



Original: **English**

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

Date: **9 June 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

Decision replacing a judge in Trial Chamber IX

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda
James Steward

Counsel for the Defence

Krispus Ayena Odongo
Chief Charles Achaleke Taku
Beth Lyons

Legal Representatives of the Victims

Joseph Akwenyu
Manoba Francisco Cox
Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**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
Trial Chamber IX**

THE PRESIDENCY of the International Criminal Court notes that Trial Chamber IX was constituted on 2 May 2016 and, on the same day, the Presidency referred the case of *The Prosecutor v. Dominic Ongwen* (the ‘Ongwen case’) to it.¹ On 4 February 2021, Trial Chamber IX issued the trial judgement pursuant to article 74 of the Rome Statute (the ‘Statute’) and, on 6 May 2021, the sentencing judgment pursuant to article 76 of the Statute.² On 6 May 2021, Trial Chamber IX also issued an order for submissions on reparations.³

The Presidency notes that in accordance with articles 36(9) and (10) of the Statute and prior practice, the judicial mandate of Judge Raul C. Pangalangan has come to an end.⁴

The Presidency further notes that rule 38 of the Rules of Procedure and Evidence provides for the replacement of judges for objective and justified reasons and that, pursuant to regulation 15 of the Regulations of the Court, the Presidency is responsible for the replacement of judges.

Recalling article 39(1) and (2)(b)(ii) of the Statute and considering the need to assign a judge for the purpose of the reparations proceedings pursuant to article 75 of the Statute, as well as the availability and the current and anticipated workload of the judges of the Court, the Presidency hereby decides that Trial Chamber IX shall, henceforth, be composed as follows:

Judge Betram Schmitt, Presiding

Judge Péter Kovács

Judge Chang-ho Chung

The Presidency orders the Registrar to file and notify this decision to the relevant parties and participants in the *Ongwen* case.

¹ Presidency, *The Prosecutor v. Dominic Ongwen*, Decision constituting Trial Chambers VIII and IX and referring to them the cases of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* and *The Prosecutor v. Dominic Ongwen*, 2 May 2016, ICC-02/04-01/15-430, p. 5.

² Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, Sentence, 6 May 2021, ICC-02/04-01/15-1819-Red; Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, Trial Judgment, 4 February 2021, ICC-02/04-01/15-1762-Red.

³ Trial Chamber IX, *The Prosecutor v. Dominic Ongwen*, Order for Submissions on Reparations, 6 May 2021, ICC-02/04-01/15-1820.

⁴ Presidency, *The Prosecutor v. Bosco Ntaganda*, Decision re-composing Trial Chamber VI, 20 November 2019, ICC-01/04-02/06-2444, p. 3; Presidency, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Decision replacing two judges in Trial Chamber III, 6 July 2016, ICC-01/05-01/08-3403, p. 3; Presidency, *The Prosecutor v. Germain Katanga*, Decision replacing two judges in Trial Chamber II, 16 April 2014, ICC-01/04-01/07-3468, p. 3.

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



Judge Piotr Hofmański
President



Judge Luz del Carmen Ibáñez Carranza
First Vice-President



Judge Antoine Kesia-Mbe Mindua
Second Vice-President

Dated this 9 June 2021

At The Hague, The Netherlands