

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-02/05-03/09

Date: 16 March 2012

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Sanji Mmasenono Monageng, First Vice-President
Judge Cuno Tarfusser, Second Vice-President

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN AND SALEH
MOHAMMED JERBO JAMUS***

Public

Decision replacing a judge in Trial Chamber IV

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 Karim A.A. Khan
Mr Nicholas Koumjian

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

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Pereira

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

Trial Chamber IV

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

NOTING its decision of 16 March 2011 constituting Trial Chamber IV and referring to it the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*; noting further that by that decision Trial Chamber IV was composed of Judge Fatoumata Dembele Diarra, Judge Joyce Aluoch and Judge Silvia Fernández de Gurmendi;¹

NOTING the request of Judge Fatoumata Dembele Diarra of 14 February 2012 to be excused from exercising her functions as a judge of Trial Chamber IV (hereinafter “Request”) pursuant to article 41 of the Rome Statute (hereinafter “Statute”) and rule 33 of the Rules of Procedure and Evidence (hereinafter “Rules”) on the basis of her unavailability by reason of the end of her term of office as of 10 March 2012;²

NOTING also that in the Request, Judge Fatoumata Dembele Diarra, then First Vice-President, additionally requested to be excused from the deliberations of the Presidency on her Request;³ Noting further the decision of the Presidency on 15 February 2012 granting the latter request to prevent a conflict of interest from arising and treating Judge Fatoumata Dembele Diarra as unavailable for the purposes of deliberations of the Presidency on the Request pursuant to regulation 11(2) of the Regulations of the Court (hereinafter “Regulations”);

NOTING the assumption by Judge Elizabeth Odio Benito, on 22 February 2012, of the responsibilities of Judge Fatoumata Dembele Diarra in the Presidency for the purposes of the Request in accordance with regulation 11(2) of the Regulations;

NOTING the decision of the Presidency of 6 March 2012, excusing Judge Fatoumata Dembele Diarra from Trial Chamber IV;⁴

¹ ICC-02/05-03/09-124.

² Annex I.

³ Annex I.

⁴ Annex II.

CONSIDERING that the functions of the Trial Chamber shall normally be carried out by three judges of the Trial Division in accordance with article 39(2)(b)(ii) of the Statute;

CONSIDERING rule 38 of the Rules and regulation 15 of the Regulations providing for the replacement of judges;

HEREBY

DECIDES that Trial Chamber IV shall henceforth be composed as follows:

Judge Joyce Aluoch

Judge Silvia Fernández de Gurmendi

Judge Chile Eboe-Osuji

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.



Judge Sang-Hyun Song
President

Dated this 16 March 2012

At The Hague, The Netherlands