

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 10 August 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

**Order setting a time limit for the Prosecution to respond to the
"Defence request to deny the use of certain incriminating evidence at the
confirmation hearing"**

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

Deputy Registrar

Mr Didier Preira

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*;

NOTING the "Defence request to deny the use of certain incriminating evidence at the confirmation hearing" ("Defence Request") filed on 08 August 2011,¹ wherein the Defence requests that the Chamber:

- (i) deny the Prosecution the use of all witness interviews as incriminating evidence, which have not been supplied to the Defence by way of written transcript prepared in Kinyarwanda or French (i.e. have been supplied by way of audio file alone);
- (ii) deny the Prosecution the use of all witness interviews as incriminating evidence, for which English/Kinyarwanda transcripts have been supplied yet without their associated audio files;²

NOTING regulations 24 and 34 of the Regulations of the Court ("Regulations");

CONSIDERING that regulation 34 of the Regulations gives the Chamber the discretion to order the Prosecution to file a response to a Defence document within a time limit other than the 21 days provided for in regulation 34(b) of the Regulations;

CONSIDERING that in view of the proximity of the date of the confirmation hearing, scheduled to commence on 17 August 2011, it is appropriate to shorten the time limit for the Prosecution's response to the Defence Request;

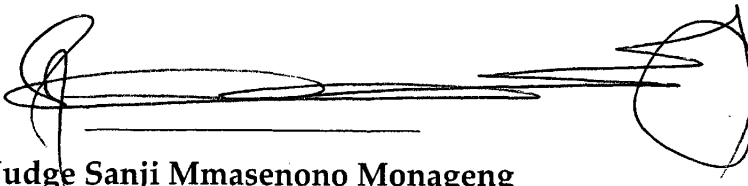
¹ ICC-01/04-01/10-343.

² Ibid., para. 12 [Emphasis in original].

FOR THESE REASONS

GRANT the Prosecution until Thursday, 11 August 2011, at 1600 hours to file its response to the Defence Request.

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



Judge Sanji Mmasenono Monageng
Single Judge

Dated this Wednesday, 10 August 2011

At The Hague, The Netherlands