

ANNEX I

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Les Chambres

The Chambers

Internal memorandum
Memorandum interne

To À	Presidency	From De	Judge Kuenyehia <i>AK</i>
Date	2 July 2009	Through Via	
Ref.	02/05-01/09 OA 1	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. Today, the Prosecutor filed a request for an extension of the page limit¹ for the document in support of his appeal against the decision of Pre-Trial Chamber of 4 March 2009² on the Prosecutor's application for a warrant of arrest in respect of Mr. Omar Hassan Ahmad Al Bashir. Pursuant to article 41 (1) of the Statute and rule 33 of the Rules of Procedure and Evidence, I hereby request to be excused from sitting on this appeal, including in respect of the Prosecutor's request for an extension of the page limit.

2. I make this request because I was a member of the Pre-Trial Chamber that rendered the decision of 4 March 2009 and 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, I submit this request confidentially. However, I would not object if the Presidency wished to make public this request or 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-02/05-01/09-22.

² See ICC-02/05-01/09-2-Conf and ICC-02/05-01/09-3.

**Cour
Pénale
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Court**



Les Chambres

The Chambers

**Internal memorandum
Memorandum interne**

To À	Presidency	From De	Judge Ušacka
Date	2 July 2009	Through Via	
Ref.	02/05-01/09 OA 1	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		

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² See ICC-02/05-01/09-2-Conf and ICC-02/05-01/09-3