



**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*

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**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.<sup>1</sup>
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.<sup>2</sup>
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.<sup>3</sup>
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.<sup>4</sup>
5. On 27 April 2007, Pre-Trial Chamber I decided to deliver a warrant of arrest for, *inter alia*, Mr Ali Kushayb,<sup>5</sup> which was issued on the same day.<sup>6</sup>
6. On 15 March 2012, the Presidency reassigned the situation in Darfur, Sudan, to Pre-Trial Chamber II,<sup>7</sup> the current composition of which was decided on 16 March 2018.<sup>8</sup>
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.

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<sup>1</sup> S/RES/1593(2005).

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

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

<sup>4</sup> Prosecutor’s Application under Article 58(7), ICC-02/05-56.

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

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

<sup>7</sup> 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.

<sup>8</sup> 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.

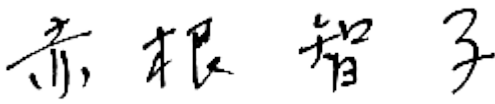
Done in both English and French, the English version being authoritative.




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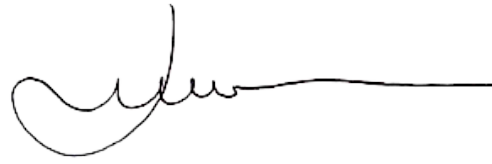
**Judge Antoine Kesia-Mbe Mindua**

**Presiding Judge**




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**Judge Tomoko Akane**




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**Judge Rosario Salvatore Aitala**

Dated this Tuesday, 9 June 2020

At The Hague, The Netherlands