

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

**Original: English**

**No. ICC-01/04-01/10 OA 3**

**Date: 19 December 2011**

**THE APPEALS CHAMBER**

**Before:**  
**Judge Anita Ušacka, Presiding Judge**  
**Judge Sang-Hyun Song**  
**Judge Akua Kuenyehia**  
**Judge Erkki Kourula**  
**Judge Daniel David Ntanda Nsereko**

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

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

**URGENT**

**Public document**

**Order**

**on the filing of a response to the request of the Prosecutor of 19 December 2011  
for suspensive effect**

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

**The Office of the Prosecutor**

Ms Fatou Bensouda, Deputy Prosecutor  
Mr Fabricio Guariglia

**Counsel for the Defence**

Mr Arthur Vercken  
Ms Yael Vias-Gvirsman

**REGISTRY**

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**Registrar**

Ms Silvana Arbia

A handwritten signature in black ink, appearing to be 'H. M. G.' or similar, located in the bottom right corner of the page.

The Appeals Chamber of the International Criminal Court,

In the appeal of the Prosecutor dated 19 December 2011 against the decision of Pre-Trial Chamber I entitled “Decision on the confirmation of charges” of 16 December 2011 (ICC-01/04-01/10-465-Red), and in the alternative against the decision of Pre-Trial Chamber I entitled “Decision on the Prosecution’s Request for stay of order to release Callixte Mbarushimana” of 19 December 2011 (ICC-01/04-01/10-469),

Noting the Prosecutor’s request for suspensive effect in the “Prosecution’s Appeal against ‘Decision on the confirmation of the charges’ and Request for Suspensive Effect; In the alternative, Prosecution’s Appeal against ‘Decision on the Prosecution’s Request for stay of order to release Callixte Mbarushimana’” of the Prosecutor of 19 December 2011 (ICC-01/04-01/10-470),

Pursuant to regulation 34,

Unanimously,

*Issues* the following

## ORDER

Mr Mbarushimana may respond to the request for suspensive effect by Tuesday, 20 December 2011, 10am.

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



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**Judge Anita Ušacka**  
**Presiding Judge**

Dated this 19<sup>th</sup> of December 2011

At The Hague, The Netherlands