

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

**Original: English**

**No. ICC-01/04-01/10 OA**

**Date: 26 May 2011**

**THE APPEALS CHAMBER**

**Before:**  
**Judge Anita Ušacka, Presiding Judge**  
**Judge Sang-Hyun Song**  
**Judge Akua Kuenyehia**  
**Judge Erkki Kourula**  
**Judge Daniel David Ntanda Nsereko**

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

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

**Public document**

**Decision**

**on the “Defence request for an extension of the time limit for filing the document in support of its appeal against Pre-Trial Chamber I’s Decision: ICC-01/04-01/10-163”**

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

**The Office of the Prosecutor**  
Ms Fatou Bensouda, Deputy Prosecutor  
Mr Fabricio Guariglia

**Counsel for the Defence**  
Mr Nicholas Kaufman  
Ms Yaël Vias-Gvirsman

**REGISTRY**

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**Registrar**  
Ms Silvana Arbia



The Appeals Chamber of the International Criminal Court,

In the appeal of Mr Callixte Mbarushimana against the decision of Pre-Trial Chamber I entitled “Decision on the ‘Defence Request for Interim Release’” of 19 May 2011 (ICC-01/04-01/10-163),

Having before it the “Defence request for an extension of the time limit for filing the document in support of its appeal against Pre-Trial Chamber I’s Decision: ICC-01/04-01/10-163” of 25 May 2011 (ICC-01/04-01/10-182),

Unanimously,

*Renders* the following

## DECISION

The time limit for filing the document in support of the appeal is extended to 10h00 on 30 May 2011, subject to the submission of the written summons.

## REASONS

1. On 25 May 2011, Mr Callixte Mbarushimana (hereinafter: “Mr Mbarushimana”) filed the “Defence request for an extension of the time limit for filing the document in support of its appeal against Pre-Trial Chamber I’s Decision: ICC-01/04-01/10-163”<sup>1</sup> (hereinafter: “Request”), requesting an extension of the time limit for the submission of his document in support of the appeal to 10h00 on 30 May 2010, because his counsel has been summoned to military reserve duty on Thursday 26 May 2011. He stated that his counsel would produce the written summons “in due course”.<sup>2</sup> The Prosecutor has indicated that he has no objection to granting this request.<sup>3</sup>

2. Pursuant to regulation 35 (2) of the Regulations of the Court, a Chamber may “extend or reduce a time limit if good cause is shown”. The Appeals Chamber finds that the factor identified by Mr Mbarushimana in the Request, namely that his counsel

<sup>1</sup> ICC-01/04-01/10-182.

<sup>2</sup> Request, p. 3.

<sup>3</sup> “Prosecution’s response to Defence request for extension of time limit (ICC-01/04-01/10-182)”, 26 May 2011, ICC-01/04-01/10-191 (OA), para. 2.

has been summoned to unforeseen military reserve duty on Thursday 26 May 2011,<sup>4</sup> constitutes good cause for a limited extension of the time limit for filing his document in support of the appeal, subject to the submission of the proof of the summons referred to in the Request. The Appeals Chamber further determines that the length of the extension requested by Mr Mbarushimana – from 16h00 on Friday to 10h00 on Monday – is reasonable.

3. In light of the above, the Appeals Chamber determines that the time limit for the filing of Mr Mbarushimana's document in support of the appeal is extended to 10h00 on 30 May 2011.

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



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**Anita Ušacka**  
**Presiding Judge**

Dated this 26<sup>th</sup> day of May 2011

At The Hague, The Netherlands

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<sup>4</sup> Request, p. 3.