

Cour
Pénale
Internationale

International
Criminal
Court



Original: **English**

No.: **ICC-Pres-01/24**
Date: **12 March 2024**

THE PRESIDENCY

Before: **Judge Tomoko Akane, President**
 Judge Rosario Salvatore Aitala, First Vice-President
 Judge Reine Alapini-Gansou, Second Vice-President

Public Decision assigning judges to divisions and recomposing Chambers
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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 KC
Mr Mame Mandiaye Niang
Ms Nazhat Shameem Khan

The Office of Public Counsel for Victims
Ms Paolina Massidda

States' Representatives
- The Office of Public Counsel for the Defence**
Ms Marie O'Leary

Amicus Curiae

REGISTRY

Registrar Mr Osvaldo Zavala Giler	Counsel Support Section Mr Pieter Vanaverbeke
Victims and Witnesses Unit Mr Nigel Verrill	Detention Section Mr Harry Tjonk
Victims Participation and Reparations Section Mr 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 of judges to the Pre-Trial Division, the Trial Division and the Appeals Division as of 16 March 2021;¹

NOTING the election of Judge Tomoko Akane as President of the Court, Judge Rosario Salvatore Aitala as First Vice-President of the Court and Judge Reine Alapini-Gansou as Second Vice-President of the Court on 11 March 2024;²

NOTING article 39(1) of the Rome Statute (“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 paragraph 2 of rule 4 *bis* of the Rules;

NOTING that the Appeals Division is composed of Judge Tomoko Akane, following her election as President of the Court, and four other judges, in accordance with article 39(1) of the Statute;

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

SEEKING to ensure, to the extent possible, gender and geographical balance and representation of the world’s principal legal systems within each division;⁴

¹ Presidency, Decision assigning judges to divisions and recomposing Chambers, 16 March 2021, *see e.g.* ICC-01/04-763 (“Presidency Decision of 16 March 2021”).

² Press release, New ICC Presidency elected for 2024-2027, 11 March 2024, <https://www.icc-cpi.int/news/new-icc-presidency-elected-2024-2027> (accessed 12 March 2024).

³ Presidency Decision of 16 March 2021, ICC-01/04-763, p. 3; Presidency, Decision assigning judges to divisions and recomposing Chambers, 16 March 2018, *see e.g.* ICC-02/05-01/07-75 (“Presidency Decision of 16 March 2018”); Presidency, Decision assigning judges to divisions, 13 March 2015, *see e.g.* ICC-01-04-01/06-3130, p. 3.

⁴ *See* regulation 15(1) of the Regulations of the Court; Presidency Decision of 16 March 2021, ICC-01/04-763, p. 3.

NOTING the experience and expertise of each judge,⁵ the relative judicial workload of each judge⁶ and whether a judge has had any prior involvement relevant to a case, either as a judge of the Court or prior to commencing her or his judicial mandate;⁷

HEREBY DECIDES that the judges shall be assigned to the various divisions as follows,⁸ with immediate effect:

Appeals Division:

Judge Tomoko Akane

Judge Luz del Carmen Ibáñez Carranza

Judge Solomy Balungi Bossa

Judge Gocha Lordkipanidze

Judge Erdenebalsuren Damdin

Trial Division:

Judge Kimberly Prost

Judge Joanna Korner

Judge Miatta Maria Samba

Judge Althea Violet Alexis-Windsor

Judge Keebong Paek

Judge Nicolas Guillou

Judge Beti Hohler

Pre-Trial Division:

Judge Rosario Salvatore Aitala

⁵ Article 39(1) of the Statute.

⁶ Presidency Decision of 16 March 2021, ICC-01/04-763, p. 3; Presidency, Decision assigning judges to divisions and recomposing Chambers, 16 March 2018, *see e.g.* ICC-02/05-01/07-75 ("Presidency Decision of 16 March 2018"); Presidency, Decision assigning judges to divisions, 13 March 2015, *see e.g.* ICC-01-04-01/06-3130, p. 3.

⁷ *Ibid.*

⁸ Judges continuing in office pursuant to article 36(10) of the Statute remain assigned in accordance with article 39(3)(a) of the Statute.

Judge Reine Alapini-Gansou

Judge Socorro Flores Liera

Judge Sergio Gerardo Ugalde Godínez

Judge Iulia Motoc

Judge Haykel Ben-Mahfoudh

NOTING FURTHER the composition of the various Pre-Trial and Trial Chambers,⁹ as well as the situations assigned to the Pre-Trial Chambers¹⁰ and cases assigned to the Trial Chambers,¹¹ as of 10 March 2024;

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 the judges of the Court,¹²

⁹ **Pre-Trial Chamber I:** Presidency Decision of 16 March 2021, ICC-01/04-763, pp. 7, 9; **Pre-Trial Chamber II:** Presidency, Decision replacing a judge in Pre-Trial Chamber II, 21 February 2023, *see e. g.* ICC-02/17-213, p. 3; **Pre-Trial Chamber III:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 7 (dissolved); **Trial Chamber I:** Presidency, Decision constituting Trial Chamber I and referring to it the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, 21 July 2021, ICC-02/05-01/20-440, p. 4; **Trial Chamber II:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 7; **Trial Chamber III:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 7 (dissolved); **Trial Chamber IV:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 8; **Trial Chamber V:** Presidency, Decision constituting Trial Chamber V and referring to it the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, 16 March 2020, ICC-01/14-01/18-451, p. 4; **Trial Chamber VI:** Presidency, Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Mahamat Said Abdel Kani*, 14 December 2021, ICC-01/14-01/21-220, p. 4; **Trial Chamber VII:** Presidency, Decision constituting Trial Chamber VII and referring to it two requests in accordance with the Appeals Chamber's 'Decision on counsel for Mr Gbagbo's requests (ICC-02/11-01/15-1408-tENG and ICC-02/11-01/15-1410-tENG)' dated 15 October 2021 (ICC-02/11-01/15-1422), 1 March 2022, ICC-02/11-01/15-1428 ('Presidency Decision of 1 March 2022'), p. 4; **Trial Chamber VIII:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 8; **Trial Chamber IX:** Presidency, Decision replacing a judge in Trial Chamber IX, 9 June 2021, ICC-02/04-01/15-1851, p. 3; **Trial Chamber X:** Presidency Decision of 16 March 2021, ICC-01/04-763, pp. 6, 8.

¹⁰ **Pre-Trial Chamber I:** Presidency Decision of 16 March 2021, ICC-01/04-763, pp. 6-7, 9; Presidency, *Situation in the Democratic Republic of the Congo II*, Decision assigning the Situation in the Democratic Republic of the Congo II to Pre-Trial Chamber I, 15 June 2023, ICC-01/23-1, p. 3; **Pre-Trial Chamber II:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 9; Presidency, *Situation in Ukraine*, Decision assigning the situation in Ukraine to Pre-Trial Chamber II, 2 March 2022, ICC-01/22-1, p. 3.

¹¹ **Trial Chamber I:** Presidency, Decision constituting Trial Chamber I and referring to it the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*, 21 July 2021, ICC-02/05-01/20-440, p. 4; **Trial Chamber II:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 7; **Trial Chamber IV:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 8; **Trial Chamber V:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 8; **Trial Chamber VI:** Presidency, Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Mahamat Said Abdel Kani*, 14 December 2021, ICC-01/14-01/21-220, p. 4; **Trial Chamber VII:** Presidency Decision of 1 March 2022, ICC-02/11-01/15-1428, p. 4; **Trial Chamber VIII:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 8; **Trial Chamber IX:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 8; **Trial Chamber X:** Presidency Decision of 16 March 2021, ICC-01/04-763, p. 8.

¹² Judge Antoine Kesia-Mbe Mindua, Judge Bertram Schmitt, Judge Peter Kovács and Judge Chang-ho Chung currently continue in office in accordance with article 36(10) of the Statute.

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

NOTING that, in view of the current level of activity in the cases before Trial Chambers, it is in the interests of judicial economy to reassign certain cases currently before them to a single Trial Chamber;

DECIDES to refer the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* and *The Prosecutor v. Dominic Ongwen* to Trial Chamber II and hereby transmits the full record of the proceedings in those cases to that Chamber;

DECIDES, pursuant to article 74(1) of the Statute and rule 39 of the Rules, to assign alternate judges to the following cases: *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman*, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* and *The Prosecutor v. Mahamat Said Abdel Kani*, considering that, following their calling to full-time service, the assigned alternate judges will ensure their presence at each stage of the trial by certifying that she or he has familiarised her or himself with the record of proceedings. The Presidency considers that the assignment of alternate judges is appropriate in view of the current availability of judges assigned to the Trial Division and in order to avoid the risk of any unanticipated unavailability of a judge in the future having an adverse impact on the expeditiousness of proceedings and related financial implications;

DECIDES that the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* does not currently require assignment to a trial chamber;

DISSOLVES Trial Chamber VII, Trial Chamber VIII and Trial Chamber IX;

DECIDES to temporarily attach Judge Althea Violet Alexis-Windsor to the Pre-Trial Division and decides that the current temporary attachments to the Trial Division shall remain in place;¹³

¹³ Judge Antoine Kesia-Mbe Mindua, Judge Péter Kovács, Judge Reine Alapini-Gansou and Judge Socorro Flores Liera are currently temporarily attached to the Trial Division: see Presidency, Decision replacing two judges in Trial Chamber II, 17 March 2015, ICC-01/04-01/07-3530, p. 3; Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, p. 7; 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, p. 4; Presidency Decision of 16 March 2021, ICC-01/04-763, p. 7.

HEREBY CONSTITUTES Pre-Trial Chamber III, in light of the Presidency's responsibility to ensure the efficient management of the pre-trial workload in accordance with article 38(3)(a) of the Statute, noting in particular the significant extent of the current and prospective workload at the pre-trial level and the specific needs of the confirmation of charges hearing in the case of *The Prosecutor v. Joseph Kony*;¹⁴

HEREBY FURTHER DECIDES to reassign the situation in Uganda, from Pre-Trial Chamber II to Pre-Trial Chamber III;

DECIDES that the composition of Chambers within the Trial and Pre-Trial Divisions shall be as follows, effective immediately;

Trial Chamber I – *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ('Ali Kushayb')*

Judge Joanna Korner, Presiding

Judge Reine Alapini-Gansou

Judge Althea Violet Alexis-Windsor

Alternate Judge: Judge Nicolas Guillou

Trial Chamber II – *The Prosecutor v. Thomas Lubanga Dyilo, The Prosecutor v. Germain Katanga, The Prosecutor v. Bosco Ntaganda, The Prosecutor v. Ahmad Al Faqi Al Mahdi and The Prosecutor v. Dominic Ongwen*

Judge Kimberly Prost

Judge María del Socorro Flores Liera

Judge Nicolas Guillou

Trial Chamber IV – *The Prosecutor v. Abdallah Banda Abakaer Nourain*

Judge Kimberly Prost

¹⁴ Pre-Trial Chamber II, *The Prosecutor v. Joseph Kony*, Second decision on the Prosecution's request to hold a confirmation of charges hearing in the *Kony* case in the suspect's absence, 4 March 2024, ICC-02/04-01/05-481, para. 11, p. 11.

Judge Keebong Paek

Judge Nicolas Guillou

Trial Chamber V – *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*

Judge Bertram Schmitt, Presiding

Judge Péter Kovács

Judge Chang-ho Chung

Alternate Judge: Judge Beti Hohler

Trial Chamber VI – *The Prosecutor v. Mahamat Said Abdel Kani*

Judge Miatta Maria Samba, Presiding

Judge María del Socorro Flores Liera

Judge Sergio Gerardo Ugalde Godínez

Alternate Judge: Judge Keebong Paek

Trial Chamber X – *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*

Judge Antoine Kesia-Mbe Mindua, Presiding

Judge Tomoko Akane

Judge Kimberly Prost

Pre-Trial Chamber I – situations in the Democratic Republic of the Congo I; Democratic Republic of the Congo II; Libya; Republic of Mali; Gabonese Republic; Registered Vessels of Comoros, Greece and Cambodia; Palestine; People's Republic of Bangladesh and the Republic of the Union of Myanmar; Plurinational State of Bolivia; Georgia; Bolivarian Republic of Venezuela I; Bolivarian Republic of Venezuela II and Republic of Philippines

Judge Reine Alapini-Gansou

Judge María del Socorro Flores Liera

Judge Iulia Motoc

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

Judge Rosario Salvatore Aitala

Judge Sergio Gerardo Ugalde Godínez

Judge Haykel Ben-Mahfoudh

Pre-Trial Chamber III – situation in the Republic of Uganda

Judge Althea Violet Alexis-Windsor

Judge Iulia Motoc

Judge Haykel Ben-Mahfoudh

DECIDES to call judges to full-time service in accordance with article 35(3) of the Statute, on the basis of the workload of the Court, applying an objective criterion of prioritising the calling to full-time service of judges who are nationals of States Parties which have never previously had a judge serving at the Court. Accordingly, the Presidency hereby decides to call Judge Damdin and Judge Motoc to serve on a full-time basis from 13 May 2024; Judge Ben-Mahfoudh and Judge Hohler to serve on a full-time basis from 10 June 2024 and Judge Paek and Judge Guillou to serve on a full-time basis from 19 August 2024;

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

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

赤根 智子

Judge Tomoko Akane
President

Dated this 12 March 2024

At The Hague, The Netherlands