

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

**No.: ICC-01/09-02/11
Date: 30 January 2014**

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 CASE OF
*THE PROSECUTOR v UHURU MUIGAI KENYATTA***

Public with Public Annex I

Decision replacing a judge in Trial Chamber V(b)

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

Mr Benjamin Gumpert

Counsel for the Defence

Mr Steven Kay

Ms Gillian Higgins

Legal Representatives of the Victims

Mr Fergal Gaynor

Legal Representatives of the 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***Amicus Curiae***REGISTRY**

Registrar

Mr Herman von Hebel

Counsel Support Section**Victims and Witnesses Unit**

Mr Patrick Craig

Detention Section**Victims Participation and Reparations
Section**

Ms Fiona McKay

Other

Trial Chamber V(a)

THE PRESIDENCY of the International Criminal Court (“Court”);

NOTING the request for excusal filed before the Presidency on 24 January 2014 by Judge Eboe-Osuji (“judge”) pursuant to article 41(1) of the Rome Statute of the International Criminal Court (“Statute”) and rule 33 of the Rules of Procedure and Evidence (“Rules”), wherein the judge requested to be excused from the case of *The Prosecutor v Uhuru Muigai Kenyatta* before Trial Chamber V(b)¹;

NOTING the decision of the Presidency of 30 January 2014, granting the judge’s request for excusal from Trial Chamber V(b) (Annex I);

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 to reconstitute Trial Chamber V(b) as follows effective 1 February 2014:

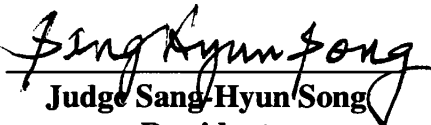
Judge Kuniko Ozaki

Judge Robert Fremr

Judge Geoffrey Henderson

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 Sang-Hyun Song
President

Dated this 30 January 2014

At The Hague, The Netherlands

¹ Decision constituting Trial Chamber V(a) and Trial Chamber V(b) and referring to them the cases of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* and *The Prosecutor v Uhuru Muigai Kenyatta*, 21 May 2013, ICC-01/09-02/11-739.