'.⁷

4. As of 8 October, all of the 117 victims who had selected Ms Clooney as their sole legal representative at the pre-trial stage had terminated her mandate and confirmed

¹ *Abd-al-Rahman*, TC I, Order on victims' legal representation, 11 October 2021 ([ICC-02/05-01/20-482](#)); email from Cynthia Chamberlain (on behalf of Trial Chamber I) dated 14 October 2021 (09:30).

² *Abd-Al-Rahman*, PTC II, Decision of 20 May 2021 ([ICC-02/05-01/20-398](#)), page 22; Annex to Decision of 20 May 2021 ([ICC-02/05-01/20-398-Anx-Corr](#)).

³ *Ibid.*

⁴ *Ibid.*

⁵ *Abd-Al-Rahman*, PTC II, Decision of 21 January 2021 ([ICC-02-05-01/20-259](#)), §37.

⁶ *Abd-Al-Rahman*, Submissions on the issue of legal representation of victims, 21 September 2021 ([ICC-02/05-01/20-474](#)), §6.

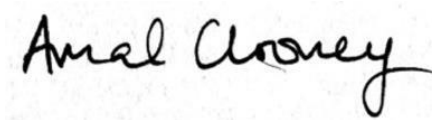
⁷ *Ibid.*, fn 12.

Ms von Wistinghausen as their choice of counsel going forward,⁸ pending the Trial Chamber's determination of common legal representation at trial.

III. Submissions

5. In light of the pronouncement regarding the applicability of Article 16(3) of the Code of Professional Conduct for counsel ('Code') in the Chamber's Order of 11 October 2021, counsel respectfully requests, for the reasons set out in her previous submissions, permission from the Chamber to withdraw as a legal representative of victims in this case.⁹

6. Counsel also seeks permission to transfer copies of the case file, including confidential victim information, to replacement counsel as determined by the Chamber and contemplated by Articles 8 and 18(5) of the Code.



Amal Clooney

Dated this 14th day of October 2021

⁸ *Abd-Al-Rahman*, Registry, Annex A to the Transmission of "Submissions on legal representation of victims" dated 12 October 2021 ([ICC-02/05-01/20-484-AnxA](#)), §9.

⁹ *Abd-Al-Rahman*, TC I, Order on victims' legal representation dated 11 October 2021 (ICC-02/05-01/20-482) ([ICC-02/05-01/20-482](#)), §9.