

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

**No.: ICC-02/05-03/09
Date: 23 December 2014**

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Cuno Tarfusser, Second Vice-President
Judge Akua Kuenyehia

SITUATION IN DARFUR, SUDAN

IN THE CASE OF

THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN

Public

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

Ms Fatou Bensouda

Mr Julian Nicholls

Counsel for the Defence

Mr Karim A. A. Khan

Mr David Hooper

Legal Representatives of the Victims

Ms Hélène Cissé

Mr Jens Dieckmann

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for the Victims

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Victims Participation and Reparations Section

Other

Trial Chamber IV

Appeals Chamber

THE PRESIDENCY of the International Criminal Court;

NOTING that the “Decision on defence application for leave to appeal the decision on 'Warrant of arrest for Abdallah Banda Abakaer Nourain' and, in the alternative, request for reconsideration”¹ in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain* ("Case") has given rise to an appeal before the Appeals Chamber ("Appeal");²

NOTING the assumption by Judge Kuenyehia, on 23 December 2014, of the responsibilities of First Vice-President Monageng in the Presidency for the purposes of the present decision in accordance with regulations 10 and 11(2) of the Regulations of the Court (“Regulations”);

NOTING the Presidency’s “Decision replacing a judge in the Appeals Chamber” in the Case of 28 March 2013 and its annexes, granting *inter alia* the request of Judge Monageng for excusal from the Appeals Chamber for the purposes of all future appeals in the Case;³

CONSIDERING rule 38 of the Rules of Procedure and Evidence and regulation 15 of the Regulations providing for the replacement of judges by the Presidency in accordance with article 39 of the Rome Statute and regulation 12 of the Regulations, further to which the Presidency shall, in the event that a member of the Appeals Chamber is disqualified, or unavailable for a substantial reason, attach to the Appeals Chamber on a temporary basis a judge from either the Trial or Pre-Trial Division;

HEREBY DECIDES

For the purpose of this Appeal, to temporarily attach Judge Christine Van den Wyngaert, currently assigned to the Pre-Trial Division, to the Appeals Division, which shall be composed as follows:

Judge Sang-Hyun Song;

Judge Akua Kuenyehia;

Judge Erkki Kourula;

Judge Anita Ušacka; and

Judge Christine Van den Wyngaert;

¹ ICC-02/05-03/09-619-Red of 19 December 2014.

² *Id.*, para. 59.

³ ICC-02/05-03/09-458 of 28 March 2013, registered on 2 April 2013, p. 4 and ICC-02/05-03/09-458-Anx2, p.2.

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.

A handwritten signature in black ink, reading "SangHyun Song". The signature is written in a cursive, flowing style.

Judge Sang-Hyun Song
President

Dated this 23 December 2014

At The Hague, The Netherlands