

ANNEX II

**Cour
Pénale
Internationale**



La Présidence

**International
Criminal
Court**

The Presidency

**Internal memorandum
Memorandum interne**

To / À	Judge Sylvia Steiner	From / De	The Presidency
Date	22 April 2008	Through / Via	
Ref.	134-1/PK/AK/RB	Copies	Judge Hans-Peter Kaul Judge Ekaterina Trendafilova
Subject / Objet	Decision on the request to be excused from the exercise of judicial functions in Pre-Trial Chamber III		

The Presidency, comprised of the President (Judge Philippe Kirsch), the First Vice-President (Judge Akua Kuenyehia) and the Second Vice-President (Judge René Blattmann), hereby decides the request of Judge Sylvia Steiner (hereinafter “applicant”) of 21 April 2008 to be excused from her functions as a judge of Pre-Trial Chamber III and to be replaced as a judge of Pre-Trial Chamber III (hereinafter “request for excusal”).

The request for excusal is granted.

Factual background

On 21 April 2008, by memorandum classified as under seal, the applicant requested the Presidency to be excused from her functions as a judge of Pre-Trial Chamber III, pursuant to article 41 of the Rome Statute (hereinafter “Statute”) and rule 33 of the Rules of Procedure and Evidence (hereinafter “Rules”), and to be replaced as a judge of Pre-Trial Chamber III, pursuant to rule 38 of the Rules. The request for excusal is based on the current and anticipated workload of the applicant who, as a judge of Pre-Trial Chamber I and Pre-Trial Chamber III, is seized of three out of the four situations into which the Prosecutor of the Court has decided to initiate investigations: the Democratic Republic of the Congo; Darfur, Sudan; and, the Central

African Republic.¹ The applicant also drew the attention of the Presidency to her specific responsibilities as the Single Judge of Pre-Trial Chamber I in the situation in the Democratic Republic of the Congo and in all the cases arising from that situation.²

Decision

The request for excusal is properly before the Presidency, in accordance with article 41 of the Statute and rule 33 of the Rules.

The Presidency, having considered the matter before it, finds the request for excusal to be well founded. In coming to this conclusion, the Presidency took particular note of the specific responsibilities of the applicant, as the Single Judge of Pre-Trial Chamber I, in proceedings in the situation in the Democratic Republic of the Congo and in the cases arising out of that situation; as well as the fact that the applicant has not adjudicated upon any matter in the situation in the Central African Republic, which is assigned to Pre-Trial Chamber III, since, to date, no proceedings have taken place in that situation since the initiation of an investigation into that situation by the Prosecutor of the Court.³

In all the circumstances of the particular case, the request for excusal is granted.

The Presidency, pursuant to rule 38 of the Rules and regulation 15 of the Regulations of the Court, will proceed with the replacement of the applicant in Pre-Trial Chamber III.

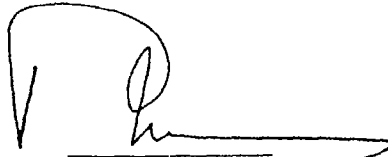
Noting that the applicant has consented to the request for excusal being made public⁴ and noting that the request for excusal refers to information which is currently under seal, a public redacted version of the request for excusal will be annexed to the decision of the Presidency replacing a judge in Pre-Trial Chamber III, in addition to this decision, pursuant to rule 33(2) of the Rules.

¹ Request for excusal, page 2.

² Request for excusal, page 1

³ Request for excusal, page 2

⁴ Request for excusal, page 3.

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line and a small flourish.

Judge Philippe Kirsch

President