



Original: English

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

Date: 20/06/2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sylvia Steiner
Judge Cuno Tarfusser

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
THE PROSECUTOR
*v. CALLIXTE MBARUSHIMANA***

Public Document

**Defence request for an extension of the time limit to comply with
the Decision on the review of potentially privileged material:**

ICC-01/04-01/10-237

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

(Participation/Reparation)

Applicants

The Office of Public Counsel for the 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

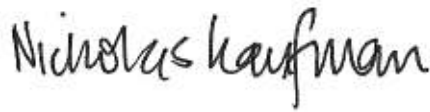
Other

1. The Defence for Mr. Callixte Mbarushimana hereby requests an extension of the time limit to comply with the Pre-Trial Chamber's *Decision on the review of potentially privileged material* ("the Decision") rendered on 15 June 2011.¹
2. The Defence has been obliged to perform a detailed analysis of each document contained in Annex 3 to the Decision in order to justify its potentially privileged status including: "(i) a full and detailed description of the context, time and purpose of the document's creation, including whether the document is a draft and whether it was ever actually communicated or rendered public, and (ii) a detailed explanation as to why, in the view of the Defence, this document should be considered to attract privilege within the meaning of rule 73(1) of the Rules;".
3. The Defence has also been obliged to provide supplementary information on its ability to access and analyse documentation contained in Annex 4 to the Decision.
4. The Defence was ordered to complete the aforementioned tasks by 20 June 2011.
5. Despite working all weekend – with the full intention of ensuring compliance with the Court deadline - the Defence now realizes that it will not be able to complete the detailed analysis required with the necessary care expected of it in the short time with which it has been afforded. The Pre-Trial Chamber is respectfully reminded that the Defence team is comprised of one Counsel and one legal assistant alone. Given the unique nature of this case and the vast amount of electronic information which will be submitted into evidence, Mr.

¹ ICC-01/04-01/10-237.

Mbarushimana has submitted a request to the Registry for additional manpower.

6. In light of all the aforementioned, the Defence respectfully submits that good cause for an extension has been shown and, accordingly, requests that the learned Pre-Trial Chamber order that the Defence be permitted to submit its response by 16:00 on Wednesday, 22 June 2011.



Nicholas Kaufman

Counsel for Callixte Mbarushimana

Leeds, United Kingdom

Monday, June 20, 2011