



Original: **English**

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

Date: 19/04/2011

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 Document

Defence Request for OPCD Support

Source: Defence for Mr. Callixte Mbarushimana

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
 Ms. Yael Vias Gvirsman

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**

Mr. Xavier-Jean Keita

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Defence Support Section

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section Other**

On 18 April 2011, the Defence was notified of the learned Pre-Trial Chamber's "*Second decision on matters regarding the review of potentially privileged material*".¹ Pursuant to this decision, the Defence was ordered to file for the review of the Pre-Trial Chamber a list of documents which it believes to be subject to privilege under Rule 73 of the Rules of Procedure and Evidence. The time-limit for complying with this order was set for 6 May 2011.

The learned Pre-Trial Chamber's decision requires the Defence to expeditiously review many thousands of files which have responded and will respond positively to the keywords submitted by the Parties for the purpose of identifying potentially privileged materials.

Relief Sought

In order to attempt to meet the deadline set by the learned Pre-Trial Chamber and to avoid postponement of the confirmation hearing set for 4 July 2011, the learned Pre-Trial Chamber is respectfully requested to allow the Defence to seek the assistance of the Office of the Public Counsel for the Defence. The Public Counsel for the Defence – Maître Xavier-Jean Keïta has graciously agreed to volunteer the support of 5 staff members of his office.

The Defence reiterates its strong view that any potential failure to meet the abovementioned deadline is ultimately the fault of the Prosecution for conducting a totally indiscriminate and wholesale cull of the entire media content of Mr. Mbarushimana's Parisian residence.



Nicholas Kaufman
Counsel for Callixte Mbarushimana

The Hague, the Netherlands
Tuesday, April 19, 2011

¹ ICC-01/04-01/10-105.