



Original: **English**

No.: **ICC-Pres-01/18**

Date: **16 March 2018**

THE PRESIDENCY

Before: Judge Chile Eboe-Osuji, President
Judge Robert Fremr, First Vice-President
Judge Marc Perrin de Brichambaut, Second Vice-President

Public

Decision assigning judges to divisions and recomposing Chambers

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda
James Stewart

The Office of Public Counsel for Victims

Paolina Massidda

The Office of Public Counsel for the Defence

Xavier-Jean Keïta

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Esteban Peralta Losilla

Victims and Witnesses Unit

Nigel Verrill

Detention Section

Paddy Craig

Victims Participation and Reparations Section

Philipp Ambach

Other

All Judges
All Pre-Trial Chambers
All Trial Chambers
Appeals Chamber

THE PRESIDENCY of the International Criminal Court (“Court”);

NOTING the assignments to the three divisions of the Judiciary as of 10 March 2018;¹

NOTING the election of Judge Chile Eboe-Osuji as President of the Court, Judge Robert Fremr as First Vice-President of the Court and Judge Marc Perrin de Brichambaut as Second Vice-President of the Court on 11 March 2018;²

NOTING article 39(1) of the Rome Statute of the International Criminal Court (“Statute”) and rule 4*bis* of the Rules of Procedure and Evidence (“Rules”);

NOTING that the Presidency has consulted with the judges in assigning them to the various divisions of the Judiciary, in accordance with rule 4*bis* of the Rules;

NOTING the assignment of Judge Chile Eboe-Osuji to the Appeals Division in accordance with article 39(1) of the Statute, following his election as President of the Court;

NOTING that when assigning judges to divisions, the Presidency must balance a number of factors to the extent necessary and possible, as set out below, and that the guiding principles informing these factors are the applicable statutory framework and the need to ensure the efficient management of the Court’s workload, including in view of the Court’s long-term needs;³

NOTING the relative judicial workload of each judge,⁴ the previous involvement of each judge in cases,⁵ as well as the experience and expertise of each judge;⁶

SEEKING to ensure, to the extent possible, gender and geographical balance and representation of the world’s principal legal systems within each division;⁷

¹ Presidency, “Decision assigning judges to divisions”, 13 March 2015, *see e.g.* ICC-01/04-01/06-3130 (“Presidency Decision of 13 March 2015”); Presidency, “Decision assigning Judge Raul Pangalangan to the Pre-Trial Division”, 16 July 2015, *see e.g.* ICC-01/13-32.

² Press release, “New ICC Presidency elected for 2018-2021”, 11 March 2018, ICC-CPI-20180311-PR1367.

³ Presidency Decision of 13 March 2015, p. 3.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Article 39(1) of the Statute.

⁷ *Ibid.*

HEREBY DECIDES that the judges shall be assigned to the various divisions as follows,
with effect as of 20 March 2018:

Appeals Division:

Judge Chile Eboe-Osuji
Judge Howard Morrison
Judge Piotr Hofma ski
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa

Trial Division:

Judge Robert Fremr
Judge Olga Herrera-Carbuccia
Judge Geoffrey Henderson
Judge Bertram Schmitt
Judge Chang-ho Chung
Judge Raul C. Pangalangan
Judge Kimberly Prost

Pre-Trial Division:

Judge Marc Perrin de Brichambaut
Judge Antoine Kesia-Mbe Mindua
Judge Péter Kovács
Judge Tomoko Akane
Judge Reine Alapini-Gansou
Judge Rosario Salvatore Aitala

NOTING FURTHER the composition of the various Pre-Trial and Trial Chambers,⁸ as well as the situations assigned to the Pre-Trial Chambers⁹ and cases assigned to the Trial Chambers,¹⁰ as of 10 March 2018;

⁸ **Pre-Trial Chamber I:** Presidency, “Decision on the constitution of Pre-Trial Chambers and on the assignment of the Mali situation”, 16 March 2015, *see e.g.* ICC-01/09-01/15-2; **Pre-Trial Chamber II:** Presidency, “Decision on the constitution of Pre-Trial Chambers and on the assignment of the Mali situation”, 16 March 2015, *see e.g.* ICC-01/09-01/15-2; **Pre-Trial Chamber III:** Presidency, “Decision on the constitution of Pre-Trial Chamber III and on the assignment of the situation in the Republic of Burundi”, 23 August 2017, ICC-01/17-1; **Trial Chamber I:** Presidency, “Decision replacing a judge in Trial Chamber I”, 21 December 2015, ICC-02/11-01/15-372; **Trial Chamber II:** Presidency, “Decision replacing two judges in Trial Chamber II”, 18 March 2015, ICC-01/04-01/07-3530; **Trial Chamber III:** Presidency, “Decision replacing two judges in Trial Chamber III”, 6 July 2016, ICC-01/05-01/08-3403; **Trial Chamber IV:** Presidency, “Decision replacing a judge in Trial Chamber IV”, 18 March 2015, ICC-02/05-03/09-634; **Trial Chamber V(a):** Presidency, “Decision constituting Trial Chamber V(a) and Trial Chamber V(b) and referring to them the cases of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang and The Prosecutor v. Uhuru Muigai Kenyatta*”, 21 May 2013, *see e.g.* ICC-01/09-02/11-739; **Trial Chamber V(b):** Presidency, “Decision replacing a judge in Trial Chamber V(b)”, 30 January 2014, ICC-01/09-02/11-890; **Trial Chamber VI:** Presidency, Corrigendum to the “Decision replacing a judge in Trial Chamber VI”, 19 March 2015, ICC-01/04-02/06-521-Corr; **Trial Chamber VII:** Presidency, “Decision replacing two judges in Trial Chamber VII”, 24 August 2015, ICC-01/05-01/13-1173; **Trial Chamber VIII:** Presidency, “Decision constituting Trial Chambers VIII and IX and referring to them the cases of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* and *The Prosecutor v. Dominic Ongwen*”, 2 May 2016, *see e.g.* ICC-02/04-01/15-430; **Trial Chamber IX:** Presidency, “Decision constituting Trial Chambers VIII and IX and referring to them the cases of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* and *The Prosecutor v. Dominic Ongwen*”, 2 May 2016, *see e.g.* ICC-02/04-01/15-430.

⁹ **Pre-Trial Chamber I:** Presidency, “Decision assigning judges to divisions”, 13 March 2015, *see e.g.* ICC-01/04-01/06-3130; Presidency, “Decision Re-assigning the Situation in the Democratic Republic of the Congo”, 21 August 2015, *see e.g.* ICC-01/04-01/12-15; Presidency, “Decision assigning the Situation in Georgia to Pre-Trial Chamber I”, 8 October 2015, ICC-01/15-1; **Pre-Trial Chamber II:** Presidency, “Decision assigning judges to divisions”, 13 March 2015, *see e.g.* ICC-01/04-01/06-3130; Presidency, “Decision assigning the Situation in the Gabonese Republic to Pre-Trial Chamber II”, 4 October 2016, ICC-01/16-1; **Pre-Trial Chamber III:** Presidency, “Decision on the constitution of Pre-Trial Chamber III and on the assignment of the situation in the Republic of Burundi”, 23 August 2017, ICC-01/17-1; Presidency, “Decision assigning the situation in the Islamic Republic of Afghanistan”, 3 November 2017, ICC-01/17-1.

¹⁰ **Trial Chamber I:** *see* Trial Chamber I, “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; **Trial Chamber II:** *see* Presidency, “Decision referring the case of *The Prosecutor v. Thomas Lubanga Dyilo* to Trial Chamber II”, 17 March 2015, ICC-01/04-01/06-3131; Trial Chamber II, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, “Decision on the implementation of regulation 55 of the Regulations of the Court and severing the charges against the accused persons”, 21 November 2012, ICC-01/04-01/07-3319-tENG/FRA; **Trial Chamber III:** Presidency, “Decision constituting Trial Chamber III and referring to it the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*”, 18 September 2009, ICC-01/05-01/08-534; **Trial Chamber IV:** Presidency, “Decision constituting Trial Chamber IV and referring to it the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*”, 16 March 2011, ICC-02/05-03/09-124; *see also* Trial Chamber IV, Public redacted “Decision terminating the proceedings against Mr Jerbo”, 4 October 2013, ICC-02/05-03/09-512-Red; **Trial Chamber V(a):** Presidency, “Decision constituting Trial Chamber V(a) and Trial Chamber V(b) and referring to them the cases of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang and The Prosecutor v. Uhuru Muigai Kenyatta*”, 21 May 2013, *see e.g.* ICC-01/09-02/11-739; **Trial Chamber V(b):** Presidency, “Decision constituting Trial Chamber V(a) and Trial Chamber V(b) and referring to them the cases of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang and The Prosecutor v. Uhuru Muigai Kenyatta*”, 21 May 2013, *see e.g.* ICC-01/09-02/11-739; **Trial Chamber VI:** Presidency, “Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Bosco Ntaganda*”, 18 July 2014, ICC-01/04-02/06-337; **Trial Chamber VII:** Presidency, “Decision constituting Trial Chamber VII and referring to it the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*”, 30 January 2015, ICC-01/05-01/13-805; **Trial Chamber VIII:** Presidency, “Decision constituting Trial Chambers VIII and IX and referring to them the cases of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* and *The Prosecutor v. Dominic Ongwen*”, 2 May 2016, *see e.g.* ICC-02/04-01/15-430; **Trial Chamber IX:** Presidency, “Decision constituting Trial Chambers VIII and IX and referring to them the cases of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* and *The Prosecutor v. Dominic Ongwen*”, 2 May 2016, *see e.g.* ICC-02/04-01/15-430.

NOTING the need to recompose a number of Trial Chambers and Pre-Trial Chambers in view of the above assignments and the end of judicial mandates of one or more of their members;¹¹

NOTING that, pursuant to article 39(2)(b)(i) of the Rome Statute, the Appeals Chamber shall be composed of all the judges of the Appeals Division;¹²

NOTING that, in view of the current level of activity in the cases before Trial Chamber IV, Trial Chamber V(a) and Trial Chamber V(b), it is in the interests of judicial economy to reassign all the cases currently before them to a single Trial Chamber;

NOTING that the composition of Trial Chamber I, Trial Chamber II, Trial Chamber VI, Trial Chamber VII, Trial Chamber VIII and Trial Chamber IX as of 10 March 2018 shall remain unchanged;

NOTING the need, in light of the above assignments to the Pre-Trial Division as well as the Presidency's responsibility to ensure the efficient management of the pre-trial workload in accordance with article 38(3) of the Statute, to recompose Pre-Trial Chamber I and Pre-Trial Chamber II, dissolve Pre-Trial Chamber III and re-assign situations among the remaining Pre-Trial Chambers;

HEREBY FURTHER DECIDES to reassign the situation in the Republic of Côte d'Ivoire from Pre-Trial Chamber I to Pre-Trial Chamber II, to re-assign the situation in the Gabonese Republic from Pre-Trial Chamber II to Pre-Trial Chamber I and to re-assign the situations in the Islamic Republic of Afghanistan and the Republic of Burundi from Pre-Trial Chamber III to Pre-Trial Chamber II;

DECIDES to refer the cases of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, and *The Prosecutor v. Uhuru Muigai Kenyatta* to Trial Chamber IV and hereby transmits the full record of the proceedings in those cases to that Chamber;

¹¹ Judges Judge Cuno Tarfusser and Kuniko Ozaki continue in office in accordance with article 36(10) of the Rome Statute.

¹² Except in respect of the currently ongoing appeals against conviction and sentence in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* in which Judges Sanji Monageng and Christine Van den Wyngaert currently continue to sit in accordance with the applicable Presidency decision, see Presidency, "Notification concerning extension of mandate of judges in the Appeals Chamber", 6 March 2018, ICC-01/05-01/08-3613.

DISSOLVES Trial Chamber V(a), Trial Chamber V(b) and Pre-Trial Chamber III;

DECIDES to temporarily attach Judge Reine Alapini-Gansou to the Trial Division;¹³

DECIDES that the composition of Chambers within the Trial and Pre-Trial Divisions shall be as follows, with effect as of 20 March 2018:

Trial Chamber I – *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*

Judge Cuno Tarfusser, Presiding

Judge Olga Herrera-Carbuccia

Judge Geoffrey Henderson

Trial Chamber II – *The Prosecutor v. Thomas Lubanga Dyilo and The Prosecutor v. Germain Katanga*

Judge Marc Perrin de Brichambaut, Presiding

Judge Olga Herrera-Carbuccia

Judge Péter Kovács

Trial Chamber III – *The Prosecutor v. Jean-Pierre Bemba Gombo*

Judge Geoffrey Henderson

Judge Chang-ho Chung

Judge Kimberly Prost

¹³ The temporary attachments of Judge Marc Perrin de Brichambaut, Judge Antoine Kesia-Mbe Mindua and Judge Péter Kovács to the Trial Division remain in place: *see* Presidency, “Decision replacing two judges in Trial Chamber II”, 18 March 2015, ICC-01/04-01/07-3530; Presidency, “Decision constituting Trial Chambers VIII and IX and referring to them the cases of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* and *The Prosecutor v. Dominic Ongwen*”, 2 May 2016, *see e.g.* ICC-02/04-01/15-430.

Trial Chamber IV – *The Prosecutor v. Abdallah Banda Abakaer Nourain, The Prosecutor v. William Samoei Ruto and Joshua Arap Sang, and The Prosecutor v. Uhuru Muigai Kenyatta*

Judge Robert Fremr

Judge Reine Alapini-Gansou

Judge Kimberly Prost

Trial Chamber VI – *The Prosecutor v. Bosco Ntaganda*

Judge Robert Fremr, Presiding

Judge Chang-ho Chung

Judge Kuniko Ozaki

Trial Chamber VII – *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*

Judge Bertram Schmitt, Presiding

Judge Marc Perrin de Brichambaut

Judge Raul C. Pangalangan

Trial Chamber VIII – *The Prosecutor v. Ahmad Al-Faqi Al Mahdi*

Judge Raul C. Pangalangan, Presiding

Judge Antoine Kesia-Mbe Mindua

Judge Bertram Schmitt

Trial Chamber IX – *The Prosecutor v. Dominic Ongwen*

Judge Bertram Schmitt, Presiding

Judge Péter Kovács

Judge Raul C. Pangalangan

Pre-Trial Chamber I – situations in the Democratic Republic of the Congo; Libya; Republic of Mali; Georgia; Gabonese Republic; and Registered Vessels of Comoros, Greece and Cambodia

Judge Marc Perrin de Brichambaut

Judge Peter Kovács

Judge Reine Alapini-Gansou

Pre-Trial Chamber II – situations in the Central African Republic I; Central African Republic II; Republic of Uganda; Darfur, Republic of the Sudan; Republic of Kenya; Republic of Côte d’Ivoire; Islamic Republic of Afghanistan; and Republic of Burundi

Judge Antoine Kesia-Mbe Mindua

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

ORDERS the Registrar to file and notify the present decision to the relevant parties and participants in all situations and cases therein.

Done in both English and French, the English version being authoritative.



Judge Chile Eboe-Osuji
President

Dated this 16 March 2018

At The Hague, The Netherlands