

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 28 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 Confidential Annex A**

**Prosecution's Communication of the Disclosure of Potentially Exculpatory Evidence
pursuant to Article 67(2) 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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Ogetto, Shyamala Alagendra

Counsel for Uhuru Muigai Kenyatta

Steven Kay QC and Gillian Higgins

Legal Representatives of Victims

Morris Anyah

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

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

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Victims and Witnesses Unit

Defence Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

1. In compliance with prior practice to keep the Chamber informed of the execution of its disclosure obligations, the Prosecution herewith submits its communication of the disclosure of potentially exculpatory evidence pursuant to Article 67(2) of the Rome Statute (the "Statute") to the Defence. The disclosure of 11 items of potentially exculpatory evidence took place on 21 June 2012. The list of disclosed materials is attached as Annex A.¹
2. Discrete redactions to the chain of custody meta-data field have been applied to all materials, so as not to reveal the identity of OTP investigators that regularly travel to the field, in accordance with the Pre-Trial Chamber's jurisprudence on Rule 81(2).



Fatou Bensouda
Prosecutor

Dated this 28th day of June 2012
At The Hague, The Netherlands

¹ Confidential Annex A contains the List of Disclosed Material in Potentially Exculpatory Evidence Package 8, 21 June 2012.