

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoC85-01/11

Date: 9 March 2012

THE PRESIDENCY

Before: Judge Sang-Hyun Song, President
Judge Fatoumata Dembele Diarra, First Vice-President
Judge Hans-Peter Kaul, Second Vice-President

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
*THE PROSECUTOR v. CALLIXTE MBARUSHIMANA***

Public

Order reclassifying the “Decision on the ‘Request for Review of the Registrar’s Decision on Legal Assistance pursuant to Regulation 85(3) of the Regulations of the Court’” and related documents

Order to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

Counsel for the Defence
Mr Arthur Vercken
Ms Yael Vias-Gvirsman

REGISTRY

Registrar
Ms Silvana Arbia

Deputy Registrar
Mr Didier Preira

Defence Support Section
Mr Esteban Peralata Losilla

The Presidency of the International Criminal Court;

Noting the application for judicial review of Mr Callixte Mbarushimana (“applicant”), seeking review of a decision of the Registrar on legal assistance pursuant to regulation 85(3) of the Regulations of the Court (“Application”);¹

Noting the Presidency’s confidential “Decision on the ‘Request for Review of the Registrar’s Decision on Legal Assistance pursuant to Regulation 85(3) of the Regulations of the Court’” (“Decision”),² in which the applicant was ordered to indicate and provide reasons for what information, if any, in the Decision, the Application and its second annex should remain confidential and the Registrar was ordered to provide the same information in relation to the second annex to the Application, with both submissions to be filed by 21 April 2011;

Noting the communication from the applicant of 18 April 2011 which states that he has no objection to the publication of the Decision or its second annex;³

Noting the Registrar’s submissions dated 21 April 2011 which states that the Registrar is content for the second annex to the application to be rendered public;⁴

Noting that although the applicant’s submission was not properly filed before the Presidency it shall be accepted on an exceptional basis for the sake of efficiency;

Noting that although the applicant refers only to the Decision and not to the Application, no reason has been put forward by either the applicant or the Registrar for retaining the confidential classification of the Application, its second Annex or the Decision nor has the need for any redactions been communicated;

¹ Request for Review of the Registrar’s Decision on Legal Assistance pursuant to Regulation 85(3) of the Regulations of the Court, ICC-RoC85-01/11-1-Conf-Exp, 27 February 2011.

² ICC-RoC85-01/11-2-Conf, 31 March 2011.

³ Email from Mr Nicholas Kaufman to the Court Management Section dated 18 April 2011, forwarded to the Presidency by the Court Management Section on the same date.

⁴ Observations of the Registrar following the Presidency’s order as contained in the “Decision on the ‘Request for Review of the Registrar’s Decision on Legal Assistance pursuant to Regulation 85(3) of the Regulation of the Court’”, dated on 31 March 2011, ICC-RoC85-01/11-3-Conf.

Hereby

Orders the Registrar to reclassify the following documents as public:


ICC-RoC85-01/11-1-Conf-Exp;

ICC-RoC85-01/11-1-Conf-Exp-Anx2;

ICC-RoC85-01/11-2-Conf; and

ICC-RoC85-01/11-3-Conf;

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



Judge Sang-Hyun Song
President

Dated this 9 March 2012

At The Hague, The Netherlands