

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/12-01/18**

Date: **28 June 2022**

TRIAL CHAMBER X

Before: Judge Antoine Kesia-Mbe Mindua, Presiding
Judge Tomoko Akane
Judge Kimberly Prost

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD**

Public

Request for Leave to Withdraw

Source: Defence for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

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

The Office of the Prosecutor

Karim Khan QC
James Stewart
Gilles Dutertre

Counsel for the Defence

Melinda Taylor
Michiel Pestman

Legal Representatives of the Victims

Seydou Doumbia
Mayombo Kassongo
Fidel Luvengika Nsita

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
Pieter Vanaverbeke

States Representatives

Amicus Curiae

REGISTRY

Registrar
Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and
Reparations Section**

Other

1. In accordance with Regulation 78(1) of the Regulations of the Court, I hereby respectfully request leave to withdraw as Associate Counsel for Mr Al Hassan in the case of *Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (ICC-01/12-01/18) with immediate effect.
2. I submit this request with the consent of both Mr. Al Hassan and Lead Counsel.
3. According to Article 16 of the Code of Professional Conduct for Counsel, Counsel shall seek leave of the Chamber to withdraw from representation of the client if a conflict of interests arises between the client and any other person.
4. A conflict of interests has indeed arisen between Mr. Al Hassan and a person who was represented by a colleague of mine at my law firm in Amsterdam, *Prakken d'Oliveira Human Rights Lawyers*. I have informed the Prosecutor about the nature of the conflict and of the fact that under the Dutch Code of Conduct, conflicting interests can also arise between clients represented by different advocates within the same law firm.ⁱ As indicated in Article 16, I sought but failed to obtain the full and informed consent of the potentially affected clients.
5. As I am no longer able to discharge my professional obligations to Mr Al Hassan, it is necessary for me to seek the Chamber's leave to withdraw.
6. After my withdrawal from representation, I will continue to adhere to all relevant provisions of the ICC Code of Professional Conduct for Counsel concerning confidentiality and record-keeping as provided in Articles 8, 15 and 17, as well as the relevant provisions of the Dutch Code of Conduct.



Michiel Pestman

Associate Counsel for Mr Al Hassan

28 June 2022

The Hague, The Netherlands

ⁱ Gedragsregel 15, Gedragsregel advocatuur,
<https://regelgeving.advocatenorde.nl/content/gedragsregels-advocatuur>