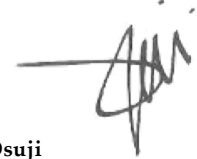


Annex I

Internal memorandum
Memorandum interne

To À	First Vice-President Robert Fremr Second Vice-President Marc Perrin de Brichambaut	From De	President Chile Eboe-Osuji
Date	16 June 2020	Through Via	
Ref.	2020/PRES/00105	Copies	Hirad Abtahi
Subject Objet	Request for excusal from Presidency functions in relation to Request ICC-02/11-01/15-1354-Red		



On 28 May 2020, the Defence for Mr Gbagbo filed before the Presidency a “Demande de clarification de la Défense concernant la marche à suivre pour engager une procédure en déni de justice du fait du silence opposé pendant huit mois à la requête de Laurent Gbagbo datée du 7 octobre 2019 visant à ce qu’il recouvre l’intégralité de ses droits” (ICC-02/11-01/15-1354-Red) (‘Request’) in which it requested that the Presidency of the Court clarify the procedure which would allow it to initiate proceedings for the denial of justice, based on the fact that the Appeals Chamber had not, at the time of the filing of the Request, issued a decision on Mr Gbagbo’s request before that Chamber dated 7 October 2019.

Article 41(1) of the Rome Statute provides that ‘[t]he Presidency may, at the request of a judge, excuse that judge from the exercise of a function under this Statute, in accordance with the Rules of Procedure and Evidence’.

I note that the present situation is one in which there is evidently a reasonable appearance of a lack of impartiality, given my role as both the Presiding Judge of the Appeals Chamber in respect of the appeal which the defence of Mr Gbagbo claims to have engendered a denial of justice and my role as President in the consideration of the Request. I hereby request to be excused from my functions in the Presidency in respect of the Request.

Noting rule 33(2) of the Rules of Procedure and Evidence, I grant consent for the Presidency to share information concerning this request for excusal and the decision thereon, to the extent as is necessary in order to enable the Presidency to perform its functions.