



Original: **English**

No.: ICC-02/11-01/15
Date: **21 December 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 REPUBLIC OF CÔTE D'IVOIRE

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

Public with Public Annex I

Decision replacing a judge in Trial Chamber I

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 (“Court”) notes that on 25 September 2015, Judge Bertram Schmitt 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 Judge Schmitt requested to be excused from his function as a judge of Trial Chamber I in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* (“*Gbagbo and Blé Goudé case*”).

On 21 December 2015, the Presidency granted Judge Schmitt’s request for excusal from Trial Chamber I (Annex I).

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

The Presidency recalls that Judge Cuno Tarfusser served in Trial Chamber I from 17 September 2014, when the case of *The Prosecutor v. Laurent Gbagbo* (“*Gbagbo case*”) was referred to the Chamber¹ and that during his time in the Chamber, the case of *The Prosecutor v. Charles Blé Goudé* was also referred to it and was later joined with the *Gbagbo case*.² The Presidency decided, upon his request, to excuse and replace Judge Tarfusser on 18 March 2015,³ taking into consideration his current and anticipated workload in the Pre-Trial Division at the time, including the fact that he would be hearing matters in both Pre-Trial Chambers.

The Presidency notes the change of circumstances with regard to the anticipated workload of Judge Tarfusser as confirmation of charges proceedings conducted in both Pre-Trial Chambers are about conclude during the first trimester of 2016. At the same time, the Presidency takes into account the unprecedented workload of the Court and, in particular, the growing demands in the Trial Division, which will be conducting at least four trials as well as reparation proceedings in 2016. The Presidency notes that in order to respond to such demands and ensure expeditious trial proceedings, it has already temporarily assigned four judges from the Pre-Trial Division to the Trial Division and that the only other judge of the

¹ Decision re-constituting Trial Chamber I and referring to it the case of *The Prosecutor v. Laurent Gbagbo*; ICC-02/11-01/11-682.

² Corrigendum to the “Decision referring the case of *The Prosecutor v. Charles Blé Goudé* to Trial Chamber I”, ICC-02/11-02/11-193, 20 December 2014 (registered on 22 December 2014); ICC-02/11-02/11-193-Corr; Decision on Prosecution requests to join the cases of *The Prosecutor v. Laurent Gbagbo* and *The Prosecutor v. Charles Blé Goudé* and related matters; 11 March 2015; ICC-02/11-01/15-1.

³ Corrigendum to the “Decision replacing a judge in Trial Chamber I”; ICC-02/11-01/15-8-Corr.

Pre-Trial Division not yet assigned to the Trial Division is not yet available to serve on a full time basis at the Court.

Given the current and anticipated workload of the Court, in particular of the Trial Division, as well as the previous experience of Judge Tarfusser in the *Gbagbo and Blé Goudé* case, the Presidency considers it appropriate to temporarily attach Judge Tarfusser, currently assigned to the Pre-Trial Division, to the Trial Division and assign him to Trial Chamber I.

The Presidency hereby decides to recompose Trial Chamber I as follows:

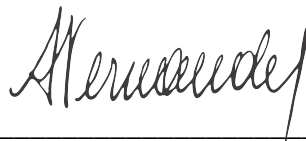
Judge Cuno Tarfusser

Judge Olga Herrera Carbuca

Judge Geoffrey Henderson

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 21 December 2015

At The Hague, The Netherlands