



Original: English

No.: ICC-01/04-01/10
Date: 2 September 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
with one public annex**

**Registrar's submission of a summary of the "Exception d'incompétence
de la Cour soulevée par la Défense" pursuant to rule 59 (2)
of the Rules of Procedure and Evidence**

Source: Registry

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

Me Hervé Diakiese
 Me Mayombo Kassongo
 Me Ghislain Mabanga

Legal Representatives of the Applicants

Me Hervé Diakiese
 Me Jean-Louis Gilissen
 Me Joseph Keta Orwinyo

Unrepresented Victims

**Unrepresented Applicants
 (Participation/Reparation)**

Ms Paolina Massida

**The Office of Public Counsel for
 Victims**

Ms Paolina Massida

**The Office of Public Counsel for the
 Defence**

States' Representatives

The Government of the Democratic
 Republic of the Congo

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section**

Other

THE REGISTRAR of the International Criminal Court (the “Court”);

NOTING the « *Exception d’incompétence de la Cour soulevée par la Défense* » (the “Defence’s Application”)¹ submitted by the Defence on 19 July 2011;

NOTING the Defence requests that the Defence’s Application be reclassified as public once Pre-Trial Chamber I (the “Chamber”) has ruled on the “*Defence Request for Reclassification*”²;

NOTING that, in the “*Decision on the “Defence Request for Reclassification” dated 14 July 2011 and on the request for reclassification of the “Defence Challenge to the Jurisdiction of the Court” dated 20 July 2011*”, the Chamber decides that the Defence’s Application shall be reclassified as public;³

NOTING the Chamber’s Decision dated 16 August 2011⁴ inviting the authorities of the Democratic Republic of the Congo and the legal representatives of the victims who have already communicated with the Court with respect to the present case to submit their observations on the Defence’s Application, by 12 September 2011,

NOTING articles 17 and 19 of the Rome Statute, rules 58 and 59 of the Rules of Procedure and Evidence (the “Rule”) and regulation 24 *bis* of the Regulations of the Court;

CONSIDERING that in accordance with the Rule 59(2), the Registrar shall provide the Government of the Democratic Republic of the Congo and the victims who have already communicated with the Court with a summary of the Defence’s Application;

¹ ICC-01/04-01/10-290-tERA.

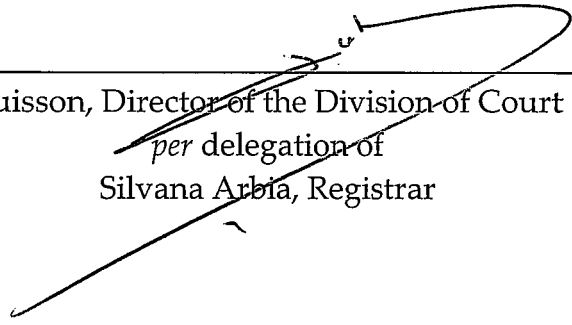
² ICC-01/04-01/10-293, page 3.

³ *Ibid*, page 6.

⁴ ICC-01/04-01/10-377.

NOTING that this summary prepared by the Registrar in accordance with the Rule 59 (2), annexed to the present document, has been approved by the Chamber on 1 September 2011;⁵

RESPECTFULLY SUBMITTED,



Marc Dubuisson, Director of the Division of Court Services
per delegation of
Silvana Arbia, Registrar

Dated this 2 September 2011

At The Hague

⁵ Email from Legal Officer to Pre-Trial Chamber I to the Registry.