



Original: **English**

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

Date: **11 July 2024**

THE PRESIDENCY

Before: Judge Rosario Salvatore Aitala, Acting President
Judge Reine Alapini-Gansou, Acting First Vice-President
Judge Luz del Carmen Ibáñez Carranza, 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 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

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

Counsel for Mr Al Hassan

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 for 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

Appeals Chamber

THE PRESIDENCY of the International Criminal Court notes that, on 4 July 2024, the Defence for Mr Al Hassan filed a request for extension of time to file the notice of appeal against the judgment pursuant to article 74 of the Rome Statute of the International Criminal Court (the ‘Statute’) in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (the ‘Al Hassan case’).¹

On 11 March 2024, Judge Tomoko Akane became a member of the Appeals Division, in accordance with article 39(1) of the Statute.²

On 5 July 2024, Judge Akane requested, pursuant to article 41(1) of the Statute and rule 33(1) of the Rules of Procedure and Evidence (the ‘Rules’), that the Presidency excuse her from her function as a judge of the Appeals Chamber for the purposes of the appeal referred above and any future appeal in the *Al Hassan* case (the ‘Request for Excusal’).

The *ad hoc* Presidency notes article 41(1) of the Statute whereby ‘[t]he Presidency may, at the request of a judge, excuse that judge from the exercise of a function under this Statute’.

On 11 July 2024, the *ad hoc* Presidency granted the Request for Excusal (Annex I).

The *ad hoc* Presidency notes the composition of the Appeals Chamber as set out in article 39(2)(b)(i) of the Statute, pursuant to which the Appeals Chamber shall be composed of all of the judges of the Appeals Division which in turn is composed of the President and four other judges, by virtue of article 39(1) of the Statute. It is further noted that rule 38 of the Rules provides for the replacement of judges for objective and justified reasons, including accepted excuse, and that pursuant to regulation 15 of the Regulations, the Presidency is responsible for the replacement of judges.

Noting the availability and the current and anticipated workload of the judges of the Court, the *ad hoc* Presidency hereby decides to temporarily attach Judge Miatta Maria Samba, currently assigned to the Trial Division, to the Appeals Chamber to replace Judge Tomoko Akane for the purpose of hearing appeals in the *Al Hassan* case, to the extent that the need for the replacement of Judge Akane in the Appeals Chamber continues.

¹ Defence for Mr Al Hassan, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, [Request for Extension of Time to File the Notice of Appeal](#), 4 July 2024, ICC-01/12-01/18-2597.

² Presidency, *Situation in the Central African Republic II*, [Decision assigning judges to divisions and recomposing Chambers](#), 12 March 2024, ICC-01/14-185, pp. 3-4.

Accordingly, the Appeals Chamber shall be composed as follows for any such appeals:

Judge Luz del Carmen Ibáñez Carranza

Judge Solomy Balungi Bossa

Judge Gocha Lordkipanidze

Judge Miatta Maria Samba

Judge Erdenebalsuren Damdin

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 Rosario Salvatore Aitala
Acting President



Judge Reine Alapini-Gansou
Acting First Vice-President



Judge Luz del Carmen Ibáñez Carranza
Acting Second Vice-President

Dated this 11 July 2024

At The Hague, The Netherlands