



**Cour
Pénale
Internationale**
**International
Criminal
Court**

La Présidence
The Presidency

UNDER SEAL

Internal memorandum
Memorandum interne

To À	Judge Akua Kuenyehia	From De	President Song  Vice-President Monageng
Date	20 November 2013	Through Via	
Ref.	2013/PRES/00412-3	Copies	
Subject Objet	Carrying out the responsibilities of Second Vice-President Tarfusser in a matter before the Presidency in accordance with regulation 11(2) of the Regulations of the Court		

By memorandum dated 19 November 2013,¹ Judge Tarfusser, Second Vice-President of the Court and Single Judge of Pre-Trial Chamber I, requested the Presidency to waive the immunity of counsel and the case manager for the defence in the case of *The Prosecutor v Jean-Pierre Bemba Gombo* ("Application"). By the same memorandum, Vice-President Tarfusser further requested to be excused from the deliberations of the Presidency on his Application for a waiver of immunity on the ground of a conflict of interest.

Earlier today, noting article 41(1) of the Rome Statute and rule 33 of the Rules of Procedure and Evidence, the remaining members of the Presidency granted the request of Vice-President Tarfusser to be excused from the deliberations of the Presidency on his Application.²

Pursuant to regulation 11(2) of the Regulation of the Court, Vice-President Tarfusser has therefore been treated as unavailable for the purpose of the deliberations of the Presidency on the Application. As agreed, the responsibilities of Vice-President Tarfusser in the Application will be carried out by you as of today, until final determination on the matter.

¹ 2013/PRES/00412.

² 2013/PRES/00412-2.