

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Annex III

Public

**Notification of the Appointment of Ms Kate Gibson as Associate Counsel for
Mr Joseph Kony**



Declaration of No Conflict of Interest by Counsel

considering articles 12 and 16 of the Code of Professional Conduct for counsel

Name of counsel: **Kate Gibson**

Hereby conform to the provisions of Articles 12 and 16 of the Code of Professional Conduct for counsel ("Code"), and undertake as follows:

- I have not been involved or made privy of information related to the case, the client or any former client that might be against their interest, or might arise any conflict of interest during the intervention as Counsel;
- I shall exercise all care to ensure that no conflict of interest arises and shall put the client's representation first;
- I will not act in proceedings that might imply the probability to be called or appear as a witness in accordance with article 12(3) of the Code

I acknowledge that in case there is a breach of this undertaking, and pursuant to the obligations imposed on me as Counsel by article 16 of the Code, I shall:

- Inform immediately all potentially affected clients of the existence of the conflict and either:
 - (a) Withdraw from the representation with the prior consent of the Chamber; or
 - (b) Seek the full and informed consent in writing of all potentially affected clients to continue representation

I have read and fully understand this Declaration of No Conflict of Interest by Counsel and articles 12 and 16 of the Code (reproduced overleaf), and I am fully aware of the conditions stipulated therein, including the consequences for breach of said provisions.

Situation: **Uganda**

Case: *The Prosecutor v. Joseph Kony* ICC-02/04-01/05

I am aware and fully understand that this Declaration of No Conflict of Interest by Counsel as well as any communication of this nature are Confidential.

Done at **Geneva, Switzerland**

Date: **11 September 2024**

Signature of counsel

27/09/2024

For the Registrar

Article 12 Impediments to representation

1. Counsel shall not represent a client in a case:

(a) If the case is the same as or substantially related to another case in which counsel or his or her associates represents or formerly represented another client and the interests of the client are incompatible with the interests of the former client, unless the client and the former client consent after consultation; or

(b) In which counsel was involved or was privy to confidential information as a staff member of the Court relating to the case in which counsel seeks to appear. The lifting of this impediment may, however, at counsel's request, be ordered by the Court if deemed justified in the interests of justice. Counsel shall still be bound by the duties of confidentiality stemming from his or her former position as a staff member of the Court.

2. In the case of paragraph 1 (a) of this article, where consent has been obtained after consultation, counsel shall inform the Chamber of the Court seized with the situation or case of the conflict and the consent obtained. Such notice shall be provided in a manner consistent with counsel's duties of confidentiality pursuant to article 8 of this Code and rule 73, sub-rule 1 of the Rules of Procedure and Evidence.

3. Counsel shall not act in proceedings in which there is a substantial probability that counsel or an associate of counsel will be called to appear as a witness unless: (a) The testimony relates to an uncontested issue; or (b) The testimony relates to the nature and value of legal services rendered in the case.

4. This article is without prejudice to article 16 of this Code

Article 16 Conflict of interest

1. Counsel shall exercise all care to ensure that no conflict of interest arises. Counsel shall put the client's interests before counsel's own interests or those of any other person, organization or State, having due regard to the provisions of the Statute, the Rules of Procedure and Evidence, and this Code.

2. Where counsel has been retained or appointed as a common legal representative for victims or particular groups of victims, he or she shall advise his or her clients at the outset of the nature of the representation and the potential conflicting interests within the group. Counsel shall exercise all care to ensure a fair representation of the different yet consistent positions of his or her clients.

3. Where a conflict of interest arises, counsel shall at once inform all potentially affected clients of the existence of the conflict and either:

(a) Withdraw from the representation of one or more clients with the prior consent of the Chamber; or

(b) Seek the full and informed consent in writing of all potentially affected clients to continue representation.