

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

No.: **ICC-02/05-03/09**

Date: **2 October 2019**

TRIAL CHAMBER IV

Before: Judge Kimberly Prost, Presiding Judge
Judge Robert Fremr
Judge Reine Alapini-Gansou

SITUATION IN THE DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN***

**Confidential and *Ex parte*
only available to the Defence, Registry and Prosecution
with Confidential and *Ex parte* Annex 1**

**Submission of associate counsel's Request pursuant to Regulation 78 of the
Regulations of the Court**

Source: Defence Team of Abdallah Banda Abakaer Nourain

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

The Office of the Prosecutor

Ms. Fatou Bensouda

Mr. Julian Nicholls

Counsel for the Defence

Chief Charles Achaleke Taku

Mr. Anand Shah

Legal Representatives of the Victims

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**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr. Peter Lewis

Counsel Support Section

Dr. Esteban Peralta-Losilla

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The defence for Mr. Abdallah Banda Abakaer Nourain respectfully submits as Annex 1, associate counsel Mr. Anand Shah's request pursuant to Regulation 78(1) of the Regulations of the Court ("Request").
2. Lead Counsel for Mr. Banda fully supports Mr. Shah's request for leave to withdraw from the present case for the reasons set out in the Request. Lead Counsel notes that the Trial Chamber's determination of the Request will assist Lead Counsel in efficiently proceeding with his "manage[ment] and organiz[ation] [of] the limited resources available to the Defence given the current status of proceedings against Mr. Banda".¹ Lead Counsel further avers that Associate Counsel's withdrawal will not prejudice Mr. Banda's continued representation before the Court, including in respect of the indicated status conference that shall be scheduled in due course by the Trial Chamber.²
3. Pursuant to Regulation 23*bis* of the Regulations of the Court, this filing and Annex 1 hereto is submitted confidential and *ex parte* available to the Defence, Registry and Prosecution only, as it refers to information and filings that are so classified.

Respectfully Submitted,



Chief Charles Achaleke Taku
Lead Counsel
for Abdallah Banda Abakaer Nourain

Dated this 2nd Day of October 2019
At Maryland, United States of America

¹ Associate Counsel's Request to be appointed as Lead Counsel pursuant to Regulation 76 of the Regulations of the Court, ICC-02/05-03/09-658-Conf-Exp (redacted confidential *ex parte* version, available to the Defence, Prosecution and Counsel Support Section, notified on 19 September 2019), para. 33.

² Decision on Associate Counsel's Request to be appointed as Lead Counsel pursuant to Regulation 76 of the Regulations of the Court, 25 September 2019, ICC-02/05-03/09-664-Conf-Exp, para. 13.