



Original : English

No.: ICC-01/04-01/10
Date: 20 December 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 Confidential Annexes
and one Confidential *ex parte* – Defence, Registry – Annexes
Report on the Implementation of Decision ICC-01/04-01/10-465

Source: Registrar

The Office of the Prosecutor

Mr. Luis Moreno Ocampo,
 Ms. Fatou Bensouda
 Mr. Anton Steynberg

Counsel for the Defence

Mr. Arthur Vercken
 Ms. Yael Vias-Gvirsman

Legal Representatives of the Victims

Mr. Mayombo Kassongo
 Mr. Ghislain M. 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****Others**

Appeals Chamber

REGISTRY**Registrar**

Ms. Silvana Arbia

Defence Support Section**Deputy Registrar**

Mr. Didier Preira

Detention Section

Mr. Patrick Craig, Chief Custody Officer

Victims and Witnesses Unit**Other****Victims Participation and Reparations Section**

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

NOTING the “Decision on the Confirmation of Charges” issued by Pre-Trial Chamber I (“the Chamber”) on 16 December 2011 (“the Decision”),¹

CONSIDERING that the Chamber:

- Declined to confirm the charges against Mr. Callixte Mbarushimana;
- Declared that the Warrant of arrest against Mr. Callixte Mbarushimana ceases to have effect in its entirety;
- Decided that Mr. Callixte Mbarushimana shall be released from the custody of the Court immediately upon completion of the necessary modalities, and
- Instructed the Registrar to make necessary arrangements for the release of Mr. Callixte Mbarushimana pursuant to Rule 185 of the Rules,

REPORTS as follows with respect to the implementation of the Chamber’s instruction to make necessary arrangements for the release of Mr. Callixte Mbarushimana:

1. Upon issuance of the Decision, the Registry sent, on 16 December 2011, Notes Verbales to the authorities of France² and of the Host State³ in view of making the necessary arrangements for the release of Mr. Mbarushimana.
2. On the same day, the Registrar consulted Mr. Mbarushimana under Rule 185 about the country where he wanted to be released. Mr. Mbarushimana indicated

¹ ICC-01/04-01/10-465-Red

² Confidential Annex 1.

³ Confidential Annex 2.

that he wanted to return to France. A Note Verbale was sent to the French authorities on the same day accordingly.⁴ Both notifications to the French authorities took place on Monday 19 December morning.

3. On 19 December 2011, the Registry informed the Host State of Mr. Mbarushimana's willingness to return to France and requested the competent authorities to facilitate his transfer in accordance with the Headquarters Agreement on the following day.⁵ A pre-booking was made for Mr. Mbarushimana's flight to Paris on 20 December 2011.
4. On 19 December 2011, the French authorities addressed a Note Verbale to the Registrar requesting a 48 hours postponement of Mr. Callixte Mbarushimana's return to France. The French authorities mentioned the necessity to get a travel ban exemption prior to Mr. Mbarushimana's departure from Netherlands.⁶
5. Still on 19 December 2011, the Chair of the United Nations Security Council Committee established pursuant to Resolution 1533 (2004) ("the Sanctions Committee") sent a letter to the Registrar, reminding the Court that Mr. Mbarushimana could not return France without prior travel ban exemption request to be examined by the Sanctions Committee.⁷
6. In view of these difficulties related to Mr. Mbarushimana's travel, the Registry decided to postpone his departure until clearance by the Sanctions Committee. Mr. Mbarushimana, his Counsel and the Chamber were informed accordingly on 19 December evening.

⁴ Confidential Annex 3.

⁵ Confidential Annex 4.

⁶ Confidential Annex 5.

⁷ Confidential Annex 6.

7. The Registry further explained to Mr. Mbarushimana's Counsel that, in the meantime, it had no solution but to wait for the completion of the necessary arrangements required by Mr. Mbarushimana's release, as instructed in the Decision.⁸
8. The Registrar will keep the Chamber updated about new developments, including the eventual release of Mr. Mbarushimana.



For the Registrar,
Didier Preira, Deputy Registrar

Dated this 20 December 2011

At The Hague, The Netherlands

⁸ Confidential *ex parte* – Defence, Registry - Annex 7.