

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10
Date: 12 September 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

Second decision on the schedule of 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 Yaël Vias-Gvirsman

Legal Representatives of the Victims

Me Mayombo Kassongo
 Me Ghislain Mabanga

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

Counsel Support Section

Deputy Registrar

Mr Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
 Section**

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*;¹

NOTING the “Decision on the schedule of the confirmation hearing” (“First Decision on the Schedule”), issued by the Single Judge on 12 August 2011, at a time when the hearing on the confirmation of the charges in the present case was scheduled to commence on 17 August 2011;²

NOTING the “Decision postponing the commencement of the confirmation hearing”, issued on 16 August 2011, whereby the Chamber decided to postpone the commencement of the confirmation hearing to 16 September 2011,³ and the “Decision on ‘Defence request to deny the use of certain incriminating evidence at the confirmation hearing’ and postponement of confirmation hearing”, issued on 16 August 2011, whereby the Chamber underscored that the sole purpose of the postponement of the confirmation hearing was to facilitate proper disclosure of the relevant pieces of evidence;⁴

NOTING the “Decision on the representation of participating victims formerly represented by Mr Hervé Diakiese”, issued on 9 September 2011, whereby Single Judge Cuno Tarfusser appointed Me Ghislain Mabanga as the legal representative for the 30 victims formerly represented by Me Hervé Diakiese;⁵

¹ Oral Decision of the Chamber, 28 January 2011, ICC-01/04-01/10-T-1-ENG, p.11.

² ICC-01/04-01/10-356.

³ ICC-01/04-01/10-374.

⁴ ICC-01/04-01/10-378.

⁵ ICC-01/04-01/10-409.

NOTING articles 61, 67, 68 and 69 of the Rome Statute, rules 63, 121 and 122 of the Rules and regulation 20 of the Regulations of the Court;

CONSIDERING that in her First Decision on the Schedule the Single Judge established the principles and the framework in accordance with which the hearing on the confirmation of the charges should be conducted;

CONSIDERING the basis upon which the Single Judge's considerations and decisions in her First Decision on the Schedule were predicated;

CONSIDERING the amount of time which the Chamber has at its disposal under the prevailing circumstances for the conduct of the confirmation hearing and which is reflected in the schedule and the time allocated to the parties and participants for their oral submissions;

CONSIDERING that the efficient and effective conduct of the confirmation hearing depends to a significant extent on the parties' and participants' intention and determination to comply with the time frame set by the Single Judge and provided for in the schedule annexed to the present decision;

CONSIDERING that the present decision is taken without prejudice to modifications to be made to the schedule in due time if need be;

FOR THESE REASONS,

DECIDE that the hearing on the confirmation of the charges shall commence on Friday, 16 September 2011 at 09.00 hours and end no later than Wednesday, 21 September 2011 and be held in public in Courtroom II and conducted in accordance with the schedule set forth in Annex I to the present decision;

DECIDE that the parties and the participants shall comply with the timelines set in the schedule annexed to the present decision;

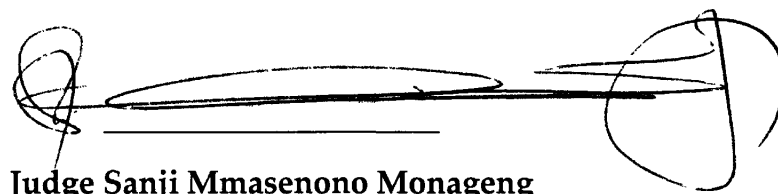
DECIDE that the Chamber shall not hear any witness *viva voce*;

DECIDE that the Prosecution, the Legal Representatives of the Victims and the Defence shall be entitled to submit after the conclusion of the hearing, their written submissions in relation to issues discussed during the hearing within a time limit to be set by the Chamber;

ORDER the Registry to make all the arrangements necessary to enable the Prosecution to use the visual means required to present its visual aids; and

DECIDE that photographers shall be authorised to take pictures at the beginning of the confirmation hearing and that they shall have 1 minute to do so.

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

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Judge Sanji Mmasenono Monageng

Single Judge

Dated this Monday, 12 September 2011

At The Hague, The Netherlands