



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

**La Présidence
The Presidency**

**Internal memorandum
Memorandum interne**

To À	Judge Cuno Tarfusser	From De	The Presidency	<i>Sang Huyn Song</i>
Date	9 May 2014	Through Via		
Ref.	2014/PRES/145-4	Copies		
Subject Objet	Decision on the request to be excused from the exercise of judicial functions in the case of <i>The Prosecutor v. Jean-Pierre Bemba Gombo</i> , pursuant to article 41 of the Rome Statute			

The Presidency, composed of the President (Judge Sang-Huyn Song), the First Vice-President (Judge Sanji Mmasenono Monageng) and Judge Akua Kuenyehia hereby decide upon the request of Judge Cuno Tarfusser, Second Vice-President (hereinafter “judge”) of 8 May 2014,¹ pursuant to article 41(1) of the Rome Statute (hereinafter “Statute”) and rule 33 of the Rules of Procedure and Evidence (hereinafter “Rules”), to be excused from his functions in the Presidency in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, (“case”), in the “Defence Appeal pursuant to Regulation 221 of the Regulations of the Registry” of 28 March 2014² (“Application”), and to be replaced as a judge pursuant to rule 38 of the Rules (hereinafter “request for excusal”).

The request for excusal is granted.

Factual background

The request for excusal is made on the ground that the Application indirectly impugns decisions made by the judge as Single Judge of Pre-Trial Chamber II.

¹ 2014/PRES/145.

² ICC-RoR221-03/14-1.

Decision

The request for excusal is granted. The Application is directed against the decision of the Registrar dismissing the defendant's complaint against the Registrar's decision to monitor his communications and transmit logs of those communications to the Prosecution. It is noted that the decision of the Registrar was preceded by decisions of the Single Judge ordering the monitoring of the defendant's communications; that the Registrar relied upon the decisions of the Single Judge; and that the Application indirectly impugns the decisions of the Single Judge.

The Presidency notes that the judge has orally consented to the Presidency making public the request for excusal and the reasons for its decision thereupon, pursuant to rule 33(2) of the Rules. A copy of this decision and the request for excusal shall be annexed to the decision of the Presidency replacing the judge in the Presidency.