

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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

REGISTRY

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');¹

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;²

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;

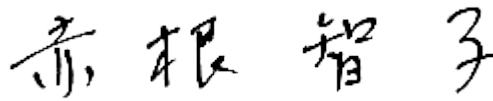
¹ Decision on the "Prosecution's Application under Article 58(1) of the Rome Statute", ICC-01/09-01/15-1-Conf-Exp (a public redacted version was notified on the same day, [ICC-01/09-01/15-1-Red](#)).

² 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