



Original: **English**

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

Date: **14 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
With Confidential Annexes 1 - 3**

Prosecution's second communication of Pre-Inspection Reports

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**

States' Representatives

Amicus Curiae

REGISTRY

Registrar
Ms. Silvana Arbia
Deputy Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Prosecution submits Pre-Inspection Reports for three packages of evidence made available to the Defence pursuant to Rule 77 of the Rules of Procedure and Evidence and in compliance with an order of the Chamber¹ (Annexes 1 and 2). The Prosecution submits concise summaries² of those items identified as material to the preparation of the Defence and an explanation of their relevance in compliance with an order of Pre-Trial Chamber I ("Chamber").³

Description of the Annexes

2. Annex 1 is Pre-Inspection Report 13 and lists one hard drive received by the Prosecution from the Government of France containing internet flow data intercepted by the French authorities, attributed to Callixte MBARUSHIMANA ("the Suspect"). A copy of the hard drive was disclosed to the Defence on 2 May 2011.⁴
3. Annex 2 is Pre-Inspection Report 14 and lists one document, namely a letter from the Government of the Democratic Republic of the Congo to the Office of the Prosecutor dated 14 November 2003. The letter was disclosed to the Defence on 11 July 2011, as ordered by the Chamber.⁵
4. Annex 3 is Pre-Inspection Report 15 and lists 16 discs containing intercepted communications collected by the *Bundeskriminalamt*, copies of which were disclosed to the Defence on 11 July 2011. The discs were received from the Government of Germany on 6 and 8 July 2011 and in the limited time available since their receipt, the Prosecution has determined

¹ Decision on the Defence Request for Disclosure, ICC-01/04-01/10-275, 8 July 2011.

² Decision on the "Prosecution's applications for leave to appeal the 'Decision on issues relating to disclosure (ICC-01/04-01/10-87)'" , ICC-01/04-01/10-116, 21 April 2011, para. 21.

³ Decision on issues relating to disclosure, ICC-01/04-01/10-87, 30 March 2011, p. 16.

⁴ The original hard drive is now quarantined, pursuant to the Chamber's order, Decision on the "Prosecution's request for review of intercepted internet data", ICC-01/04-01/10-274, 8 July 2011, p. 5.

⁵ ICC-01/04-01/10-275, 8 July 2011, p. 5.

them as material for the preparation of the Defence, for reasons provided in Annex 3.



Luis Moreno-Ocampo

Prosecutor

Dated this 14th day of July 2011

At The Hague, The Netherlands