

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 25 November 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

**Decision on Defence Request for leave to withdraw pursuant to Regulation 78 of
the Regulations 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

Legal Representatives of Victims

Mr. Mayombo Kassongo

Mr. Ghislain Mabanga

Unrepresented Victims

Counsel for the Defence

Mr. Nicholas Kaufman

Ms. Yaël Vias-Gvirsman

Legal Representatives of Applicants

**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
Section**

Counsel Support Section

Mr. Esteban Peralta-Losilla

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*;¹

NOTING the “Request for leave to withdraw pursuant to Regulation 78 of the Regulations of the Court”,² filed by the Defence Counsel for Mr Mbarushimana on 24 November 2011, wherein the Defence Counsel requested leave to withdraw from the case and informed the Chamber that Mr Mbarushimana wishes the Registry to effect the appointment of Mr Arthur Vercken as Defence Counsel as soon as possible;

NOTING article 67 of the Statute, rules 20, 21 and 22 of the Rules of Procedure and Evidence and regulation 78 of the Regulations of the Court;

CONSIDERING that Mr Mbarushimana wishes to change his legal representation;

CONSIDERING that it is necessary, in order to ensure that the rights of Mr Mbarushimana under article 67 of the Statute are respected, for the current members of the Defence team to remain in their roles until such time as the Defence Counsel of Mr Mbarushimana’s choosing has been appointed;

FOR THESE REASONS,

GRANT leave for the Defence Counsel to withdraw from the case of *The Prosecutor v. Callixte Mbarushimana* upon the appointment of the new Defence Counsel of Mr Mbarushimana’s choosing;

DECIDE that the current members of the Defence team shall continue to work in accordance with the legal assistance scheme until the new Defence Counsel of Mr Mbarushimana’s choosing has been appointed;

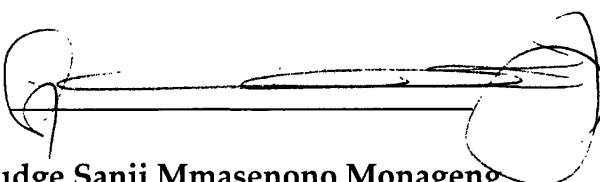
¹ ICC-01/04-01/10-192.

² ICC-01/04-01/10-459.

ORDER the Registrar to take the necessary measures to facilitate the appointment of the Defence Counsel chosen by Mr Mbarushimana as soon as possible, subject to the criteria and procedures established pursuant to rules 21 and 22 of the Rules of Procedure and Evidence; and

ORDER the Registrar to keep the Chamber updated on the appointment of the Defence Counsel chosen by Mr Mbarushimana.

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



Judge Sanji Mmasenono Monageng

Single Judge

Dated this Friday, 25 November 2011

At The Hague, The Netherlands