



Original: **English**

No.: **ICC-01/04-02/06**
Date: **22 September 2016**

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

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 Nicole Samson

Counsel for Bosco Ntaganda

Mr Stéphane Bourgon
 Mr Christopher Gosnell

Legal Representatives of Victims

Ms Sarah Pellet
 Mr Dmytro Suprun

Legal Representatives of Applicants**The Office of Public Counsel for 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
 Appeals Chamber

THE PRESIDENCY of the International Criminal Court notes the “Decision on Defence request for leave to appeal the ‘Decision reviewing the restrictions placed on Mr Ntaganda’s contacts’” dated 16 September 2016 (“Decision”)¹ in the case of *The Prosecutor v Bosco Ntaganda* (“Ntaganda case”).

The Presidency recalls that, on 21 October 2015, it granted the request of Judge Silvia Fernández de Gurmendi for excusal from all pending and future appeals in the *Ntaganda* case.² The Presidency further recalls that President Fernández de Gurmendi has been excused from the deliberations of the Presidency on her replacement in the Appeals Chamber in previous appeals in the *Ntaganda* case.³ Following the issuance of the Decision, on 20 September 2016, Judge Sanji Mmasenono Monageng assumed responsibilities as a member of the Presidency for the purpose of deliberating on the replacement of Judge Fernández de Gurmendi for any appeal arising out of the Decision.

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

The Presidency recalls that, on 21 October 2015, in accordance with the Presidency’s policy of effecting the replacement of a judge by lot from a roster of eligible judges, Judge Fernández de Gurmendi was replaced in the Appeals Chamber by Judge Raul C. Pangalangan for the purpose of an appeal in the *Ntaganda* case.⁴ The Presidency further recalls its policy that a judge already designated by lot may be subsequently designated to sit on other appeals under article 82 of the Rome Statute that arise in the same case.⁵

The Presidency hereby decides, in the current circumstances, to temporarily attach Judge Pangalangan, currently assigned to the Pre-Trial Division, to the Appeals Chamber for the purpose of hearing any appeal arising out of the Decision.

¹ ICC-01/04-02/06-1513

² ICC-01/04-02/06-925-AnxI

³ ICC-01/04-02/06-925, ICC-01/04-02/06-1052

⁴ ICC-01/04-02/06-925

⁵ See e.g. Presidency, *The Prosecutor v Laurent Gbagbo and Charles Blé Goudé*, “Decision replacing two judges in the Appeals Chamber”, 18 September 2015, ICC-02/11-01/15-230, p 4, Presidency, *The Prosecutor v Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Naisisse Arido*, “Decision replacing a judge in the Appeals Chamber”, 3 June 2016, ICC-01/05-01/13-1922

The Presidency hereby decides that the Appeals Chamber shall be composed as follows for the purpose of hearing any appeal arising out of the Decision:

Judge Sanji Mmasenono Monageng

Judge Christine Van den Wyngaert

Judge Howard Morrison

Judge Piotr Hofmański

Judge Raul C. 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 22 September 2016

At The Hague, The Netherlands