

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 9 March 2011

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, President
Judge Sylvia Steiner
Judge Sanji Mmasenono Monageng

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

Public

**Request for extension of time with respect to the Chamber's decision of
4 March 2011**

Source: REGISTRAR

Document 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**

**The Office of Public Counsel for the
 Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Defence Support Section

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section**

Other

The Registrar of the International Criminal Court (the “Court”);

NOTING Pre-Trial Chamber I’s “Decision on the “Prosecution’s request for a review of potentially privileged material”” (the “Decision”), issued on 4 March 2011;¹

NOTING the Registrar’s report on the “Update on the Inventory and Unsealing of Items Seized at the Time of the Arrest of Callixte Mbarushimana in France” (the “Registry’s report”), dated 11 February 2011;²

NOTING regulation 24 *bis* and 35 of the Regulations of the Court;

CONSIDERING that the Decision refers to all materials seized at the premises of Mr. Callixte Mbarushimana and that the Registry is requested to search within the materials, on the basis of keywords provided by the parties, documents that may be potentially privileged;

CONSIDERING that those materials are currently stored in the Registry vault; part of which remains to be forensically processed by the Registry;

CONSIDERING the time limit imposed in the Decision and in particular the instruction that the Registry provides “the Chamber, no later than 16 March 2011, with a list of documents which the said search produces and ensure[s] that the Chamber has access to these documents for the purpose of determining whether or not they are privileged and should be excluded from the material that will be made available to the Prosecutor and the Defence”;

CONSIDERING however that the proposed timeframe does not materially allow the Registry to adequately process the materials namely, to forensically copy the

¹ ICC-01/04-01/10-67

² ICC-01/04-01/10-53-Conf + Conf-Anx.

materials, examine them, extract data, proceed to search by keywords, and report on procedures used to do all the above,³ as well as to provide documents that may be potentially privileged;

THEREFORE,

REQUESTS an extension of time enabling the Registry to report within an approximate time of 45 days on the progress made in the forensic processing of the seized materials, which would be on the 20 April 2011, taking into consideration the time limit set in the Decision for the provision of keywords by the parties to the Registry;

INFORMS the Chamber:

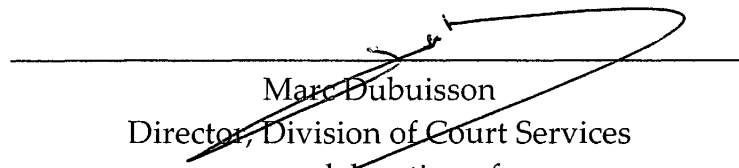
- 1) That, as reported in the Registry's report, the purchase requisitions for the equipments needed to process the remaining seized materials have been done last week ;
- 2) that a location within the premises of the Court has been secured and is being designed so as to allow the forensic processing of the seized materials as well as for future such activities;
- 3) that the time needed for the forensic processing may vary between two and three months;

CONFIRMS that the Registry will continue to make the necessary arrangements for the forensic examination of the seized materials unless otherwise decided by the Chamber;

³ The report on the Registry officers involved, their background or qualifications, and the procedure followed, will be provided as per suggested in the protocol: ICC-01/04-01/10-53-Conf-Anx, p. 3, para. 5.

INFORMS that the Registry will regularly report to the Chamber on each or some of the materials as soon as they are forensically processed taking into account the possible technical difficulties that may arise during the processing;

RESPECTFULLY SUBMITTED,



Marc Dubuisson
Director, Division of Court Services
per delegation of
Silvana Arbia
Registrar

Dated this 9 March 2011

At The Hague, The Netherlands