

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 5 June 2008

PRE-TRIAL CHAMBER I

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

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI***

Public Document

Decision on the Temporary Replacement of the Single Judge

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor
Mr Éric Macdonald, Senior Trial Lawyer

**Counsel for the Defence
of Germain Katanga**

Mr David Hooper
Ms Caroline Buisman

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

Mr Jean-Pierre Kilenda Kakengi Basila
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J L Gilissen

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

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

NOTING the “Decision on the Designation of a Single Judge”¹, issued by the Chamber on 19 October 2007, whereby the Chamber decided to designate Judge Sylvia Steiner as single judge of the Chamber in the Situation in the Democratic Republic of Congo (“the DRC”) under article 57 (2) of the *Rome Statute* (the “Statute”), for exercising the functions of the Chamber in that case, including those functions provided for in rule 121(2) (b) of the *Rules of Procedure and Evidence* (the “Rules”);

NOTING the “Decision on the Designation of a Single Judge”² issued by the Chamber on 11 March 2008, whereby the Chamber decided to designate Judge Sylvia Steiner as single judge of the Chamber in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* in the situation in the DRC, responsible, under article 57(2) of the Statute, for exercising the functions of the Chamber in that case, including those functions provided for in rule 121(2)(b) of the Rules;

NOTING articles 39(2)(b)(iii) and 57(2) of the Statute, rules 7(1), 121 and 122 of the Rules and regulation 47 of the *Regulations of the Court* (“the Regulations”);

CONSIDERING that regulation 47(1) of the Regulations states:

The designation of a single judge in accordance with article 39, paragraph 2 (b) (iii), and rule 7 shall be based on criteria agreed upon by the Pre-Trial Chamber, including seniority of age and criminal trial experience. Other criteria may include consideration of the issues involved and the circumstances of the proceedings before the Chamber, as well as the distribution of work within the Chamber and the proper management and efficiency in the handling of cases.

¹ ICC-01/04-01/07-36

² ICC-01/04-01/07-309

CONSIDERING that Judge Akua Kuenyehia fulfills the two criteria set out in the first sentence of regulation 47(1) of the Regulations, and that the Pre-Trial Chamber also adopts, as a basis for the designation of a single judge, the additional criteria set forth in the second sentence of regulation 47 of the Regulations;

CONSIDERING that other criteria may include “circumstances of the proceedings before the Chamber”; that the confirmation hearing is scheduled to commence in less than one month, i.e. on 27 June 2008; that Judge Akua Kuenyehia is the Presiding Judge of the Chamber;³ that as the Presiding Judge of the Chamber she is responsible for the determination of how the confirmation hearing is to be conducted, in accordance with rule 122(1) of the Rules; and that a hearing to be held before the Presiding Judge is scheduled for Tuesday 10 June 2008;⁴

CONSIDERING that other criteria may also include “the distribution of work within the Chamber”; and that, in that respect, Judge Anita Ušacka is single judge in respect to the situation in Sudan and in all proceedings related to victims applications for being recognized the procedural status of victims in two situations which fall under the jurisdiction of the Chamber while Judge Akua Kuenyehia is single judge in the case of *The Prosecutor v. Ahmad Harun and Ali Kushayb*;

CONSIDERING further that other criteria may include “the proper management and efficiency in the handling of cases”; and that this responsibility is generally incumbent on the Presiding Judge of the Chamber; that there is a need to continue with the proceedings leading to the confirmation hearing in the case against Germain Katanga and Mathieu Ngudjolo Chui;

³ ICC-01/04-323

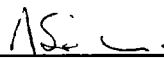
⁴ ICC-01/04-01/07-536

CONSIDERING that, at this stage of the proceedings and in light of the evaluation of the criteria as agreed upon by the Pre-Trial Chamber pursuant to regulation 47 of the Regulations, the Chamber designates Judge Akua Kuenyehia as single judge in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* in the absence of Judge Sylvia Steiner;

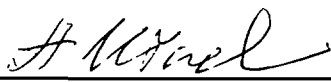
FOR THESE REASONS

DECIDES to temporarily designate Judge Akua Kuenyehia as single judge for the case against Germain Katanga and Mathieu Ngudjolo Chui in the situation in the DRC, responsible, under article 57 (2) of the Statute, for exercising the functions of the Chamber in that case, including those functions provided for in rule 121 (2) (b) of the Rules from 6 to 13 June 2008.

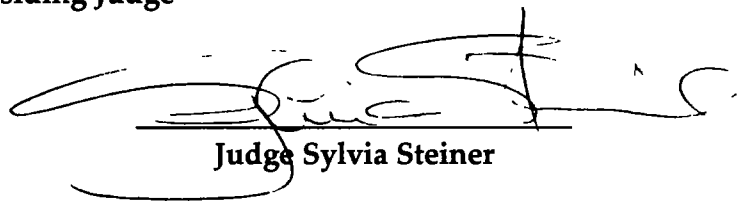
Done in both English and French, the English version being authoritative.



Judge Akua Kuenyehia
Presiding Judge



Judge Anita Ušacka



Judge Sylvia Steiner

Dated this Thursday 5 June 2008

At The Hague, the Netherlands