



Original: English

No.: ICC-01/11-01/11
Date: 18 December 2019

PRE-TRIAL CHAMBER I

Before: Judge Péter Kovács, Presiding Judge
Judge Marc Perrin de Brichambaut
Judge Reine Alapini-Gansou

SITUATION IN LIBYA

IN THE CASE OF

THE PROSECUTOR V. SAIF AL-ISLAM GADDAFI

PUBLIC

Redacted Version of "Request Pursuant to Regulation 78(1) of the Regulations of the Court" filed on 5 December 2019

Source: Dato' Shyamala Alagendra

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 Dr. Saif Al Islam Gadafi
Mr. Essa Faal
Mr. Aidan Ellis

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims**Unrepresented Applicants
(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

Mr. Peter Lewis

Counsel Support Section

Dr. Esteban Peralta Losilla

Victims and Witnesses Unit**Detention Section****Victims Participation and Reparations
Section****Other**

Dato' Shyamala Alagendra

1. Pursuant to Regulation 78(1) of the Regulations of the Court, Shyamala Alagendra respectfully requests the authorisation of the Pre-Trial Chamber to formally withdraw from her representation as Lead Counsel for Dr. Saif Al-Islam Gadafi ("Dr. Gadafi") before the International Criminal Court in respect of his admissibility challenge in case ICC-01/11-01/11.
2. Following consultations with Dr. Gadafi, and by mutual agreement, it was agreed that Associate Counsel Mr. Essa Faal would act as effective lead counsel since 1 August 2018, pending his formal appointment as Lead Counsel. As of that date Dr. Gadafi's legal team has worked under the primary direction of Mr. Essa Faal. This is evidenced by the fact that Mr. Faal has signed all filings since that date and had led the Defence Team during the hearings before the Appeals Chamber on 11 and 12 November 2019.¹
3. The formal appointment of Mr. Faal as Dr. Gadafi's Lead Counsel was delayed [redacted]. The Defence received the duly signed and notarised power of attorney [redacted]. A copy of this Letter of Appointment and Power of Attorney is annexed to this request as **Confidential Annex A.**²
4. This planned change in the composition of Dr. Gadafi's legal team will ensure continuity in Dr. Gadafi's legal representation before the Court and will not cause any delays in the Appeals Chamber's determination on Dr. Gadafi's appeal³ of the Pre-Trial Chamber's "Decision on the 'Admissibility Challenge by Dr. Saif Al-Islam Gadafi pursuant to Articles 17(1)(c), 19 and 20(3) of the Rome Statute'".⁴

¹ Examples include the following Defence filings : ICC-01/11-01/11-648, ICC-01/11-01/11-650, ICC-01/11-01/11-655 and ICC-01/11-01/11-660-Conf

² Translation of the Notary's Stamp is annexed to the request as **Confidential Annex B**

³ ICC-01/11-01/11-663 and ICC-01/11-01/11-669.

⁴ ICC-01/11-01/11-662, 5 April 2019. The "Separate concurring opinion by Judge Marc Perrin de Brichambaut" was issued on 8 May 2019 (ICC-01/11-01/11-662-Anx).

5. In the event this withdrawal request is granted, Ms. Alagendra further confirms that she shall fully comply with her obligations under the Code of Professional Conduct for counsel.
6. Pursuant to Regulation 23*bis*(1) of the Regulations of the Court, this filing and the annexes hereto are classified as confidential as they contain sensitive information concerning Dr. Gadafi's legal representation and his security situation.

Respectfully Submitted,



Dato' Shyamala Alagendra

Dated this 18th Day of December 2019
At Nairobi, Kenya