



Original: **English**

No.: **ICC-02/11-01/12**

Date: **20 March 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. SIMONE GBAGBO***

Public with Public Annexes I and II

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

Ms Helen Brady

Counsel for Mr Laurent Gbagbo

Ms Sylvia Geraghty

Legal Representatives of the Victims

Legal Representative of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

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

Ms Paolina Massidda

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

States Representatives

Counsel for Côte d'Ivoire

Mr Jean-Pierre Mignard

Mr Jean-Paul Benoit

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 17 December 2014, Côte d'Ivoire filed before the Appeals Chamber the “Appel de la République de Côte d'Ivoire sur la décision de la Chambre préliminaire I « relative à l'exception d'irrecevabilité soulevée par la Côte d'Ivoire s'agissant de l'affaire concernant Simone Gbagbo »” (“appeal”) in the case of *The Prosecutor v. Simone Gbagbo* (“*Gbagbo*”).¹

On 18 March 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(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 purposes of the appeal in *Gbagbo*.

On 20 March 2015, Judge Fernández de Gurmendi filed a request before the remaining members of the Presidency, wherein she asked to be excused from the deliberations of the Presidency on Judge Van den Wyngaert’s request for excusal from the Appeals Chamber on the appeal. On 20 March 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 Van den Wyngaert’s request for excusal from sitting on the appeal in accordance with regulations 10 and 11(2) of the Regulations of the Court.

On the same date, Judge Fernández de Gurmendi also filed a request before the Presidency, pursuant to article 41(1) of the Statute and rule 33(1) 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 *Gbagbo*. 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 appeal. On 20 March 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 the appeal in accordance with regulations 10 and 11(2) of the Regulations of the Court.

¹ ICC-02/11-01/12-48.

On 20 March 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 in *Gbagbo* (Annexes I and II).

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 Marc Perrin de Brichambaut and Judge Chang-ho Chung, currently assigned to the Pre-Trial Division, to the Appeals Chamber. The Presidency selected Judge Perrin de Brichambaut 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 Sanji Mmasenono Monageng

Judge Howard Morrison

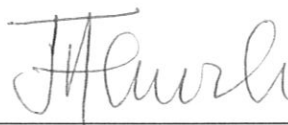
Judge Marc Perrin de Brichambaut

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 20 March 2015

At The Hague, The Netherlands