Cour Pénale Internationale



International Criminal Court

Original: English

No.: ICC-01/04-01/07 Date: 29 April 2009

THE PRESIDENCY

Before:

Judge Sang-Hyun Song, President Judge Fatoumata Dembele Diarra, First Vice-President Judge Hans-Peter Kaul, Second Vice-President

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR v. GERMAIN KATANGA AND MATHIEU NGUDJOLO CHUI

Public

Decision replacing a judge in Trial Chamber II

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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 Ms Fatou Bensouda	Counsel for the Defence for Mr Katanga Mr David Hooper Mr Andrea O'Shea
	Counsel for the Defence for Mr Ngudjolo Chui Mr Jean-Pierre Kilenda Kakengi Basila Mr Jean-Pierre Fofé Djofia Malewa
Legal Representatives of the Victims	Legal Representatives of the Applicants
Unrepresented Victims	Unrepresented Applicants for Participation/Reparation
The Office of Public Counsel for Victims Ms Paolina Massida	The Office of Public Counsel for the Defence Mr Xavier-Jean Keïta
States Representatives	Amicus Curiae
REGISTRY	
Registrar Ms Silvana Arbia	Defence Support Section Mr Esteban Peralta Losilla
Deputy Registrar Mr Didier Daniel Preira	
Victims and Witnesses Unit Mr Simo Vaatainen	Detention Section Mr Anders Backman

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Other

Victims Participation and Reparations

Section

Ms Fiona Mckay

THE PRESIDENCY of the International Criminal Court;

NOTING the passing of Judge Fumiko Saiga on 24 April 2009;¹

NOTING the decision of the Presidency of 24 October 2008 constituting Trial Chamber II and referring to it the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* ("case"); noting further that by that decision Trial Chamber II was composed of Judge Fatoumata Dembele Diarra, Judge Fumiko Saiga and Judge Bruno Cotte;²

NOTING article 39(4) of the Rome Statute of the International Criminal Court, rule 38(1)(e) of the Rules of Procedure and Evidence and regulation 15 of the Regulations of the Court;

HEREBY DECIDES to temporarily attach Judge Hans-Peter Kaul, currently assigned to the Pre-Trial Division, to the Trial Division;

HEREBY DECIDES that Judge Hans-Peter Kaul shall replace Judge Fumiko Saiga in Trial Chamber II with immediate effect and that Trial Chamber II shall therefore be composed as follows:

Judge Fatoumata Dembele Diarra Judge Hans-Peter Kaul Judge Bruno Cotte

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

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

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Judge Fatoumata Dembele Diarra, First Vice-President On behalf of Judge Sang-Hyun Song, President

¹ Press release of 24 April 2009, ICC-CPI-20090424-PR407.

² ICC-01/04-01/07-729.

Dated this 29 April 2009 At The Hague, The Netherlands