

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 June 2011

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

***IN THE CASE OF
THE PROSECUTOR V. CALLIXTE MBARUSHIMANA***

Public

Decision on the "Defence request for an extension of the time limit to comply with the Decision on the review of potentially privileged material: ICC-01/04-01/10-237"

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

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**

Mr. Xavier-Jean Keita

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

I, Judge Cuno Tarfusser, 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* in the absence of Judge Sanji Mmasenono Monageng;¹

NOTING the "Defence submission of a list of potentially privileged material",² filed by the Defence on 6 May 2011, the "Second Defence submission of a list of potentially privileged material"³, filed on 17 May 2011 and the "Soumission d'une liste de documents privilégiés suite à la décision de la Chambre Préliminaire ICC-01/04-01/10-158", filed on 19 May 2011 and the Corrigendum thereto⁴ filed on 20 May 2011, wherein the Defence submitted a list of potentially privileged files and documents for the Chamber's review;

NOTING the "Decision on the review of potentially privileged material"⁵ issued by the Single Judge on 15 June 2011, wherein the Single Judge *inter alia* requested the Defence to provide more detailed information in relation to a number of documents and electronic folders over which it had claimed privilege by 20 June 2011 ("Deadline");

NOTING the "Defence request for an extension of the time limit to comply with the Decision on the review of potentially privileged material: ICC-01/04-01/10-237"⁶ filed on 20 June 2011, whereby the Defence submitted that it would not be able to complete the detailed analysis required with the necessary care expected of it within the Deadline and requested an extension of the Deadline to Wednesday, 22 June 2011;

NOTING regulation 35 of the Regulations of the Court ("Regulations");

CONSIDERING that, in view of the large number of documents involved and the limited extension requested, the Defence has shown good cause for an extension of the Deadline as required under regulation 35 of the Regulations;

¹ ICC-01/04-583.

² ICC-01/04-01/10-137.

³ ICC-01/04-01/10-155 with Annexes.

⁴ ICC-01/04-01/10-165-Corr.

⁵ ICC-01/04-01/10-237.

⁶ ICC-01/04-01/10-241.

FOR THESE REASONS,

GRANT the requested extension of the Deadline to Wednesday, 22 June 2011.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser

Single Judge

Dated this Monday, 20 June 2011

At The Hague, The Netherlands