

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10
Date: 29 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
With public Annexes 1 and 3
And confidential *Ex parte* Prosecution and Defence only Annex 2

**Registration in the Record of visual aids and other material presented during the
Confirmation of Charges Hearings held on 16, 19 and 20 September 2011
(ICC-01/04-01/10-HNE-1, ICC-01/04-01/10-HNE-2-Conf-Exp and ICC-01/04-01/10-
HNE-3)**

Source: REGISTRAR

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. Yael Vias-Gvirsman

Legal Representatives of the Victims

Me Mayombo Kassongo
 Me Ghislain Mabanga

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
 (Participation/Reparation)**

**The Office of Public Counsel for
 Victims**

Ms. Paolina Massidda

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

Mr. Xavier Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section**

Other

THE REGISTRAR of the International Criminal Court (the "Court");

NOTING the transcripts of the hearings held in open session on 16, 19 and 20 September 2011;¹

NOTING that pursuant to Rule 121(10) of the Rules of Procedure and Evidence, the Registry shall create and maintain a full and accurate record of all proceedings before the Pre-Trial Chamber;

NOTING Regulation 23bis of the Regulations of the Court and Regulation 29 of the Regulations of the Registry;

CONSIDERING that during the above mentioned hearings both Prosecution and Defence teams submitted visual aid material thus far not part of the record of the proceedings;

CONSIDERING that upon the request of the Chamber, the Prosecution confirmed that the material submitted as visual aids is to be registered in the case record as public material and that the remaining materials, referred to as timelines, were to be registered as "confidential *ex parte* Prosecution and Defence only";²

CONSIDERING that during the hearing held on 20 September 2011 it was indicated that the visual aid submitted by the Defence team was a public document;³

¹ See transcripts ICC-01/04-01/10-T-6-Conf ; ICC-01/04-01/10-T-7-Conf ; and ICC-01/04-01/10-T-8-Conf

² See the email exchange from Wednesday 28 September 2011 between the Prosecution's Senior Trial Lawyer and the Legal Officer of the Chamber.

³ See transcript ICC-01/04-01/10-T-8-CONF-ENG ET, page 12, lines 7 to 9.

CONSIDERING that upon the request of the Chamber, the Defence team confirmed that the material submitted as visual aid is to be registered in the case record as public material;⁴

CONSIDERING that the Chamber ordered the Registry to file in the case record the material submitted by the Prosecution and Defence teams as hearing not evidence [HNE] material;⁵

⁴ See the email exchange from Wednesday 28 September 2011 between the Legal Officer of the Chamber and the legal assistant of the Defence team.

⁵ See the email instruction from the Legal Officer of the Chamber dated 28 September 2011 at 2:55 pm.

SUBMITS therefore the present document as well as annex 1 and 3 as public documents and annex 2 as confidential *ex parte* Prosecution and Defence only;

REGISTERS in the case record of ICC-01/04-01/10 the attached material submitted during the hearings of 16, 19 and 20 September 2011 and numbered as follows:

ICC-01/04-01/10-HNE-1: Visual aid presented by the Prosecution during the hearings of 16 and 19 September 2011.

ICC-01/04-01/10-HNE-2-Conf-Exp: Timelines presented by the Prosecution during the hearing of 19 September 2011.

ICC-01/04-01/10-HNE-3: Visual aid presented by the Defence team during the hearing of 20 September 2011.



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

Dated this 29 September 2011

At The Hague, The Netherlands