Cour Pénale Internationale

International Criminal Court

Original: English

No. ICC-02/17 OA6
Date: 28 October 2026

THE APPEALS CHAMBER

Before: **Judge Luz del Carmen Ibáñez Carranza**
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin
Judge Iulia Antoanella Motoc

SITUATION IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

Under seal, *ex parte*, only available to the Prosecution

Decision on the Presiding Judge of the Appeals Chamber in the appeal against the "Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan" and the "Order to comply with the 'Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan'"

Pursuant to Pre-Trial Chamber II's order, ICC-02/17-249, this document is transferred from the situation record ICC-02/17 into the situation record ICC-02/26.

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 Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and Reparations Section**

☐ **Other**

Pursuant to Pre-Trial Chamber II's order, ICC-02/17-249, this document is transferred from the situation record ICC-02/17 into the situation record ICC-02/26.

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor against Pre-Trial Chamber II's "Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan" of 15 July 2026 (ICC-02/17-238) and "Order to comply with the 'Decision in relation to the investigation in the situation in the Islamic Republic of Afghanistan'" of 3 September 2026 (ICC-02/17-241),

Recalling the Presidency's "Decision Replacing a Judge in the Appeals Chamber" of 9 October 2026 in which the Presidency noted the request for excusal filed by Judge Tomoko Akane, and, by majority, temporarily attached Judge Iulia Antoanella Motoc to replace Judge Tomoko Akane in the Appeals Chamber for the purpose of the aforementioned appeal in the *Situation in the Islamic Republic of Afghanistan* (ICC-02/17-246-US-Exp),

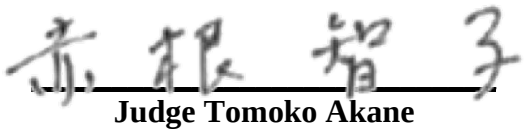
Pursuant to regulation 13(1) of the Regulations of the Court,

Renders the following

DECISION

The Presiding Judge in the above-mentioned appeal is Judge Luz del Carmen Ibáñez Carranza.

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



Judge Tomoko Akane

President of the Appeals Division

Dated this 28th day of October 2026

At The Hague, The Netherlands

Pursuant to Pre-Trial Chamber II's order, ICC-02/17-249, this document is transferred from the situation record ICC-02/17 into the situation record ICC-02/26.