

Annex 1

**Cour
Pénale
Internationale**

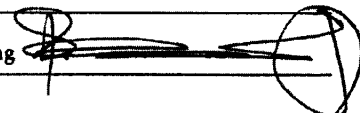


Les Chambres

**International
Criminal
Court**

The Chambers

**Internal memorandum
Memorandum interne**

To À	Presidency	From De	Judge Monageng 
Date	16 April 2012	Through Via	
Ref.	01/11-01/11 (OA 2)	Copies	Judge Kourula, 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

- On 10 April 2012, the Appeals Chamber was notified of the "Government of Libya's Appeal Against the 'Decision Regarding the Second Request by the Government of Libya for Postponement of the Surrender of Saif Al-Islam Gaddafi'",¹ which is directed against Pre-Trial Chamber I's "Decision Regarding the Second Request by the Government of Libya for Postponement of the Surrender of Saif Al-Islam Gaddafi".² 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.
- The reason for this request is my previous involvement in the case against Mr. Saif Al-Islam Gaddafi during the pre-trial phase of the proceedings, in the course of which I *inter alia* rendered a decision³ on a request by the Government of Libya that was similar to the one giving rise to the decision that is now being appealed. I therefore have "previously been involved ... in that case before the Court" (second sentence of article 41 (2) (a) of the Statute).
- 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 ICC-01/11-01/11-103.

² ICC-01/11-01/11-100.

³ ICC-01/11-01/11-72.