

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10
Date: 1 November 2011

PRE-TRIAL CHAMBER II

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

Prosecution's Application to File Additional Authority

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Counsel for the Defence

Nicholas Kaufman

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**

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

States' Representatives

Amicus Curiae

Other

REGISTRY

Registrar

Ms. Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Defence Support Section

Victims and Witnesses Unit

Detention Section

1. On 6 October 2011, the Prosecution filed the "Prosecution's written submissions on the confirmation of charges".¹ Among the points argued was its position that it is legally permissible to charge multiple counts arising out of the same criminal acts. The Defence, in its written decision, disputed the Prosecution's arguments.²
2. Subsequent to the Prosecution's filing, on 7 October 2011, the *Procuración General de la Nación* of the Argentine Republic issued an official legal opinion intended to guide the action of federal prosecutors in charge of cases involving past large-scale human rights violations. That opinion, in the Prosecution's submission, is relevant to this issue.
3. Pursuant to Regulation 28 of the Regulations of the Court, the Prosecution requests leave to submit this additional authority to the Pre-Trial Chamber.³ If leave is granted, the Prosecution will file the document with an English translation.



Luis Moreno-Ocampo, Prosecutor

Dated this 1st day of November 2011

At The Hague, the Netherlands

¹ ICC-01/04-01/10-448-Conf; See section on "Alleged Cumulative Charging", paras. 41 - 52.

² ICC-01/04-01/10-450; See section on "Cumulative Charging", paras 83 to 86.

³ The Appeals Chamber has held that a party may apply to submit additional authority, and the Court has the authority to accept it, under Regulation 28. See ICC-01/04-01/07-522 OA3, para. 16.