

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/22**
Date: **24 December 2024**

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

SITUATION IN UKRAINE

Public, with public Annexes I and II

Notification concerning the Request from Mongolia dated 2 December 2024 (ICC-01/22-113-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

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 Rosario Salvatore Aitala and Judge Gerardo Ugalde Godínez,

In the *Situation in Ukraine*,

NOTING the ‘Application for the Disqualification of Judges’ made by Mongolia filed on 31 October 2024 referring to article 41(2)(a) of the Rome Statute (the ‘Disqualification 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 2024,¹ and that Judge Tomoko Akane and Judge Aitala be disqualified from the Presidency in connection with the Disqualification Application;²

RECALLING the unanimous decision of the plenary of judges rejecting the Disqualification Application;³

NOTING the ‘Request for Partial Reconsideration of the Decision on the “Application for the Disqualification of Judges”, or Alternatively, a Submission of a new Application for Disqualification’ made by Mongolia on 2 December 2024 (the ‘Reconsideration Application’), in which Mongolia withdrew its request for the disqualification of Judge Akane and requested that the plenary reconsider its decision rejecting the Disqualification Application insofar as it relates to Judge Aitala and Judge Ugalde on the basis of, *inter alia*, alleged legal and procedural errors and new evidence;⁴

¹ Mongolia, *Situation in Ukraine*, [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.

² Mongolia, *Situation in Ukraine*, [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.

³ Plenary of judges, *Situation in Ukraine*, [Notification of a decision of the plenary on the ‘Application for the Disqualification of Judges’ filed on 31 October 2024 \(ICC-01/22-92-Anx\)](#), 15 November 2024, ICC-01/22-104; Plenary of judges, *Situation in Ukraine*, [Reasons for the Decision on the ‘Application for the Disqualification of Judges’ filed on 31 October 2024 \(ICC-01/22-92-Anx\)](#), 22 November 2024, ICC-01/22-107.

⁴ Mongolia, *Situation in Ukraine*, [Request for Partial Reconsideration of the Decision on the “Application for the Disqualification of Judges”, or Alternatively, a Submission of a new Application for Disqualification](#), 2 December 2024, ICC-01/22-113-Anx, paras 1, 3-4, annexed to Registry, *Situation in Ukraine*, [Registry Transmission of a](#)

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 Aitala and Judge Ugalde were requested to present any written observations on the Reconsideration Application, which were duly provided by them directly to the plenary of judges within the established time limit (the ‘Observations’);⁵

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

HEREBY ANNEXES the observations of Judge Aitala and Judge Ugalde.

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



Judge Tomoko Akane
President

Dated this 24 December 2024

At The Hague, The Netherlands

[“Request for Partial Reconsideration of the Decision on the ‘Application for the Disqualification of Judges’” received from Mongolia](#), 2 December 2024, ICC-01/22-113.

⁵ Presidency, *Situation in Ukraine*, [Order concerning the Request from Mongolia dated 2 December 2024 \(ICC-01/22-113-Anx\)](#), 9 December 2024, ICC-01/22-115.