

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 18 July 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 Annexes A, B and C**

**Prosecution's Communication of the Disclosure of Incriminatory Evidence, of
Potentially Exculpatory Evidence pursuant to Article 67(2) and of 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

Fatou Bensouda
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Counsel for Francis Kirimi Muthaura

Karim A. Khan QC, Essa Faal, Kennedy
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

Didier Preira, Deputy-Registrar

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 incriminatory evidence, of potentially exculpatory evidence pursuant to Article 67(2) and of Rule 77 materials to the Defence.
2. On 16 July 2012 the disclosure of the following items took place:
 - (i) 57 items in Rule 77 evidence package 12, attached as Confidential Annex A
 - (ii) 11 items in potentially exculpatory evidence package 9, attached as Confidential Annex B and
 - (iii) 55 items in incriminatory evidence package 14, attached as Confidential Annex C.
3. Discrete redactions have been applied to a limited number of chain of custody meta-data fields, where necessary to not 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 18th day of July 2012
At The Hague, The Netherlands