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

Date: **17/03/2011**

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
with Confidential Annex A, *ex parte*, Defence & Registry Only**

Defence submission of properly motivated keywords

Source: Defence for Mr. Callixte Mbarushimana

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

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Unrepresented Victims

Unrepresented

(Participation/Reparation)

Applicants

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Victims Participation and Reparations Section Other

Pursuant to the learned Single Judge's "*Decision on the Registry's request for an extension of time and on other matters regarding the review of potentially privileged material*",¹ the Defence for Mr. Callixte Mbarushimana hereby resubmits its list of keywords in a "properly motivated" format.²

The Defence respectfully reiterates that this list of keywords is presented without prejudice to its application for leave to appeal³ the Pre-Trial Chamber's decision, inter alia, to order the use of "keyword" searches as an effective means for identifying privileged material.⁴

The perceived vagueness⁵ of the Defence keywords was and, to a certain extent, still is necessitated by the fact that Mr. Mbarushimana simply does not remember the names of all lawyers and priests in whom he has confided over the last decade. For this reason, the Defence supplied the years and places in which such privileged communications took place in the hope that general dates and locations, in combination with other legal or religious keywords, would engender a positive result for privileged material.



Nicholas Kaufman

Counsel for Callixte Mbarushimana

Done in The Hague, the Netherlands

Thursday, March 17, 2011

¹ ICC-01/04-01/10-80.

² Confidential ex parte Annex A.

³ ICC-01/04-01/10-75.

⁴ ICC-01/04-01/10-67.

⁵ ICC-01/04-01/10-80 at page 5.