



Original: **English**

No.: **ICC-01/14-01/18**

Date: **14 March 2024**

THE PRESIDENCY

Before: Judge Rosario Salvatore Aitala, Acting President
Judge Reine Alapini-Gansou, Acting First Vice-President
Judge Luz del Carmen Ibáñez Carranza, Acting Second Vice-President

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

**IN THE CASE OF
*THE PROSECUTOR v. ALFRED YEKATOM AND PATRICE-EDOUARD
NGAISSONA***

Public

Decision replacing a judge 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

Mr Karim A.A. Khan KC
 Mr Mame Mandiaye Niang

Counsel for Mr Alfred Yekatom

Ms Mylène Dimitri
 Mr Thomas Hannis

Counsel for Mr Patrice-Edouard Ngaïssona

Mr Geert-Jan Alexander Knoops
 Mr Richard Omissé-Namkeamai

Legal Representatives of the Victims

Mr Abdou Dangabo Moussa
 Ms Elisabeth Rabesandratana
 Mr Yaré Fall
 Ms Marie-Edith Douzima-Lawson
 Ms Paolina Massidda
 Mr Dmytro Suprun

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
 Participation/Reparation**

**The Office of Public Counsel for
 Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
 Section**

Other

Appeals Chamber

THE PRESIDENCY of the International Criminal Court notes that on 15 November 2023, the Defence for Mr Ngaïssona filed appeals against the ‘Decision on the Prosecution Request for Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(d) of the Rules’ and the ‘Third Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(c) of the Rules’ in the case of *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona* (the ‘Yekatom and Ngaïssona case’).¹

On 11 March 2024, Judge Tomoko Akane became a member of the Appeals Division, in accordance with article 39(1) of the Rome Statute of the International Criminal Court (the ‘Statute’).²

On 13 March 2024, Judge Akane requested, pursuant to article 41(1) of the Statute and rule 33(1) of the Rules of Procedure and Evidence (the ‘Rules’), that the Presidency excuse her from her function as a judge of the Appeals Chamber for the purposes of all pending and future appeals in the *Yekatom and Ngaïssona* case (the ‘Request for Excusal’).

The *ad hoc* Presidency notes article 41(1) of the Statute whereby ‘[t]he Presidency may, at the request of a judge, excuse that judge from the exercise of a function under this Statute’.

On 14 March 2024, the *ad hoc* Presidency granted the Request for Excusal (Annex I).

The *ad hoc* Presidency notes the composition of the Appeals Chamber as set out in article 39(2)(b)(i) of the Statute, pursuant to which the Appeals Chamber shall be composed of all of the judges of the Appeals Division which in turn is composed of the President and four other judges, by virtue of article 39(1) of the Statute. It is further noted that rule 38 of the Rules provides for the replacement of judges for objective and justified reasons, including accepted excuse, and that pursuant to regulation 15 of the Regulations, the Presidency is responsible for the replacement of judges.

¹ Trial Chamber V, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Decision on the Prosecution Request for Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(d) of the Rules, 31 October 2023, ICC-01/14-01/18-2126-Red; Trial Chamber V, *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*, Third Decision on the Prosecution Requests for Formal Submission of Prior Recorded Testimonies pursuant to Rule 68(2)(c) of the Rules, 6 October 2023, ICC-01/14-01/18-2127-Red.

² Presidency, *Situation in the Central African Republic II*, Decision assigning judges to divisions and recomposing Chambers, 12 March 2021, ICC-01/14-185, pp. 3-4.

Noting the availability and the current and anticipated workload of the judges of the Court, the *ad hoc* Presidency hereby decides to temporarily attach Judge Kimberly Prost, currently assigned to the Trial Division, to the Appeals Chamber to replace Judge Tomoko Akane for the purpose of hearing pending and future appeals in the *Yekatom and Ngaïssona* case.

Accordingly, the Appeals Chamber shall be composed as follows for any such appeals:

Judge Solomy Balungi Bossa, Presiding

Judge Luz del Carmen Ibáñez Carranza

Judge Gocha Lordkipanidze

Judge Kimberly Prost

Judge Erdenebalsuren Damdin

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 Rosario Salvatore Aitala
Acting President

Dated this 14 March 2024

At The Hague, The Netherlands