



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

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;¹

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;²

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;³

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

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

¹ 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”).

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

³ 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.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Article 39(1) of the Statute.

⁷ *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,⁸ as well as the situations assigned to the Pre-Trial Chambers⁹ and cases assigned to the Trial Chambers,¹⁰ as of 10 March 2021;

⁸ **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.

⁹ **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.

¹⁰ **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;¹¹

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;¹²

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 66bis(1) of the Regulations of the Court shall remain unchanged;¹³

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,

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.

¹¹ 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.

¹² 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.

¹³ 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;¹⁴

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

¹⁴ 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.



Judge Piotr Hofmański
President



Judge Luz del Carmen Ibáñez Carranza
First Vice-President



Judge Antoine Kesia-Mbe Mindua
Second Vice-President

Dated this 16 March 2021

At The Hague, The Netherlands