



THE DISCIPLINARY BOARD OF THE INTERNATIONAL CRIMINAL COURT

Original: English

Reference: SDO-2019-65-DB decision

Date: 10 September 2019

Before:

Mr Assane Dioma Ndiaye, Chairperson
Dr Victor Tsilonis, alternate member
Mr Carel Raymakers, Ad hoc member

Case Re: Disciplinary Complaint against Mr Goran Sluiter

Public

Decision of the Disciplinary Board on Preliminary Submissions

Counsel for Mr Goran Sluiter:
Ms Melinda Taylor

Alternate Commissioner:
Mr Alexander H. Milne. Q.C.

Summary of procedural history:

Two complaints on alleged misconducts were lodged against Mr Goran Sluiter, by Mr Árpád Béla Gyula Tivadar (Julius) von Bóné and the Office of the Prosecutor (OTP complaint) on 2 April 2015 and on 4 August 2015, respectively.

The Alternate Commissioner issued his reports on both complaints, on 31 October 2018 and on 26 March 2019 respectively, recommending transmission to the Disciplinary Board of both complaints for further investigation and, the matters being identical, to be considered together by the same Disciplinary Board (the Board).

Having considered the Alternate Commissioner's report and the evidence gathered, the Board decided to hold a disciplinary hearing on 9 and 10 September 2019. The summons to appear was sent on 26 August 2019 to Mr Sluiter, his counsel and the Alternate Commissioner.

Counsel provided his submissions and requests to the Board on 6 August 2019, 26 August 2019 and 6 September 2019.

The Board responded to the counsel's submissions on 5 September 2019.

Summary of positions of the parties:

The Board held the hearing on 9 September 2019.

Upon request of counsel to hold a closed hearing the Board decided based on Article 39(6) of the Code that the hearing will be public. However, the Board may at a later stage decide to hold parts of the hearing in closed session if it deems necessary to safeguard the confidentiality of certain information or to protect witnesses.

The Board established its competence to deal with the complaint regarding the alleged misconduct of counsel, who is listed as counsel authorised to appear before the ICC, because the complaint is related to alleged misconduct within the scope of the Code of Professional Conduct for counsel.

Regarding Ms. Taylor's submission relating counsel's request for mediation initiated by Rotterdam Bar, the Board decided that this does not qualify as a disciplinary procedure as stipulated in Article 38(4).

The hearing of the 10 September 2019 was not held due to Mr Sluiter's unavailability.

Decision:

"The Disciplinary Board, after deliberating on this matter, by majority vote, determines:

Considering that the information and the evidence gathered by the Commissioner and his report on OTP complaint is not presented to counsel in accordance with Article 40(3) and 40(4) of the Code of Professional Conduct for counsel (the Code), the Board decides to declare the OTP complaint inadmissible.

The Board directs its' Secretariat to remove the complaint lodged by the Office of the Prosecutor and the evidence gathered by the Commissioner from the file and to notify the complainant accordingly.

On Ms Taylor's submission of the correspondence from Rotterdam Bar of 3 September 2019 relating the counsel's request for mediation, the Board determined that this does not qualify as a disciplinary procedure as stipulated in Article 38.4 of the Code.

Following Ms Taylor's request to provide additional time for Mr Sluiter's defence, and after confirming the availability of all participants, the Board decided to adjourn the hearing to 25 and 26 November 2019.

The Board concluded that any not considered requests or submissions will be considered at the final decision.

Notification of this decision constitutes, for all parties, a summons to appear at the hearing of 25 and 26 November 2019 at 9:30 am, before the International Criminal Court. (Oude Waalsdorperweg 10, 2597 AK, The Hague, Netherlands.)

The Hague, 10 September 2019

Mr Assane Dioma Ndiaye

Dr Victor Tsilonis

Mr Carel Raymakers