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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
&
SALEH MOHAMMED JERBO JAMUS

Public Document

**Corrigendum 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**

Source: Victims represented by Sir Geoffrey Nice QC and Rodney Dixon

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

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A. Introduction

1. The Legal Representatives for Victims a/1646/10 and a/1647/10 file this Reply to the “Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d’une représentation légale commune”¹ made by the Registry appointed common legal representatives on 12 October 2011.
2. This Reply is filed pursuant to the Trial Chamber’s “Order on the application on behalf of victims a/1646/10 and a/1647/10 for leave to reply”² which granted the victims’ application for leave to reply³ and allowed the Legal Representatives until 4 November 2011 to file this Reply.
3. The Legal Representatives note that the Trial Chamber stated in its order granting leave to reply that it would not consider the substantive arguments advanced in the victims’ application for leave to reply⁴. Mindful of the Trial Chamber’s concerns, the Legal Representatives wish to explain that the division between identifying the grounds that justify leave and the arguable grounds themselves is often difficult to draw, and that the substantive arguments set out in the victims’ application for leave of 24 October 2011 were included to demonstrate the importance of making such submissions in full in a reply. The Legal Representatives can only apologise to the Chamber if on this occasion they incorrectly drew the distinction and therefore have repeated in this Reply all arguments made in their application for leave, together with all further submissions, which respond to the observations of Ms. Cisse. The Legal Representatives submit that all of these arguments are important for the Trial Chamber to take into account when considering the victims’ request of 30 September 2011 to review the Registry’s decision on the appointment of common legal representatives.⁵

¹ Observations en réponse à la requête aux fins de réexamen de la proposition de désignation d’une représentation légale commune, ICC-02/05-03/09-230-Conf, 12 October 2011 (hereinafter “Observations of 12 October 2011”).

² Order on the application on behalf of Victims a/1646/10 and 1/1647/10 for leave to reply, ICC-02/05-03/09-242, 31 October 2011 (hereinafter “Order of 31 October 2011”).

³ 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, ICC-02/-5-03/09-238, 24 October 2011 (hereinafter “Victims’ Leave to Reply of 24 October 2011”).

⁴ Order of 31 October 2011, paras. 3-4.

⁵ Order of 31 October 2011, paras. 3-4.

4. Victims a/1646/10 and a/1647/10 ask the Chamber to find that the observations submitted by Ms. Cisse reveal that they cannot be effectively represented by her and that separate representation by their current lawyers should be ordered by the Trial Chamber. Ms. Cisse has directly challenged the credibility of the victims and has shown herself to be hostile to their interests and concerns. Victims a/1646/10 and a/1647/10 have clearly stated that they wish to be represented by their current lawyers, and especially in light of Ms. Cisse's observations are firmly of the view that they should not be represented by her. Ms. Cisse's observations show that there are good reasons for the Trial Chamber to order that the Darfuri victims are represented separately by their current lawyers. Furthermore, as submitted in the victims' application to review the Registry's decision, there are no good reasons - functional, economic, jurisdictional or other - to refuse the victims' request for separate representation. On the contrary all considerations show that separate representation would serve the interests of the victims *and* all interests, including financial, of the court.

5. There are four main allegations made by Ms. Cisse which were advanced by her *without any foundation*: (i) the victims' statements do not represent their actual views, (ii) the security concerns raised by the victims are not genuine, (iii) the interests of the Darfuri victims are the same as those of the other victims, (iv) Mr. Ansari is not to be trusted as an intermediary. Each allegation is hostile to the Darfuri victims and shows scant respect for their concerns and interests. That Ms. Cisse should make such allegations without any foundation shows an unfortunate failure by her to understand the duties owed by counsel to a court and / or to clients and / or to fellow professionals whom she carelessly traduces. Simply to make these allegations shows Ms. Cisse to be unfit to represent these victims, as a minimum, and the court may be concerned as to her ability to represent other victims whom she has been appointed to represent but whom she has yet to meet and who reside in other countries. The victims respond to each allegation in this Reply.

B. There is no basis at all to question the statements of the victims

6. Ms. Cisse has in effect accused Victims a/1646/10 and a/1647/10 and the Legal Representatives of filing false statements about their choice of representation.⁶ There

⁶ Observations of 12 October 2011, para. 34.

is nothing to support this very serious accusation. It is quite improper for Ms. Cisse to challenge the honesty of the victims and their Legal Representatives without any evidence.

7. The issue of their representation is plainly a very important one for victims a/1646/10 and a/1647/10, given their vulnerable and sensitive position and the rift Ms.Cisse *herself* creates between them and the lawyers *now* appointed to represent their best interests by the Registry.⁷
8. The hostility that she has shown them (for no discernable reason) should not be ignored. Ms. Cisse appears to adopt a similar view to that of the Registry (now that she has been appointed as the Common Representative) that the victims' statements are not to be trusted, but this was not a view she expressed *in any way to anyone* before she was appointed by the Registry when she *challenged* the Registry's argument that the proposal on common representation put forward by all the victims was not based on their views.⁸ It is an extraordinary accusation to make now against people who are to be her own clients, whom the chamber has recognised as qualifying as victims but who have never been spoken to directly by the Registry (despite all best efforts made by counsel and Mohamed Ansari to facilitate this) or by Ms Cisse. It reflects prejudice and manifests a complete disregard for the rights of the ordinary citizen in Sudan as envisaged in the Rome Statute.
9. The Legal Representatives for victims a/1646/10 and a/1647/10 submit that the victims have been eager to speak with the Registry to voice their preference for representation, and the Legal Representatives for victims a/1646/10 and a/1647/10 have taken steps to facilitate any method which could assist the Registry in communicating with the victims; including video conferencing between the Registry

⁷ Consideration of the position of a defendant represented by a court appointed lawyer may be of assistance. In any case – and in any country with a developed legal system – revelation of lack of confidence by the lawyer in the client defendant or by the client defendant in his lawyer would *have* to be investigated by the court before allowing the trial to proceed. Without proper investigation it could have no confidence in the lawyer properly representing the defendant in the interest of the trial process. The Trial Chamber may recall how in the *Milosevic* case before the ICTY the court appointed Amicus Curiae, Michail Wladimiroff, expressed public doubts about the strength of the accused's case and was forthwith removed by the court from further involvement in the case. The principle applied in the case of a court *amicus*, whose duty to a defendant is indirect and to an extent impersonal, must apply, *a fortiori*, where expressions of mistrust and disbelief are voiced by a lawyer about the very person she is supposed to represent *directly and personally*. See 'Decision Concerning an Amicus Curiae', IT-02-54, Trial Chamber, 10 October 2002.

⁸ See Joint Victims' Observations on the Registry 'Report on the organisation of common legal representation' and Request for the Joint Agreement on Common Legal Representation to be adopted pursuant to the Trial Chamber's Order, ICC-02/05-03/09-200, 22 August 2011, paras. 2, 10.

and the victims.⁹ The victims are still eager to communicate with the Court concerning their preferences and concerns about representation. If the Trial Chamber has questions concerning the victims' preferences or the genuineness of the victims' statements the victims could be contacted directly to ask their views.

8. These unjustified accusations can in no way allay the victims' concerns about new lawyers, indeed they confirm the victims' views that they should not be represented by Ms. Cisse. In all of her allegations she has not answered a primary submission of the victims that there is *no* good reason to prevent them from being represented separately when it will not in any way adversely affect the proceedings – no additional time will be required in the trial for their separate representation as the time can be shared amongst the victims and there will be no additional cost to the Court as the Darfuri victims are privately funded.
9. In addition, Ms. Cisse's change in position concerning the victims' preferences and statements is cause for concern. As noted above, Ms. Cisse asserts that the victims' statements are not to be trusted. This is not the view Ms. Cisse took before she was appointed by the Registry when she challenged the Registry's argument that the proposal on common representation put forward by all the victims was not based on their views.
10. Ms. Cisse supported the joint proposal for common representation and subsequently supported a joint filing against the Registry's claim that the joint proposal for common representation was not based on the victims' own views. Ms. Cisse's unexplained reversal of position might reflect a primary motivation that she be appointed as common representative, above the preference of her victims as revealed when she immediately withdrew from any further joint filings with the legal representatives and implied that she was never willing to support the collective proposed structure for common representation but only supported it "because I did not want to fragilize the legal representatives before the registry and the Court."¹⁰ Translating 'fragilise' as 'to make fragile' or 'to weaken' reveals in Ms Cisse the same lack of understanding of a counsel's duty to a court referred to above. If she had any doubts as to the accuracy, integrity, honesty etc of any of the representation made by other counsel on behalf of victims or by the victims themselves then it was

⁹ Legal Representatives letter to VPRS of 12 July 2011.

¹⁰ Email of Ms. Cisse to the legal representatives of 9 September 2011.

her duty – *to the court* – to reveal those doubts without reservation and without regard to her own interests.¹¹ That she failed to do so shows as a minimum the lack of understanding referred to or, unhappily, the raising of personal interest above her duty to the court and to the victims.

11. The Legal Representatives for victims a/1646/10 and a/1647/10 have consistently maintained that all submissions on the victims' behalf have been on the instruction and wishes of the victims they represent and have supplied signed statements from the victims in order to assure the Court that the Legal Representatives' actions were always at the instruction of the victims represented. This cannot be said for Ms. Cisse. Ms. Cisse has revealed that her actions may not have been taken on the instruction of victims she represents but in her own interest. In contrast, and as can be seen in her email communications with the legal representatives, the suggestion by the Legal Representatives of victims a/1646/10 and a/1647/10 that Ms. Cisse have her *original* victims sign statements attesting to their preference was met with hesitation and deflection.

12. Victims a/1646/10 and a/1647/10 submit that in light of Ms. Cisse's motivations and accusations that their statements and views are not genuine, there is no way that Ms. Cisse could fairly or adequately represent their best interests during the proceedings.

C. The victims' genuine security concerns should be taken into account

13. Ms. Cisse also questions the security concerns raised by the Darfuri victims she is now apparently willing as instructed by the Registry to represent.¹² This is an astonishing submission. There is no reason at all to challenge the victims who are in a vulnerable position in Sudan on the issue of their fears for their safety and security.

¹¹ Being able to rely on and respect the honesty and integrity of fellow counsel in court proceedings is one of the 'hallmarks' of membership of a common profession. It was an ability counsel representing these victims happily reflected in the way they accepted at face value whatever Ms Cisse said to them and in filings that represented her apparent position about representation of victims. Once counsel realises that there may be good reason not to accept all that other counsel say then their duty is to make the position clear to the court, but this can only be done on the basis of material evidence. In the allegations and insinuations made by Ms Cisse that are in contrast to her earlier positions no such material of any kind adverse to the Legal Representatives is revealed or relied on. The Legal Representatives in this case, however, have now, unhappily, been provided with material arising from Ms Cisse's own contradictory and self-serving statements that obliges them to be blunt with the Chamber about the present position and the way things actually developed.

¹² Observations of 12 October 2011, para. 37.

Ms. Cisse need only follow the reports from Darfur of continuing armed attacks to realise the seriousness of the situation.¹³

14. The Darfuri victims' reply to Ms. Cisse's baseless observations simply to ensure that the Trial Chamber is apprised of the victims' security concerns and why separate representation would be most appropriate for their specific circumstances.
15. Their sensitive security situation is one of the reasons why the victims have asked to be represented by their lawyers. These same concerns do not arise in respect of the other victims who Ms. Cisse represents at the request or instruction of Registry. The Sudanese victims have expressed their security concerns which derive in part from their residing in Sudan, a country that does not recognise and that has no relations with the ICC¹⁴ As a result of their participation in proceedings of the Court, and in response to serious security threats, the victims have been moved from Darfur to elsewhere in Sudan to ensure their safety and security.
16. It is shocking that Ms. Cisse would question without any foundation whether the security concerns of these victims of Sudan, let alone any victim, are genuine. To disregard and diminish the concerns of any victim in order to support an argument that all victims are in some way the same is wholly inconsistent with the mandate of a common legal representative and suggests strongly that the safety and security of these particular victims (at least) are not a priority of Ms. Cisse.
17. While Ms. Cisse questions the victims' safety concerns, it must be noted that the Legal Representatives for victims a/1646/10 and a/1647/10, along with Mr. Mohamed Ansari, have brought the victims' security concerns to the attention of VPRS and VWU, *inter alia*, to see how the Court could assist in providing security for these victims. Recognising the *real* security concerns of the victims, VWU has agreed to work with the Legal Representatives for victims a/1646/10 and a/1647/10 and with Mr. Mohamed Ansari to plan training for individuals working directly with victims within Sudan. In mid-November, six individuals will travel to The Hague to be trained in the best practices for communication with the victims and protective

¹³ For example see 12 Oct 11-UPDATE: *On attack in North Darfur*, UNAMID website, 12 October 2011; *Sudan: Peacekeepers Killed in North Darfur Attack*, The Nigerian Daily, 11 October 2011; *Sudan: Darfur Camps Targeted by Random Attacks*, allAfrica, 10 October 2011; and, *Darfur peacekeepers killed in Sudan attack*, BBC, 11 October 2011; *North Sudan Attacks South Sudan Border Village*, South Sudan Says, Bloomberg Businessweek, 9 June 2011; *North Sudan army takes control of Abyei*, Aljazeera, 22 May 2011.

¹⁴ Victims' Request for Review of 30 September 2011, paras. 28-34.

measures to take when working directly with the victims.¹⁵ Because VWU cannot function within Sudan to institute protective measures, the Legal Representatives for victims a/1646/10 and a/1647/10 and Mr. Ansari have sought the best solution to work with the Court to ensure the victims' safety.

D. The Darfuri victims have distinct and unique concerns and circumstances

18. Ms. Cisse argues that there is no difference between the Darfuri victims and the other victims in this case to justify separate representation. She overlooks the clear provisions of Regulation 79(2) which state that when choosing a common legal representative "*consideration should be given to the views of the victims, and the need to respect local traditions and to assist specific groups of victims*".¹⁶ The Darfuri victims are a *specific* group with distinct concerns and circumstances. Ms. Cisse offers no good reason why they should not be represented separately. If anything, her adverse observations re-enforce the need for separate representation.

19. It is correct – of course – to say that all of the victims in the camp suffered harm as a result of the same attack. But this is entirely to miss the point. The Darfuri victims have requested separate representation *not* because the harm they suffered was *different*, but because of their unique and sensitive position as citizen victims of and from Sudan, a group the Prosecutor failed, for no accountable reason, to include in the victims he identified. Their interests as victims from Sudan are clearly different from the interests of peacekeepers who do not need to live in Sudan, who do not have the desire to return to Darfur once it is safe for them to do so and who do not have the economic and associated losses of victims attacked in their own country. The Darfuri victims submit that no compelling reason has been identified for refusing them the right to be represented by counsel of their choice.

20. Furthermore, it is immediately a matter of some concern for Ms. Cisse to be readily accepting that the harm suffered by the Darfuri victims should not extend to any of the events that occurred in the town of Haskanita.¹⁷ As the Legal Representatives for the Darfuri victims have previously submitted, the broader context of the attack on

¹⁵ The training of these staff will improve the prospects of other qualifying victims coming forward to be assessed by the Chamber more easily because of the training and guidance given.

¹⁶ Regulations of the Court, Reg. 79(2).

¹⁷ Observations of 12 October 2011, paras. 19, 20, 25.

the camp may become significant in determining whether the attack *itself* was unlawful. It must be troubling that Ms. Cisse has failed to understand the forensic significance for the trial, and thus for *any* victim she represents, of this broader context.¹⁸ Moreover, the Darfuri victims have always maintained that it was most surprising that the Prosecutor did not include them, the local residents of Haskanita, as victims in the charges on account of what happened to them in the camp and in light of the destruction of their village (suggesting instead, contrary to their own experience, that local Sudanese may have collaborated with the rebel attackers¹⁹). 'International' victims have been the sole focus of suffering in this case as it has been formulated by the Prosecutor. Ms. Cisse appears not to have understood a main concern of the Darfuri victims although it might be thought - in the most general way - that interests of citizens of a conflict-torn country might attract as much or even more attention of this Court than the interests of the peacekeepers who involve themselves in the fray with their eyes open as to the risks they will face. Ms. Cisse has no capability of genuinely representing the best interests of the Darfuri victims.

21. In the Observations of 12 October 2011, Ms. Cisse seeks to make a legal argument that "the provisions of rule 90(1) are not to be regarded in absolute terms and can be consistent with the criteria set out in rule 90(2) and (3)".²⁰ Ms. Cisse's assertion is not only legally flawed and based on no legal support, but contrary to her stated position before she was appointed as common legal representative.

22. As the common legal representative appointed to represent the interests of the victims, Ms. Cisse argues that Rule 90(1)'s provision that "A victim shall be free to choose a legal representative" is not absolute. Ms. Cisse asserts that the victim's preference is in reality subject to Registry's choice of a common legal representative. Ms. Cisse relies on "the reaction of the former legal representatives from Nigeria and Mali ... to accept the common legal representatives"²¹ as her support for this legal contention.

¹⁸ Observations by the Legal Representatives for Victims a/1646/10 and a/1647/10 on the 'Joint Submission by the Office of the Prosecutor and the Defence Regarding the Contested Issues at the Trial of the Accused Persons' and the 'Agreement as to evidence pursuant to Rule 69 of the Rules of Procedure and Evidence between the Defence of Messrs Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus and the Office of the Prosecutor, ICC-02/05-03/09-194, 8 August 2011, paras. 5-9.

¹⁹ *Id.*, at para. 4.

²⁰ Observations of 12 October 2011, para. 32.

²¹ Observations of 12 October 2011, para. 32.

23. Ms. Cisse's legal assertion is in contrast to the strong position she took in her communications with the legal representatives before she was appointed the common legal representative. In helping draft the Joint Observations on the Registry's Report of 22 August 2011,²² Ms. Cisse *insisted* that the filing tell the Court that the Registry met with the victims of Senegal, Mali and Nigeria to "ask them to choose freely their legal representatives", and that the victims would not understand that they are not consulted for any change in representation and would regard it as "a total lack of respect from the Court to do so".²³

24. Ms. Cisse's legal argument made in her Observations of 12 October 2011 misinterprets the intent of Rule 90 and undermines the interests of the victims. Ms. Cisse's assertion ignores Rule 90(2)'s language which allows the victims "to choose a common legal representative or representatives" and with the assistance of the Registry only "if necessary."²⁴ The Registry's assistance to the victims stipulated in Rule 90(2) upholds the victims' right freely to choose their counsel by stating that the Registry may provide assistance by "referring the victims to a list of counsel" so that the victims can choose their counsel themselves. Rule 90(2) and (3) do not diminish the right of the victims freely to choose a legal representative, but rather uphold the principle that the victims' choice must be heard first.

E. There is no basis at all to question Mr. Ansari's involvement

25. Ms. Cisse has accused Mr. Ansari of not being capable of representing the interests of the victims.²⁵ This is another completely misguided and offensive allegation. The victims would not have the opportunity to participate before the ICC if it had not been for Mr. Ansari and all of his efforts to ensure that they could be represented before the ICC. The reality may be that it will be quite impossible for the victims to continue to participate without Mr. Ansari's involvement, something the Court may have to decide as a specific issue and for which it might have to articulate a specific, practical, realistic protocol in the event that it leaves Ms. Cisse as the appointed representative. Mr. Ansari has acted professionally, openly and with dedication in all

²² Joint Victims' Observations on the Registry 'Report on the organization of common legal representation' and Request of the Joint Agreement on Common Legal Representation to be adopted pursuant to the Trial Chamber's Order, ICC-02/05-03/09-200, 22 August 2011.

²³ Email from Ms. Cisse to the legal representatives of 22 August 2011.

²⁴ Rule 90(2).

²⁵ Observations of 12 October 2011, para. 41, See also, paras. 34-41.

of his dealings with the ICC. It is hoped that the Registry, and in particular the VPRS, will confirm that this is the case. There has not been a single complaint made about his work or that of the Legal Representatives.²⁶

26. On the contrary he has sought to involve ordinary Sudanese citizens in the work of the ICC at every turn through, *inter alia*, victim representation, coordinating training sessions for Sudanese investigations at the ICC²⁷, and - most recently - organising workshops at the ICC for persons involved in victim protection in Sudan.²⁸

27. Mr. Ansari has worked tirelessly to ensure the safety of the Sudanese victims and to work within the structures of the ICC to enhance the victims' participation and protection. As noted above, Mr. Ansari along with the Legal Representatives of victims a/1646/10 and a/1647/10 have consistently consulted with VPRS and VWU about a proper safety protocol and support for the victims, and at the recommendation of VPRS and VWU have organised protective measures training for individuals working on the ground with the victims to take place this month.²⁹

28. Ms. Cisse has also misrepresented the work of his organisation, SIDG.³⁰ She has adopted the views expressed by the Prosecution and Defence in questioning Mr. Ansari and the Legal Representatives' ability to represent the victims. None of these

²⁶ If any reservations have been expressed about either Mr Ansari or about the Legal Representatives that have *not* been passed on they should be conveyed now, identifying by whom and to whom made. One of the problems of the complex and seemingly 'private' structures of the ICC is that, to outsiders such as the victims generally in this case, there may be the appearance of the different organs of the Court communicating unseen to the detriment of open justice. There is no reason to believe that this has happened here but *any* concerns expressed within the ICC about the overall representation of interests in the Sudan case by the Legal Representatives and / or by Mr Ansari should be made public. The fact that the Sudanese government and President do not recognise the ICC for the purposes of the case against the President makes the willingness of SWTUF and SIDG – by whom the victims are funded – and the victims themselves to work *within* the ICC structures and rules of very great significance and of great potential value to the development of the ICC and of international law generally. Where SWTUF, SIDG and Mr Ansari lead others may follow and any hint of insincerity on any of their parts by any organ of the ICC should be revealed as openly as have the general and particular interests and concerns of SWTUF and SIDG - as well as of the victims - been illuminated for all to see.

²⁷ Letter from Geoffrey Nice QC and Rodney Dixon to VPRS, 8 August 2011.

²⁸ Meeting with WVU and Mr. Ansari on 13 October 2011 to discuss and plan 'good practices' and witness protection training. Subsequent emails with WVU on 17, 20 and 21 October 2011 have initiated concrete plans and details for the trainings.

²⁹ Email communication with VPRS, VWU and the Public Information and Documentation Section has resulted in plans being made for the training to be conducted on 23 and 24 November 2011.

³⁰ Observations of 12 October 2011, para. 38.

submissions has been accepted by the Court.³¹ It is most unfortunate that Ms. Cisse has merely chosen to ‘parrot’ the Prosecution and Defence in this case.

29. In addition, Ms. Cisse has misrepresented to the Court the mission and purpose of SIDG in her Observations of 12 October 2011.³² Ms. Cisse fails to mention SIDG’s clear statement on the SIDG website which states that SIDG “fully respect the court while ensuring that the views and interests of the victims it represents are put before the court. SIDG looks forward to contributing constructively to these judicial proceedings.”³³ SIDG has never “oppose[d] the ICC’s involvement in the war crimes committed in Darfur” as Ms. Cisse would like the Court to believe. SIDG and the Legal Representatives have never stated that serious crimes were not committed in Darfur and has never advocated for impunity or against the ICC pursuing accountability. SIDG has never been critical of the ICC as an institution and has only sought to participate in and support the Court through the Court’s proper procedures. SIDG campaigns have only legitimately raised the concern that the ICC Prosecutor’s methods of pursuing accountability in Sudan could jeopardise the peace and security of the Darfur region.

30. It is inappropriate for Ms. Cisse to use this legitimate concern of SIDG to imply that Mr. Ansari has not acted with total respect for the procedures and goals of the Court and in the best interests of the victims.

31. It has to be stated plainly that for an advocate to change from the position Ms. Cisse took when she may have felt herself at risk of losing the work of representing *some* victims to the position she now takes is to reveal an advocate unsuited to the task of appearing for victims at all and possibly an advocate who simply does not understand the duties of absolute good faith owed to the court that take precedence over any personal interests. If she can so easily change her own expression of view for seemingly personal reasons before she has ever met the very people she is appointed to represent how can she be entrusted with representation of *any* victims’ interests? And it is not known whether in interview for the position she now holds she revealed her earlier stance, revealed above. The Legal Representatives for these two victims made their historic, current and prospective positions entirely clear in interview and

³¹ Confirmation of Charges Hearing, ICC-02/05-03/09-T-9-Red-ENG CT WT, 8 December 2010, pg. 4, ln. 12-15.

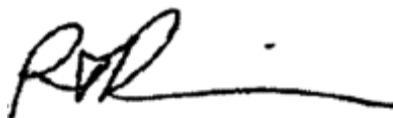
³² Observations of 12 October 2011, para. 38.

³³ SIDG website, Mission Statement, <http://sidgsudan.org/mission-statement/>

would have cleaved unswervingly to the positions they took and the offers of assistance they made.³⁴

F. Conclusion

32. For all of these reasons victims a/1646/10 and a/1647/10 respectfully request the Trial Chamber (i) to review the Registry's decision to remove their Legal Representatives and (ii) to allow their current Legal Representatives to continue representing them at trial.



Sir Geoffrey Nice QC
Rodney Dixon
Legal Representatives of the Victims

Dated 4th November 2011
London, United Kingdom

³⁴ They made clear the difficulties that joint representation could involve, their adherence to the joint plan advanced by all victims' representatives then in place, their willingness to perform any overall supervision function that might be assigned and their willingness to cooperate with any others appointed to represent all victims, all to the best of their abilities.