



Original: English

No.: ICC-01/04-02/06

Date: 21 October 2015

THE PRESIDENCY

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

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

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 ProsecutorFatou Bensouda
James Stewart
Nicole Samson**Counsel for the Defence**Stéphane Bourgon
Luc Boutin**Legal Representatives of the Victims**Sarah Pellet
Dmytro Suprun**Legal Representatives of the Applicants****Unrepresented Victims****Unrepresented Applicants for
Participation/Reparation****The Office of Public Counsel for
Victims****The Office of Public Counsel for the
Defence****States Representatives****Amicus Curiae****REGISTRY**

Registrar

Herman von Hebel

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations
Section****Other
Appeals Chamber**

THE PRESIDENCY of the International Criminal Court notes that on 19 October 2015, the Defence for Mr. Bosco Ntaganda filed the “Appeal on behalf of Mr. Ntaganda against Trial Chamber VI’s *Decision on the Defence’s Challenge to the jurisdiction of the Court in respect of Counts 6 and 9*”, ICC-01/04-02/06-892” in the case of *The Prosecutor v. Bosco Ntaganda* (“*Ntaganda case*”).¹

On 11 March 2015, Judge Silvia 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 20 October 2015, Judge 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 the purposes of all pending and future appeals in the *Ntaganda case*.

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 the *Ntaganda case*. On 20 October 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 the *Ntaganda case* in accordance with regulations 10 and 11(2) of the Regulations of the Court.

On 21 October 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 the *Ntaganda case* (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.

¹ ICC-01/04-02/06-909.

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 appeal, to temporarily attach Judge Raul Pangalangan, currently assigned to the Pre-Trial Division, to the Appeals Chamber. In selecting Judge Pangalangan, lots were drawn by the Presidency, in the presence of Presidency staff members, from a roster of eligible replacement judges. In preparing the roster, due attention was paid to case-related and other conflicts, in order to safeguard the appearance of impartiality, as well as the workload of eligible replacement judges. With respect to workload, presiding judges of active trials and single judges of confirmation of charges proceedings were excluded from the roster.

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

Judge Sanji Mmasenono Monageng
Judge Christine Van den Wyngaert
Judge Howard Morrison
Judge Piotr Hofmański
Judge Raul Pangalangan

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 21 October 2015

At The Hague, The Netherlands