

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11

Date: 26 July 2011

PRE-TRIAL CHAMBER II

Before: Judge Ekaterina Trendafilova, Presiding Judge
Judge Hans-Peter Kaul
Judge Cuno Tarfusser

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF THE PROSECUTOR *v.* WILLIAM SAMOEI RUTO,
HENRY KIPRONO KOSGEY, AND JOSHUA ARAP SANG**

Public Document with *Confidential Annex A*

**Prosecution's submission of the confidential redacted version of the Article 58
Application**

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

Mr. Luis Moreno-Ocampo, Prosecutor
Ms. Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence

Mr. Kioko Kilukumi Musau, Mr. Joseph Kipchumba Kigen-Katawa, Mr. David Hooper QC, Mr. Kithure Kindiki, Mr. George Odinga Oraro, Mr. Julius Kipkosgei Kemboy, Mr. Allan Kosgey, Mr. Joel Kimutai Bosek and Mr. Philemon K.B. Koech

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

Other

Registrar

Ms. Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Background

1. On 7 July 2011, the Prosecutor filed the "Prosecution's Submissions on the 'Order to the Prosecutor to File a Proposed New Redacted Version of the Article 58 Application' (ICC-01/09-01/11-157)," which proposed a confidential redacted version of the Article 58 Application.¹
2. On 22 July 2011, the Single Judge ordered the Prosecutor to file a confidential redacted version of the Article 58 Application, containing redactions as proposed by the Prosecutor, with the exception of proposed redactions listed in the annex to her decision.²

II. Submissions

3. The Prosecution hereby submits, annexed to this filing, a confidential redacted version of the Article 58 Application containing redactions as proposed by the Prosecutor³ with the exception of proposed redactions listed in the annex to the decision of the Single Judge.⁴

III. Request for Confidentiality

4. The Prosecution requests that, pursuant to regulation 23*bis* and to the order of Single Judge⁵, the annex to this filing be treated as confidential.

¹ ICC-01/09-01/11-165-Conf-Exp and annexes A and B (Confidential ex parte).

² ICC-01/09-01/11-216-Red, page 10 and Annex A (Confidential ex parte).

³ ICC-01/09-01/11-165-Conf-Exp and annexes A and B (Confidential ex parte).

⁴ ICC-01/09-01/11-216-Conf-Exp and Annex A (Confidential ex parte).

⁵ ICC-01/09-01/11-216-Red, page 10.



Luis Moreno-Ocampo
Prosecutor

Dated this 26th day of July 2011

At The Hague, The Netherlands