

ANNEX I

**Cour
Pénale
Internationale**

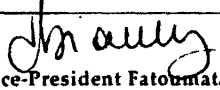


La Présidence

**International
Criminal
Court**

The Presidency

**Internal memorandum
Memorandum interne**

To À	President Sang-Hyun Song Vice-President Hans-Peter Kaul	From De	 Vice-President Fatoumata Dembele Diarra
Date	14 February 2012	Through Via	
Ref.	2012/PRES/76	Copies	
Subject Objet	Request to be excused from Trial Chamber IV		

It is respectfully requested that Judge Fatoumata Dembele Diarra be excused, pursuant to article 41 of the Rome Statute ("the Statute") and rule 33 of the Rules of Procedure and Evidence ("the Rules"), from her functions in Trial Chamber IV, and be replaced as a member of Trial Chamber IV in accordance with rule 38 of the Rules.

Judge Diarra is currently a member of Trial Chamber II and Trial Chamber IV, as well as the Presidency.

With regard to her functions in Trial Chamber II, which is currently seized of the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, noting that the hearing of this trial has already commenced and that closing statements are due on 12 May 2012, Judge Diarra assumes, in conformity with article 36 (10) of the Statute, the extension of her mandate as her term of office is due to expire on 10 March 2012.

With regard to her functions in Trial Chamber IV, which is currently seized of the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*, a trial date has yet to be set. In this respect, the hearing of the trial has not yet commenced and it is foreseeable that the start of the trial will commence later in 2012. Noting the unavailability of Judge Diarra, by reason of the end of her term of office, she would be unable to engage in the trial before Trial Chamber IV.

Given the unavailability of Judge Diarra as outlined above, she respectfully requests the Presidency, in order to guarantee the good administration of justice, to be excused from her functions in Trial Chamber IV and be replaced as a member of Trial Chamber IV.

Judge Diarra further requests to be excused from the deliberations of the Presidency on the issue of her excusal, as the impression could be given of a possible conflict of interest given her position as a member of the Presidency.

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