

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04
Date: 7 September 2010

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

Under Seal

Prosecution's Provision of Letter Concerning Legal Representation

Source: Office of the Prosecutor

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

The Office of the Prosecutor
Luis Moreno-Ocampo
Fatou Bensouda

Counsel for the Defence

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**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 20 August 2010, the Office of the Prosecutor applied under seal to the Single Judge of Pre-Trial Chamber I for a warrant for the arrest of Callixte MBARUSHIMANA, Executive Secretary of the *Forces Démocratiques pour la Libération du Rwanda* (FDLR), for his responsibility for war crimes and crimes against humanity allegedly committed by the FDLR in North and South Kivu Provinces, Democratic Republic of the Congo, between January 2009 and the date of the Prosecution's application ("Prosecution's Application").¹

2. On 2 September 2010 the Prosecution received a letter from Mr Nick Kaufman, Counsel at the International Criminal Court, informing the Prosecutor that he represents Callixte MBARUSHIMANA pursuant to a power of attorney dated 30 August 2010 ("Letter"). The Prosecution attaches the Letter and power of attorney to the present filing for the Chamber's information.²

3. The Prosecution has noted Callixte MBARUSHIMANA's appointment of counsel and information contained in the Letter relating to his willingness to cooperate with the Court. It submits that his arrest remains necessary to ensure MBARUSHIMANA's appearance at trial, to ensure that he does not obstruct or endanger the ongoing investigation, and to prevent him from continuing with the commission of crimes within the jurisdiction of the Court, as submitted in the Prosecution's Application.³



Luis Moreno-Ocampo, Prosecutor

Dated this 7th day of September 2010
At The Hague, The Netherlands

¹ Prosecution's Application under Article 58, 20 August 2010, ICC-01/04-573-US-Exp.

² See Annex.

³ ICC-01/04-573-US-Exp, paras. 177-188.