



Original: **English**

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

Date: **13 July 2016**

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***

Public

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

Counsel for Mr Charles Blé Goudé

Mr Geert-Jan Alexander Knoops
 Mr Claver N'dry

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 in a decision dated 7 July 2016, Trial Chamber I granted, by majority, defence requests for leave to appeal its “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)” in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* (“*Gbagbo and Blé Goudé*”).¹

On 18 September 2015, the Presidency, in its present composition, granted the requests of Judge Silvia Fernández de Gurmendi and Judge Christine Van den Wyngaert for excusal from all future appeals in *Gbagbo and Blé Goudé*.²

The Presidency recalls article 39(1) and (2)(b)(i) of the Rome Statute of the International Criminal Court, rule 38 of the Rules of Procedure and Evidence and regulations 12 and 15(1) of the Regulations of the Court.

The Presidency further recalls that, on 15 July 2015, in accordance with the Presidency’s policy of effecting the replacement of judges by lot from a roster of eligible judges, Judge Fernández de Gurmendi and Judge Van den Wyngaert were replaced in the Appeals Chamber by Judge Kuniko Ozaki and Judge Chang-ho Chung for the purpose of hearing an appeal in *Gbagbo and Blé Goudé*.³ The Presidency further recalls its policy that a judge already designated by lot may be subsequently designated to sit on other appeals under article 82 of the Rome Statute that arise in the same case.

The Presidency hereby decides, in the current circumstances, to temporarily attach Judge Ozaki and Judge Chung, currently assigned to the Trial and Pre-Trial Divisions respectively, to the Appeals Chamber.

¹ Decision on requests for leave to appeal the “Decision on the Prosecutor’s application to introduce prior recorded testimony under Rules 68(2)(b) and 68(3)”, ICC-02/11-01/15-612.

² ICC-02/11-01/15-230-AnxI.

³ Decision replacing two judges in the Appeals Chamber, ICC-02/11-01/15-142; See also Decision replacing two judges in the Appeals Chamber, 18 September 2015, ICC-02/11-01/15-230.

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 Hofmański

Judge Chang-ho Chung

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 13 July 2016

At The Hague, The Netherlands