

ANNEX I

**Cour
Pénale
Internationale**



Les Chambres

**International
Criminal
Court**

The Chambers

**Internal memorandum
Memorandum interne**

To À	Presidency	From De	Judge Sylvia Steiner
Date	21 April 2008	Through Via	
Ref.	ICC-01/05/memo/1	Copies	Judge Hans Peter Kaul Judge Ekaterina Trendafilova
Subject Objet	Request to be excused from functions in Pre-Trial Chamber III		

UNDER SEAL

The purpose of this memorandum is to respectfully request that Judge Sylvia Steiner be excused, pursuant to article 41 (1) of the Rome Statute ("the Statute") and rule 33 of the Rules of Procedure and Evidence ("the RPE"), from her functions in Pre-Trial Chamber III, and be replaced as a member of Pre-Trial Chamber III in accordance with rule 38 of the Rules of Procedure and Evidence.

Judge Sylvia Steiner is currently a member of Pre-Trial Chambers I and III.

Concerning her functions in Pre-Trial Chamber I, Judge Sylvia Steiner has been acting as Single Judge of the proceedings concerning the investigation into the situation in the Democratic Republic of the Congo ("the DRC") since 2006.

Judge Sylvia Steiner has also been the Single Judge in all cases that have arisen out of the investigation into the DRC situation, namely the cases of *The Prosecutor v. Thomas Lubanga Dyilo*, [REDACTED] and the *Prosecution v. Germain Katanga and Mathieu Ngudjolo Chui*. As such, she directed the proceedings for the preparation of the first confirmation hearing before this Court in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, which resulted in over eight hundreds filings.

Judge Steiner is presently directing as Single Judge the proceedings leading to the confirmation hearing in the joint case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, which have been ongoing since the transfer of Germain Katanga to the seat of the Court on 18 October 2007, and have already resulted in well over 400 filings.

[REDACTED]

In addition to the DRC situation and cases, Pre-Trial Chamber I has also been assigned the situation in Darfur, as well as all cases arising out of the investigation into that situation, including the case of *The Prosecution v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*.

In addition to her functions as a member of Pre-Trial Chamber I, Judge Sylvia Steiner is also the Presiding Judge of Pre-Trial Chamber III, to which the situation in the Central-African Republic is assigned, as well as all cases arising out of the investigation into that situation. Although no hearings or filings have taken place since the Prosecution decided to initiate an investigation into this situation on 22 May 2007, it is foreseeable that this may change in the near future.

As a result, Judge Sylvia Steiner, as member of Pre-Trial Chambers I and III is currently assigned to perform her functions in three out of the four situations for which the Prosecution has decided to initiate an investigation. Moreover, she is the Single Judge of all cases arising out of the investigation into the DRC situation, and in particular the joint case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, which is currently at the disclosure stage.

Since 2004, Judge Sylvia Steiner has been performing her functions in Pre-Trial Chamber I and Pre-Trial Chamber III with the assistance of only one legal officer, an intern, and – since last year - an additional assistant legal officer.

Under these circumstances, [REDACTED], and the fact that new cases can be expected in the coming months resulting from the investigations into the Darfur and the Central-African Republic situations, Judge Steiner respectfully requests the Presidency, in order to guarantee the good administration of justice, to be excused from her functions in Pre-Trial Chamber III, and to be replaced as a member of Pre Trial Chamber III, before any filings or hearings take place in the context of this situation.

Judge Sylvia Steiner has no objection to making this request public, pursuant to rule 33 of the Rules, should the Presidency decide to do so. In this regard, Judge Sylvia Steiner notes that as this memorandum refers [REDACTED], which is currently under seal, some redactions may be necessary before making the document public.