

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09

Date: 6 November 2009

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

SITUATION IN THE REPUBLIC OF KENYA

Public

**DECISION ASSIGNING THE SITUATION IN THE REPUBLIC OF KENYA
TO PRE-TRIAL CHAMBER II**

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor

Ms Fatou Bensouda, Deputy-Prosecutor

The Office of Public Counsel for Victims

Ms Paolina Massida

The Office of Public Counsel for the Defence

Mr Xavier-Jean Keïta

States Representatives

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Ms Maria Luisa Martinod-Jacome

Defence Support Section

Mr Esteban Peralta Losilla

Victims Participation and Reparations Section

Ms Fiona McKay

Detention Section

Mr Anders Backman

Other

Pre-Trial Chamber II

The Presidency of the International Criminal Court (“Court”);

Noting the letter of 5 November 2009, annexed hereto, from the Prosecutor of the Court addressed to the President of the Court, in accordance with regulation 45 of the Regulations of the Court, informing of: (1) the Prosecutor’s determination that “there is a reasonable basis to proceed with an investigation into the Situation in the Republic of Kenya in relation to the post-election violence of 2007-2008” and (2) the Prosecutor’s intention to submit a request for the authorisation of an investigation into that situation pursuant to article 15, paragraph 3 of the Rome Statute of the International Criminal Court by 1 December 2009;

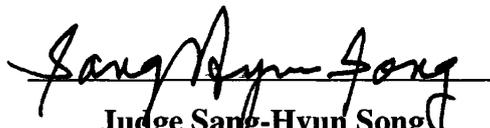
Noting the terms of regulation 46, sub regulation 2 of the Regulations of the Court, pursuant to which “[t]he Presidency shall assign a situation to a Pre-Trial Chamber as soon as the Prosecutor has informed the Presidency in accordance with regulation 45”;

Noting the decision reconstituting Pre-Trial Chamber II, issued by the Presidency on 29 April 2009;¹

Hereby

Decides to assign the situation in the Republic of Kenya to Pre-Trial Chamber II with immediate effect.

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


Judge Sang-Hyun Song
President

Dated this 6 November 2009

At The Hague, The Netherlands

¹ Decision reconstituting Pre-Trial Chamber II, ICC-01/05-01/08-414, ICC-01/05-26, ICC-02/04-01/05-400 and ICC-02/04-189.