

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No. ICC-02/05-01/07

Date: 9 June 2020

PRE-TRIAL CHAMBER II

Before:

**Judge Antoine Kesia-Mbe Mindua, Presiding Judge
Judge Tomoko Akane
Judge Rosario Salvatore Aitala**

SITUATION IN DARFUR, SUDAN

IN THE CASE OF

***THE PROSECUTOR v. AHMAD MUHAMMAD HARUN ('AHMAD HARUN') and
ALI MUHAMMAD AL ABD-AL-RAHMAN ('ALI KUSHAYB')***

Public

Decision on the designation of a Single Judge

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

The Office of the Prosecutor
Ms Fatou Bensouda
Mr James Stewart

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for
Victims**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar
Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER II of the International Criminal Court issues this Decision on the designation of a Single Judge.

1. On 31 March 2005, the United Nations Security Council referred the situation in Darfur, Sudan, since 1 July 2012 to the Prosecutor.¹
2. On 21 April 2005, after having been formally informed of the referral by the Prosecutor through letter dated 4 April 2005, the Presidency assigned the situation in Darfur, Sudan, to Pre-Trial Chamber I.²
3. On 1 June 2005, the Prosecutor informed Pre-Trial Chamber I of the decision to initiate an investigation into the situation in Darfur, Sudan.³
4. On 27 February 2007, the Prosecutor filed an application under article 58(7) of the Rome Statute (the 'Statute') requesting that a summon to appear or, in the alternative, a warrant of arrest for, *inter alia*, Mr Ali Muhammad Ali ABD-AL-RAHMAN ('Mr Ali Kushayb') be issued by Pre-Trial Chamber I.⁴
5. On 27 April 2007, Pre-Trial Chamber I decided to deliver a warrant of arrest for, *inter alia*, Mr Ali Kushayb,⁵ which was issued on the same day.⁶
6. On 15 March 2012, the Presidency reassigned the situation in Darfur, Sudan, to Pre-Trial Chamber II,⁷ the current composition of which was decided on 16 March 2018.⁸
7. On 9 June 2020, Mr Ali Kushayb arrived in the custody of the Court.
8. The Chamber notes articles 39(2)(b)(iii) and 57(2)(b) of the Statute, rule 7 of the Rules of Procedure and Evidence and regulation 47 of the Regulations of the Court.

¹ S/RES/1593(2005).

² Corrigendum of DECISION ASSIGNING THE SITUATION IN DARFUR, SUDAN TO PRE-TRIAL CHAMBER I, ICC-02/05-1-Corr.

³ Decision [by] the Prosecutor to initiate an investigation, ICC-02/05-2.

⁴ Prosecutor's Application under Article 58(7), ICC-02/05-56.

⁵ Decision on the Prosecution Application under Article 58(7) of the Statute, ICC-02/05-01/07-1-Corr.

⁶ WARRANT OF ARREST FOR ALI KUSHAYB, ICC-02/05-01/07-3-Corr.

⁷ Decision on the constitution of Pre-Trial Chambers and on the assignment of the Democratic Republic of the Congo, Darfur, Sudan and Côte d'Ivoire situations, ICC-02/05-01/07-65.

⁸ Decision assigning judges to divisions and recomposing Chambers, ICC-02/05-01/07-75.

9. In light of the criteria contained in the aforementioned provisions and, in particular, the need to ensure the proper management, expeditiousness and efficiency of the proceedings, the Chamber considers it appropriate to designate Judge Rosario Salvatore Aitala as Single Judge responsible for carrying out the functions of the Chamber in the present case, subject to article 57(2)(a) of the Statute, until otherwise decided.

FOR THESE REASONS, THE CHAMBER HEREBY

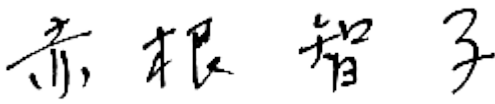
DESIGNATES Judge Rosario Salvatore Aitala as Single Judge responsible for carrying out the functions of the Chamber, subject to article 57(2)(a) of the Statute, in the case of *The Prosecutor v. Ahmad Muhammad Harun* ('Ahmad Harun') and *Ali Muhammad Al Abd-Al-Rahman* ('Ali Kushayb') until otherwise decided.

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

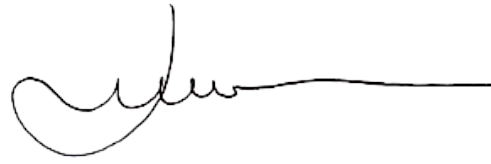


Judge Antoine Kesia-Mbe Mindua

Presiding Judge



Judge Tomoko Akane



Judge Rosario Salvatore Aitala

Dated this Tuesday, 9 June 2020

At The Hague, The Netherlands