

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/10

Date: 22 March 2012

**THE PRESIDENCY**

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**  
***IN THE CASE OF THE PROSECUTOR v. CALLIXTE MBARUSHIMANA***

**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**

Mr Luis Moreno-Ocampo  
Ms Fatou Bensouda

**Counsel for the Defence**

Mr Arthur Vercken  
Ms Yael Vias-Gvirsman

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparation**

**The Office of Public Counsel for Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the  
Defence**

Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

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**REGISTRY**

**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

**Defence Support Section**

Mr Esteban Peralta Losilla

**Victims and Witnesses Unit**

Ms Maria Luisa Martinod-Jacome

**Victims Participation and Reparations  
Section**

Ms Fiona McKay

**Other**

Appeals Chamber

**THE PRESIDENCY** of the International Criminal Court (hereinafter “Court”);

**NOTING** the document in support of appeal filed on 12 March 2012 by the Prosecutor against the “Decision on the Confirmation of charges”<sup>1</sup> in the case of *The Prosecutor v. Callixte Mbarushimana* (hereinafter “appeal”);<sup>2</sup>

**NOTING** that on 15 March 2012 the Presidency decided that, for the purpose of the appeal, the Appeals Chamber was to be composed of Judges Sang-Hyun Song, Akua Kuenyehia, Erkki Kourula, Anita Ušacka and Ekaterina Trendafilova;<sup>3</sup>

**NOTING** the request of Judge Trendafilova of 16 March 2012 to be excused from exercising her functions as a judge of the Appeals Chamber in the appeal (hereinafter “Request”) pursuant to article 41 of the Rome Statute and rule 33 of the Rules of Procedure and Evidence (hereinafter “Rules”);<sup>4</sup>

**NOTING** the decision of the Presidency of 21 March 2012, excusing Judge Trendafilova from the Appeals Chamber;<sup>5</sup>

**CONSIDERING** rule 38 of the Rules providing for the replacement of judges;

**CONSIDERING** regulation 15 of the Regulations of the Court, pursuant to which the Presidency is responsible for the replacement of judges in accordance with article 39 of the Statute, and regulation 12 of the Regulations of the Court, 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;

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<sup>1</sup> ICC-01/04-01/10-465-Conf.

<sup>2</sup> Corrigendum to the “Prosecution’s Document in Support of Appeal against the ‘Decision on the Confirmation of Charges’ ” (ICC-01/04-01/10-465-Red), ICC-01/04-01/10-499-Corr, 13 March 2012.

<sup>3</sup> Decision replacing a judge in the Appeals Chamber, ICC-01/04-01/10-500.

<sup>4</sup> Annex I.

<sup>5</sup> Annex II.

**HEREBY**

**DECIDES**, for the purpose of the appeal, to temporarily attach Judge Silvia Fernández de Gurmendi, currently assigned to the Pre-Trial Division, to the Appeals Chamber which shall be composed as follows:

Judge Sang-Hyun Song

Judge Akua Kuenyehia

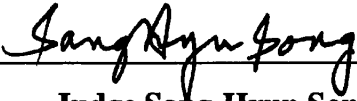
Judge Erkki Kourula

Judge Anita Ušacka

Judge Silvia Fernández de Gurmendi

**ORDERS** the Registrar to file and notify this decision to the relevant participants in the case.

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

  
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**Judge Sang-Hyun Song**  
**President**

Dated this 22 March 2012

At The Hague, The Netherlands