

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 9 May 2011

**PRE-TRIAL CHAMBER I**

**Before: Judge Cuno Tarfusser, Single Judge**

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

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

**Public Document**

**Extension of Deadline for Submission of NFI Report**

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  
 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**

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**Registrar**

Ms Silvana Arbia

**Deputy Registrar**

Mr. Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
 Section**

**Other**

Netherlands Forensic Institute

**I, Judge Cuno Tarfusser**, 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* in the absence of Judge Sanji Mmasenono Monageng<sup>1</sup>;

**NOTING** the “Prosecution’s request for authorisation to conduct destructive analysis of corrupted disc” filed by the Prosecutor on 27 April 2011<sup>2</sup>, whereby the Prosecutor submitted (on the basis of information received from the Netherlands Forensic Institute, (“NFI”)) that there arose a unique investigative opportunity, given the need to perform a potentially destructive analysis on one of the discs (“Disc”) provided by the French authorities and containing copies of intercepted communications originating from Mr Callixte Mbarushimana, which disc had proven to be corrupted and thus unreadable, with a view to retrieving the totality of the data contained therein;

**NOTING** the “Decision to hold consultations under rule 114” dated 28 April 2011<sup>3</sup>, which convened a hearing before the Chamber on Wednesday 4 May 2011;

**NOTING** the “Order to NFI to submit a report” dated 5 May 2011<sup>4</sup>, wherein the Chamber invited the NFI to submit a report detailing the different options available for proceeding to an analysis of the Disc (“Report”) by Monday 9 May 2011 at 12 hours;

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<sup>1</sup>ICC-01/04-583.

<sup>2</sup>ICC-01/04-01/10-122 and its Annex A.

<sup>3</sup>ICC-01/04-01/10-126.

<sup>4</sup>ICC-01/04-01/10-136.

**NOTING** the “Registry Transmission of Correspondence received from the Netherlands Forensic Institute”, filed by the Registrar on 9 May 2011<sup>5</sup>, whereby the Registrar communicated to the Chamber a letter from the NFI dated 9 May 2011;

**NOTING** article 56 of the Rome Statute, rule 114 of the Rules of Procedure and Evidence and regulation 35 of the Regulations of the Court;

**CONSIDERING** that the NFI has communicated to the Chamber that it will not be in a position to adhere to the deadline set for the submission of the Report, but, that it will endeavour to make the Report available by 11 May 2011;

**CONSIDERING** that the reasons provided by the NFI are convincing and that good cause for extension was thus shown;

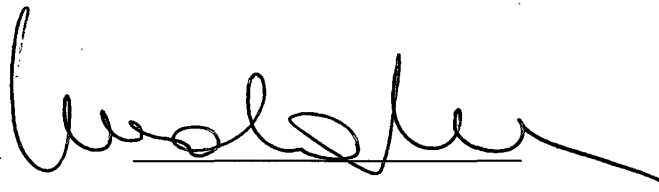
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<sup>5</sup> ICC-01/04-01/10-140 and its Annex A.

**FOR THESE REASONS**

**EXTEND** the date for the filing of the Report to Wednesday, 11 May 2011.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

**Judge Cuno Tarfusser**

**Single Judge**

Dated this Monday, 9 May 2011

At The Hague, The Netherlands