

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/05

Date: 6 May 2013

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE CENTRAL AFRICAN REPUBLIC

Confidential, *ex parte* Prosecution and Registry only

Decision designating a Single Judge

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

The Office of the Prosecutor
Fatou Bensouda, Prosecutor

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**

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

States Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar
Herman von Hebel, Registrar
Didier Preira, Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

PRE-TRIAL CHAMBER II (the "Chamber") of the International Criminal Court (the "Court"), having been assigned the situation in the Central African Republic,¹ renders this decision with a view to ensuring the proper organisation of the proceedings.

1. The Chamber notes that, pursuant to article 39(2)(b)(iii) of the Rome Statute (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 of Procedure and Evidence (the "Rules").

2. Furthermore, 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 or by a majority of the Pre-Trial Chamber.

3. The Chamber recalls rule 7(1) of the Rules and regulation 47(1) of the Regulations of the Court, according to which 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.

4. The Chamber notes the "Request for Judicial Assistance to Obtain Evidence for Investigation under Article 70" dated 3 May 2013 ("Prosecutor's Request"),² whereby the Prosecutor submits that her office is investigating potential offences against the administration of justice under Article 70 of the Statute in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, and seeks from the Chamber authority to take a number of investigative steps.

5. The Chamber considers that, in light of the urgent nature of the matters arising in connection with the Prosecutor's Request, as well as of the need to ensure the expeditiousness and efficiency of the proceedings, it is appropriate to designate

¹ ICC-01/05-22; ICC-02/11-01/11-59.

² ICC-01/05-44-Conf-Exp.

Judge Cuno Tarfusser as Single Judge responsible for addressing and determining the issues arising in connection with the Prosecutor's Request on an expedited basis.

FOR THESE REASONS, THE CHAMBER HEREBY

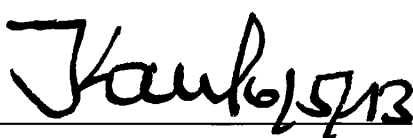
designates Judge Cuno Tarfusser as Single Judge of Pre-Trial Chamber II responsible for addressing and determining the issues arising in connection with the Prosecutor's Request.

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

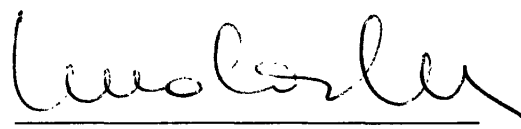


Judge Ekaterina Trendafilova

Presiding Judge



Judge Hans-Peter Kaul



Judge Cuno Tarfusser

Dated this Monday, 6 May 2013

At The Hague, The Netherlands