



Original: **English**

No.: **ICC-01/04-02/06**
Date: **11 December 2015**

THE PRESIDENCY

Before: Judge Joyce Aluoch, First Vice-President
Judge Kuniko Ozaki, Second Vice-President
Judge Sanji Mmasenono Monageng

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. BOSCO NTAGANDA***

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 James Stewart
Ms Nicole Samson

Counsel for Bosco Ntaganda

Mr Stéphane Bourgon
Mr Luc Boutin

Legal Representatives of Victims

Ms Sarah Pellet
Mr Dmytro Suprun

Legal Representatives of Applicants

The Office of Public Counsel for Victims

Ms Paolina Massidda

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

Detention Section

Victims Participation and Reparations Section

Other
Appeals Chamber

THE PRESIDENCY of the International Criminal Court notes the “Decision on Defence request for leave to appeal the ‘Decision on Defence requests seeking disclosure orders and a declaration of Prosecution obligation to record contacts with witnesses’”¹ dated 27 November 2015 and the “Document in support of the appeal on behalf of Mr Ntaganda against Trial Chamber VI’s ‘Decision on Defence requests seeking disclosure orders and a declaration of Prosecution obligation to record contacts with witnesses’, ICC01/04-02/06-904” (“Appeal”), filed by the defence for Mr Bosco Ntaganda on 10 December 2015, in the case of *The Prosecutor v. Bosco Ntaganda* (“Ntaganda case”).²

The Presidency recalls that, on 21 October 2015, it granted the request of Judge Silvia Fernández de Gurmendi for excusal from all pending and future appeals in the *Ntaganda* case.³ The Presidency recalls further that in the same decision, the remaining members of the Presidency granted President Fernández de Gurmendi’s request to be excused from the deliberations of the Presidency on her replacement in the Appeals Chamber for all pending and future appeals in the *Ntaganda* case.⁴ Following the filing of the Appeal, on 11 December 2015, Judge Sanji Mmasenono Monageng assumed responsibilities as a member of the Presidency for the purpose of deliberating on the replacement of Judge Fernández de Gurmendi for the Appeal.

The Presidency notes article 39(1) and (2)(b)(i) of the Rome Statute, rule 38 of the Rules of Procedure and Evidence and regulations 12 and 15(1) of the Regulations of the Court (“Regulations”).

The Presidency recalls that, on 21 October 2015, in accordance with the Presidency’s policy of effecting the replacement of a judge by lot from a roster of eligible judges, Judge Fernández de Gurmendi was replaced in the Appeals Chamber by Judge Raul C. Pangalangan for the purpose of an appeal in the *Ntaganda* case.⁵ The Presidency further recalls its policy that a judge already designated by lot may be subsequently designated to sit on other appeals that arise in the same case.⁶

¹ ICC-01/04-02/06-1039.

² ICC-01/04-02/06-1051.

³ ICC-01/04-02/06-925-AnxI.

⁴ *Id.*

⁵ ICC-01/04-02/06-925.

⁶ Presidency, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, “Decision replacing two judges in the Appeals Chamber”, 18 September 2015, ICC-02/11-01/15-230, p. 4.

The Presidency hereby decides, in the current circumstances, to temporarily attach Judge Pangalangan, currently assigned to the Pre-Trial Division, to the Appeals Chamber for the purpose of hearing the Appeal.

The Presidency hereby decides that the Appeals Chamber shall be composed as follows for the Appeal:

Judge Sanji Mmasenono Monageng

Judge Christine Van den Wyngaert

Judge Howard Morrison

Judge Piotr Hofmański

Judge Raul C. Pangalangan

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 Joyce Aluoch
First Vice-President

Dated this 11 December 2015

At The Hague, The Netherlands