



**Original: English**

**No. ICC-01/09-01/15**

**Date: 2 November 2020**

**PRESIDENT OF THE PRE-TRIAL DIVISION**

**Before: Judge Tomoko Akane, President of the Pre-Trial Division**

**SITUATION IN THE REPUBLIC OF KENYA**

**IN THE CASE OF**

***THE PROSECUTOR v. PAUL GICHERU AND PHILIP KIPKOECH BETT***

**Urgent  
Public**

Decision Constituting a Chamber Composed of one Judge from the Pre-Trial Division  
to Exercise the Powers and Functions of the Pre-Trial Chamber in the Present Case

**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

**Counsel for the Defence**

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
Participation/Reparations**

**The Office of Public Counsel for Victims**

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

**States Representatives**

**Other**  
Judge Reine Adélaïde Sophie Alapini-Gansou  
Pre-Trial Chamber II  
Presidency

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**REGISTRY**

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**Registrar**  
Mr Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and  
Reparations Section**

**Other**

**JUDGE TOMOKO AKANE**, acting as President of the Pre-Trial Division of the International Criminal Court, hereby renders this decision constituting a Chamber composed of one judge from the Pre-Trial Division to exercise the powers and functions of the Pre-Trial Chamber in the present case.

**NOTING** the warrant of arrest issued on 10 March 2015 by Pre-Trial Chamber II against Mr Paul Gicheru ('Mr Gicheru') and Mr Philip Kipkoech Bett for offences against the administration of justice under article 70(1)(c) of the Rome Statute (the 'Statute');<sup>1</sup>

**NOTING** that, on 2 November 2020, Mr Gicheru surrendered himself to the authorities of the Kingdom of the Netherlands;

**NOTING** that, on the same day, Pre-Trial Chamber II requested the President of the Pre-Trial Division to constitute a Chamber to exercise the functions and powers of the Pre-Trial Chamber in the present case;<sup>2</sup>

**NOTING** rule 165(2) of the Rules of Procedure and Evidence and regulation 66*bis*(1) of the Regulations of the Court, pursuant to which the President of the Pre-Trial Division, at the request of the Pre-Trial Chamber seized of the relevant situation, shall constitute a Chamber composed of one judge from the Pre-Trial Division to exercise the functions and powers of the Pre-Trial Chamber for the purposes of conducting proceedings under article 70 of the Statute;

**NOTING** the current composition of the Pre-Trial Division and its Chambers, as well as the current workload of the Chambers and their Judges;

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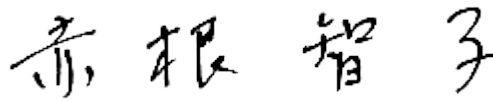
<sup>1</sup> Decision on the "Prosecution's Application under Article 58(1) of the Rome Statute", ICC-01/09-01/15-1-Conf-Exp (a public redacted version was notified on the same day, [ICC-01/09-01/15-1-Red](#)).

<sup>2</sup> Request to the President of the Pre-Trial Division to constitute a Chamber for the purposes of conducting proceedings under article 70 of the Rome Statute, ICC-01/09-01/15-31-US-Exp.

**FOR THESE REASONS, THE PRESIDENT OF THE PRE-TRIAL DIVISION  
HEREBY**

**CONSTITUTES** Pre-Trial Chamber A (Article 70), composed of Judge Reine Adélaïde Sophie Alapini-Gansou, to exercise the powers and functions of the Pre-Trial Chamber in the case of *The Prosecutor v. Paul Gicheru and Philip Kipkoech Bett*.

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



**Judge Tomoko Akane**  
**President of the Pre-Trial Division**

Dated this Monday, 2 November 2020

At The Hague, The Netherlands