

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-02/05  
Date: 26 March 2009

**PRE-TRIAL CHAMBER I**

**Before:** Judge Sylvia Steiner, Presiding Judge  
Judge Sanji Mmasenono Monageng  
Judge Cuno Tarfusser

**SITUATION IN DARFUR, SUDAN**

**Public Document**

**Decision on the designation of a Single Judge of Pre-Trial Chamber I**

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**

**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 Massidda

**The Office of Public Counsel for the  
Defence**  
Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

## **REGISTRY**

---

**Registrar & Deputy Registrar**  
Ms Silvana Arbia & Mr Didier Daniel  
Preira

**Defence Support Section**  
Mr Esteban Peralta Losilla

**Victims and Witnesses Unit**  
Mr Simo Vaatainen

**Detention Section**  
Mr Anders Backman

**Victims Participation and Reparations  
Section**  
Ms Fiona McKay

**Other**

**THE JUDGES OF PRE-TRIAL CHAMBER I** of the International Criminal Court  
(the “Chamber” and the “Court”, respectively);

**NOTING** the “Decision assigning the Situation in Darfur, Sudan to Pre-Trial Chamber I” issued by the Presidency on 21 April 2005;<sup>1</sup>

**NOTING** the “Decision on the Designation of a Single Judge” issued by the Chamber on 10 May 2007<sup>2</sup> designating Judge Akua Kuenyehia as single judge of Pre-Trial Chamber I for the Situation in Darfur, Sudan and any related case from 10 May 2007 until otherwise decided by the Chamber;

**NOTING** the “Decision on the Designation of a Single Judge” issued by the Chamber on 11 April 2008 designating, until otherwise decided, Judge Anita Ušacka as single judge of the Chamber responsible for carrying out the functions of the Chamber concerning the situation in Darfur, Sudan;<sup>3</sup>

**NOTING** the “Decision on the constitution of Pre-Trial Chambers and on the assignment of the Central African Republic situation”<sup>4</sup> issued by the Presidency on 19 March 2009 whereby the situation in Darfur, Sudan remains assigned to Pre-Trial Chamber I and Judges Akua Kuenyehia and Anita Ušacka were replaced with Judges Sanji Mmasenono Monageng and Cuno Tarfusser;

**NOTING** articles 39(2)(b)(iii) and 57(2)(b) of the *Rome Statute* (“the Statute”), rule 7(1) of the *Rules of Procedure and Evidence* (“the Rules”) and regulations 47(1) of the *Regulations of the Court* (“the Regulations”);

---

<sup>1</sup> ICC-02/05-1-Corr.

<sup>2</sup> CC-02/05-73.

<sup>3</sup> ICC-02/05-137.

<sup>4</sup> ICC-02/05-208.

**CONSIDERING** that pursuant to article 39(2)(b)(iii) of 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;

**CONSIDERING** that 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 a majority of the Pre-Trial Chamber;

**CONSIDERING** further that rule 7(1) of the Rules and regulation 47(1) of the Regulations 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;

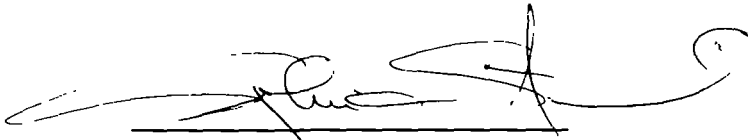
**CONSIDERING** that in light of the abovementioned criteria, in particular the new constitution of the Chamber, the need to ensure proper management and efficiency in the handling of the proceedings before the Chamber, it is appropriate to designate Judge Cuno Tarfusser as Single Judge responsible for carrying out the functions of the Chamber in relation to the proceedings of the situation in Darfur, Sudan and any related cases emanating therefrom including the cases of *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman Kushayb* and *The Prosecutor v. Omar Hassan Ahmad Al Bashir*;

**FOR THESE REASONS, THE CHAMBER**


a) decides to appoint, until otherwise decided, Judge Cuno Tarfusser as Single Judge of Pre-Trial Chamber I responsible for carrying out the functions of the Chamber, subject to article 57(2)(a) of the Statute, in relation to the situation in Darfur, Sudan and any cases emanating therefrom including the cases of *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman Kushayb* and *The Prosecutor v. Omar Hassan Ahmad Al Bashir*;

b) orders the Registrar to file this decision in the record of the situation in Darfur, Sudan and the cases of *The Prosecutor v. Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman Kushayb* and *The Prosecutor v. Omar Hassan Ahmad Al Bashir*.

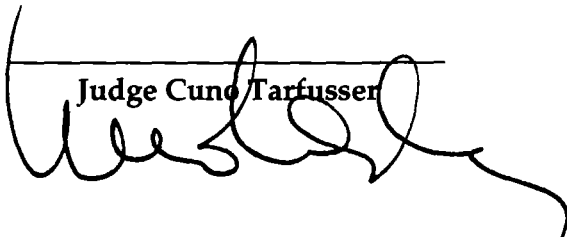
Done in both English and French, the English version being authoritative.

**Judge Sylvia Steiner**  
**Presiding Judge**

**Judge Sanji Mmasenono Monageng**

**Judge Cuno Tarfusser**

Dated this Thursday 26 March 2009

At The Hague, The Netherlands