



Original: **English**

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

Date: **29/07/2011**

THE APPEALS CHAMBER

Before:

Judge Sang-Hyun Song, President
Judge Akua Kuenyehia
Judge Erkki Kourula
Judge Daniel David Ntanda Nsereko
Judge Anita Usacka

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public Document

**Defence Notice of Appeal
of Pre-Trial Chamber I's Decision ICC-01/04-01/10-319**

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

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section**

Other

Pursuant to Article 82(1)(b) of the Rome Statute, Rule 154(1) of the Rules of Procedure and Evidence and Regulation 64(1) of the Regulations of the Court, the Defence for Mr. Callixte Mbarushimana hereby appeals, as of right, Pre-Trial Chamber I's *Decision on the Second Defence Request for Interim Release*¹ rendered on 28 July 2011 ("the Impugned Decision").²

The Defence will request that the Appeals Chamber reverse the Impugned Decision and remit the matter to Pre-Trial Chamber I for fixing conditions of release and/or fixing the amount of compensation pursuant to Article 85(1) of the Rome Statute.

As envisaged by Regulation 64 of the Regulations of the Court and unless an extension be otherwise granted, a document in support of the Defence appeal containing the grounds of appeal will be filed within seven days of notification of the Impugned Decision.



Nicholas Kaufman

Counsel for Callixte Mbarushimana

Done in Jerusalem, Israel

Friday, July 29, 2011

¹ ICC-01/04-01/10-294.

² ICC-01/04-01/10-319.