

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 25 November 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**

**Decision on Defence Request for leave to withdraw pursuant to Regulation 78 of  
the Regulations of the Court**

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**

Mr. Mayombo Kassongo

Mr. Ghislain Mabanga

**Unrepresented Victims**

**Counsel for the Defence**

Mr. Nicholas Kaufman

Ms. Yaël Vias-Gvirsman

**Legal Representatives of Applicants**

**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**

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**Registrar**

Ms. Silvana Arbia

**Deputy Registrar**

Mr. Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Counsel Support Section**

Mr. Esteban Peralta-Losilla

**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*;<sup>1</sup>

**NOTING** the “Request for leave to withdraw pursuant to Regulation 78 of the Regulations of the Court”,<sup>2</sup> filed by the Defence Counsel for Mr Mbarushimana on 24 November 2011, wherein the Defence Counsel requested leave to withdraw from the case and informed the Chamber that Mr Mbarushimana wishes the Registry to effect the appointment of Mr Arthur Vercken as Defence Counsel as soon as possible;

**NOTING** article 67 of the Statute, rules 20, 21 and 22 of the Rules of Procedure and Evidence and regulation 78 of the Regulations of the Court;

**CONSIDERING** that Mr Mbarushimana wishes to change his legal representation;

**CONSIDERING** that it is necessary, in order to ensure that the rights of Mr Mbarushimana under article 67 of the Statute are respected, for the current members of the Defence team to remain in their roles until such time as the Defence Counsel of Mr Mbarushimana’s choosing has been appointed;

**FOR THESE REASONS,**

**GRANT** leave for the Defence Counsel to withdraw from the case of *The Prosecutor v. Callixte Mbarushimana* upon the appointment of the new Defence Counsel of Mr Mbarushimana’s choosing;

**DECIDE** that the current members of the Defence team shall continue to work in accordance with the legal assistance scheme until the new Defence Counsel of Mr Mbarushimana’s choosing has been appointed;

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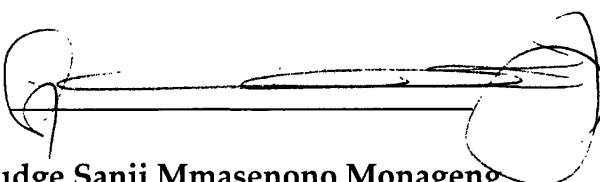
<sup>1</sup> ICC-01/04-01/10-192.

<sup>2</sup> ICC-01/04-01/10-459.

**ORDER** the Registrar to take the necessary measures to facilitate the appointment of the Defence Counsel chosen by Mr Mbarushimana as soon as possible, subject to the criteria and procedures established pursuant to rules 21 and 22 of the Rules of Procedure and Evidence; and

**ORDER** the Registrar to keep the Chamber updated on the appointment of the Defence Counsel chosen by Mr Mbarushimana.

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



**Judge Sanji Mmasenono Monageng**

**Single Judge**

Dated this Friday, 25 November 2011

At The Hague, The Netherlands