

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/10  
Date: 14 January 2011

**PRE-TRIAL CHAMBER I**

**Before:** Judge Cuno Tarfusser, Presiding Judge  
Judge Sylvia Steiner  
Judge Sanji Mmasenono Monageng

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**IN THE CASE OF  
*THE PROSECUTOR v. CALLIXTE MBARUSHIMANA***

**Confidential**

**INFORMATION FROM THE FRENCH AUTHORITIES IN RELATION TO THE  
SURRENDER OF CALLIXTE MBARUSHIMANA**

**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

**Counsel for the Defence**

Mr. Nicholas Kaufman

**Legal Representatives of the Victims**

**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**

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**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 "*Recommandations sollicitées par les autorités françaises au sujet de la seconde demande de mise en liberté provisoire déposée par Callixte Mbarushimana*" submitted by the Registrar on 29 November 2010 ;<sup>1</sup>

**NOTING** the "*Recommandations adressées à la Chambre de l'instruction de la Cour d'appel de Paris en vertu de l'article 59 du Statut de Rome*" issued by Pre-Trial Chamber I on 29 November 2010 ;<sup>2</sup>

**NOTING** the "*Addendum aux recommandations sollicitées par les autorités françaises au sujet de la seconde demande de mise en liberté provisoire déposée par Callixte Mbarushimana*" submitted by the Registrar on 30 November 2010 ;<sup>3</sup>

**NOTING** the "*Troisième rapport sur la procédure devant la Chambre de l'instruction de la Cour d'Appel de Paris*" submitted by the Registrar on 7 December 2010 ;<sup>4</sup>

**NOTING** rule 176(2) of the Rules of Procedure and Evidence, and regulations 23 *bis* and 24 *bis* of the Regulations of the Court;

**INFORMS** the Chamber as follows:

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<sup>1</sup> ICC-01/04-01/10-25-Conf.

<sup>2</sup> ICC-01/04-01/10-26-Conf.

<sup>3</sup> ICC-01/04-01/10-27-Conf.

<sup>4</sup> ICC-01/04-01/10-28-Conf.

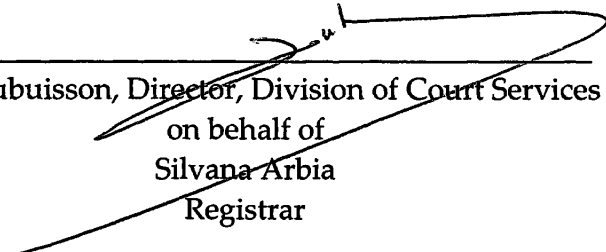
1. On 13 January 2011, the Registrar received correspondence from the French authorities dated 7 January 2011. In this communication the French authorities communicate to the Court the following:

- a) That on 4 January 2011 the French Court of Cassation (la Cour de Cassation de la République française) having dismissed the appeal of Mr. Mbarushimana against the decision of 27 October 2010 denying his release, as well as his appeal against the decision of 3 November 2010 ordering his surrender to the International Criminal Court, authorizes his surrender to the Court.
- b) That pursuant to article 627-10 of the French Code of Criminal Procedure, the surrender is to take place within a month from the date of issuance of the above decision, namely between 4 January 2011 and 4 February 2011.

**FURTHER INFORMS** the Chamber that the Registry is currently taking all the necessary measures that will facilitate the transfer of Mr. Mbarushimana from his current place of detention to the ICC Detention Centre.

**RESPECTFULLY** submits the communication from the French authorities as Annex 1 hereto for the attention of the Chamber.

**RESPECTFULLY** informs the Chamber that the present submission is filed as confidential in accordance with previous submissions on this matter.



Marc Dubuisson, Director, Division of Court Services  
on behalf of  
Silvana Arbia  
Registrar

Dated this 14 January 2011

At The Hague, The Netherlands