

Annexure C



temple garden
chambers

1 Harcourt Buildings Temple London EC4Y 9DA
T 020 7583 1315 F 020 7353 3969 DX 382 London Chancery Lane
M +31 6555 42251 (Netherlands); +44 796 802 9957 (UK)
E karimahmadkhan@hotmail.com www.tgchambers.com

Prof. Dr. Esteban Peralta-Losilla
Chief
Counsel Support Section
International Criminal Court
Maanweg 174
2516 AB, The Hague

Ref.: D-AB/2011/13; D-SJ/2011/13

Date: 22nd May 2011

**Reference: The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh
Mohammed Jerbo Jamus (No: ICC-02/05-03/09): LETTER FROM MR. IBRAHIM
YILLAH**

Dear Esteban,

Further to my letter dated 21 May 2011, in reply to the Response of the Deputy Prosecutor to the proposed assignment of Mr. Ibrahim Yillah as Co-counsel in the above referenced case, I attach a letter I have received from Mr. Yillah relevant to this issue.

Considering some of the allegations made against me by the Deputy Prosecutor, I feel compelled to inform the Deputy Prosecutor and all concerned persons of my relationship with Mr. Yillah and the reasons I took the decision to select him to act as Co-Counsel in this case. I am firmly of the view that Mr. Yillah is one of the finest DEFENCE COUNSEL I have met in the course of my long professional career before the various international and hybrid tribunals. I first had the privilege of meeting Mr. Yillah in Sierra Leone in 2003 when he was representing the Former Defence Minister of Sierra Leone, Chief Sam Hinga Norman, who was charged before the Special Court for Sierra Leone (SCSL) for Crimes Against Humanity and War Crimes. At that time I was myself representing an accused person in the AFRC case before the SCSL. Since then and prior to his joining the OTP-ICC, Mr Yillah has worked and assisted me in various matters I have been engaged in. These matters relate to cases and advisory work in a number of jurisdictions. It is this previous long standing working relationship and the fact that Mr. Yillah has been a personal friend of mine for more than eight years that led me to offer

Mr. Ibrahim the position of my co-counsel in this case Redacted

It is my considered opinion that the attached letter, coupled with the present correspondence and my reply addressed to you bearing yesterday's date, demonstrate that the various averments contained in the Deputy Prosecutor's response are specious in totality and spurious in important and material particulars. Objections have been made by the Deputy Prosecutor that are not known to law, not founded in fact and which disregard in totality the jurisprudence on this issue. Imputations have been made against me (and the putative Defence counsel referred to) which must be withdrawn and which all counsel (even one having the responsibility of holding as high an office as Deputy Prosecutor) cannot bandy about without care or any proper basis. For all these reasons, I respectfully request that you ensure that the rights of the Defence are not effectively held hostage by the unmeritorious objections raised by the OTP and that my request to have Mr Yillah assigned be granted at your earliest convenience.

I look forward to receiving your further update on this important and urgent matter.

Kind Regards,



Karim A. A. Khan

Cc: H.E. Silvana Arbia, Registrar
Ms. Fatou Bensouda, Deputy Prosecutor