

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-02/04-01/05**

Date: **18 March 2025**

**THE PRESIDENCY**

**Before:**

**Judge Tomoko Akane, President  
Judge Rosario Salvatore Aitala, First Vice-President  
Judge Reine Alapini-Gansou, Second Vice-President**

**SITUATION IN THE REPUBLIC OF UGANDA**

**IN THE CASE OF  
*THE PROSECUTOR v. JOSEPH KONY***

**Public**

**Decision Replacing a Judge in the Appeals Chamber**

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

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>The Office of the Prosecutor</b>         | <input checked="" type="checkbox"/> <b>Counsel for the Defence</b>                      |
| <input checked="" type="checkbox"/> <b>Legal Representatives of the Victims</b> | <input type="checkbox"/> <b>Legal Representatives of the Applicants</b>                 |
| <input type="checkbox"/> <b>Unrepresented Victims</b>                           | <input type="checkbox"/> <b>Unrepresented Applicants<br/>(Participation/Reparation)</b> |
| <input type="checkbox"/> <b>The Office of Public Counsel for<br/>Victims</b>    | <input type="checkbox"/> <b>The Office of Public Counsel for the<br/>Defence</b>        |
| <input type="checkbox"/> <b>States' Representatives</b>                         | <input type="checkbox"/> <b>Amicus Curiae</b>   |

## **REGISTRY**

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- |   |   |
|---|---|
| <b>Registrar</b><br>Mr Zavala Giler, Osvaldo                                      | <input type="checkbox"/> <b>Counsel Support Section</b>             |
| <input checked="" type="checkbox"/> <b>Victims and Witnesses Unit</b>             | <input type="checkbox"/> <b>Detention Section</b>                   |
| <input type="checkbox"/> <b>Victims Participation and Reparations<br/>Section</b> | <input checked="" type="checkbox"/> <b>Other</b><br>Appeals Chamber |

1. The Presidency of the International Criminal Court (the ‘Court’) takes note of Pre-Trial Chamber III’s Decision on the ‘Kony Defence request for leave to appeal [the] “Decision on the criteria for holding confirmation of charges proceedings *in absentia*”’ dated 28 January 2025, in the case of *The Prosecutor v. Joseph Kony*, in which leave to appeal was granted pursuant to article 82(1)(d) of the Rome Statute (the ‘Interlocutory Appeal’).<sup>1</sup>
2. On 18 March 2025, Judge Luz del Carmen Ibáñez Carranza was excused from the Appeals Chamber in the Interlocutory Appeal by the Presidency, following the receipt of a confidential request for excusal. Pursuant to rule 33(2) of the Rules of Procedure and Evidence (the ‘Rules’), an elected official is entitled to assert confidentiality over her or his request for excusal.
3. The Presidency notes 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 of the Court, the Presidency is responsible for the replacement of judges.
4. The Presidency hereby decides that Judge Ibáñez will be replaced in the Appeals Chamber for the purpose of the Interlocutory Appeal by Judge Kimberly Prost and hereby temporarily attaches Judge Prost to the Appeals Chamber for this purpose. The Presidency has decided to assign Judge Prost to the Interlocutory Appeal after objectively assessing in detail the workload of all judges of the Court able to sit in the case, noting also the seniority of Judge Prost in this regard.
5. The Presidency decides that the Appeals Chamber shall be composed, for the purpose of the Interlocutory Appeal, as follows:

Judge Solomy Balungi Bossa

Judge Kimberly Prost

Judge Joanna Korner

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<sup>1</sup> Pre-Trial Chamber III, *The Prosecutor v. Joseph Kony*, [Decision on the ‘Kony Defence request for leave to appeal \[the\] “Decision on the criteria for holding confirmation of charges proceedings \*in absentia\*”’](#), 28 January 2025, ICC-02/04-01/05-551.

Judge Gocha Lordkipanidze

Judge Erdenebalsuren Damdin.

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

赤根智子

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**Judge Tomoko Akane**  
**President**

Dated this 18 March 2025

At The Hague, The Netherlands