



Original: **English**

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

Date: 25 July 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

**Re-filing of the Prosecution's Document Containing the Charges and List of
Evidence submitted pursuant to Article 61(3) and Rule 121(3)**

With Confidential Annexes A - C

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

Office of the Prosecutor	Counsel for the Defence Nicholas Kaufman
Legal Representatives of the Victims	Legal Representatives of the Applicants
Unrepresented Victims	Unrepresented Applicants (Participation/Reparation)
The Prosecution of Public Counsel for Victims	The Prosecution of Public Counsel for the Defence
States' Representatives	Amicus Curiae
REGISTRY	
Registrar Silvana Arbia	Defence Support Section
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other

1. As instructed by the Single Judge of Pre-Trial Chamber I¹ (“the Chamber”), the Prosecution herewith re-files a shortened version of the Document Containing the Charges (“DCC”) filed on 15 July 2011, together with a tracked changes version thereof.
2. The order of the Single Judge is silent regarding the re-filing of the List of Evidence (“LoE”). The Prosecution notes, however, that the original disclosure order of 30 March 2011 compels it to ensure that the DCC and LoE are “organised in such a manner that (i) each item of evidence is linked to the factual statement it intends to prove; and (ii) each factual allegation is linked to a specific element of crime, a mode of liability, or both”.² The Prosecution therefore understands that, in order to comply with the order of 30 March, it must re-file Part I of the LoE to ensure that the amendments to the DCC ordered by the Single Judge are also reflected in the LoE. The Prosecution has, however, ensured that no new evidence has been added that was not already contained in the LoE filed on 15 July.
3. The Prosecution deeply regrets exceeding the average word-per-page limit specified by Regulation 36(3) of the Regulations of the Court and hence the decision extending the page limit. The Prosecution assures the Chamber that this was not done deliberately, but rather was the result of an oversight in the formatting of the document.
4. The annexes to this filing are arranged as follows:
 - a. Annex A contains the shortened DCC, in French.

¹ ICC-04/01-01/10-306.

² ICC-04/01-01/10-87, page 18.

- b. Annex B contains Part I of the List of Evidence, in French. This document links each factual statement in the shortened DCC to the item(s) of evidence adduced to support it and the legal element(s) it is intended to prove.³
 - c. Annex C contains a tracked changes version of Annex A.
5. The Prosecution will file English versions of these documents prior to confirmation, unless otherwise instructed by the Chamber.



Luis Moreno-Ocampo, Prosecutor

Dated this 25th day of July 2011
At The Hague, The Netherlands

³ As per the Chamber's instructions: ICC-04/01-01/10-87. As stated in filing ICC-04/01-01/10-287, however, the Prosecution reserves the right to rely on items of evidence listed in support of a particular fact also to prove other facts alleged in the DCC.