

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/12-01/18**

Date: **10 July 2024**

THE PRESIDENCY

Before: Judge Rosario Salvatore Aitala, Acting President
Judge Reine Alapini-Gansou, Acting First Vice-President
Judge Sergio Gerardo Ugalde Godínez, Acting Second Vice-President

SITUATION IN THE REPUBLIC OF MALI

**IN THE CASE OF
*THE PROSECUTOR v. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG
MAHMOUD***

Public, with one public annex

Decision Concerning the Composition of Trial Chamber X

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

Mr Karim A. A. Khan
 Ms Nazhat Shameem Khan
 Mr Mame Mandiaye Niang

Counsel for the Defence

Ms Melinda Taylor

Legal Representatives of the Victims

Mr Seydou Doumbia
 Mr Mayombo Kassongo
 Mr Fidel Luvengika Nsita

Legal Representatives of the Applicants**Unrepresented Victims****Unrepresented Applicants
(Participation/Reparation)****The Office of Public Counsel for Victims****The Office of Public Counsel for the
Defence****States' Representatives****Amicus Curiae****REGISTRY****Registrar**

Mr Osvaldo Zavala Giler

Counsel Support Section**Victims and Witnesses Unit**

Mr Nigel Verrill

Detention Section**Victims Participation and Reparations
Section****Other**

Trial Chamber X

1. The *ad hoc* Presidency of the International Criminal Court ('Court') recalls its 'Decision Replacing Judges in Trial Chamber X' dated 28 June 2024 (the 'Decision of 28 June 2024') in which it, *inter alia*, replaced Judge Tomoko Akane by Judge Joanna Korner in Trial Chamber X in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (the '*Al Hassan case*'),¹ after having granted a request for excusal from Judge Akane (the '*Request for Excusal*').²
2. Subsequently, Judge Korner informed the *ad hoc* Presidency that she had unavoidable prior commitments during August 2024 which could risk causing delays to the sentencing procedure in the *Al Hassan* case. The *ad hoc* Presidency brought this information to the attention of Judge Akane, in view of its relevance to the proper administration of the Court. Given this new information concerning the availability of Judge Korner, on 10 July 2024, Judge Akane informed the *ad hoc* Presidency that she wished to withdraw her Request for Excusal and that she stood ready to return to Trial Chamber X, should the *ad hoc* Presidency consider it appropriate.³ Judge Akane proposed such withdrawal in the best interests of the Court, given the risk of possible delay to the *Al Hassan* case.
3. The *ad hoc* Presidency considers it implicit to its power to excuse a judge, upon her or his request, under article 41(1) of the Rome Statute, that it may also consider the withdrawal request placed before it by Judge Akane. The *ad hoc* Presidency also notes that article 61(11) of the Rome Statute provides that the Presidency may constitute trial chambers, a function which implies a capacity to re-constitute such trial chambers as necessary.
4. Noting the importance of a timely conclusion of the trial proceedings in the *Al Hassan* case, which were already delayed when the handing down of the Trial Judgment originally scheduled for 18 January 2024 was vacated,⁴ the *ad hoc* Presidency considers that it is appropriate in the present circumstances, in view of the needs of the proper

¹ Presidency, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision Replacing Judges in Trial Chamber X](#), 28 June 2024, ICC-01/12-01/18-2596, paras 3, 13.

² Presidency, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Decision on your request of 19 June 2024 for excusal pursuant to article 41\(1\) of the Statute and rule 33 of the Rules of Procedure and Evidence](#), 28 June 2024, ICC-01/12-01/18-2596-Anx2, p. 1

³ Annex 1 to the present decision.

⁴ Trial Chamber X, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Order vacating the hearing scheduled for the delivery of the Trial Judgment](#), 15 January 2024, ICC-01/12-01/18-2584, paras 1-2.

administration of the Court, to grant Judge Akane's request to withdraw her Request for Excusal.

5. Trial Chamber X shall henceforth be composed as follows:

Judge Tomoko Akane

Judge Kimberley Prost

Judge Keebong Paek.

6. The *ad hoc* Presidency notes that all other aspects of the Decision of 28 June 2024 remain operative.

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



Judge Rosario Salvatore Aitala
Acting President



Judge Reine Alapini-Gansou
Acting First Vice-President



Judge Sergio Gerardo Ugalde Godínez
Acting Second Vice-President

Dated this 10 July 2024

At The Hague, The Netherlands