

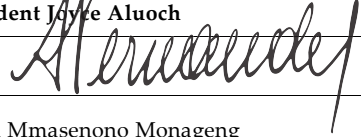
## **ANNEX I**



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

La Présidence  
The Presidency

**Internal memorandum  
Memorandum interne**

<b>To   À</b>	Judge Kuniko Ozaki	<b>From   De</b>	President Silvia Hernández de Gurmendi Vice-President Joyce Aluoch 
<b>Date</b>	24 March 2015	<b>Through   Via</b>	
<b>Ref.</b>	2015/PRES/00114-02	<b>Copies</b>	Judge Sanji Mmasenono Monageng Judge Robert Fremr Judge Chang-ho Chung
<b>Subject   Objet</b>	Decision on the request to be excused from the Presidency for the purposes of its decision on Trial Chamber VI's 'Recommendation to the Presidency on holding part of the trial in the State concerned' (ICC-01/04-02/06-526)		

On 20 March 2015, Judge Kuniko Ozaki requested to be excused,<sup>1</sup> as a member of the Presidency, from deliberating on the recommendation submitted to the Presidency by Trial Chamber VI on 19 March 2015 ("Recommendation").<sup>2</sup> The Recommendation was submitted to the Presidency pursuant to rule 100(2), which provides that a Chamber "may . . . decide to make a recommendation changing the place where the Chamber sits" and that such recommendation "shall be addressed to the Presidency." In its Recommendation, Trial Chamber VI unanimously recommended that opening statements in the trial in *The Prosecutor v. Bosco Ntaganda* be held in Bunia, Democratic Republic of the Congo.

Judge Ozaki's reason for the request is that she currently sits as a member of Trial Chamber VI and that as a member of "the Trial Chamber making the Recommendation, [she] ha[s] an evident conflict in the matter."<sup>3</sup>

The remaining members of the Presidency find Judge Ozaki's request to be well-founded. Rule 100(3) provides that "[t]he Presidency shall consult the State where the Chamber intends to sit" and "[i]f that State agrees, then the decision to sit in [that] State . . . shall be taken by the Presidency in consultation with the Chamber." The remaining members of the Presidency find that Judge Ozaki's participation in

<sup>1</sup> Request to be excused from the Presidency for the purposes of its decision on Trial Chamber VI's 'Recommendation to the Presidency on holding part of the trial in the State concerned' (ICC-01/04-02/06-526), 2015/PRES/00114.

<sup>2</sup> Recommendation to the Presidency on holding part of the trial in the State concerned, ICC-01/04-02/06-526.

<sup>3</sup> 2015/PRES/00114, *supra* note 1, at p. 1.

the consultations and deliberations contemplated in rule 100(3) would inevitably raise a conflict with her function as a member of Trial Chamber VI. The remaining members of the Presidency hereby excuse Judge Ozaki from her function as Second Vice-President with respect to deliberating on the Recommendation. Judge Ozaki's responsibilities as a member of the Presidency shall be carried out by Judge Sanji Mmasenono Monageng as "the next available judge having precedence" in accordance with regulations 10 and 11(2).