



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

La Présidence
The Presidency

**Internal memorandum
Memorandum interne**

To À	Judge Kuenyehia	From De	President Song, Vice President Tarfusser <i>shs</i>
Date	18 June 2013	Through Via	
Ref.	2013/PRES/215-3	Copies	
Subject Objet	Carrying out the responsibilities of First Vice-President Monageng in a matter before the Presidency in accordance with regulation 11(2) of the Regulations of the Court		

By memorandum dated 11 June 2013,¹ Judge Monageng, First Vice-President, requested the Presidency to excuse her as a member of the Appeals Chamber in the appeal of the Government of Libya against Pre-Trial Chamber I's "Decision on the admissibility of the case against Saif Al-Islam Gaddafi" ("appeal") in the case of The Prosecutor v. Saif Aif-Islam Gaddafi and Abdullah Al-Senussi ("case"). By the same memorandum, Vice-President Monageng further requested to be excused from the deliberations of the Presidency on her request to be excused from the Appeals Chamber.

On 18 June 2013, 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 second request of Vice-President Monageng to be excused from the deliberations of the Presidency on her first request, considering that a conflict of interest may arise, given her position as both member of the Presidency and a judge of the Appeals Chamber.²

Pursuant to regulation 11(2) of the Regulation of the Court, Vice-President Monageng has therefore been treated as unavailable for the purpose of the deliberations of the Presidency on her request to be excused from the Appeals Chamber. As agreed, the responsibilities of

¹ 2013/PRES/215 (attached).

² 2013/PRES/215-2.

Judge Monageng as member of the Presidency in her request to be excused from the Appeals Chamber will be carried out by you as of today, until final determination on the matter.