



COALITION FOR THE
INTERNATIONAL CRIMINAL COURT



CALLIXTE MBARUSHIMANA
INFORMAL SUMMARY
INITIAL APPEARANCE -
28 JANUARY 2011

Situation Case	Democratic Republic of the Congo 01/04-01/10 The Prosecutor vs. Callixte Mbarushimana	Confirmation of Charges: Scheduled for 4 July 2011
Hearing Chamber	Initial Appearance Pre-Trial Chamber I: Judge Cuno Tarfusser (Presiding Judge), Judge Sylvia Steiner, Judge Sanji Mmasenono Monageng	<u>Callixte Mbarushimana</u> : born in 1963, in Ndusu, in Ruhengeri; the Northern Province of Rwanda; Alleged Executive Secretary of the <i>Force Démocratiques pour la Libération du Rwanda</i> (FDLR).
Parties:	OTP: Mr. Luis Moreno-Ocampo, Ms. Fatou Bensouda, Mr. Anton Steynberg	Alleged crimes: Callixte Mbarushimana is allegedly responsible, as Executive Secretary of the FDLR “Steering Committee”, of intentionally contributing to the commission of the following crimes, acting with a common purpose:
Defence:	Mr. Nicholas Kaufman	
Warrant of Arrest:	Issued by PTCI on 28 September 2010 and executed by French authorities on 11 October 2010	<ul style="list-style-type: none">▪ Crimes against humanity: Murders, tortures, rapes and inhumane acts▪ War crimes: Attacks against the civilian population, destruction of property, murders, tortures, rapes, inhumane treatments and persecution
Transfer to ICC:	25 January 2011	

Summary: Mr Mbarushimana made his initial appearance before Pre-Trial Chamber I in accordance with Article 60(1) of the Rome Statute, following his transfer to ICC detention centre on 25 January 2011. Mr Mbarushimana verified his identity and was informed of the charges brought against him and of his rights under the Rome Statute. Mr Mbarushimana also gave a brief statement. **The date for the Confirmation of Charges Hearing was scheduled for the 4th July 2011.**

Mr Mbarushimana was asked to answer a number of questions relating to his identity and his rights under Article 67 of the Rome Statute

Mr Mbarushimana confirmed:

- That he fully understood and spoke French
- That he was receiving simultaneous interpretation
- His name and date of birth. Mr Mbarushimana gave his occupation as computer engineer.
- Mr Kaufman was acting as his Defence Counsel

In accordance with Article 60(1) of the Rome Statute, Mr Mbarushimana was informed of the crimes which he is alleged to have committed

Mr Mbarushimana is alleged to be criminally responsible as for contributing to the commission or attempted commission of the following crimes as a person in a common purpose within the meaning of article 25(3)(d) of the Rome Statute:

WAR CRIMES (6)

- attacks against the civilian population - 8(2)(b)(i) or 8(2)(e)(i) RS;
- acts of destruction of property - 8(2)(a)(iv) or 8(2)(e)(xii) RS;
- acts of murder - 8(2)(a)(i) or 8(2)(c)(i) RS;
- acts of torture - 8(2)(a)(ii) or 8(2)(c)(i) RS;
- acts of inhuman treatment - 8(2)(a)(ii) RS
- acts of rape - 8(2)(b)(xxii) or 8(2)(e)(vi) RS;

CRIMES AGAINST HUMANITY (5)

- acts of murder - 7(1)(a) RS;
- acts of torture - 7(1)(f) RS;
- acts of rape - 7(1)(g) RS;
- inhumane acts - 7(1)(k) RS;
- acts of persecution - 7(1)(h) RS

In keeping with Rule 121(1) of the Rules of Procedure and Evidence, **The Chamber set the 4th July 2011 as the date for the confirmation of charges hearing**

- The Chamber stated that the date of 4 July 2010 was set in order to give the OTP adequate time to disclose its evidence and to give the Defence time to prepare its case. The Chamber stated that this would also allow the Victims and Witnesses Unit to put in place measures for witnesses.
- The OTP indicated that the date was suitable to them.
- **The Defence emphasised that Mr Mbarushimana believed that the time until the confirmation of charges hearing was too long and that following OTP disclosure the Defence would make an application to move the date of the hearing forward. This will be discussed in a future status conference, the date of which has yet to be set.**

Under Article 67(e) Mr Mbarushimana had the right to make oral statements in his defence. Mr Mbarushimana made two short statements at the hearing:

In relation to the charges: *'I understand the charges but I do not understand the 'basis' upon which I am charged, I was in no way involved in what has been said'*

General Statement: *'There has been barbarity in the DRC all my life and I have been fighting injustice, hatred and exploitation of human beings and I condemn that with vigour. The Great Lakes region of the DRC has been ravaged. The use of military force has been a problem in itself. I condemn attacks against innocent civilians. I have been deprived of my liberty for more than 3 months. I am available to the Court at any time. In relation to my deprivation of liberty, I would ask the Court to release me'*

The Defence confirmed that, after adequate OTP disclosure of evidence, an application for interim release will be made under Article 60(2) of the Rome Statute

Informal

This is a very informal summary. Please note we were unable to verify the spelling of some of the persons and locations mentioned. Please do not forward without prior consent from CICC staff.