



Original: English

No. ICC-01/14-01/21

Date: 17 March 2021

PRE-TRIAL CHAMBER II

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

SITUATION IN THE CENTRAL AFRICAN REPUBLIC II

IN THE CASE OF

THE PROSECUTOR v. MAHAMAT SAID ABDEL KANI

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
Mr Eric MacDonald

Counsel for the Defence

Ms Jennifer Naouri

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants
for Participation/Reparations**

**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

Mr Peter Lewis

Counsel Support Section

Mr Esteban Peralta Losilla

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

Mr Harry Tjonk

**Victims Participation and
Reparations Section**

Mr Philipp Ambach

Other

PRE-TRIAL CHAMBER II (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues this Decision on the designation of a Single Judge.

1. On 7 January 2019, Judge Rosario Salvatore Aitala, acting as Single Judge on behalf of the Chamber, issued the ‘Warrant of arrest for Mahamat Said Abdel Kani’ (‘Mr Said’).¹
2. On 24 January 2021, Mr Said was surrendered to the Court and arrived at the Court’s Detention Centre on 25 January 2021.²
3. On 25 January 2021, Judge Rosario Salvatore Aitala was designated by the Chamber as Single Judge responsible for carrying out the functions of the Chamber in the present case, until otherwise decided.³
4. On 29 January 2021, in accordance with the Single Judge’s decision dated 26 January 2021⁴ and his further instructions dated 28 January 2021⁵, Mr Said appeared before the Single Judge pursuant to article 60(1) of the Rome Statute (the ‘Statute’) and rule 121(1) of the Rules of Procedure and Evidence (the ‘Rules’).
5. On 16 March 2021, the Presidency of the Court recomposed the Chambers and assigned the following situations and cases therein to the Chamber: Central African Republic I; Central African Republic II; Republic of Uganda; Darfur, Republic of the Sudan; Republic of Kenya; Republic of Côte d’Ivoire; Islamic Republic of Afghanistan; and Republic of Burundi.⁶
6. On 16 March 2021, Judge Rosario Salvatore Aitala was elected as the Presiding Judge of the Chamber.⁷
7. The Chamber notes article 39(2)(b)(iii) of the Statute, which provides that ‘[t]he 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’.

¹ ICC-01/14-01/21-2-US-Exp.

² Registry, Report of the Registry on the Arrest and Surrender of Mr Mahamat Said Abdel Kani and Request for Guidance, 27 January 2021, ICC-01/14-01/21-6-US-Exp, paras 13-27.

³ Decision on the designation of a Single Judge, ICC-01/14-01/21-3.

⁴ Decision on the convening of a hearing for the initial appearance of Mr Mahamat Said Abdel Kani, ICC-01/14-01/21-4.

⁵ ICC-01/14-01/21-T-001-ENG, pp 4-5.

⁶ ICC-01/14-01/21-40, p. 9.

⁷ ICC-01/14-01/21-41.

8. According 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 of Procedure and Evidence or by a majority of the Pre-Trial Chamber’.

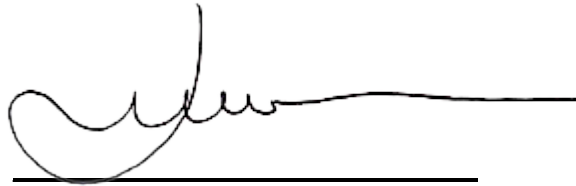
9. The Chamber further notes rule 7(1) of the Rules and regulation 47 of the Regulations of the Court, pursuant to which the designation of a single judge shall be based on objective criteria, including ‘seniority of age, criminal trial experience’ and ‘consideration of the issues involved and the circumstances of the proceedings before the Chamber, as well as the distribution of work within the Chamber and the proper management and efficiency in the handling of cases’.

10. 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 present case until otherwise decided.

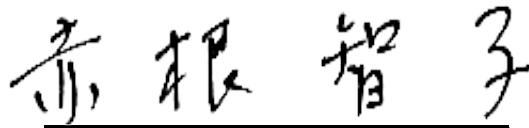
Done in both English and French, the English version being authoritative.



**Judge Rosario Salvatore Aitala,
Presiding Judge**



Judge Antoine Kesia-Mbe Mindua



Judge Tomoko Akane

Dated this Wednesday, 17 March 2021

At The Hague, The Netherlands