



Original: **English**

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

Date: **14/06/2011**

**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**

**Defence Compliance with Decision: ICC-01/04-01/10-224**

**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. Yaël 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**

**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**

Pursuant to the learned Single Judge's *Decision on the processing of additional hard drives and compact disks*,<sup>1</sup> the Defence for Mr. Callixte Mbarushimana has completed its review of one hard drive and four compact discs<sup>2</sup> ("the electronic media") for the presence of potentially privileged material.

The Defence has not identified any potentially privileged materials on the electronic media.

For the benefit of the Prosecution, the Defence endeavoured to complete its review of the electronic media in timely fashion (three days before the stipulated deadline).

The Defence reiterates its concerns with respect to the Registry's use of unspecified "alternative software" to "recover" the contents of allegedly defective or faulty items (in particular the two CD's referenced DRC-REG-0005-2888 and DRC-REG-0005-2891). Accordingly, the Defence will maintain its objection to the admissibility of the contents of such media.



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Nicholas Kaufman

Counsel for Callixte Mbarushimana

Jerusalem, Israel

Tuesday, June 14, 2011

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<sup>1</sup> ICC-01/04-01/10-224.

<sup>2</sup> DRC-REG-0005-2888, DRC-REG-0005-2890, DRC-REG-0005-2891, DRC-REG-0009-0002 & DRC-REG-0009-0067.