



Original: **English**

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

Date: **4 April 2011**

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Presiding Judge
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

Prosecution's report on protected materials relevant to the case

Source: Office of the Prosecutor

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

The Office of the Prosecutor

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Counsel for the Defence

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Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 30 March 2011, Pre-Trial Chamber I (“the Chamber”) ordered the Prosecution “to file by 4 April 2011 a report on the existence of any materials protected under articles 54(3) (e), 73 and 93 of the Statute [“protected materials”] that have been identified as being of potentially exculpatory nature under article 67(2) of the Statute or which are material to the preparation of the defence pursuant to rule 77 of the Rules, including those materials that could be relevant to a challenge to jurisdiction and/or admissibility”.
2. The Prosecution reports that, based upon its review to date of all protected materials in all of the Prosecution’s evidence collections, it has identified one item received under Article 54(3)(e) as potentially exculpatory. No items received under Articles 73 or 93 have been found to be relevant. For the single item identified as relevant, the Prosecution is in the process of requesting lifting of the disclosure restrictions.
3. No protected materials have been identified as being material to the preparation of the defence pursuant to Rule 77 of the Rules, either on the merits or relating to the Defence’s intended challenge to jurisdiction and/or admissibility.
4. The Chamber will be advised if further relevant items are identified in the course of the Prosecution’s ongoing review process.



Luis Moreno-Ocampo

Prosecutor

Dated this 4th day of April 2011
At The Hague, The Netherlands