



Original: **English**

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

Date: **13 July 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

Prosecution's observations on the analysis of corrupted and protected files

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Counsel for the Defence
Nicholas Kaufman

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

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Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations
Section

Other

1. The Prosecution submits herewith its observations of the corrupted and password protected files listed in Annex 2 of the Pre-Trial Chamber I's ("the Chamber") decision of 12 July.¹
2. The Prosecution does require the analysis of the relevant files to be conducted. However, it does not require this to be done urgently, as there is now no prospect of using any of this evidence at the confirmation hearing.
3. In light of (i) the fact that there is no pressing urgency for access to these files; (ii) the problems previously encountered by the Registry in accessing protected files; (iii) objections previously raised by the Defence in respect of analysis performed by the Registry; and (iv) the success achieved by the NFI in accessing other protected files, the Prosecution requests that this analysis be conducted by the NFI or other suitable external forensic institute.



Luis Moreno-Ocampo,
Prosecutor

Dated this 13th day of July 2011

At The Hague, Netherlands

¹ ICC-01/04-01/10-277.