

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 20 July 2011

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Duty Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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

Public

**Order to the Prosecutor requesting observations on the "Defence Challenge to the
Jurisdiction of the Court"**

Decision to be notified, in accordance with Regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Mr Luis Moreno- Ocampo

Ms Fatou Bensouda

Mr Anton Steynberg, Senior Trial Lawyer

Counsel for the Defence

Mr Nicholas Kaufman

Ms. Yael Vias-Gvirsman

Legal Representatives of Victims

Legal Representatives of 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

REGISTRY

Registrar

Ms Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

I, Judge Cuno Tarfusser, the Duty Judge of the International Criminal Court ("Court");

NOTING the "Defence Challenge to the Jurisdiction of the Court" ("Defence Jurisdictional Challenge")¹, submitted on 19 July 2011 by the Defence;

NOTING the "Decision on the 'Defence Request for Reclassification' dated 14 July 2011 and on the request for reclassification of the 'Defence Challenge to the Jurisdiction of the Court'" dated 20 July 2011, deciding *inter alia* to reclassify as public the Defence Jurisdictional Challenge as well as Annexes A and D thereto;²

NOTING articles 19(2) and 57(2)(a) of the Statute of the Court, rule 58(3) of the Rules of Procedure and Evidence ("Rules") and regulation 17 of the Regulations of the Court;

CONSIDERING that, pursuant to rule 58(3) of the Rules, the Prosecutor shall be allowed to submit written observations to an application under article 19(2) of the Statute "within a period of time determined by the Chamber";

CONSIDERING that the proximity of the date set for the commencement of the confirmation hearing makes it necessary to set a short time-limit for the Prosecutor to submit his observations on the Defence Jurisdictional Challenge;

CONSIDERING that, due to the current period of judicial recess, Pre-Trial Chamber I is unavailable;

CONSIDERING that, in light of the proximity of the confirmation hearing, the Duty Judge is satisfied that the matter is urgent and that it is appropriate for him to deal with it;

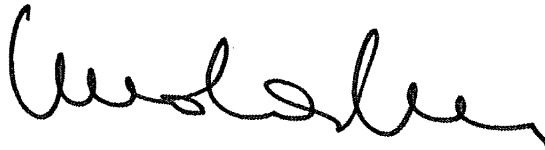
¹ ICC-01/04-01/10-290-Conf-Exp.

² ICC-01/04-01/10-293.

FOR THESE REASONS,

ORDER the Prosecutor to submit his observations on the Defence Jurisdictional Challenge no later than Thursday 28 July 2011.

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



Judge Cuno Tarfusser
Duty Judge

Dated this Wednesday, 20 July 2011

At The Hague, The Netherlands