



Original: **English**

No.: ICC-02/05-03/09
Date: 7 December 2010

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
Judge Sylvia Steiner
Judge Sanji Mmasenono Monageng

SITUATION IN THE DARFUR, SUDAN

IN THE CASE OF *THE PROSECUTOR*

v.

ABDALLAH BANDA ABAKAER NOURAIN

AND

SALEH MOHAMMED JERBO JAMUS

Public Document

Defence Response to the "Prosecution Objection to the Continued Representation of Victims a/1646/10 and a/1647/10 by Messrs Geoffrey Nice and Rodney Dixon" of 6 December 2010

Sources: Defence Team of Abdallah Banda Abakaer Nourain
Defence Team of Saleh Mohammed Jerbo Jamus

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno-Ocampo

Mr Essa Faal

Counsel for the Defence

Mr Karim A. A. Khan

Legal Representatives of the Victims

Legal Representatives of the Applicants

Mr Brahim Koné

Ms Hélène Cissé

Mr Akin Akinbote

Colonel Frank Adaka

Sir Geoffrey Nice, QC

Mr Rodney Dixon

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

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

1. On 6 December 2010, the Prosecution filed its Objection to the Continued Representation of Victims a/1646/10 and a/1647/10 by Messrs Geoffrey Nice and Rodney Dixon¹ (“Objection”).
2. On 6 December 2010, the Single Judge issued an Order² (“Order”) to the Defence and the Legal Representatives of Victims a/1646/10 and a/1647/10 to submit a response to the Objection by 7 December 2010 at 14h00.
3. At the time it received the Order the Defence teams of Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus (“Defence”) were busy preparing the Defence Application to restrain legal representatives for the victims a/1646/10 & a/1647/10 from acting in proceedings and for an order excluding the involvement of specified intermediaries³ (“Application”). The Application was filed On 6 December 2010 at 21h51, and notified to the Chamber, parties and participants on 7 December 2010 at 10h41.
4. At paragraph 4 of its Application the Defence states that “[i]n compliance with the Order of the Single Judge , the Defence hereby informs the Chamber that it supports the Prosecution Objections to the extent that they are not otherwise inconsistent with the present application.” The Defence notes that the Application was an independent submission and not a response to the Objection.
5. In order to ensure that it fully complies with the Single Judge’s Order, the Defence hereby submits this response to the Prosecution’s Objection, and affirms its position as detailed at paragraph 4 above.

¹ ICC-02/05-03/09-110.

² Order to the Defence and the Legal Representatives of Victims a/1646/10 and a/1647/10 to file a response to the “Prosecution Objection to the Continued Representation of Victims a/1646/10 and a/1647/10 by Messrs Geoffrey Nice and Rodney Dixon”, 7 December 2010, ICC-02/05-03/09-111.

³ ICC-02/05-03/09-113

Respectfully Submitted,



Mr. Karim A. A. Khan

Defence Counsel for Abdallah Banda Abakaer Nourain and

Saleh Mohammed Jerbo Jamus

Dated this 7th Day of December 2010

At The Hague, The Netherlands