

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 June 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 Document

**Decision on "Defence request for a deadline for the Registry to comply with the
Single Judge's decision: ICC-01/04-01/10-142"**

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, Prosecutor
 Ms. Fatou Bensouda, Deputy Prosecutor
 Mr. Anton Steynberg, Senior Trial
 Lawyer

Counsel for the Defence

Mr. Nicholas Kaufman
 Ms. Yael Vias-Gvirsman

Legal Representatives of the Victims

Legal Representatives of the 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
 Mr. Esteban Peralta-Losilla

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 (“Chamber”) of the International Criminal Court (“Court”) responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Callixte Mbarushimana*;¹

BEING SEIZED of the “Defence request for a deadline for the Registry to comply with the Single Judge’s decision: ICC-01/04-01/10-142” filed on 13 June 2011,² whereby the Defence (i) submits that the Counsel Support Section of the Registry (“CSS”) has not to date made a retroactive award of legal assistance to Mr Callixte Mbarushimana for the costs of his legal representation from the date of his arrest until the date of his surrender to the Court, despite a specific order to this effect made by the Chamber in its “Decision on the ‘Defence Request for the Review of the Scope of Legal Assistance’” (“Decision on Legal Assistance”); and (ii) requests the Chamber to order the CSS to comply with the Decision on Legal Assistance within 7 days (“Defence Request”);

NOTING the Decision on Legal Assistance, issued on 11 May 2011, whereby the Single Judge ordered the Registrar “to make legal assistance payable to Mr. Mbarushimana, from the date of his arrest to 26 January 2011, the date when legal assistance became payable, at the rate applicable to the Pre-Trial phase of the case from investigation to the initial appearance, upon a final determination by the Registrar that Mr. Mbarushimana was indigent at the relevant time”;³

NOTING article 67(1)(d) of the Rome Statute, rules 20 and 21 of the Rules of Procedure and Evidence, and regulations 83-85 of the Regulations of the Court;

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

² ICC-01/04-01/10-231 with Confidential Annex A.

³ ICC-01/04-01/10-142, pp. 12-13.

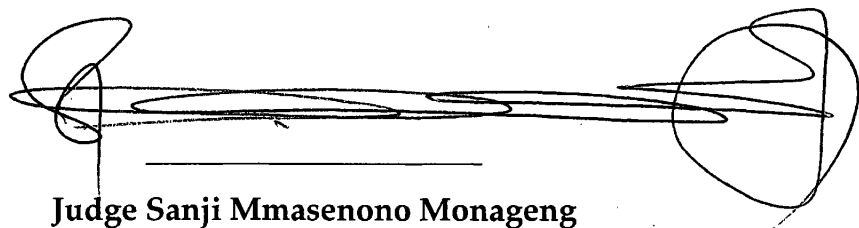
CONSIDERING that, as highlighted in the Decision on Legal Assistance, “rules 20 and 21 of the Rules and regulations 83-85 of the Regulations vest responsibility for the elaboration and management of the legal assistance scheme of the Court in the Registrar”;

CONSIDERING that the email correspondence between the Defence and the Registry which has come before the Chamber indicates that the CSS is in the process of implementing the Decision on Legal Assistance and that the Defence Request is therefore moot;

FOR THESE REASONS,

REJECT the Defence Request.

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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above the printed name of the judge.

Judge Sanji Mmasenono Monageng

Single Judge

Dated this Tuesday, 21 June 2011

At The Hague, The Netherlands