

ANNEX I

**Cour
Pénale
Internationale**



Les Chambres

**International
Criminal
Court**

The Chambers

Internal memorandum
Memorandum interne

To À	Presidency	From De	Judge Kuenyehia, Judge Ušacka
Date	24 June 2009	Through Via	
Ref.	01/04-01/07 OA 8	Copies	Judge Nsereko, President of the Appeals Division
Subject Objet	Request for recusal pursuant to article 41 (1) of the Statute and rule 33 of the Rules of Procedure and Evidence		

CONFIDENTIAL

1. On 22 June 2009, Mr. Katanga filed an appeal¹ against the decision of Trial Chamber II of 12 June 2009 on the admissibility of his case.² Pursuant to article 41 (1) of the Statute and rule 33 of the Rules of Procedure and Evidence, we hereby request to be excused from sitting on this appeal.
2. The reason for this request is our previous involvement in the case against Mr. Katanga during the pre-trial phase of the proceedings, in the course of which we *inter alia* issued a warrant of arrest for Mr. Katanga³ and confirmed the charges against him.⁴ We therefore have "previously been involved ... in that case before the Court" (second sentence of article 41 (2) (a) of the Statute).
3. Pursuant to rule 33 (2) of the Rules of Procedure and Evidence, we submit this request confidentially. However, we would not object if the Presidency wished to make public the reasons for its eventual decision on this request (second sentence of rule 33 (2) of the Rules of Procedure and Evidence).

¹ See ICC-01/04-01/07-1234.

² See ICC-01/04-01/07-T-67; ICC-01/04-01/07-1213.

³ See ICC-01/04-01/07-1.

⁴ See ICC-01/04-01/07-717.