

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 11 April 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO

**IN THE CASE OF
THE PROSECUTOR *v.* Callixte Mbarushimana**

Confidential

With two confidential Annexes *ex parte* Defence and Registry only

Addendum to Registry Report

Source: Registrar

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

The Office of the Prosecutor

Luis Moreno Ocampo

Fatou Bensouda

Counsel for the Defence

Nicholas Kaufman

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court;

NOTING the "Update on the Inventory and Unsealing of Items Seized at the Time of the Arrest of Callixte Mbarushimana in France" dated 11 February 2011¹;

NOTING the "Decision on the "Prosecution's request for a review of Potentially privileged material" issued by Pre-Trial Chamber I (the "Chamber") on 4 March 2011² whereby the Chamber, *inter alia*, ordered the Registry to conduct a search of part of the material seized at the premises of Mr Callixte Mbarushimana ("seized material") with the use of the keywords provided by the Defence and the Prosecutor and approved by the Chamber;

NOTING the "Prosecution submission of keywords and list of potentially privileged materials" dated 9 of March 2011³;

NOTING the "Defence Submission of "Keywords" and list of Potentially Privileged Materials" dated 9 March 2011⁴;

NOTING the "Defence submission of properly motivated keywords" dated 17 March 2011⁵;

NOTING the "Request for extension of time with respect to the Chamber's decision of 4 March 2011" dated 9 March 2011⁶;

¹ ICC-01/04-01/10-53-Conf.

² ICC-01/04-01/10-67.

³ ICC-01/04-01/10-71.

⁴ ICC-01/04-01/10-72.

⁵ ICC-01/04-01/10-81.

NOTING the "Decision on the Registry's request for extension of time and on other matters regarding the review of potentially privileged material" dated 16 March 2011⁷;

NOTING the "Decision on the keywords provided by the Defence for the purpose of selection of potentially privileged material" dated 30 March 2011⁸ (the "Decision");

NOTING the Registry report dated 8 April 2011⁹;

NOTING articles 87 and 93(1)(h) of the Rome Statute;

CONSIDERING that the Registry indicated in its Report that "[o]n this specific hard drive already the keyword search using OTP list has to be performed. This is estimated to be finalized by Monday 11 April COB";

SUBMITS in Annex 1 a detailed report of the selected files following application of the OTP keyword search.

REQUESTS respectfully further guidance as to whether the OTP keyword should be subjected, in a second phase, to further restrictions in reviewing the selected files, in a manner similar to the guidance provided by the Chamber with regards to the defence keywords.

⁶ ICC-01/04-01/10-70.

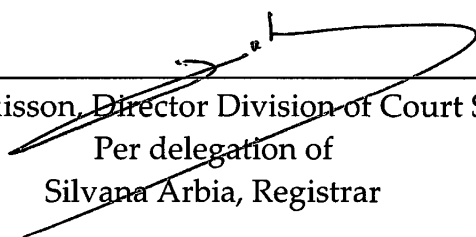
⁷ ICC-01/04-01/10-80

⁸ ICC-01/04-01/10-88

⁹ ICC-01/04-01/10-95-Conf + Conf-Exp-Anx

INFORMS that as of 12 April, the Registry will be able to provide the Defence, should the Chamber so require, with a copy of all the non-faulty and unprotected devices in two formats: a) a so-called "Encase copy", forensically sound, where all files are copied from the original hard drives, without possibility to delete nor alter the content; however, for this copy to be searched, a specific software is required; and b) an export of all the files included in the original hard drive, in a format which is easy to access and therefore search without additional software, however with possibility to delete or alter the content. The Registry has performed the keyword search on the Encase copy so as not to modify the original content.

INFORMS the Chamber that, with regards to the Defence keyword list, a number of French words to be searched, and listed under rule 73-2 f), k), l), n) and p), have been spelt out without accents, and so far the search has been performed on this basis; however should a new search be conducted with the words properly accented, it is likely to increase the number of selected files; the specific words are listed in Annex 2.



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

Dated this 11 April 2011

At The Hague, Netherlands