

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 15 August 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

URGENT

Decision requesting observations on the "Defence Compliance with Decision

ICC-01/04-01/10-359"

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

Ms. Fatou Bensouda

Mr. Anton Steynberg

Legal Representatives of Victims

Me Hervé Diakiese

Me Mayombo Kassongo

Me Ghislain Mabanga

Counsel for the Defence

Mr. Nicholas Kaufman

Ms. Yaël Vias-Gvirsman

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**

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 (“Chamber” and “Court” respectively) responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Callixte Mbarushimana*;¹

NOTING the “Defence Compliance with Decision ICC-01/04-01/10-359” (“Defence Submission”), filed on 15 August 2011,² whereby the Defence provides information sought by the Chamber with respect to the “Defence request to deny the use of certain incriminating evidence at the confirmation hearing” (“Defence Request”)³;

NOTING regulation 28 of the Regulations of the Court;

CONSIDERING that before deciding on the merits of the Defence’s Request, the Chamber finds it necessary to hear from the Prosecution on the information provided by the Defence;

FOR THESE REASONS,

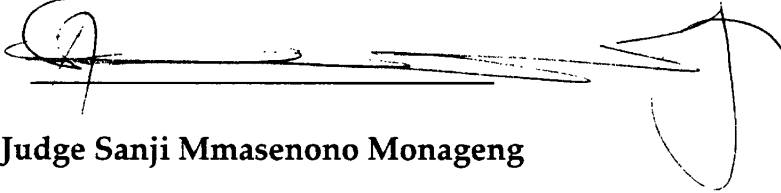
ORDER the Prosecution to submit, no later than 12.00, on Tuesday, 16 August 2011, observations on the information provided in the Defence Submission, the Annexes and the Corrigendum thereto.

¹ Oral Decision of the Chamber, 28 January 2011, ICC-01/04-01/10-T-1-ENG, p. 11.

² ICC-01/04-01/10-368, with confidential Annexes and corrigendum ICC-01/04-01/10-369.

³ ICC-01/04-01/10-343, 7 August 2011.

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



A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Judge Sanji Mmasenono Monageng

Single Judge

Dated this Monday, 15 August 2011

At The Hague, The Netherlands