

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 18 April 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 the “Prosecution’s request for extension of time limit for redaction applications”

Decision 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

Legal Representatives of Victims

Counsel for the Defence

Mr Nicholas Kaufman

Ms. Yael 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**

Other

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 “Decision on issues relating to disclosure”², filed on 30 March 2011, (“Decision”), wherein the Chamber ordered the Prosecutor to:

- (i) submit to the Chamber as soon as practicable and no later than 18 April 2011 requests for redactions under rule 81 of the Rules of Procedure and Evidence (“Rules”), and
- (ii) disclose to the Defence as soon as practicable and 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 Mr. Mbarushimana fully understands and speaks, the names and the statements, with authorised redactions, if necessary, of the witnesses on which he intends to rely at the confirmation of charges hearing;

NOTING the “Prosecution’s request for extension of time limit for redaction applications”³, filed on 15 April 2011, (“Prosecution Request”) wherein the Prosecutor states that he will be in a position to apply for authorisation to redact the written statements of five witnesses and records of audio-recorded interviews with three witnesses by 18 April 2011, but, seeks an extension of the deadline set for the filing of applications for redactions of the remaining interviews and statements it plans to disclose;

NOTING the “Defence Response to the Prosecution’s request for extension of the time limit for redaction applications”⁴, filed on 18 March 2011, wherein the Defence submits that the Prosecution Request should be rejected;

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

² ICC-01/04-01/10-87

³ ICC-01/04-01/10-103

⁴ ICC-01/04-01/10-108

NOTING articles 61 and 67 of the Rome Statute (“the Statute”), rules 76 to 83 and 121 of the Rules and Regulation 35 of the Regulations of the Court;

CONSIDERING that the Prosecutor alleges that he has encountered difficulties in the transcription of recorded witness interviews conducted in English and Kinyarwanda and, as a result, finds himself unable to meet the deadline imposed by the Chamber in the Decision in relation to the transcripts of interviews with ten witnesses and of re-interviews with a further two witnesses;

CONSIDERING that the Prosecutor requests an extension of the deadline for applications for redactions (i) to 4 May 2011 in relation to the records of interviews with five witnesses and second interviews of two witnesses; and (ii) to 16 May 2011 in relation to a further five witnesses;

CONSIDERING that, in the view of the Chamber, the Prosecutor has shown good cause in requesting the extension of time limit for the submission of requests for redactions to the records of interviews with the other ten witnesses on which he intends to rely for the confirmation hearing;

CONSIDERING nonetheless that the Prosecution Request must be viewed in light of the Chamber’s duty to ensure that disclosure takes place under satisfactory conditions pursuant to rule 121 of the Rules, and must be balanced with the need to conduct proceedings with due respect for the right of Mr. Mbarushimana under article 67(1) (b) of the Statute, to have adequate time and facilities for the preparation of the defence;

FOR THESE REASONS,

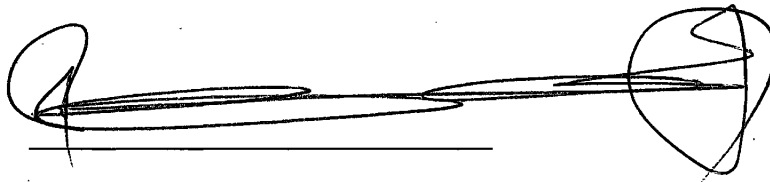
PARTIALLY GRANT the Prosecution Request for an extension of the time limit for the filing of applications for authorisation of redactions;

ORDER the Prosecutor to file, by 18 April 2011, the application for redactions of the recorded transcripts of the three witnesses and the written statements of the five witnesses which he indicated was already prepared;

ORDER the Prosecutor to file the application for redactions of the recorded transcripts of any other witnesses on which he intends to rely at the Confirmation Hearing by 4 May 2011 at the latest; and

REMIND the Prosecutor that, unless exceptional circumstances are shown, the Chamber will not entertain any further applications for redactions after the 4 May 2011 deadline set out above.

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

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

Judge Sanji Mmasenono Monageng

Single Judge

Dated this Monday, 18 April 2011

At The Hague, The Netherlands