

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10
Date: 10 January 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

***IN THE CASE OF
THE PROSECUTOR V. CALLIXTE MBARUSHIMANA***

Public Document

Order on the time limit for the Prosecutor's response to the "Defence Challenge to the Validity of the Arrest Warrant"

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

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
 Ms Fatou Bensouda, Deputy Prosecutor
 Mr Anton Steynberg, Senior Trial Lawyer

Counsel for the Defence

Mr Nicholas Kaufman

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
 Participation/Reparation**

**The Office of Public Counsel for
 Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
 Defence**

Mr Xavier-Jean Keita

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section**

Others

I, **Judge Sanji Mmasenono Monageng**, the Single Judge of Pre-Trial Chamber I of the International Criminal Court (“Court”) responsible for carrying out the functions of the Chamber in relation to the situation in the Democratic Republic of the Congo and any case emanating therefrom;¹

NOTING the “Defence Challenge to the Validity of the Arrest Warrant” (“Challenge”)², filed on 10 January 2011, whereby the Defence for Mr Callixte Mbarushimana (“Mr Mbarushimana”):

- requests the Chamber to find that the warrant of arrest for Mr Mbarushimana is void and to order his release from detention immediately;
- requests the Chamber to receive the Prosecutor’s response to the Challenge as soon as possible, arguing that Mr Mbarushimana’s detention is unlawful and his surrender to the Court should be prevented;

NOTING regulations 34(b) and 35(2) of the Regulations of the Court (“Regulations”);

CONSIDERING that Mr Mbarushimana is currently detained by the competent authority in France, and that following the rejection of his *pourvoi en cassation* on 4 January 2011, it is anticipated that he will be surrendered to the Court within one month from that date;

CONSIDERING thus that good cause has been shown under regulation 35(2) of the Regulations for reducing the time limit for the Prosecutor’s response to the Defence Challenge;

¹ “Decision on the designation of a Single Judge of Pre-Trial Chamber”, 26 July 2010, ICC-01/04-569.

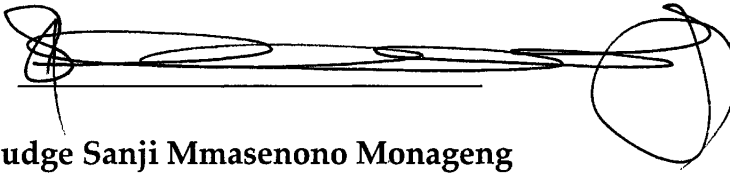
² ICC-01/04-01/10-32.

FOR THESE REASONS,

GRANT the request for the reduction of the time limit for the Prosecutor's response and

ORDER the Prosecutor to file his response no later than Monday, 17 January 2011.

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



Judge Sanji Mmasenono Monageng

Single Judge

Dated this Monday, 10 January 2011

At The Hague, The Netherlands