

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/05-01/13

Date: 9 May 2014

**THE PRESIDENCY**

**Before:** Judge Sang-Hyun Song, President  
Judge Sanji Mmasenono Monageng, First Vice-President  
Judge Akua Kuenyehia, Acting Second Vice-President

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC  
IN THE CASE OF  
THE PROSECUTOR v. JEAN-PIERRE BEMBA GOMBO,  
AIMÉ KILOLO MUSAMBA,  
JEAN-JACQUES MANGENDA KABONGO,  
FIDÈLE BABALA WANDU  
& NARCISSE ARIDO**

**Public  
With three public annexes**

**Notification concerning the defence requests for the disqualification  
of a judge in case ICC-01/05-01/13**

**Decision to be notified in accordance with regulation 31 of the *Regulations of the Court***  
**to:**

**The Office of the Prosecutor**  
Fatou Bensouda  
Kweku Vanderpuye

**Counsel for Jean-Pierre Bemba Gombo**  
Nicholas Kaufman

**Counsel for Aimé Kilolo Musamba**  
Mr Ghislain Mabanga

**Counsel for Jean-Jacques Mangenda  
Kabongo**  
Mr Jean Flamme

**Counsel for Fidèle Babala Wandu**  
Mr Jean-Pierre Kilenda Kakengi Basila

**Counsel for Narcisse Arido**  
Mr Göran Sluiter

**REGISTRY**

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**Registrar**  
Herman von Hebel

The Presidency of the International Criminal Court (“Court”);

In the case of *The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido*;

Noting the defence requests for the disqualification of Judge Cuno Tarfusser from Pre-Trial Chamber II dated 29 April 2014<sup>1</sup>, 1 May 2014<sup>2</sup> and 7 May 2014<sup>3</sup> (“Defence Requests”);

Noting the request that the Presidency convene a plenary session as per article 41(2)(c) of the Statute and rule 4(2) of the Rules of Procedure and Evidence to review and rule upon the disqualification of Judge Cuno Tarfusser<sup>4</sup>;

Noting that on 5 May 2014 Judge Tarfusser requested to be excused from exercising any functions of the Presidency in respect of the Defence Requests (Annex 1);

Noting that the request for excusal was granted and Judge Akua Kuenyehia replaced Judge Tarfusser in the Presidency (Annex 2);

Noting further that pursuant to article 41(2)(c) of the Rome Statute and rule 34(2) of the Rules of Procedure and Evidence, Judge Tarfusser was requested to make any written submissions in response to the Defence Requests (Annex 3);

Hereby notifies that a plenary session of the judges shall be convened on 27 May 2014 to address the Defence Requests;

Hereby orders the Registrar to transmit this notification to all parties and participants in the case.

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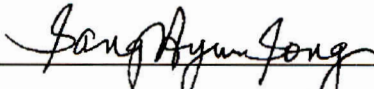
<sup>1</sup> ICC-01/05-01/13-367.

<sup>2</sup> ICC-01/05-01/13-372.

<sup>3</sup> ICC-01/05-01/13-380.

<sup>4</sup> See for example ICC-01/05-01/13-372, paragraph 1.

Done in both English and French, the English version being authoritative.

  
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**Judge Sang-Hyun Song**  
**President**

Dated this 9 May 2014

At The Hague, The Netherlands



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

La Présidence  
The Presidency

Internal memorandum  
Memorandum interne

To   À	President Song Vice-President Monageng	From   De	Vice-President Tarfusser
Date	5 May 2014	Through   Via	
Ref.	2014/PRES/144	Copies	

Subject | Objet Request to be excused from the exercise of judicial functions in the Presidency in respect of two applications for my disqualification (ICC-01/05-01/13-367 and ICC-01/05-01/13-372) and in respect of any other forthcoming applications for disqualification in case ICC-01/05-01/13, pursuant to article 41 of the Rome Statute

I hereby request to be excused from exercising any functions in the Presidency in respect of the defence applications of 29 April 2014<sup>1</sup> and 1 May 2014<sup>2</sup> and in respect of any other requests for my disqualification from Pre-Trial Chamber II in the case against Messrs Bemba Gombo, Kilolo Musamba, Mangenda Kabongo, Babala Wandu and Arido (ICC-01/05-01/13), to avoid any question of a conflict of interest given my position as a member of the Presidency.

<sup>1</sup> Requête en récusation du Juge unique Cuno Tarfusser, ICC-01/05-01/13-367.

<sup>2</sup> Defence Request for the Disqualification of the Single Judge Cuno Tarfusser, ICC-01/05-01/13-372.



**Internal memorandum  
Memorandum interne**

<b>To   À</b>	Judge Kuenyehia	<b>From   De</b>	President Song <i>Sang Hyma Song</i>
<b>Date</b>	5 May 2014	<b>Through   Via</b>	
<b>Ref.</b>	2014/PRES/144-2	<b>Copies</b>	Vice President Monageng
<b>Subject   Objet</b>	Decision on request for excusal from the Presidency and submissions pursuant to article 41(2)(c) and rule 34(2)		

By applications dated 29 April 2014<sup>1</sup> and 1 May 2014,<sup>2</sup> in the case against Messrs Bemba Gombo, Kilolo Musamba, Mangenda Kabongo, Babala Wandu and Arido (ICC-01/05-01/13), the defence for Mr Mangenda Kabongo and the defence for Mr Kilolo Musamba respectively requested the disqualification of Judge Tarfusser from Pre-Trial Chamber II.

On 2 May 2014, Judge Tarfusser requested to be excused from any functions of the Presidency in respect of the defence applications and in respect of any other application for his disqualification in the case.<sup>3</sup>

As discussed and in accordance with regulation 11(2), you shall henceforward carry out his responsibilities as a member of the Presidency in this particular matter until final determination.

<sup>1</sup> Requête en récusation du Juge unique Cuno Tarfusser, ICC-01/05-01/13-367.

<sup>2</sup> Defence Request for the Disqualification of the Single Judge Cuno Tarfusser, ICC-01/05-01/13-372.

<sup>3</sup> 2014/PRES/144.



Internal memorandum  
Memorandum interne

To   À	Judge Tarfusser, Second Vice-President	From   De	The Presidency	<i>Sarg Nyam Song</i>
Date	5 May 2014	Through   Via		
Ref.	2014/PRES/144-3	Copies		
Subject   Objet	Decision on request to be excused from the Presidency and Request for submissions pursuant to article 41(2)(c) and rule 34(2)			

As you are aware, defence counsel for Mr Mangenda Kabongo and defence counsel for Mr Kilolo Musamba in the case against Messrs Bemba Gombo, Kilolo Musamba, Mangenda Kabongo, Babala Wandu and Arido (ICC-01/05-01/13), respectively requested your disqualification from Pre-Trial Chamber II on 29 April 2014<sup>1</sup> and 1 May 2014.<sup>2</sup>

Earlier today you requested to be excused from exercising any functions of the Presidency in respect of the defence applications and in respect of any other applications for your disqualification in the abovementioned case.<sup>3</sup>

The Presidency, composed of Judges Song, Monageng and Kuenyehia,<sup>4</sup> hereby grant your application to be excused from your functions in the Presidency in respect of the said defence applications and any other applications for your disqualification in case ICC-01/05-01/13.

Pursuant to article 41(2)(c) of the Rome Statute and rule 34(2) of the Rules of Procedure and Evidence, you are entitled to present written submissions on the said defence applications.

You are hereby requested to make any such submissions by 16 May 2014.

A special plenary session will thereafter be convened to address the defence applications.

<sup>1</sup> Requête en récusation du Juge unique Cuno Tarfusser, ICC-01/05-01/13-367.

<sup>2</sup> Defence Request for the Disqualification of the Single Judge Cuno Tarfusser, ICC-01/05-01/13-372.

<sup>3</sup> 2014/PRES/144.

<sup>4</sup> 2014/PRES/144-2.