

Annex 1

**Confidential and *Ex Parte* Defence, Registry and Prosecution
only**

**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**

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. Anand Shah, associate counsel on the Defence Team of Abdallah Banda Abakaer Nourain ("Associate Counsel"), respectfully seeks the leave of the Trial Chamber to withdraw from the case pursuant to Regulation 78(1) of the Regulations of the Court.¹ Associate Counsel informs the Trial Chamber that it is necessary for him to withdraw from the case in order to commence a staff position at the Special Tribunal for Lebanon, in respect of which his mandate in the present case would be incompatible.
2. Associate Counsel's request has been made in consultation and with the full support of Lead Counsel, in light of the Trial Chamber's resolution of Lead Counsel's request for appointment as Mr. Banda's lead counsel,² and in view of the current status of proceedings in the case.
3. Should leave to withdraw be granted, Associate Counsel affirms that he shall adhere to all applicable provisions of the Code of Professional Conduct for counsel.
4. For the above reasons Associate Counsel requests the Trial Chamber's leave to withdraw from the present case.

Respectfully Submitted,



Anand Ajay Shah

Dated this 2nd Day of October 2019
At The Hague, Netherlands

¹ Regulation 78(1) provides that: "Prior to withdrawal, defence counsel shall seek the leave of the Chamber."

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. 12.