



Original: English

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

Date: 20 April 2015

THE PRESIDENCY

Before: Judge Joyce Aluoch, First Vice-President
Judge Kuniko Ozaki, Second Vice-President
Judge Sanji Mmasenono Monageng

SITUATION IN UGANDA

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

Public with Public Annex I

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
 James Stewart
 Benjamin Gumpert

Counsel for the Defence
 Krispus Ayena Odongo

Legal Representatives of the Victims

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
 Herman von Hebel

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 14 April 2015, the Single Judge of Pre-Trial Chamber II granted the Prosecutor's request for leave to appeal the "Decision Setting the Regime for Evidence Disclosure and Other Related Matters" ("appeal") in the case of *The Prosecutor v. Dominic Ongwen* ("Ongwen").¹

On 11 March 2015, Judge Fernández de Gurmendi was elected President of the Court and, in accordance with article 39(1) of the Rome Statute of the International Criminal Court ("Statute"), was subsequently assigned to the Appeals Division.²

On 16 April 2015, Judge Silvia Fernández de Gurmendi 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 ("Rules"), wherein she requested to be excused from her function as a judge of the Appeals Chamber for the purposes of all pending and future appeals in *Ongwen*.

In the same request, Judge Fernández de Gurmendi also asked to be excused from the deliberations of the Presidency on her request for excusal from the Appeals Chamber in all pending and future appeals in *Ongwen*. On 20 April 2015, the remaining members of the Presidency granted this request. On the same date, Judge Sanji Mmasenono Monageng assumed responsibilities as a member of the Presidency for the purpose of deliberating on Judge Fernández de Gurmendi's request for excusal from sitting on all pending and future appeals in *Ongwen* in accordance with regulations 10 and 11(2) of the Regulations of the Court.

On 20 April 2015, the Presidency granted Judge Fernández de Gurmendi's request for excusal from the Appeals Chamber for purposes of all pending and future appeals in *Ongwen* (Annex I).

The Presidency recalls article 39(1) and (2)(b)(i) of the Statute, rule 38 of the Rules and regulations 10, 11(2), 12 and 15(1) of the Regulations of the Court.

The Presidency hereby decides, for the purpose of hearing the appeal, to temporarily attach Judge Olga Herrera Carbuccia, currently assigned to the Trial Division, to the Appeals

¹ Decision on the Prosecutor's application for leave to appeal decision ICC 02/04-01/15-203 with respect to the imposition of a duty to file 'in-depth analysis charts' of the disclosed evidence", ICC-02/04-01/15-220.

² See Decision assigning judges to divisions, 13 Mar. 2015, ICC-02/11-01/12/67; Press Release, Judge Fernández de Gurmendi elected ICC President for 2015-2018; Judges Aluoch and Ozaki elected First and Second Vice-Presidents respectively, 11 Mar. 2015, ICC-CPI-20150311-PR1096.

Chamber. The Presidency selected Judge Herrera Carbuccion by lot from a roster of eligible replacement judges. This roster will be made public and will henceforth be updated every six months. In preparing the roster, the Presidency paid due attention to case-related conflicts as well as the workload of eligible replacement judges. With respect to workload, the Presidency has excluded from the roster presiding judges of active trials and single judges of confirmation of charges proceedings, unless such judges have indicated a desire to be included in the roster.

Accordingly, the Appeals Chamber shall be composed as follows for purposes of the appeal:

Judge Sanji Mmasenono Monageng

Judge Christine Van den Wyngaert

Judge Howard Morrison

Judge Olga Herrera Carbuccion

Judge Piotr Hofmański

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 Joyce Aluoch
First Vice-President

Dated this 20 April 2015

At The Hague, The Netherlands