

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-02/11-01/15**

Date: **15 July 2015**

THE PRESIDENCY

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

SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE

**IN THE CASE OF
THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLÉ GOUDÉ**

**Confidential *Ex Parte* with Confidential *Ex Parte* Annex I to the Registry, the
Prosecutor, Mr Laurent Gbagbo and the Legal Representative for Victims, only with**

Urgent

Decision replacing two judges 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**

Ms Fatou Bensouda
Mr James Stewart
Mr Eric MacDonald

Counsel for Mr Laurent Gbagbo

Mr Emmanuel Altit
Ms Agathe Bahi Baroan

Legal Representatives of the Victims

Ms Paolina Massidda

Legal Representative of Applicants**Unrepresented Victims****Unrepresented Applicants for
Participation/Reparation****The Office of Public Counsel for the
Victims****The Office of Public Counsel for the
Defence****States Representatives****Amicus Curiae****REGISTRY**

Registrar

Mr Herman von Hebel

Counsel Support Section**Victims and Witnesses Unit****Detention Section****Victims Participation and Reparations
Section****Other**

THE PRESIDENCY of the International Criminal Court notes that on 14 July 2015, Mr Laurent Gbagbo filed before the Appeals Chamber the “Acte d’appel de la Défense relatif à la ‘ninth decision on the review of Mr Laurent Gbagbo’s detention pursuant to Article 60(3) of the Statute’ (ICC-02/11-01/15-127-Conf) de la Chambre de première instance I décident du maintien en detention de Laurent Gbagbo”¹ (“appeal”) in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*.²

On 15 July 2015, Judge Christine Van den Wyngaert filed a request before the Presidency pursuant to article 41(1) of the Rome Statute of the International Criminal Court (“Statute”) and rule 33 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 purposes of the appeal.

On the same date, Judge Silvia Fernández de Gurmendi also filed a request before the Presidency, pursuant to article 41(1) of the Statute and rule 33 of the Rules, wherein she asked to be excused from her function as a judge of the Appeals Chamber for purposes of the appeal. 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. On the same date, the remaining members of the Presidency granted this request and Judge Sanji Mmasenono Monageng assumed responsibilities as a member of the Presidency for the purpose of deliberating on Judge Van den Wyngaert and Judge Fernández de Gurmendi’s requests for excusal from the appeal in accordance with regulations 10 and 11(2) of the Regulations of the Court.

On 15 July 2015, the Presidency granted Judge Van den Wyngaert and Judge Fernández de Gurmendi’s respective requests for excusal from the Appeals Chamber for purposes of the appeal (Annex I).

The Presidency recalls article 39(1) and (2)(b)(i) of the Statute, rule 38 of the Rules and regulations 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 Kuniko Ozaki, currently assigned to the Trial Division, and Judge Chang-ho Chung,

¹ ICC-02/11-01/15-134-Conf-Exp (filed confidentially *ex parte* Registry and Mr Gbagbo only). That same day, Mr Gbagbo filed a confidential *ex parte* Registry, Mr Gbagbo, Prosecutor and legal representative of victims only version of the appeal (ICC-02/11-01/15-134-Conf-Exp-Red2).

² On 11 March 2015, Trial Chamber I joined the cases of *The Prosecutor v. Laurent Gbagbo and The Prosecutor v. Charles Blé Goudé* were joined

currently assigned to the Pre-Trial Division, to the Appeals Chamber. The Presidency selected Judge Ozaki and Judge Chung 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 Kuniko Ozaki

Judge Sanji Mmasenono Monageng

Judge Howard Morrison

Judge Piotr Hofma ski

Judge Chang-ho Chung

The Presidency orders the Registrar to file and notify this decision to the relevant parties and participants in the case. The Presidency further instructs, however, that where a decision of the Appeals Chamber in the interlocutory appeal is filed or re-classified as “confidential” or “public”, the classification of this decision and the annex are also to change to accord with that of the decision of the Appeals Chamber.

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



Judge Joyce Aluoch

Dated this 15 July 2015

At The Hague, The Netherlands