

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 1 August 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

With Public Annex A and Confidential Annex B

**Prosecution's Document Containing the Charges and List of Evidence submitted
pursuant to Article 61(3) and Rule 121(3)**

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 Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms. Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Sir Geoffrey Nice QC
Mr. Rodney Dixon

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Victims and Witnesses Unit

Ms. Maria Luisa Martinod-Jacome

Defence Support Section

Detention Section

Victims Participation and Reparations Section

Other

1. The Prosecution hereby submits its Document Containing the Charges and List of Evidence, pursuant to Article 61(3) of the Rome Statute and Rule 121(3) of the Rules of Procedure and Evidence (“the Rules”).
2. Annex A contains the Document Containing the Charges. Annex B contains the List of Evidence. The Prosecution requests that Annex B be received by the Single Judge as “Confidential” it contains information of a sensitive nature not currently available to the public and/or which was obtained from confidential sources.
3. The Prosecution notes that the List of Evidence is comprehensive, containing all items which were disclosed as incriminatory or for use by the Prosecutor as evidence for the purposes of the confirmation hearing pursuant to Rule 77 of the Rules. It currently shows each item’s Evidence Registration Number (“ERN”), and does not include the EVD numbers. This is because: (1) the Prosecution did not receive a list of EVD numbers assigned to disclosed documents until 29 July 2011, and (2) this list received is not comprehensive, particularly because the Prosecution disclosed documents to the Defence after that date. As soon as practicable after the Prosecution receives a complete list of EVD numbers, the Prosecution will submit an amended List of Evidence containing both the ERN and EVD numbers.



Luis Moreno-Ocampo

Prosecutor

Dated this 1st day of August 2011

At The Hague, The Netherlands