



Original: **English**

No.: **ICC-Pres-01/21**  
Date: **16 March 2021**

**THE PRESIDENCY**

**Before:** Judge Piotr Hofmański, President  
Judge Luz del Carmen Ibáñez Carranza, First Vice-President  
Judge Antoine Kesia-Mbe Mindua, Second Vice-President

**Public**

**Decision assigning judges to divisions and recomposing Chambers**

**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

**The Office of Public Counsel for  
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for  
the Defence**

Mr Xavier-Jean Keïta

**States' Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Mr Peter Lewis

**Counsel Support Section**

Mr Esteban Peralta Losilla

**Victims and Witnesses Unit**

Mr Nigel Verrill

**Detention Section**

Mr Harry Tjonk

**Victims Participation and Reparations  
Section**

Mr Philipp Ambach

**Other**

All Judges

All Pre-Trial Chambers

All Trial Chambers

Appeals Chamber

**THE PRESIDENCY** of the International Criminal Court (“Court”);

**NOTING** the assignments of judges to the Pre-Trial Division, the Trial Division and the Appeals Division as of 16 March 2018;<sup>1</sup>

**NOTING** the election of Judge Piotr Hofmański as President of the Court, Judge Luz del Carmen Ibáñez Carranza as First Vice-President of the Court and Judge Antoine Kesia-Mbe Mindua as Second Vice-President of the Court on 11 March 2021;<sup>2</sup>

**NOTING** article 39(1) of the Rome Statute (“Statute”) and rule 4 *bis* of the Rules of Procedure and Evidence (“Rules”);

**NOTING** that the Presidency has consulted with the judges in assigning them to the various divisions of the Judiciary, in accordance with paragraph 2 of rule 4 *bis* of the Rules;

**NOTING** that when assigning judges to divisions, the Presidency must balance a number of factors to the extent necessary and possible, as set out below, and that the guiding principles informing these factors are the applicable statutory framework and the need to ensure the efficient management of the Court’s workload, including in view of the Court’s long-term needs;<sup>3</sup>

**NOTING** the relative judicial workload of each judge,<sup>4</sup> the previous involvement of each judge in cases,<sup>5</sup> as well as the experience and expertise of each judge;<sup>6</sup>

**SEEKING** to ensure, to the extent possible, gender and geographical balance and representation of the world’s principal legal systems within each division;<sup>7</sup>

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<sup>1</sup> Presidency, Decision assigning judges to divisions and recomposing Chambers, 16 March 2018, *see e.g.* ICC-02/05-01/07-75 (“Presidency Decision of 16 March 2018”).

<sup>2</sup> Press release, New ICC Presidency elected for 2021-2024, 11 March 2021, ICC-CPI-20210311-PR1576.

<sup>3</sup> Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, p. 3; Presidency, Decision assigning judges to divisions, 13 March 2015, *see e.g.* ICC-01-04-01/06-3130, p. 3.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Article 39(1) of the Statute.

<sup>7</sup> *See* regulation 15(1) of the Regulations of the Court; Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, p. 3.

**HEREBY DECIDES** that the judges shall be assigned to the various divisions as follows, with immediate effect:

**Appeals Division:**

Judge Piotr Hofmański  
Judge Luz del Carmen Ibáñez Carranza  
Judge Marc Perrin de Brichambaut  
Judge Solomy Balungi Bossa  
Judge Gocha Lordkipanidze

**Trial Division:**

Judge Bertram Schmitt  
Judge Chang-ho Chung  
Judge Kimberly Prost  
Judge Joanna Korner  
Judge Miatta Maria Samba  
Judge Althea Violet Alexis-Windsor

**Pre-Trial Division:**

Judge Antoine Kesia-Mbe Mindua  
Judge Péter Kovács  
Judge Tomoko Akane  
Judge Reine Alapini-Gansou  
Judge Rosario Salvatore Aitala  
Judge María del Socorro Flores Liera  
Judge Sergio Gerardo Ugalde Gordinez

**NOTING FURTHER** the current composition of the various Pre-Trial and Trial Chambers,<sup>8</sup> as well as the situations assigned to the Pre-Trial Chambers<sup>9</sup> and cases assigned to the Trial Chambers,<sup>10</sup> as of 10 March 2021;

<sup>8</sup> **Pre-Trial Chamber I:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 9; **Pre-Trial Chamber II:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 9, ; **Pre-Trial Chamber III:** Presidency, *Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar*, Decision on the constitution of Pre-Trial Chamber III and on the assignment of the situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar, 25 June 2019, ICC-01/19-1 ('Presidency Decision of 25 June 2019'), p. 3; **Pre-Trial Chamber A:** President of the Pre-Trial Division, *The Prosecutor v. Paul Gicheru and Philip Kipkoech Bett*, Decision Constituting a Chamber Composed of one Judge from the Pre-Trial Division to Exercise the Powers and Functions of the Pre-Trial Chamber in the Present Case, 2 November 2020, ICC-01/09-01/15-32 ('Decision of 2 November 2020'), p. 4; **Trial Chamber I:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6-7; **Trial Chamber II:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6-7; **Trial Chamber III:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, p. 7; **Trial Chamber IV:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 8; **Trial Chamber V:** Presidency, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Decision constituting Trial Chamber V and referring to it the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, 16 March 2020, ICC-01/14-01/18-451 ('Presidency Decision of 16 March 2020'), p. 4; **Trial Chamber VI:** Presidency, *The Prosecutor v. Bosco Ntaganda*, Decision re-composing Trial Chamber VI, 20 November 2019, ICC-01/04-02/06-2444, p. 3; **Trial Chamber VII:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 8; **Trial Chamber VIII:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 8; **Trial Chamber IX:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 8; **Trial Chamber X:** Presidency, *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Decision constituting Trial Chamber X and referring to it the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, 21 November 2019, ICC-01/12-01/18-501 ('Presidency Decision of 21 November 2019'), p. 4.

<sup>9</sup> **Pre-Trial Chamber I:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 9; Presidency, *Situation in the State of Palestine*, Decision assigning the situation in the State of Palestine to Pre-Trial Chamber I, 24 May 2018, ICC-01/18-1, p. 3; Presidency, *Situation in Georgia*, Decision reassigning the Situation in Georgia to Pre-Trial Chamber III, 17 March 2020, ICC-01/15-29 ('Presidency Decision of 17 March 2020'), p. 3; **Pre-Trial Chamber II:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 9; **Pre-Trial Chamber III:** Presidency Decision of 25 June 2019, ICC-01/19-1, p. 3; Presidency, *Situation in the Bolivarian Republic of Venezuela I*, Decision assigning the Situation in the Bolivarian Republic of Venezuela II and reassigning the Situation in the Bolivarian Republic of Venezuela I to Pre-Trial Chamber III, 19 February 2020, ICC-02/18-2, p. 4; Presidency Decision of 17 March 2020, ICC-01/15-29, p. 3; Presidency, *Situation in the Plurinational State of Bolivia*, Decision assigning the situation in the Plurinational State of Bolivia to Pre-Trial Chamber III, 15 September 2020, ICC-02/20-1, p. 3.

<sup>10</sup> **Trial Chamber I:** see Presidency, *The Prosecutor v. Charles Blé Goudé*, Corrigendum to the 'Decision referring the case of *The Prosecutor v. Charles Blé Goudé* to Trial Chamber I', ICC-02/11-02/11-193, 20 December 2014 (registered on 22 December 2014), 22 December 2014, ICC-02/11-02/11-193-Corr, p. 3; Presidency, *The Prosecutor v. Laurent Gbagbo*, Decision re-constituting Trial Chamber I and referring to it the case of *The Prosecutor v. Laurent Gbagbo*, 17 September 2014, ICC-02/11-01/11-682, p. 4; **Trial Chamber II:** Presidency, *The Prosecutor v. Thomas Lubanga Dyilo*, Decision referring the case of *The Prosecutor v. Thomas Lubanga Dyilo* to Trial Chamber II, 17 March 2015, ICC-01/04-01/06-3131, p. 3; Presidency, *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Decision constituting Trial Chamber II and referring to it the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, 24 October 2008, ICC-01/04-01/07-729, p. 5; **Trial Chamber III:** see Presidency, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Decision constituting Trial Chamber III and referring to it the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, 18 September 2009, ICC-01/05-01/08-534, p. 4; **Trial Chamber IV:** Presidency Decision of 16 March 2018, ICC-02/05-01/07-75, pp. 6, 8; Presidency, *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, Decision constituting Trial Chamber IV and referring to it the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, 16 March 2011, ICC-02/05-03/09-124, p. 4; see also Trial Chamber IV, *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, Decision terminating the proceedings against Mr Jerbo, 4 October 2013, ICC-02/05-03/09-512-Red, p. 12; **Trial Chamber V:** Presidency Decision of 16 March 2020, ICC-01/14-01/18-451, p. 4; **Trial Chamber VI:** Presidency, *The Prosecutor v. Bosco Ntaganda*, Decision constituting Trial Chamber VI and referring to it the case of *The Prosecutor v. Bosco Ntaganda*, 18 July 2014, ICC-01/04-02/06-337, p. 4; **Trial Chamber VII:** see Presidency, *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, Decision constituting Trial Chamber VII and referring to it the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo*

**NOTING** the need to recompose a number of Trial Chambers and Pre-Trial Chambers in view of the above assignments and the end of judicial mandates of one or more of their members;<sup>11</sup>

**NOTING** that, pursuant to article 39(2)(b)(i) of the Statute, the Appeals Chamber shall be composed of all the judges of the Appeals Division;<sup>12</sup>

**NOTING** that, in view of the current level of activity in the cases before Trial Chamber II and Trial Chamber VI, it is in the interests of judicial economy to reassign the cases currently before them to a single Trial Chamber;

**NOTING** that the composition of Trial Chamber V, Trial Chamber IX and Trial Chamber X as of 10 March 2021 shall remain unchanged;

**NOTING** that the composition of Pre-Trial Chamber A which was constituted by the President of the Pre-Trial Division pursuant to rule 165(2) of the Rules and regulation 66*bis*(1) of the Regulations of the Court shall remain unchanged;<sup>13</sup>

**NOTING** the need, in light of the Presidency's responsibility to ensure the efficient management of the pre-trial workload in accordance with article 38(3) of the Statute, to dissolve Pre-Trial Chamber III;

**HEREBY FURTHER DECIDES** to reassign the situations in the People's Republic of Bangladesh and the Republic of the Union of Myanmar, the Plurinational State of Bolivia,

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*Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*, 30 January 2015, ICC-01/05-01/13-805, p. 4; **Trial Chamber VIII**: Presidency, Decision constituting Trial Chambers VIII and IX and referring to them the cases of *The Prosecutor v. Ahmad Al Faqi Al Mahdi* and *The Prosecutor v. Dominic Ongwen*, 2 May 2016, *see e.g.* ICC-02/04-01/15-430 ('Presidency Decision of 2 May 2016'), p. 5; **Trial Chamber IX**: Presidency Decision of 2 May 2016, ICC-02/04-01/15-430, p. 5; **Trial Chamber X**: Presidency Decision of 21 November 2019, ICC-01/12-01/18-501, p. 4.

<sup>11</sup> Judges Chile Eboe-Osuji, Howard Morrison and Raul C. Pangalangan currently continue in office in accordance with article 36(10) of the Rome Statute. *See e.g.* Presidency, *The Prosecutor v. Bosco Ntaganda*, Notification concerning extension of mandate of judges in the Appeals Chamber, 23 February 2021, ICC-01/04-02/06-2653 ('Notification *Ntaganda* case'), p. 3.

<sup>12</sup> Except in respect of the currently ongoing appeals against conviction and sentence in the case of *The Prosecutor v. Bosco Ntaganda* and against acquittal in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* in which Judges Chile Eboe-Osuji and Howard Morrison currently continue to sit, *see* Presidency, *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, Notification concerning extension of mandate of judges in the Appeals Chamber, 23 February 2021, ICC-02/11-01/15-1396, p. 3; Notification *Ntaganda* case, ICC-01/04-02/06-2653, p. 3.

<sup>13</sup> Decision of 2 November 2020, ICC-01/09-01/15-32, p. 4.

Georgia, the Bolivarian Republic of Venezuela I and the Bolivarian Republic of Venezuela II, from Pre-Trial Chamber III to Pre-Trial Chamber I;

**DECIDES** to refer the case of *The Prosecutor v. Bosco Ntaganda* to Trial Chamber II and hereby transmits the full record of the proceedings in that case to that Chamber;

**DECIDES** that the cases of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*, *The Prosecutor v. Jean-Pierre Bemba Gombo*, *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, *The Prosecutor v. Uhuru Muigai Kenyatta* and *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido* do not currently require assignment to a trial chamber;

**DISSOLVES** Trial Chamber I, Trial Chamber III, Trial Chamber VI, Trial Chamber VII and Pre-Trial Chamber III;

**DECIDES** to temporarily attach Judge María del Socorro Flores Liera to the Trial Division;<sup>14</sup>

**DECIDES** that the composition of Chambers within the Trial and Pre-Trial Divisions shall be as follows, with immediate effect:

**Trial Chamber II – *The Prosecutor v. Thomas Lubanga Dyilo*, *The Prosecutor v. Germain Katanga* and *The Prosecutor v. Bosco Ntaganda***

Judge Péter Kovács

Judge Chang-ho Chung

Judge María del Socorro Flores Liera

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<sup>14</sup> The temporary attachments of Judge Antoine Kesia-Mbe Mindua, Judge Péter Kovács, Judge Tomoko Akane and Judge Reine Alapini-Gansou to the Trial Division remain in place: *see* Presidency, Decision replacing two judges in Trial Chamber II, 18 March 2015, ICC-01/04-01/07-3530; Presidency Decision of 2 May 2016, ICC-02/04-01/15-430; Presidency Decision of 16 March 2018, *see e.g.* ICC-02/05-01/07-75, p. 7; Presidency Decision of 21 November 2019, ICC-01/12-01/18-501, p. 4.

**Trial Chamber IV – *The Prosecutor v. Abdallah Banda Abakaer Nourain***

Judge Reine Alapini-Gansou

Judge Kimberly Prost

Judge María del Socorro Flores Liera

**Trial Chamber V – *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona***

Judge Bertram Schmitt, Presiding

Judge Péter Kovács

Judge Chang-ho Chung

**Trial Chamber VIII – *The Prosecutor v. Ahmad Al-Faqi Al Mahdi***

Judge Antoine Kesia-Mbe Mindua

Judge Bertram Schmitt

Judge María del Socorro Flores Liera

**Trial Chamber IX – *The Prosecutor v. Dominic Ongwen***

Judge Bertram Schmitt, Presiding

Judge Péter Kovács

Judge Raul C. Pangalangan

**Trial Chamber X – *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud***

Judge Antoine Kesia-Mbe Mindua, Presiding

Judge Tomoko Akane

Judge Kimberly Prost



**Pre-Trial Chamber I – situations in the Democratic Republic of the Congo; Libya; Republic of Mali; Gabonese Republic; Registered Vessels of Comoros, Greece and Cambodia; Palestine; People’s Republic of Bangladesh and the Republic of the Union of Myanmar; Plurinational State of Bolivia; Georgia; Bolivarian Republic of Venezuela I and Bolivarian Republic of Venezuela II**

Judge Péter Kovács

Judge Reine Alapini-Gansou

Judge María del Socorro Flores Liera

**Pre-Trial Chamber II – situations in the Central African Republic I; Central African Republic II; Republic of Uganda; Darfur, Republic of the Sudan; Republic of Kenya; Republic of Côte d’Ivoire; Islamic Republic of Afghanistan; and Republic of Burundi**

Judge Antoine Kesia-Mbe Mindua

Judge Tomoko Akane

Judge Rosario Salvatore Aitala

**DECIDES** to call Judge Gocha Lordkipanidze and Judge María del Socorro Flores Liera to serve on a full-time basis imminently on the basis of workload, in accordance with article 35(3) of the Statute, noting that the above assignments and re-compositions make it essential that the Appeals Chambers and Pre-Trial Chamber I be operational;

**ORDERS** the Registrar to file and notify the present decision to the relevant parties and participants in all situations and cases therein.

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



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**Judge Piotr Hofmański**  
**President**



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**Judge Luz del Carmen Ibáñez Carranza**  
**First Vice-President**



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**Judge Antoine Kesia-Mbe Mindua**  
**Second Vice-President**

Dated this 16 March 2021

At The Hague, The Netherlands