

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/05-01/20**
Date: **13 November 2025**

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 DARFUR, SUDAN

IN THE CASE OF

THE PROSECUTOR v. ALI MUHAMMAD ALI ABD-AL-RAHMAN (“ALI KUSHAYB”)

Public, with two public annexes

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**

☒ **Counsel for the Defence**

☒ **Legal Representatives of the Victims**

☐ **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 Zavala Giler, Osvaldo

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations
Section**

☒ **Other**
Appeals Chamber

1. The *ad hoc* Presidency of the International Criminal Court (the ‘Court’) notes the ‘Defence Notice of Appeal Pursuant to Article 81(1)(b) of the Rome Statute’ filed by the Defence for Mr Abd-Al-Rahman on 6 November 2025 in the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (“*Ali Kushayb*”) (the ‘*Abd-Al-Rahman* case’).¹
2. On 11 March 2024, Judge Tomoko Akane became a member of the Appeals Division, in accordance with article 39(1) of the Statute.²
3. On 7 November 2025, 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 *Abd-Al-Rahman* case (the ‘Request for Excusal’).³
4. 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’.
5. On 13 November 2025, the *ad hoc* Presidency granted the Request for Excusal.⁴
6. The *ad hoc* Presidency notes 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 of the Court, the Presidency is responsible for the replacement of judges.
7. 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 Keebong Peak, currently assigned to the Trial Division, to the Appeals Chamber to replace Judge Tomoko Akane for the purpose of hearing pending and future appeals in the *Abd-Al-Rahman* case.

¹ Defence for Mr Abd-Al-Rahman, *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (‘*Ali Kushayb*’), Defence Notice of Appeal Pursuant to Article 81(1)(b) of the Rome Statute, 6 November 2025, ICC-02/05-01/20-1261.

² Presidency, *Situation in Darfur, Sudan*, [Decision assigning judges to divisions and recomposing Chambers](#), 12 March 2024, ICC-02/05-01/20-1101, pp. 3-4.

³ Annex 1.

⁴ Annex 2.

8. 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 Erdenebalsuren Damdin

Judge Keebong Paek.

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



Judge Rosario Salvatore Aitala
Acting President

Dated this 13 November 2025

At The Hague, The Netherlands