

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-02/11

Date: 15 June 2012

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Christine Van den Wyngaert
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

***IN THE CASE OF
THE PROSECUTOR V. FRANCIS KIRIMI MUTHAURA AND UHURU MUIGAI
KENYATTA***

**Public,
With Public Annex A**

**Prosecution's Communication of the Disclosure of Potentially Exculpatory Evidence
pursuant to Article 67(2) of the Rome Statute and Rule 77 Materials to the Defence**

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

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Legal Representatives of Victims

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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

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Victims and Witnesses Unit

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The Prosecution hereby submits its communication of the disclosure of potentially exculpatory evidence pursuant to Article 67(2) of the Rome Statute (the "Statute") and material pursuant to Rule 77 of the Rules of Procedure and Evidence (the "Rules").
2. During the status conference of 12 June 2012 in this case, the Prosecution submitted that "a first set of approximately 20 items has been identified that can be disclosed immediately because no redactions are required to content or metadata. This group concerns Rule 77 and PEXO materials."¹ The Prosecution disclosed two items of potentially exculpatory evidence and 17 items under Rule 77 to the Defence on 13 June 2012.
3. In compliance with prior practice to keep the Chamber informed of the execution of its disclosure obligations, the Prosecution herewith submits its communication of disclosure to the Defence of potentially exculpatory evidence and materials under Rule 77. This disclosure is accompanied by a list of disclosed materials that identifies recipients for each item and reflects the access and level of confidentiality of each item (Annex A).²



Fatou Bensouda
Prosecutor

Dated this 15th day of June 2012
At The Hague, The Netherlands

1ICC-01/09-02/11-T-18-ENG ET WT page 4 Line 5 to 7.

2 Public Annex A contains the List of Disclosed Material in Rule 77 Package 11 and Potentially Exculpatory Evidence Package 7 (which has inadvertently been labelled as package 11 on the disclosure note. The two items disclosed as potentially exculpatory evidence bear the reference to the correct package number), 13 June 2012.