

## **ANNEX I**

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

PRESIDENCY	
Ref. 2010/PRES/380	Les Chambres
28.06.10	The Chambers
AD. III	
CC. HA OD	Internal memorandum Memorandum interne
AD. III	

To / À	Presidency	From / De	Judge Adrian Fulford
Date	28 June 2010	Through / Via	Judge Elizabeth Odio Benito Judge Joyce Aluoch
Ref.		Copies	
Subject / Objet	Request to be excused from Trial Chamber III		

I am writing on behalf of myself and Judge Odio Benito, pursuant to article 41 of the Rome Statute of the International Criminal Court and rules 33 and rule 38 of the Rules of Procedure and Evidence ("Rules"). Currently we are trial judges in the Lubanga and Bemba cases. The former trial has taken considerably longer than any of the parties or the judges expected, and in the event the potential overlap with the Bemba trial is very considerable. In Lubanga we are only approximately half way through the defence case, and we are soon to embark on a possibly lengthy abuse of process application.

My unequivocal view is that it would be inimical to the interests of justice in both cases if I and Judge Odio Benito attempted to preside over two substantial, concurrent trials.

There are other judges at the Court who are better placed in terms of their commitments to undertake the Bemba trial, and accordingly we ask that we are relieved of our continuing obligations in the Bemba case, now that the trial is about to start. Along with Judge Aluoch, we have managed to deal with all of the substantive pre-trial issues.

We have no objection to making this request public, pursuant to rule 33 of the Rules, should the Presidency decide to do so.

*Adrian Fulford*