

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11

ICC-01/09-02/11

Date: 26 April 2013

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 CASES OF**

**THE PROSECUTOR
V. WILLIAM SAMOEI RUTO AND JOSHUA ARAP SANG and**

**THE PROSECUTOR
V. UHURU MUIGAI KENYATTA**

**Public
With two public annexes**

Decision replacing a judge in Trial Chamber V

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

The Office of the Prosecutor

Ms Fatou Bensouda

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Other
Trial Chamber V**

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

NOTING the Decision on the Presidency of 29 March 2012 attaching Judge Christine Van den Wyngaert to Trial Chamber V;¹

NOTING the request of Judge Christine Van den Wyngaert of 8 April 2013 to be excused from exercising her functions as a judge of Trial Chamber V pursuant article 41 of the Rome Statute (hereinafter “Statute”) and rule 33 of the Rules of Procedure and Evidence (hereinafter “Rules”);²

NOTING the decision of the Presidency of 26 April 2013, excusing Judge Christine Van den Wyngaert from Trial Chamber V;³

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 that Judge Robert Fremr, assigned to the Trial Division,⁴ shall replace Judge Christine Van den Wyngaert in Trial Chamber V with immediate effect and, as such, Trial Chamber V shall be composed as follows:

Judge Kuniko Ozaki,

Judge Fremr and

Judge Chile Eboe-Osuji.

ORDERS the Registrar to file and notify this decision to the relevant participants in the case.

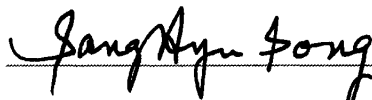
¹ICC-01/09-01/11-406. See also ICC-01/09-02/11-414.

² Annex I.

³ Annex II.

⁴ ICC-CPI-20120315-PR778.

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



Judge Sang-Hyun Song
President

Dated this 26 April 2013

At The Hague, Netherlands