



Original: **English**

No.: **ICC-01/05-01/13**

Date: **20 March 2015**

THE PRESIDENCY

Before: Judge Silvia Fernández de Gurmendi, President
Judge Joyce Aluoch, First Vice-President
Judge Kuniko Ozaki, Second Vice-President

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

**IN THE CASE OF
THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO,
AIMÉ KILOLO MUSAMBA, JEAN-JACQUES MANGENDA KABONGO,
FIDÈLE BABALA WANDU AND NARCISSE ARIDO**

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 James Stewart
 Ms Kweku Vanderpuye

Counsel for Mr Laurent Gbagbo
 Ms Melinda Taylor

Counsel for Aimé Kilolo Musamba
 Mr Paul Djunga Mudimbi

Counsel for Jean-Jacques Mangenda Kabongo
 Mr Christopher Michael Gosnell

Counsel for Fidèle Babala Wandu
 Mr Jean-Pierre Kilenda Kakengi Basila

Counsel for Narcisse Arido
 Mr Göran Sluiter

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives
Counsel for Côte d'Ivoire
 Mr Jean-Pierre Mignard
 Mr Jean-Paul Benoit

Amicus Curiae

REGISTRY

Registrar
 Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

THE PRESIDENCY of the International Criminal Court notes that between 9 July 2014 and 26 January 2015, six interlocutory appeals (“interlocutory appeals”) were filed in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* (“*Bemba et al.*”).¹

On 18 March 2015, Judge Christine Van den Wyngaert filed a request before the Presidency pursuant to article 41(1) of the Rome Statute of the International Criminal Court (“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 the interlocutory appeals and all future appeals in *Bemba et al.*

On 19 March 2015, the Presidency granted Judge Van den Wyngaert’s request for excusal from the Appeals Chamber for purposes of the interlocutory appeals and all future appeals in *Bemba et al.* (Annex I).

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

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.

¹ Prosecution’s Notice of Appeal of the “Decision on ‘Mr Bemba’s Request for provisional release’”, 26 Jan. 2015, ICC-01/05-01/13-802; Prosecution’s Notice of Appeal of the “Decision ordering the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido” of 21 October 2014 and Urgent Request for Suspensive Effect of the Decision pending Appeal, dated 21 Oct. 2014 and registered on 22 Oct. 2014, ICC-01/05-01/13-706; Notice of Appeal against the decision of the Single Judge ICC-01/05-01/13-611 entitled “Decision on the first review of Aimé Kilolo Musamba’s detention pursuant to article 60(3) of the Statute”, 8 Aug. 2014, ICC-01/05-01/13-623; Requête d’appel de la décision ICC-01/05-01/13-612 05-08-2014 du Juge unique de la Chambre préliminaire II quant à la première révision de la détention préventive de Monsieur Jean-Jacques KABONGO MANGENDA, 8 Aug. 2014, ICC-01/05-01/13-622; Narcisse Arido’s Notice of Appeal of the Single Judge’s Decision on “Narcisse Arido’s Request for Interim Release” (ICC-01/05-01/13-588), 29 July 2014, ICC-01/05-01/13-592; Appel de la Défense de monsieur Fidèle Babala Wandu contre la «Decision on the first review of Fidèle Babala Wandu’s detention pursuant to article 60(3) of the Statute » (ICC-01/05-01/13-538), 9 July 2014, ICC-01/05-01/13-547.

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

Judge Silvia Fernández de Gurmendi

Judge Sanji Mmasenono Monageng

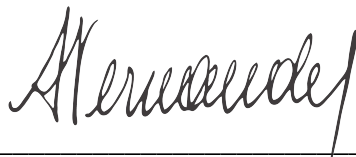
Judge Howard Morrison

Judge Piotr Hofma ski

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 Silvia Fernández de Gurmendi
President

Dated this 20 March 2015

At The Hague, The Netherlands