


## **ANNEX I**



Internal memorandum  
Memorandum interne

To   À	Judge Cuno Tarfusser	From   De	The Presidency 
Date	17 March 2015	Through   Via	
Ref.	2015/PRES/00091-02	Copies	Judge Geoffrey Henderson Judge Olga Herrera Carbuca
Subject   Objet	Decision on the Request for Excusal		

The Presidency, composed of the President (Judge Silvia Fernández de Gurmendi), the First Vice-President (Judge Joyce Aluoch) and the Second Vice-President (Judge Kuniko Ozaki), hereby decides upon the request of Judge Cuno Tarfusser, pursuant to article 41(1) of the Rome Statute ("Statute") and rule 33(1) of the Rules of Procedure and Evidence ("Rules"), to be excused from his function as a judge of Trial Chamber I in the case of *The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé* ("*Gbagbo & Blé Goudé*").<sup>1</sup>

The request for excusal is granted.

### Factual Background

On 17 March 2015, by confidential memorandum, Judge Tarfusser requested the Presidency to excuse him from exercising his functions as a judge in *Gbagbo & Blé Goudé*.<sup>2</sup> In the memorandum, Judge Tarfusser explained that he currently sits in both Pre-Trial Chamber I and Pre-Trial Chamber II and that his workload accordingly consists of all the situations and cases currently pending before both Pre-Trial Chambers.<sup>3</sup> Judge Tarfusser noted that this responsibility "requires [his] full attention" and accordingly requested "to be relieved of [his] continuing obligations in *Gbagbo*."<sup>4</sup>

<sup>1</sup> Request for Excusal, 17 Mar. 2015, 2015/PRES/00091.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

## Decision

The present request for excusal is properly before the Presidency in accordance with article 41(1) of the Statute and rule 33(1) of the Rules.

Article 41(1) of the Statute provides, in relevant part, that “[t]he Presidency may, at the request of a judge, excuse that judge from the exercise of a function under this Statute”. Rule 33(1) of the Rules provides, in relevant part, that a judge “seeking to be excused from his or her functions shall make a request in writing to the Presidency, setting out the grounds upon which he or she should be excused.”

The request for excusal is made on the ground of workload. As a member of both Pre-Trial Chamber I and II, Judge Tarfusser must deal with matters currently pending in all situations and cases before both Pre-Trial Chambers. Judge Tarfusser submits that his involvement in these matters “requires [his] full attention.”<sup>5</sup>

The Presidency finds the request to be well founded. In coming to this conclusion, the Presidency takes particular note of Judge Tarfusser’s current and anticipated workload, including the fact that he will be hearing matters before both Pre-Trial Chambers. The Presidency also notes the availability of other judges, particularly in light of the election of six new judges during the 13th session of the Assembly of States Parties to the Rome Statute in December 2014. These six judges took their respective oaths of office on 10 March 2015.<sup>6</sup>

The Presidency shall make public this decision, noting that Judge Tarfusser has expressed his consent in accordance with rule 33(2) of the Rules.

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<sup>5</sup> *Id.*

<sup>6</sup> Six new judges sworn in today at the seat of the International Criminal Court, 10 Mar. 2015, ICC-CPI-20150310-PR1095.