



Original: English

No.: ICC-01/05-01/08

Date: 20 March 2015

THE PRESIDENCY

Before: Judge Joyce Aluoch, First Vice-President
Judge Kuniko Ozaki, Second Vice-President
Judge Sanji Mmasenono Monageng

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
*THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO***

Public with Public Annex I

Decision replacing a judge in the Appeals Chamber

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court***to:****The Office of the Prosecutor**Ms Fatou Bensouda
Mr Jean-Jacques Badibanga**Counsel for the Defence**Mr Peter Haynes
Ms Kate Gibson
Ms Melinda Taylor**Legal Representatives of the Victims**

Ms Marie-Edith Douzima Lawson

Legal Representatives of the Applicants**Unrepresented Victims****Unrepresented Applicants for
Participation/Reparation****The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

Mr Xavier-Jean Keïta

States Representatives**Amicus Curiae****REGISTRY**

Registrar

Mr Herman von Hebel

Counsel Support Section**Victims and Witnesses Unit**

Mr Nigel Verrill

Detention Section**Victims Participation and Reparations
Section****Other**

THE PRESIDENCY of the International Criminal Court notes that on 23 December 2014, the defence for Mr Jean-Pierre Bemba Gombo filed before the Appeals Chamber the “Defence Urgent Notice of Appeal against Decision on ‘Defence Urgent Motion for Provisional Release’” (“appeal”) in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* (“*Bemba*”).¹

On 11 March 2015, Judge Fernández de Gurmendi was elected President of the Court and, in accordance with article 39(1) of the Rome Statute of the International Criminal Court (“Statute”), was subsequently assigned to the Appeals Division.²

On 19 March 2015, Judge Silvia Fernández de Gurmendi filed a request before the Presidency pursuant to article 41(1) of the Statute and rule 33(1) of the Rules of Procedure and Evidence (“Rules”), wherein she requested to be excused from her function as a judge of the Appeals Chamber for purposes of all pending and future appeals in *Bemba*.

In the same request, Judge Fernández de Gurmendi also asked to be excused from the deliberations of the Presidency on her request for excusal from the Appeals Chamber in all pending and future appeals in *Bemba*. On 19 March 2015, the remaining members of the Presidency granted this request. On the same date, Judge Sanji Mmasenono Monageng assumed responsibilities as a member of the Presidency for the purpose of deliberating on Judge Fernández de Gurmendi’s request for excusal from sitting on all pending and future appeals in *Bemba* in accordance with regulations 10 and 11(2) of the Regulations of the Court.

On 20 March 2015, the Presidency granted Judge Fernández de Gurmendi’s request for excusal from the Appeals Chamber for purposes of all pending and future appeals in *Bemba* (Annex I).

The Presidency recalls article 39(1) and (2)(b)(i) of the Statute, rule 38 of the Rules and regulations 10, 11(2), 12 and 15(1) of the Regulations of the Court.

¹ICC-01/05-01/08-3225.

² See Decision assigning judges to divisions, 13 Mar. 2015, ICC-02/11-01/12/67; Press Release, Judge Fernández de Gurmendi elected ICC President for 2015-2018; Judges Aluoch and Ozaki elected First and Second Vice-Presidents respectively, 11 Mar. 2015, ICC-CPI-20150311-PR1096.

The Presidency hereby decides, for the purpose of hearing the interlocutory appeals, to temporarily attach Judge Péter Kovács, currently assigned to the Pre-Trial Division, to the Appeals Chamber. The Presidency selected Judge Kovács by lot from a roster of eligible replacement judges. This roster will be made public and will henceforth be updated every six months. In preparing the roster, the Presidency paid due attention to case-related conflicts as well as the workload of eligible replacement judges. With respect to workload, the Presidency has excluded from the roster presiding judges of active trials and single judges of confirmation of charges proceedings, unless such judges have indicated a desire to be included in the roster.

Accordingly, the Appeals Chamber shall be composed as follows for purposes of the interlocutory appeals:

Judge Sanji Mmasenono Monageng

Judge Christine Van den Wyngaert

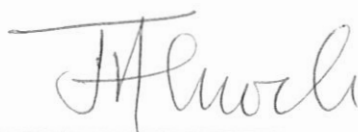
Judge Howard Morrison

Judge Piotr Hofmański

Judge Péter Kovács

The Presidency orders the Registrar to file and notify this decision to the relevant parties and participants in the case.

Done in both English and French, the English version being authoritative.



Judge Joyce Aluoch
First Vice-President

Dated this 20 March 2015

At The Hague, The Netherlands