



Original : English

No.: ICC-01/04-01/07

Date: 11 March 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka
Judge Sylvia Steiner

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. Germain Katanga and Mathieu Ngudjolo Chui***

Public Document

Decision on the Designation of a Single Judge

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Éric Macdonald, Trial Lawyer
Mrs Florence Darques-Lane, Legal
Adviser

**Counsel for the Defence of Germain
Katanga**

Mr David Hooper
Mr Göran Sluiter
Ms Caroline Buisman
Ms Sophie Menegon

**Counsel for the Defence of Mathieu
Ngudjolo Chui**

Mr Jean-Pierre Kilenda Kakengi Basila

PRE-TRIAL CHAMBER I of the International Criminal Court (“the Chamber” and “the Court”, respectively);

NOTING the Decision assigning the Situation in the Democratic Republic of Congo (“the DRC”) to Pre-Trial Chamber I, issued by the Presidency on 5 July 2004;¹

NOTING the “Decision on the Designation of a Single Judge” issued by the Chamber on 10 May 2007, appointing Judge Sylvia Steiner as the Single Judge of Pre-Trial Chamber I responsible for the situation in the DRC and any related case from 10 May 2007 until otherwise decided by the Chamber;²

NOTING the decision to replace a judge of the Chamber filed by the Presidency on 22 June 2007;³

NOTING the “Decision on the Designation of a Single Judge” rendered by Pre-Trial Chamber I on 27 June 2007 maintaining the designation of Judge Sylvia Steiner as Single Judge of Pre-Trial Chamber I for the Situation in the DRC and any related case until otherwise decided by the Chamber;⁴

NOTING the public hearing held by the Chamber on 22 October 2007 for the first appearance of Germain Katanga, before the Chamber following his arrest and

¹ ICC-01/04-1

² ICC-01/04-328.

³ ICC-01/04-351.

⁴ ICC-01/04-353-tEN.

surrender to the Court, whereby the Chamber, *inter alia*, decided that Judge Sylvia Steiner, is the Single Judge in the case of the case of *The Prosecutor v. Germain Katanga* from the 22 October 2007 onwards;⁵

NOTING the public hearing held by the Chamber on 11 February 2008 for the first appearance of Mathieu Ngudjolo Chui, before the Chamber following his arrest and surrender to the Court, whereby the Chamber, *inter alia*, decided that Judge Sylvia Steiner, is the Single Judge in the case of *The Prosecutor v. Mathieu Ngudjolo Chui*;⁶

NOTING the “Decision on the Joinder of the Cases against Germain KATANGA and Mathieu NGUDJOLO CHUI” rendered by the Chamber on 10 March 2008 and by which the Chamber decided, *inter alia*, to join the cases of *The Prosecutor v. Germain Katanga* and *The Prosecutor v. Mathieu Ngudjolo Chui* and confirmed that Judge Sylvia Steiner shall remain the Single Judge, including for disclosure issues, for the joint case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*;⁷

NOTING article 39(2)(b)(iii) of the Rome Statute (“the Statute”) pursuant to which the functions of the Pre-Trial Chamber shall be carried out either by three judges of the Pre-Trial Division or by a single judge in accordance with the Statute and the Rules of Procedure and Evidence (“the Rules”);

⁵ ICC-01/04-01/07-T-5-Eng, page 30, lines 5-7.

⁶ ICC-01/04-02/07-T-3-ENG ET, p.27, lines 2-5.

⁷ ICC-01/04-01/07-257 and ICC-01/04-02/07-48.

NOTING article 57(2)(b) of the Statute, pursuant to which a single judge of the Pre-Trial Chamber may exercise the functions provided for in the Statute, unless otherwise provided for in the Rules or by a majority of the Pre-Trial Chamber;

NOTING rule 7(1) of the Rules and regulation 47(1) of the Regulations of the Court, pursuant to which the designation of a single judge shall be based on criteria agreed upon by the Pre-Trial Chamber, including seniority of age and criminal trial experience;

CONSIDERING that at this stage of the proceedings in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, the designation of a single judge will ensure the proper and efficient functioning of the Chamber;

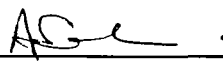
FOR THESE REASONS,

CONFIRMS that Judge Sylvia Steiner shall remain the Single Judge, including for disclosure issues, for the joint case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*;

DECIDES to temporarily appoint Judge Akua Kuenyehia as single judge of Pre-Trial Chamber I responsible for the case of *the Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* from 14 March 2008 to 28 March 2008;

DECIDES that, subject to article 57(2)(a) of the Statute, the functions of the Pre-Trial Chamber 1 concerning the case of *the Prosecutor v. Germain Katanga* shall be exercised by the single judge.

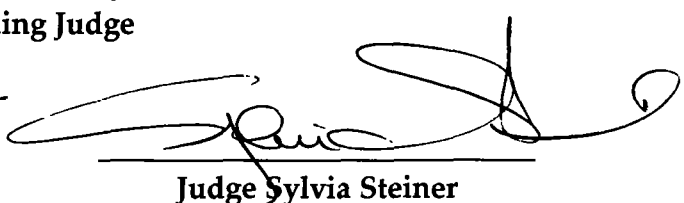
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka



Judge Sylvia Steiner

Dated this Tuesday 11 March 2008

At The Hague

The Netherlands