

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10
Date: 21 November 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 Public Annex**

**Prosecution's Notice that it no longer relies on the statement of Prosecution Witness
692 to support the confirmation of charges**

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

Mr. Mayombo Kassongo

Mr. 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

REGISTRY

Registrar

Ms. Silvana Arbia

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Prosecution tendered a summary of the statement of Witness 692¹ in support of the confirmation of the charges brought against Callixte Mbarushimana.
2. The Prosecution has recently obtained information that may cast doubt on the reliability of this witness' version. The Prosecution is therefore no longer confident to rely on W-692's statement without further investigation. It is unlikely that such further investigation could be conducted prior to the Chamber handing down its decision on confirmation of charges.
3. Accordingly, the Prosecution gives notice that it no longer relies on the summary of the statement of W-692 to support the confirmation of charges.
4. For the Chamber's ease of reference, the Prosecution annexes a table identifying the places in the Prosecution's List of Evidence where this statement is referenced.



Luis Moreno-Ocampo
Prosecutor

Dated this 21st day of November 2011
At The Hague, The Netherlands

¹ DRC-OTP-2038-0022, EVD-PT-OTP-00759.