



Original: English

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

Date: 24/07/2011

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
URGENT**

**Defence request for an extension of the time limit
for the inspection and submission of its evidence for use
at the confirmation hearing**

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**

1. On 31 May 2011, the Pre-Trial Chamber ordered the Defence to permit the Prosecution to inspect its materials for use at the confirmation hearing by 28 July 2011 and to file its list of evidence by 1 August 2011 ("the Two Time Limits").¹
2. On 22 July 2011, the learned Single Judge – HHJ Cuno Tarfusser struck out the Prosecution's last version of the document containing the charges noting that it had been presented "*5 days after the deadline set in accordance with rule 121(3) of the Rules*" and that it had been filed with a list of evidence which was "*materially and substantially different to the document containing the charges and list of evidence filed on 15 July 2011*".²
3. In light of the aforementioned, the Defence has been prejudiced in that the time available to it for the selection of materials to counter the contents of the Prosecution's last version of the list of evidence has been shortened by 5 days.
4. In order to mitigate such prejudice without any postponement of the date set for the confirmation hearing, the Defence respectfully requests the learned Pre-Trial Chamber to extend correspondingly the Two Time Limits by 5 days.



Nicholas Kaufman

Counsel for Callixte Mbarushimana

Jerusalem, Israel

Sunday, July 24, 2011

¹ ICC-01/04-01/10-207 at page 10.

² ICC-01/04-01/10-306 at page 5.