

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/10

Date: 8 March 2011

**PRE-TRIAL CHAMBER I**

**Before: Judge Sanji Mmasenono Monageng, Single Judge**

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

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

**Public Document**

**Order on the time limit for the Prosecutor's response to the "Defence Request for  
Suspensive Effect of Decision ICC-01/04-01/10-67"**

Order 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

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for  
 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**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
 Section**

**Others**

**I, Judge Sanji Mmasenono Monageng**, the Single Judge of Pre-Trial Chamber I of the International Criminal Court (“Chamber” and “Court” respectively) responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Callixte Mbarushimana*;<sup>1</sup>

**NOTING** the “Decision Temporarily Suspending Dealings with Transcripts and Original Recordings of Intercepted Communications and Materials Seized from the House of Mr. Callixte Mbarushimana” (“Interim Decision”)<sup>2</sup>, issued on 25 February 2011, whereby the Single Judge (i) ordered the Registry to withdraw the access of the Prosecutor to, *inter alia*, any of the materials seized from the house of Mr Callixte Mbarushimana (“Mr Mbarushimana”); and (ii) ordered the Prosecutor to cease all dealings with these materials and to quarantine them pending resolution of the issues raised in previous filings by the Prosecutor and the Defence for Mr Mbarushimana (“Defence”);

**NOTING** the “Decision on the ‘Prosecution’s request for a review of potentially privileged material’” (“Decision”)<sup>3</sup>, issued on 4 March 2011, whereby the Chamber (i) decided that the Interim Decision ceases to be effective; and (ii) established a procedure for the selection of potentially privileged communications by the Registry and their subsequent review by the Chamber;

**NOTING** the “Defence Request for Suspensive Effect of Decision ICC-01/04-01/10-67” (“Defence Request”)<sup>4</sup>, filed on 7 March 2011, whereby the Defence requests the Chamber to (i) grant suspensive effect to the Decision; and (ii) order reinstitution of the Interim Decision pending resolution of the interlocutory appeal for which the Defence intends to seek leave or, in the alternative, pending a decision of the Appeals Chamber on the matter, should leave to appeal be granted;

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<sup>1</sup> Oral Decision of the Chamber, 28 January 2011, ICC-01/04-01/10-T-1-ENG, p. 11.

<sup>2</sup> ICC-01/04-01/10-63.

<sup>3</sup> ICC-01/04-01/10-67.

<sup>4</sup> ICC-01/04-01/10-68.

**NOTING** regulations 24(1) and 34 of the Regulations of the Court ("Regulations");

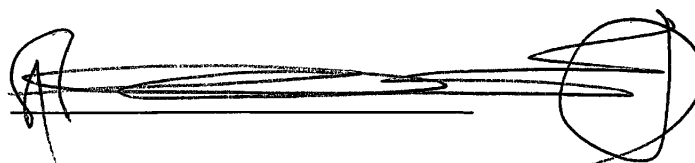
**CONSIDERING** that according to the chapeau of regulation 34 of the Regulations, a time limit other than the 21 days provided for in paragraph (b) of this regulation may be fixed by the Chamber;

**CONSIDERING** that the filing of the Prosecutor's response to the Defence Request within 21 days would defeat the purpose of the Request;

**FOR THESE REASONS,**

**ORDER** the Prosecutor to file his response, if he wishes to do so, no later than Wednesday, 9 March 2011, at 16h00.

Done in English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a long horizontal line and a circular flourish at the end.

**Judge Sanji Mmasenono Monageng**

**Single Judge**

Dated this Tuesday, 8 March 2011

At The Hague, The Netherlands