



Original: **English**

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

Date: **27/06/2011**

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***

Confidential

Defence response to Registry filing: ICC-01/04-01/10-246

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**

1. The Defence for Mr. Callixte Mbarushimana hereby submits its response to the *Registry Report on the processing of faulty and protected drives and on the implementation of Decision ICC-01/04-01/10-237*.¹

2. The Registry's decision to retain the services of Carratu Ltd. was taken *proprio motu* and without notifying the Defence - despite the fact that the Defence had previously registered its wish to have an expert of its own present during forensic analyses performed on seized electronic media.

3. The Registry has, furthermore, provided no information as to the exact methodology employed by Carratu Ltd. which enabled the recovery of data contained on 5 of the hard drives.

4. In the circumstances, the Defence maintains its right to object to the admissibility of any incriminating information obtained from the hard drives examined by Carratu Ltd.



Nicholas Kaufman

Counsel for Callixte Mbarushimana

Jerusalem, Israel

Monday, June 27, 2011

¹ ICC-01/04-01/10-246.