

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11

Date: 21 March 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

**SITUATION IN THE REPUBLIC OF KENYA
IN THE CASE OF THE PROSECUTOR V. FRANCIS KIRIMI MUTHAURA,
UHURU MUIGAI KENYATTA AND MOHAMMED HUSSEIN ALI**

Public Document

Decision Designating a Single Judge

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

The Office of the Prosecutor
Luis Moreno-Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

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 & Deputy Registrar
Silvana Arbia, Registrar
Didier Preira, Deputy-Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

PRE-TRIAL CHAMBER II (the “Chamber”) of the International Criminal Court, having been assigned with the situation in the Republic of Kenya,¹ from which emanates the case of *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* (the “Case”), renders this decision with a view to ensuring the proper organization of the proceedings in the upcoming period.

1. Pursuant to article 39(2)(b)(iii) of the Rome Statute (the “Statute”), 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 of that Division in accordance with the Statute and the Rules of Procedure and Evidence (the “Rules”).

2. Pursuant to article 57(2)(b) of the Statute, in all cases other than those listed in article 57(2)(a) of the Statute, 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 majority of the Pre-Trial Chamber.

3. The Chamber recalls rule 7(1) of the Rules and regulation 47(1) of the Regulations of the Court which establish that the designation of a single judge shall be based on objective criteria agreed upon by the Pre-Trial Chamber, including consideration of the issues involved, the circumstances of the proceedings before the Chamber, the distribution of work within the Chamber and the proper management and efficiency in the handling of cases.

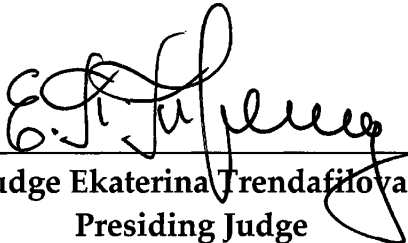
4. The Chamber considers that in light of the abovementioned criteria and in particular, the need to ensure the proper management and efficiency in the handling of the upcoming proceedings, it is appropriate to designate Judge Ekaterina Trendafilova as Single Judge responsible for carrying out the functions of the Chamber with respect to the Case.

¹ Presidency, Decision assigning the situation in the Republic of Kenya to Pre-Trial Chamber II, ICC-01/09-1.

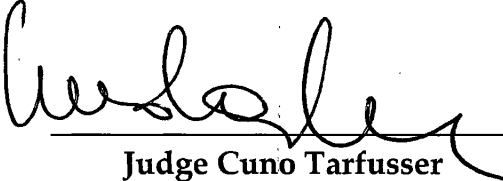
FOR THESE REASONS, THE CHAMBER HEREBY

- a) **designates** Judge Ekaterina Trendafilova as Single Judge of Pre-Trial Chamber II responsible for carrying out the functions of the Chamber, subject to article 57(2)(a) of the Statute, with respect to the case of *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* until decided otherwise;
- b) **orders** the Registrar to file this decision in the record of the case of the *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*.

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


 Judge Ekaterina Trendafilova
 Presiding Judge


 Judge Hans-Peter Kaul
 Judge


 Judge Cuno Tarfusser
 Judge

Dated this Monday, 21 March 2011

At The Hague, The Netherlands