

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 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

Public Document

With confidential annexes 1 to 31

Registry Report on the Keyword Searches Performed on a Part of Seized Materials

Source: Registry

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

The Office of the Prosecutor

Luis Moreno Ocampo, Prosecutor

Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Nicholas Kaufman, Counsel

Registrar

Silvana Arbia

Deputy Registrar

Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Charlotte Dahuron. Chief CMS

The **REGISTRAR** of the International Criminal Court (“Registrar” and “Court” respectively);

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 08 April 2011⁹;

NOTING the *“Addendum to Registry Report”* dated 11 April 2011¹⁰;

NOTING the *“Further Submission on the Processing of Part of the Seized Materials”* dated 15 April 2011¹¹;

NOTING the *“Second Decision on matters regarding the review of potentially privileged material”* dated 15 April 2011¹² in which the Chamber orders the Registry to *“provide, as soon as possible, the Defence with a copy of all the relevant non-faulty and unprotected devices, in an accessible and searchable format, and to report immediately to the Chamber as soon as provision has occurred ”; to “continue performing keyword searches on the relevant seized materials, and also compile lists of the files identified through such search and to finalize the search by no later than 21 April 2011” and finally “to provide the Defence with the lists of the files which will be compiled as regards the remaining seized material as soon as the keyword searches have been completed and the lists compiled”;*

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.

¹⁰ ICC-01/04-01/10-98-Conf.

¹¹ ICC-01/04-01/10-109.

¹² ICC-01/04-01/10-105.

NOTING articles 87 and 93(1)(h) of the Rome Statute and regulation 23 bis 24 bis (1) of the Regulations of the Court;

CONSIDERING that the attached annexes contain personal names they are filed as confidential;

SUBMITS the following:

On the 21st of April at 12h12, the Defense has been provided with a copy of all the Seized electronic materials except the faulty and encrypted devices ("Seized electronic materials"), in two formats, and the list of selected files resulting from the keyword search.

In order to provide the Defense with a list of files containing potentially privileged information the Registry performed the following actions:

1. A forensic image of all the seized electronic items has been created;
2. Each of the forensic images has been loaded onto a special workstation containing specialised forensic software allowing for the indexing and keyword searching;
3. Upon the completion of the indexing and keyword searching, and for the ease of use of the parties, the results have been migrated to an excel sheet containing the exact file name, its location and number of hits.

SUBMITS as annex 1 a summary of the keyword searches performed on Seized electronic materials;

SUBMITS as annexes 2 to 31 the excel sheets containing the hit lists resulting from the keyword searches.



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

Dated this 21 April 2011

At The Hague, The Netherlands