Cour Pénale Internationale



## International Criminal Court

Original: English No.: ICC-01/09-01/11

ICC-01/09-02/11 Date: 26 April 2013

## THE PRESIDENCY

Before: Judge Sang-Hyun Song, President

Judge Sanji Mmasenono Monageng, First Vice-President

Judge Cuno Tarfusser, Second Vice-President

SITUATION IN THE REPUBLIC OF KENYA
IN THE CASES OF

THE PROSECUTOR
V. WILLIAM SAMOEI RUTO AND JOSHUA ARAP SANG and

THE PROSECUTOR V. UHURU MUIGAI KENYATTA

Public With two public annexes

Decision replacing a judge in Trial Chamber V

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

The Office of the Prosecutor

Counsel for the Defence

Ms Fatou Bensouda

Legal Representatives of the Victims

Legal Representatives of the Applicants

**Unrepresented Victims** 

Unrepresented Applicants (Participation/Reparation)

The Office of Public Counsel for

The Office of Public Counsel for the Defence

Victims

States' Representatives

**Amicus Curiae** 

**REGISTRY** 

Registrar

**Counsel Support Section** 

Mr Herman von Hebel

**Deputy Registrar** 

Mr Didier Preira

**Victims and Witnesses Unit** 

**Detention Section** 

**Victims Participation and Reparations** 

Section

Other

Trial Chamber V

ICC-01/09-02/11-729 26-04-2013 3/4 FB T

**THE PRESIDENCY** of the International Criminal Court (hereinafter "Court");

**NOTING** the Decision on the Presidency of 29 March 2012 attaching Judge Christine

Van den Wyngaert to Trial Chamber V;1

NOTING the request of Judge Christine Van den Wyngaert of 8 April 2013 to be

excused from exercising her functions as a judge of Trial Chamber V pursuant article

41 of the Rome Statute (hereinafter "Statute") and rule 33 of the Rules of Procedure

and Evidence (hereinafter "Rules");2

**NOTING** the decision of the Presidency of 26 April 2013, excusing Judge Christine

Van den Wyngaert from Trial Chamber V;3

CONSIDERING that the functions of the Trial Chamber shall normally be carried

out by three judges of the Trial Division in accordance with article 39(2)(b)(ii) of the

Statute;

CONSIDERING rule 38 of the Rules and regulation 15 of the Regulations of the

Court providing for the replacement of judges;

**HEREBY DECIDES** that Judge Robert Fremr, assigned to the Trial Division,<sup>4</sup> shall

replace Judge Christine Van den Wyngaert in Trial Chamber V with immediate

effect and, as such, Trial Chamber V shall be composed as follows:

Judge Kuniko Ozaki,

Judge Fremr and

Judge Chile Eboe-Osuji.

ORDERS the Registrar to file and notify this decision to the relevant participants in

the case.

<sup>1</sup>ICC-01/09-01/11-406. See also ICC-01/09-02/11-414.

<sup>2</sup> Annex I

3 Annex II

<sup>4</sup> ICC-CPI-20120315-PR778.

ICC-01/09-02/11

26 April 2013

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

Judge Sang-Hyun Song

President

Dated this 26 April 2013

At The Hague, Netherlands