

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09

Date: 25 November 2009

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

Public Document

Decision on the Election of Presiding Judge

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

The Office of the Prosecutor

Luis Moreno-Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

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

Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar

Silvana Arbia, Registrar
Didier Preira, Deputy-Registrar

Defence Support Section

Esteban Peralta Losilla

Victims and Witnesses Unit

Maria Luisa Martinod-Jacome

Detention Section

Anders Backman

**Victims Participation and Reparations
Section**

Fiona McKay

Other

THE JUDGES OF PRE-TRIAL CHAMBER II (the “Chamber”) of the International Criminal Court are seized of the matter of electing a Presiding Judge in the situation of the Republic of Kenya and any case emanating therefrom.

1. The Chamber notes the “Decision assigning the situation in the Republic of Kenya to Pre-Trial Chamber II” issued by the Presidency on 6 November 2009.¹

2. The Chamber recalls that Pre-Trial Chamber II, composed of Judge Ekaterina Trendafilova, Judge Hans-Peter Kaul and Judge Cuno Tarfusser, has been assigned with the situations in Uganda and the Central African Republic.

3. The Chamber also recalls its past decision electing Judge Ekaterina Trendafilova as Presiding Judge of Pre-Trial Chamber II in both situations².

4. The Chamber notes regulation 20(1) of the Regulations of the Registry according to which a new situation record is opened once the Presidency has assigned the situation to a Pre-Trial Chamber.

5. The Chamber further notes regulation 13(2) of the Regulations of the Court pursuant to which the judges of each Pre-Trial Chamber shall elect a Presiding Judge from amongst their members. The Chamber further notes that the election of a Presiding Judge is irrespective of any assignment of situation(s) or case(s) to that Chamber. Accordingly, it is the understanding of the judges that a previous decision regarding the election of a Presiding Judge applies to any newly assigned situation(s) and related case(s), unless decided otherwise by the members of the Chamber.

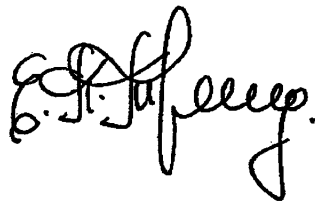
¹ Presidency, ICC-01/09-1.

² Pre-Trial Chamber II, ICC-02/04-183; Pre-Trial Chamber II, ICC-01/05-23. It is clarified that a decision electing a Presiding Judge had to be taken anew on 23 March 2009 as Pre-Trial Chamber III, presided by Judge Ekaterina Trendafilova, was dissolved and merged with Pre-Trial Chamber II, which had been presided by Judge Mauro Politi until his term of office ended.

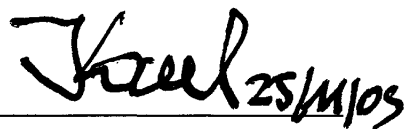
FOR THESE REASONS, THE CHAMBER HEREBY

- a) **decides** that Judge Ekaterina Trendafilova continues to be Presiding Judge of Pre-Trial Chamber II in any situation or case before that Chamber;
- b) **orders** the Registrar to file this decision in the record of the situation of the Republic of Kenya and, subsequently, any case emanating therefrom;
- c) **orders** the Registrar to file this decision in the record of any situation newly assigned to Pre-Trial Chamber II and in the record of any related case emanating therefrom.

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



Judge Ekaterina Trendafilova
Presiding Judge



Judge Hans-Peter Kaul
Judge



Judge Cuno Tarfusser
Judge

Dated this Wednesday, 25 November 2009

At The Hague, The Netherlands