

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: **English**

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

Date: 19 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***

Confidential *Ex Parte* document

Prosecution's request for variation of time limit for the filing of the "Prosecution's first application for redactions to witness statements pursuant to Rule 81(2) and Rule 81(4)"

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 the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Prosecution requests *ex post facto* variation in terms of Regulation 35(2) of the Regulations of the Court ("the Regulations") of the time limit imposed by the Chamber for the filing of the Prosecution's request for redactions, due on 18 April 2011, at 16:00.
2. Although the filing was ready to be filed at 15:30, the Prosecution encountered technical problems converting Annexes A – H (the redacted witness statements) into pdf format. When these Annexes were converted to pdf, all the redactions which had been made were not visible. It took over an hour to resolve the software issues which caused this problem, repeat the pdf process and to copy the eight Annexes onto a compact disk, as they were too large to email.
3. As a result, the filing was only sent to Court Management Services at 16:44 and the compact disk with the Annexes was delivered immediately thereafter.
4. When the Senior Trial Lawyer was advised of the problem, he tried to contact several of the Associate Legal Officers of the Chamber, without success. He left a message on the voicemail of one of them and sent an email explaining the difficulties. A courtesy copy of the filing was thereafter provided to the Chamber.
5. In the circumstances, the Prosecution submits that it was unable to submit the filing by 16:00 due to reasons outside its control, as contemplated by Regulation 35(2). Furthermore, the extension sought, 44 minutes, is minimal.

Request for confidentiality

6. This request is filed as "confidential *ex parte*" in terms of Regulation 23*bis*(2), since it relates to a confidential *ex parte* document.

Relief sought

7. For the foregoing reasons, the Prosecution respectfully requests that the Single Judge vary the deadline accordingly.



Luis Moreno-Ocampo
Prosecutor

Dated this 19th day of April 2011

At The Hague, The Netherlands