



Original: English

No. ICC-01/12-01/18

Date: 5 June 2020

TRIAL CHAMBER X

Before: Judge Kimberly Prost, Single Judge

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD***

Public

Decision on Associate Counsel's request to withdraw

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

The Office of the Prosecutor

Fatou Bensouda
James Stewart

Counsel for the Defence

Melinda Taylor
Marie-Hélène Proulx
Thomas Hannis

Legal Representatives of Victims

Seydou Doumbia
Mayombo Kassongo
Fidel Luvengika Nsita

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**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Esteban Losilla Peralta

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Kimberly Prost, acting as Single Judge of Trial Chamber X of the International Criminal Court, in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, having regard to Regulation 78(1) of the Regulations of the Court, issues the following ‘Decision on Associate Counsel’s request to withdraw’.

1. On 30 September 2019, Pre-Trial Chamber I confirmed charges against Mr Al Hassan of crimes against humanity and war crimes, allegedly committed in Timbuktu, Mali.¹
2. On 6 January 2020, Trial Chamber X issued a decision *inter alia* setting the commencement date of the trial on 14 July 2020.²
3. On 4 March 2020, one of the Associate Counsels for Mr Al Hassan, Ms Sarah Bafadhel, submitted a request to withdraw from this case with immediate effect.³
4. On 6 March 2020, the Single Judge of Trial Chamber X issued a decision granting leave to Ms Bafadhel to withdraw from the case with immediate effect.⁴
5. On 19 March 2020, the Registry issued the notification of the appointment of Mr Hannis as Associate Counsel for Mr Al Hassan, after he had executed the solemn undertakings as required by Articles 5 and 22(3) of the Code of Professional Conduct for Counsel.⁵ The Registry reported that, on 12 March 2020, the Defence Counsel for Mr Al Hassan had appointed Mr Thomas Hannis as Associate Counsel and that, not being previously admitted to the List of Counsel (the ‘List’), the Registry had provisionally admitted Mr Hannis to the List on the basis of the submitted documents; this provisional submission was

¹ Rectificatif à la Décision relative à la confirmation des charges portées contre Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, ICC-01/12-01/18-461-Conf (a corrected version of the decision was filed on 8 November 2019, ICC-01/12-01/18-461-Conf-Corr; a public redacted version of the decision was filed on 13 November 2019, ICC-01/12-01/18-461-Conf-Corr-Red).

² Decision Setting the Commencement Date of the Trial, ICC-01/12-01/18-548.

³ Request for Withdrawal, ICC-01/12-01/18-626.

⁴ Decision on Associate Counsel’s request to withdraw, ICC-01/12-01/18-637.

⁵ Notification of the Appointment of Mr Thomas Hannis as Associate Counsel for Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, ICC-01/12-01/18-675 (the ‘Notification’).

subject to the submission of all outstanding documents by 17 June 2020.⁶ The Registry also reported that the appointment of Mr Hannis as Associate Counsel was formalised on 18 March 2020, subject to the finalisation of his inclusion in the List by the given due date.⁷

6. On 3 June 2020, Mr Thomas Hannis submitted a request to withdraw from this case as of 15 June 2020.⁸ The request indicates that both Mr Al-Hassan and Lead Counsel have given their consent, taking into account that the Associate Counsel had been appointed on a part-time basis, and that trial proceedings have yet to commence.⁹
7. Having considered that Lead Counsel continues to represent the accused, with Ms Proulx also having taken responsibilities as Co-Counsel, and given due regard to the fact that the request is submitted with the consent of both Lead Counsel and Mr Al Hassan, the Single Judge considers that no undue prejudice arises or inconvenience is caused by accepting the withdrawal.
8. The Single Judge reminds Mr Hannis that he remains subject to Articles 8, 15 and 17-18 of the Code of Professional Conduct for Counsel.

⁶ Notification, ICC-01/12-01/18-675, para 5.

⁷ Annex I to the Notification, ICC-01/12-01/18-675-Conf-AnxI.

⁸ Request for Withdrawal, ICC-01/12-01/18-856.

⁹ Request for Withdrawal, ICC-01/12-01/18-856, para 2.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

GRANTS leave to Mr Hannis to withdraw from the case as of 15 June 2020.

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



Judge Kimberly Prost
Single Judge

Dated this Friday, 5 June 2020

At The Hague, The Netherlands