



Original: **English**

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

Date: **21/07/2011**

**PRE-TRIAL CHAMBER I**

**Before:** Judge Sanji Mmasenono Monageng, Presiding Judge  
Judge Sylvia Steiner  
Judge Cuno Tarfusser

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

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

**Public Document**

**Defence Notification  
pursuant to Rule 79(1) of the Rules of Procedure and Evidence**

**Source:** Defence for Mr. Callixte Mbarushimana

Document 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. Yaël Vias-Gvirsman

**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**

Ms. Silvana Arbia

**Defence Support Section**

**Deputy Registrar**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section Other**

Pursuant to the Pre-Trial Chamber's Decision on the Prosecution's request for the postponement of the confirmation hearing,<sup>1</sup> and pursuant to Rule 79(1) of the Rules of Procedure and Evidence, the Defence notifies as follows:

- 1) Mr. Mbarushimana will not raise, at the confirmation hearing, the existence of an alibi given the general nature of the mode of liability with which he is charged, and;
- 2) Mr. Mbarushimana will not raise, at the confirmation hearing, a ground for excluding criminal liability provided for in article 31, paragraph 1 of the Rome Statute.



---

Nicholas Kaufman

Counsel for Callixte Mbarushimana

Jerusalem, Israel

Thursday, July 21, 2011

---

<sup>1</sup> ICC-01/04-01/10-207 at page 10.