

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/04-01/10  
Date: 10 January 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 Challenge to the Validity of the Arrest Warrant"**

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, 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 (“Court”) responsible for carrying out the functions of the Chamber in relation to the situation in the Democratic Republic of the Congo and any case emanating therefrom;<sup>1</sup>

**NOTING** the “Defence Challenge to the Validity of the Arrest Warrant” (“Challenge”)<sup>2</sup>, filed on 10 January 2011, whereby the Defence for Mr Callixte Mbarushimana (“Mr Mbarushimana”):

- requests the Chamber to find that the warrant of arrest for Mr Mbarushimana is void and to order his release from detention immediately;
- requests the Chamber to receive the Prosecutor’s response to the Challenge as soon as possible, arguing that Mr Mbarushimana’s detention is unlawful and his surrender to the Court should be prevented;

**NOTING** regulations 34(b) and 35(2) of the Regulations of the Court (“Regulations”);

**CONSIDERING** that Mr Mbarushimana is currently detained by the competent authority in France, and that following the rejection of his *pourvoi en cassation* on 4 January 2011, it is anticipated that he will be surrendered to the Court within one month from that date;

**CONSIDERING** thus that good cause has been shown under regulation 35(2) of the Regulations for reducing the time limit for the Prosecutor’s response to the Defence Challenge;

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<sup>1</sup> “Decision on the designation of a Single Judge of Pre-Trial Chamber”, 26 July 2010, ICC-01/04-569.

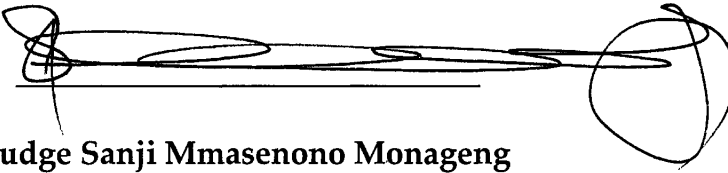
<sup>2</sup> ICC-01/04-01/10-32.

**FOR THESE REASONS,**

**GRANT** the request for the reduction of the time limit for the Prosecutor's response and

**ORDER** the Prosecutor to file his response no later than Monday, 17 January 2011.

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



**Judge Sanji Mmasenono Monageng**

**Single Judge**

Dated this Monday, 10 January 2011

At The Hague, The Netherlands