

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/10

Date: 2 May 2011

**PRE-TRIAL CHAMBER I**

**Before: Judge Cuno Tarfusser, Single Judge**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

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

**Public**

**Decision setting a time limit for the Defence's observations on the "Prosecution's request for the assessment of the English proficiency of Callixte Mbarishimana"**

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  
 Ms Yael Vias-Gvirsman

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
 Participation/Reparation**

**The Office of Public Counsel for  
 Victims**

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

Mr Xavier-Jean Keïta

**States Representatives**

**Amicus Curiae**

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
 Section Others**

I, Judge Cuno Tarfusser, the Single Judge of Pre-Trial Chamber I of the International Criminal Court (“Chamber” and “Court” respectively) responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Callixte Mbarushimana* in the absence of Judge Sanji Mmasenono Monageng;<sup>1</sup>

NOTING the “Prosecution's request for the assessment of the English proficiency of Callixte Mbarishimana” (“Request”)<sup>2</sup> filed by the Prosecutor on 28 April 2011 whereby the Prosecutor requests the Chamber to direct the “Registry to conduct an assessment of whether Callixte Mbarushimana ... fully understands and speak the English language”;

NOTING that the Prosecutor submits in his Request that “the statements of witnesses who do not speak a language of the Court were recorded in English”<sup>3</sup> and that their translation into French for the benefit of Mr Mbarushimana “will effectively shorten the already tight deadline for the preparation of the DCC and the LoE”<sup>4</sup> and is an unnecessary burden given the fact that Mr Mbarushimana’s English meets the standard required by article 67(1)(a) of the Statute;

NOTING regulations 24 and 34 of the Regulations of the Court;

CONSIDERING that the confirmation hearing is scheduled to start on 4 July 2011 and that the Prosecutor was accordingly ordered to file no later than 23 May 2011, or when redactions are requested, no later than 5 days after the Chamber’s decision regarding such redactions, in original and in a language

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<sup>1</sup>ICC-01/04-583.

<sup>2</sup>ICC-01/04-01/10-125.

<sup>3</sup>ICC-01/04-01/10-125, para.11.

<sup>4</sup>ICC-01/04-01/10-125-, para.12.

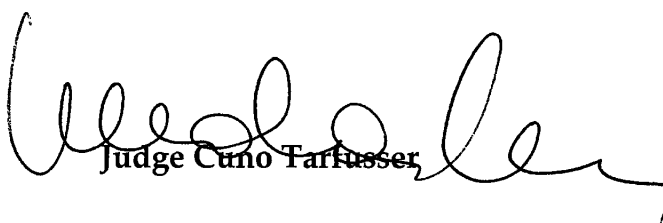
Mr Mbarushimana fully understands and speaks, the names and the statements of the witnesses on which he intends to rely at the confirmation of charges hearing regardless of whether the Prosecution intends to call them to testify;<sup>5</sup>

**CONSIDERING** therefore that, in light of the abovementioned deadlines, it is appropriate to set a time limit for the submission of the Defence's observations on the Request, if any;

**FOR THESE REASONS,**

**ORDER** the Defence to file its observations on the Request, if any, no later than Tuesday 3 May 2011 at 16h00;

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', is written over the printed name 'Judge Cuno Tarfusser'.

**Single judge**

Dated this Monday 2 May 2011

At The Hague, The Netherlands

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<sup>5</sup> Decision on issues relating to disclosure, ICC-01/04-01/10-87, pages 17-18.