



Original: **English**

No.: **ICC-02/11-01/15**
Date: **18 September 2015**

THE PRESIDENCY

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

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ***

Public

Decision replacing two judges 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
 Mr Eric MacDonald

Counsel for Mr Laurent Gbagbo

Mr Emmanuel Altit
 Ms Agathe Bahi Baroan

Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops
 Mr Claver N'dry

Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representative of Applicants**Unrepresented Victims****Unrepresented Applicants for Participation/Reparation****The Office of Public Counsel for the Victims****The Office of Public Counsel for the Defence****States Representatives****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 in a decision dated 10 September 2015, Trial Chamber I granted the defence request for leave to appeal its “Decision giving notice pursuant to Regulation 55(2) of the Regulations of the Court” (“impugned decision”) in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* (“*Gbagbo and Blé Goudé*”).¹

On 15 September 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 of the Rules of Procedure and Evidence (“Rules”), wherein she requested to be excused from her function as a judge in the Appeals Chamber with respect to all pending and future appeals in *Gbagbo and Blé Goudé*.²

On 16 September 2015, Judge Silvia Fernández de Gurmendi also filed a request before the Presidency, pursuant to article 41(1) of the Statute and rule 33 of the Rules, wherein she requested to be excused from her function as a judge in the Appeals Chamber with respect to all pending and future appeals in *Gbagbo and Blé Goudé*.³ 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. On 17 September 2015, the remaining members of the Presidency granted this request and Judge Sanji Mmasenono Monageng assumed responsibilities as a member of the Presidency for the purpose of deliberating on Judge Fernández de Gurmendi and Judge Van den Wyngaert’s requests for excusal in accordance with regulations 10 and 11(2) of the Regulations of the Court.

On 15 July 2015, the Presidency granted Judge Fernández de Gurmendi and Judge Van den Wyngaert’s requests for excusal from the Appeals Chamber with respect to the appeal and all pending and future appeals in *Gbagbo and Blé Goudé* (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 recalls that, on 15 July 2015, in accordance with the Presidency’s policy of effecting the replacement of judges by lot from a roster of eligible judges, Judge Fernández

¹ ICC-02/11-01/15-212.

² Request for excusal from Appeals Chamber in all pending and future appeals in *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, 2015/PRES/00330.

³ Request for excusal, 2015/PRES/00336.

de Gurmendi and Judge Van den Wyngaert were replaced in the Appeals Chamber by Judge Kuniko Ozaki and Judge Chang-ho Chung for the purpose of hearing an appeal in *Gbagbo and Blé Goudé*.⁴ The Presidency further recalls its policy that a judge already designated by lot may be subsequently designated to sit on other appeals that arise in the same case.

The Presidency hereby decides, in the current circumstances, to temporarily attach Judge Ozaki and Judge Chung, currently assigned to the Trial and Pre-Trial Divisions respectively, to the Appeals Chamber.

Accordingly, the Appeals Chamber shall be composed as follows for purposes of the appeal of the impugned decision:

Judge Kuniko Ozaki

Judge Sanji Mmasenono Monageng

Judge Howard Morrison

Judge Piotr Hofma ski

Judge Chang-ho Chung

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 18 September 2015

At The Hague, The Netherlands

⁴ Decision replacing two judges in the Appeals Chamber, ICC-02/11-01/15-142.