

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/22**  
Date: **8 November 2024**

**THE PLENARY OF JUDGES  
OF THE INTERNATIONAL CRIMINAL COURT**

**SITUATION IN UKRAINE**

**Public, with public Annexes I and II**

**Notification concerning the ‘Application for the Disqualification of Judges’ filed on  
31 October 2024 (ICC-01/22-92-Anx)**

**Order 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  
Ms Brenda J. Hollis

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants**

**The Office of Public Counsel for Victims**

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

**States' Representatives**

Mongolia

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**  
All Judges

The plenary of judges of the International Criminal Court (the ‘Court’), with the exception of Judge Tomoko Akane, Judge Rosario Salvatore Aitala and Judge Gerardo Ugalde Godínez

In the *Situation in Ukraine*,

**NOTING** the ‘Application for the Disqualification of Judges’ made by Mongolia referring to article 41(2)(a) of the Rome Statute (the ‘Application’), seeking that Judge Aitala and Judge Ugalde be disqualified from Pre-Trial Chamber II from adjudicating on Mongolia’s request for leave to appeal the finding of non-compliance by Mongolia entered by Pre-Trial Chamber II on 24 October 2024,<sup>1</sup> and that Judge Akane and Judge Aitala be disqualified from the Presidency in connection with the present Application;<sup>2</sup>

**NOTING** that, in accordance with article 41(2)(c) of the Rome Statute and rule 34(2) of the Rules of Procedure and Evidence, Judge Akane, Judge Aitala and Judge Ugalde were requested to present any written observations on the Application, which were duly provided by them directly to the plenary of judges within the established time limit (the ‘Observations’);<sup>3</sup>

**HEREBY NOTIFIES** that the Observations will be duly considered by the judges in a plenary session convened to address the Application;

**HEREBY ANNEXES** the observations of Judge Akane and the consolidated observations of Judge Aitala and Judge Ugalde.

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

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<sup>1</sup> [Request to leave to appeal](#), dated 29 October 2024 and notified on 31 October 2024, ICC-01/22-91-Anx, *annexed to Registry, Situation in Ukraine*, Registry transmission of communication received from Mongolia in relation to Pre-Trial Chamber II’s “Finding under article 87(7) of the Rome Statute on the non-compliance by Mongolia with the request by the Court to cooperate in the arrest and surrender of Vladimir Vladimirovich Putin and referral to the Assembly of States Parties” of 24 October 2024, 31 October 2024, ICC-01/22-91.

<sup>2</sup> [Application for the disqualification of Judges](#), dated 29 October 2024 and notified on 31 October 2024, ICC-01/22-92-Anx, *annexed to Registry, Situation in Ukraine*, Registry transmission of communication received from Mongolia in relation to Pre-Trial Chamber II’s “Finding under article 87(7) of the Rome Statute on the non-compliance by Mongolia with the request by the Court to cooperate in the arrest and surrender of Vladimir Vladimirovich Putin and referral to the Assembly of States Parties” of 24 October 2024, 31 October 2024, ICC-01/22-92.

<sup>3</sup> Presidency, *Situation in Ukraine*, [Order concerning the ‘Application for the Disqualification of Judges’ filed on 31 October 2024 \(ICC-01/22-92-Anx\)](#), 5 November 2024, ICC-01/22-95.



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**Judge Reine Alapini-Gansou**  
**Acting President**

Dated this 8 November 2024

At The Hague, The Netherlands