



Original: **English**

No.: **ICC-Pres-01/23**  
Date: **21 February 2023**

**THE PRESIDENCY**

**Before:** Judge Piotr Hofmański, President  
Judge Luz del Carmen Ibáñez Carranza, First Vice-President  
Judge Bertram Schmitt, Acting Second Vice-President

**Public**

**Decision replacing a judge in Pre-Trial Chamber II**

**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

**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**

## **REGISTRY**

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**Registrar**  
Mr Peter Lewis

**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

The Presidency of the International Criminal Court ('Court') notes that by way of internal memorandum dated 21 February 2023, Judge Antoine Kesia-Mbe Mindua requested to be excused from Pre-Trial Chamber II on the basis of workload ('Request').<sup>1</sup>

The Presidency further notes that pursuant to regulation 11(2) of the Regulations of the Court, if a member of the Presidency is unavailable or disqualified, his or her responsibilities shall be carried out by the next available judge having precedence in accordance with regulation 10 of the Regulations of the Court. The next available judge in accordance with the latter regulation was Judge Schmitt. Accordingly, on 21 February 2023, Judge Schmitt assumed his responsibility as a member of the Presidency for the purpose of the Request.

The Presidency notes article 41(1) of the Statute whereby '[t]he Presidency may, at the request of a judge, excuse that judge from the exercise of a function under this Statute'.

On 21 February 2023, the Presidency granted the Request.<sup>2</sup>

The Presidency notes the composition of the Pre-Trial Division and of the Pre-Trial Chambers.<sup>3</sup> Considering also the current and anticipated workload of the judges of the Court, it hereby decides to assign Judge Sergio Gerardo Ugalde Gordínez to Pre-Trial Chamber II.

The Presidency hereby decides that Pre-Trial Chamber II shall henceforth be composed as follows:

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

Judge Sergio Gerardo Ugalde Gordínez.

The Presidency orders the Registrar to file and notify the present decision to the relevant parties and participants in all relevant situations and cases before Pre-Trial Chamber II.

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

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<sup>1</sup> Internal Memorandum: 2023/PRES/00056-01.

<sup>2</sup> Internal Memorandum: 2023/PRES/00056-02.

<sup>3</sup> See e.g. Presidency, Decision assigning judges to divisions and recomposing Chambers, 16 March 2021, ICC-02/05-01/07-88.



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**Judge Piotr Hofmański**  
**President**



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**Judge Luz del Carmen Ibáñez Carranza**  
**First Vice-President**



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**Judge Bertram Schmitt**  
**Acting Second Vice-President**

Dated this 21 February 2023

At The Hague, The Netherlands