

ANNEX I

**Cour
Pénale
Internationale**



**International
Criminal
Court**

REDACTED

Internal Memorandum

From:	Christine Van den Wyngaert
To:	Presidency
CC	Judge Kuniko Ozaki, Judge Chile Eboe-Osuji
Date:	8 April 2013
Subject:	Request to be excused from functions in Trial Chamber V

1. In March 2012, I was assigned to the Pre-Trial Division [Press Release ICC-CPI-20120315-PR778 of 14 March 2012]. I am currently serving in Pre-Trial Chamber I [Presidency, "Decision on the constitution of Pre-Trial Chambers and on the assignment of the Democratic Republic of the Congo, Darfur, Sudan and Côte d'Ivoire situations", 15 March 2012, ICC-02/11-37]. The workload arising from the Ivory Coast and Libya situations in Pre-Trial Chamber I is very high. Meanwhile, I continue to serve in the Trial Division as a member of Trial Chamber II (Katanga case). As a result of the Judgment of the Appeals Chamber of 27 March 2013 (ICC-01/04-01/07 OA 13), proceedings in that case have resumed and it may take many months before the article 74 decision is rendered.

2. On 30 March 2012, I was requested to accept temporary assignment to Trial Chamber V, in view of the limited capacity of judges in the Trial Division, as the newly elected judges assigned to that Division had not yet been called to The Hague. I accepted this assignment on the clear understanding that it would be limited in time and only for the purposes of the *preparation* of the two Kenya trials.

3. As a result, I have been, since almost a year, seized of 5 different cases: Katanga & Ngudjolo, Ivory Coast, Lybia and the two Kenya cases. This is, by all standards, an

unprecedented and unusually high workload for a judge. With the upcoming trials in the two Kenya cases, a significant further duty would be added to my already extended workload. Under those circumstances, and despite all best efforts, I would simply not have the time to devote the necessary attention to all of the cases I am currently assigned to. I would therefore be forced to carry out my duties in a manner unbefitting the importance of the task.

4. [REDACTED WITH ANNEX]

5. For these reasons, I ask the Presidency, in order to guarantee the good administration of justice, to excuse me from my functions in Trial Chamber V (article 41(1) of the Rome Statute ("Statute") and rule 33 of the Rules of Procedure and Evidence ("Rules")) and to replace me as a member of this chamber (rule 38 of the Rules) as soon as possible before the start of the trial proceedings, which are now imminent.
