



Original: **English**

No.: **ICC-02/04-01/15**

Date: **1 April 2021**

THE PRESIDENCY

Before: Judge Piotr Hofmański, President
Judge Luz del Carmen Ibáñez Carranza, First Vice-President
Judge Antoine Kesia-Mbe Mindua, Second Vice-President

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. DOMINIC ONGWEN***

Public with Public Annex

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

Fatou Bensouda
Helen Brady

Counsel for the Defence

Krispus Ayena Odongo
Chief Charles Achaleke Taku

Legal Representatives of the Victims

Joseph Akwenyu Manoba
Francisco Cox

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massida

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

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 that on 8 February 2021, the Defence for Mr. Dominic Ongwen filed a request for suspension of the date by which he is required to file a notification of appeal against the Trial Judgement in the case of *The Prosecutor v. Dominic Ongwen* (the ‘Ongwen case’),¹ and on 24 February 2021, the Appeals Chamber extended the time limit for the filing of Mr Ongwen’s notice of appeal to 21 April 2021.²

On 18 March 2021, Judge Marc Perrin de Brichambaut was, in accordance with article 39(1) of the Rome Statute of the International Criminal Court (the ‘Statute’), assigned to the Appeals Division.³

On 18 March 2021, Judge Perrin de Brichambaut filed a request before the Presidency pursuant to article 41(1) of the Statute and rule 33(1) of the Rules of Procedure and Evidence (the ‘Rules’), wherein he requested to be excused from his function as a judge of the Appeals Chamber for the purposes of all pending and future appeals in the *Ongwen* case, to the extent that these appeals relate to the criminal proceedings against Mr Ongwen (the ‘Request for Excusal’).

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 25 March 2021, the Presidency granted the Request for Excusal (Annex I).

The Presidency notes the composition of the Appeals Chamber as set out in article 39(2)(b)(i) of the Statute, pursuant to which the Appeals Chamber shall be composed of all of the judges of the Appeals Division which in turn is composed of the President and four other judges, by virtue of article 39(1) of the Statute. It is further noted that rule 38 of the Rules provides for the replacement of judges for objective and justified reasons, including accepted excuse, and that pursuant to regulation 15 of the Regulations, the Presidency is responsible for the replacement of judges.

¹ Defence for Mr Ongwen, *The Prosecutor v. Dominic Ongwen*, Public Redacted Version of “Defence request for a suspension of its notice of its intent to appeal Trial Chamber IX’s Trial Judgment”, filed on 8 February 2021, 8 February 2021, ICC-02/04-01/15-1764-Red, paras 1, 44.

² Appeals Chamber, *The Prosecutor v. Dominic Ongwen*, Decision on Mr Ongwen’s request for time extension for the notice of appeal and on translation, 24 February 2021, ICC-02/04-01/15-1781.

³ Presidency, *The Prosecutor v. Dominic Ongwen*, Decision assigning judges to divisions and recomposing Chambers, 18 March 2021, ICC-02/04-01/15-1797, p. 4.

Noting the availability and the current and anticipated workload of the judges of the Court, the Presidency hereby decides to temporarily attach Judge Reine Alapini-Gansou currently assigned to the Pre-Trial Division and temporarily attached to the Trial Division, to the Appeals Chamber for the purpose of hearing appeals in the *Ongwen* case, to the extent that such appeals relate to the criminal proceedings against Mr Ongwen.

Accordingly, the Appeals Chamber shall be composed as follows for any such appeals:

Judge Luz del Carmen Ibáñez Carranza, Presiding Judge⁴

Judge Piotr Hofmański

Judge Solomy Balungi Bossa

Judge Reine Alapini-Gansou

Judge Gocha Lordkipanidze

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 Piotr Hofmański
President

Dated this 1 April 2021

At The Hague, The Netherlands

⁴ See Appeals Chamber, *The Prosecutor v. Dominic Ongwen*, Decision on the Presiding Judge of the Appeals Chamber in any appeal against the decision of Trial Chamber IX entitled ‘Trial Judgment’, 11 February 2021, ICC-02/04-01/15-1767.