

**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

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

Victims Participation and Reparations Section
Ms Fiona McKay

Other

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:

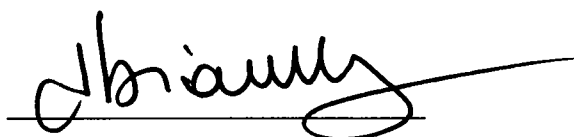
Judge Fatoumata Dembele Diarra

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.



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