

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No. ICC-01/14-02/18

Date: 7 February 2019

PRE-TRIAL CHAMBER II

Before:

Judge Antoine Kesia-Mbe Mindua, Presiding Judge

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR* V. PATRICE-EDOUARD NGAÏSSONA**

Public

Decision on Withdrawal of Counsel

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

The Office of the Prosecutor
Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Counsel for the Defence
Eric Plouvier

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**
Xavier-Jean Keïta

States Representatives

Other

REGISTRY

Registrar
Peter Lewis

Counsel Support Section
Esteban Peralta Losilla

Victims and Witnesses Unit

Detention Section
Paddy Craig

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER II (the “Chamber”) of the International Criminal Court (the “Court”) issues this decision on withdrawal of counsel.

1. On 7 December 2018, the Chamber issued a warrant of arrest against Patrice-Edouard Ngaïssona¹ who was surrendered to the Court on 23 January 2019.
2. On 24 January 2019, the Registry informed the Chamber that Mr Eric Plouvier (“Mr Plouvier”) had been appointed as counsel by Patrice-Edouard Ngaïssona to represent him in the proceedings before the Court.²
3. On 25 January 2019, Patrice-Edouard Ngaïssona made his initial appearance before the Chamber.
4. On 6 February 2019, the Chamber received the “Requête aux fins de retrait du conseil”³ (the “Request”) in which Mr Plouvier seeks the Chamber’s leave to withdraw as counsel for Patrice-Edouard Ngaïssona. In support of his request Mr Plouvier submits that he is unable to handle the case with the required due diligence and cites to a potential conflict of interest with his functions as a member of the Fédération internationale des ligues des droits de l’homme.⁴
5. The Chamber notes article 67(1)(d) of the Rome Statute (the “Statute”), regulations 23bis and 78 of the Regulations of the Court and articles 8, 15(2), 17(2), 18(3) and 19 of the Code of Professional Conduct for counsel (the “Code of Conduct”).
6. The Chamber notes further the reasons that underpin the Request and authorises Mr Plouvier to withdraw from the present case as lead counsel. The withdrawal shall take effect as of 12 February 2019, after Mr Plouvier has submitted the requested observations concerning the joinder of the cases against Patrice-Edouard Ngaïssona

¹ Pre-Trial Chamber II, Warrant of Arrest for Patrice-Edouard Ngaïssona, 7 December 2018, ICC-01/14-02/18-2-US-Exp. A public redacted version of the warrant was issued on 13 December 2018, ICC-01/14-01/18-2-Red.

² ICC-01/14-02/18-13, para. 1.

³ ICC-01/14-02/18-26-Corr.

⁴ Request, para. 5.

and Alfred Yekatom.⁵ Furthermore, the Chamber reminds Mr Plouvier that he remains subject to articles 8, 15 and 17, 18 (2) and (3) and 19 of the Code of Conduct.

7. The Registrar is directed to take immediate steps, pursuant to rules 20-22 of the Rules of Procedure and Evidence, to facilitate the selection and appointment of counsel for Patrice-Edouard Ngaïssona.

FOR THESE REASONS, THE CHAMBER HEREBY

- a) **GRANTS** the Request in accordance with paragraph 6 above;
- b) **ORDERS** the Registrar to take immediate steps to facilitate the selection and appointment of new counsel for Patrice-Edouard Ngaïssona.

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



**Judge Antoine Kesia-Mbe Mindua,
Presiding Judge**



Judge Tomoko Akane



Judge Rosario Salvatore Aitala

Dated this Thursday, 7 February 2019

At The Hague, The Netherlands

⁵ Pre-Trial Chamber II, Order seeking observations on the feasibility of joining the cases against Alfred Yekatom and Patrice-Edouard Ngaïssona, 28 January 2019, ICC-01/14-02/18-16, p. 4.