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No.: ICC-02/05-03/09
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TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Fatoumata Dembele Diarra
Judge Silvia Fernandez de Gurmendi

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR *v.* ABDALLAH BANDA ABAKAER NOURAIN
AND SALEH MOHAMMED JERBO JAMUS**

Public Document

Common Legal Representative's proposal to reclassify the "Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d'une représentation légale commune" with Annexes 1 and 2

Source: Ms Hélène Cissé, Common Legal Representative , Principal Counsel
Mr Jens Dieckmann, Common Legal Representative, Associate Counsel

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

The Office of the Prosecutor
Mr Louis Moreno Ocampo

Counsel for the Defence
Mr Karim A.A. Khan

Legal Representatives of Victims
Ms Hélène Cissé
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**

States Representatives

Amicus Curiae

REGISTRY

Registrar
Ms. Silvana Arbia
Deputy Registrar
Mr Didier Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other
Sir Geoffrey Nice QC and Mr Rodney
Dixon

I. Outline of the Procedure

1. In the context of the process of preparing the case for trial, the Registrar drafted a report dated 15 April 2011 recommending that common legal representation be arranged.¹
2. On 25 August 2011, the Registrar submitted to the Chamber its "Proposal for the common legal representation of victims"² and an "Addendum to the Proposal for the common legal representation of victims" on 26 August 2011.³
3. By its "Order inviting the Registrar to appoint a common legal representative"⁴ dated from 6 September 2011, Trial Chamber IV invited the Registrar to appoint a common legal representative of the victims in this case.
4. By submission dated 14 September 2011, the Registrar of the International Criminal Court informed Trial Chamber IV of the appointment of Ms Hélène Cissé as Common Legal Representative, Principal Counsel, and Mr Jens Dieckmann as Common Legal Representative, Associate Counsel of all victims participating in this proceeding.⁵
5. On 30 September 2011, Sir Geoffrey Nice QC and Mr Rodney Dixon submitted a "Request of Victims a/1646/10 and a/1647/10 for the Trial Chamber to review the Registry's 'Notification of appointment of common legal representatives of victims' in accordance with Regulation 79(3)" with Annexes 1 to 6.⁶
6. On 12 October 2011, the Common Legal Representatives filed their confidential "Observations en réponse à la requête aux fins de réexamen

¹ ICC-02/05-03/09-134, 15 April 2011.

² ICC-02/05-03/09-203, 25 August 2011.

³ ICC-02/05-03/09-204-Conf-Exp, 26 August 2011.

⁴ ICC 02/05-03/09-209, 6 September 2011.

⁵ ICC-02/05-03/09-215, 14 September 2011.

⁶ ICC-02/05-03/09-228, 30 September 2011.

de la proposition de désignation d'une représentation légale commune" with confidential Annexes 1 and 2 and public Annexes 3 to 6.⁷

7. Sir Geoffrey Nice QC and Mr Rodnex Dixon submitted their public "Application on behalf of Victims a/1646/10 and a/1647/10 for Leave to Reply to the 'Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d'une représentation légale commune' filed on 12 October 2011", dated from 24 October 2011.⁸
8. Pursuant to Trial Chamber's public "Order on the application on behalf of victims a/1646/10 and a/1647/10 for leave to reply" ("Order"), dated from 31 October 2011⁹, which granted the victim's application for leave to reply and allowing them to file this Reply until 4 November 2011, Sir Geoffrey Nice QC and Mr Rodney Nice filed on 4 November 2011 a public "Reply to the 'Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d'une représentation légale commune' filed on 12 October 2011".¹⁰

II. Submission

9. Since all filings submitted by and through Sir Geoffrey Nice QC and Mr Rodney Dixon with regard to the appointment of the Common Legal Representatives for the victims a/1646/10 and a/1647/10 after the 30 September 2011 are public, and since also the Order is public, and considering the paramount principle of publicity of the proceedings before the International Criminal Court due to article 67 of the Statute of the Court, the Common Legal Representatives propose that the Trial Chamber order the reclassification of "Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d'une

⁷ ICC-02/05-03/09-230, 12 October 2011.

⁸ ICC-02/05-03/09-238, 24 October 2011.

⁹ ICC-02/05-03/09-242, 31 October 2011.

¹⁰ ICC-02/05-03/09-246, 4 November 2011.

représentation légale commune" together with Annexes 1 and 2 due to Regulation 23*bis* (3) of the Regulations of the Court.

III. Relief Sought

10. The Common Legal Representatives respectfully propose, that the Trial Chamber order the Registrar to reclassify as "public"

- (i) the "Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d'une représentation légale commune" as well as
- (ii) the Annexes 1 and 2 of the "Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d'une représentation légale commune".

Respectfully submitted.




Mr Jens Dieckmann

Common Legal Representative, Associate Counsel

Ms Hélène Cissé,

Common Legal Representative, Principal Counsel

Dated this 7 November 2011

At Bonn, Germany