

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/13
Date: 2 September 2016

PRE-TRIAL CHAMBER I

Before: Judge Joyce Aluoch, Presiding Judge
Judge Cuno Tarfusser
Judge Péter Kovács

**SITUATION ON THE REGISTERED VESSELS OF THE UNION OF THE
COMOROS, THE HELLENIC REPUBLIC AND THE KINGDOM OF CAMBODIA**

Public Document

**Request for Withdrawal from representing certain victims in article 53
proceedings**

Source: Office of Public Counsel for Victims

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 James Stewart

Counsel for the Defence

Legal Representatives of the Victims

Mr Geoffrey Nice

Mr Rodney Dixon

Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

Mr Mohamed Abdou

**The Office of Public Counsel for the
Defence**

**States' Representatives
of the Union of the Comoros**

Mr Geoffrey Nice

Mr Rodney Dixon

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Isabelle Guibal

Other

I. PROCEDURAL BACKGROUND

1. On 24 April 2015, Pre-Trial Chamber I (the “Chamber”) issued the “Decision on Victims’ Participation”, appointing, *inter alia*, the Principal Counsel of the Office of Public Counsel for Victims (the “Principal Counsel”) as legal representative of unrepresented victims for the purposes of the proceedings under article 53 of the Rome Statute (the “Decision”).¹

2. On 15 July 2016, the Legal Representatives chosen by a certain number of victims submitted an application asking the Chamber to “grant leave for the OPCV to withdraw from representing the 35 victims” listed in Annex 1 to said submission (the “Application”).²

3. The Principal Counsel notes that the Application was filed Confidential *Ex Parte* only available to the VPRS, the OPCV and the Legal Representatives of Victims. However, the Legal Representatives do not provide reasons for said classification. The Principal Counsel considers that the present submission can be filed publicly because it does not contain information which should remain confidential or even *ex parte* only available to the Registry and counsel for victims.

II. PRELIMINARY OBSERVATIONS

4. Regulation 82 of the Regulations of the Court provides that a legal representative shall seek the leave of the Chamber before withdraw from representing his/her clients.

¹ See the “Decision on Victims’ Participation” (Pre-Trial Chamber I), No. ICC-01/13-18, 24 April 2015, p. 10 (the “Decision”).

² See the “Request in accordance with Regulation 82 of the Regulations of the Court”, No. ICC-01/13-52-Conf-Exp, 15 July 2016, p. 9 (the “Application”). See also Annex 1 to the Application.

5. The wording of the provision is unequivocal and it is clear that it is for the appointed counsel to file a request to withdraw and not for other counsel also designated in the same case to do so. Consequently, the Principal Counsel submits that the Application is inadmissible.

III. REQUEST TO WITHDRAW

6. The Principal Counsel notes the information provided by the Legal Representatives to the Chamber in relation to the fact that 35 victims previously represented by her by virtue of the Decision have now appointed Mr Nice and Mr Dixon as their legal representatives.

7. The Principal Counsel informs the Chamber that, as already indicated to the Legal Representatives, she respects the choice and wish of the victims concerned and consequently she requests the leave of the Chamber to withdraw as legal representatives of the 35 victims listed in Annex 1 to the Application.

FOR THE FOREGOING REASONS, the Principal Counsel respectfully requests the Pre-Trial Chamber to declare inadmissible the Application filed by the Legal Representatives of Victims and to grant the present Request to withdraw as legal representatives of the 35 victims listed in Annex 1 of the Application.



Paolina Massidda
Principal Counsel

Dated this 2nd day of September 2016

At The Hague, The Netherlands