

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

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

Date: 25 October 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 1 and 2**

Prosecution's Communication of the Disclosure of Evidence

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
Adesola Adeboyejo

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. Pursuant to the Trial Chamber's Decision on the protocol establishing a redaction regime (the "Decision"),¹ the Prosecution herewith submits its communication of the disclosure of incriminatory evidence pursuant to Article 61(3)(b) of the Rome Statute (the "Statute") as well as potentially exculpatory evidence pursuant to Article 67(2) of the Statute and material pursuant to Rule 77 of the Rules of Procedure and Evidence (the "Rules") to the Defence. In addition, the Prosecution is attaching the disclosure note of 5 October 2012, which was omitted from its last notification by oversight. On 5 October 2012 the Prosecution re-disclosed a set of materials with lesser redactions.²
2. On 19 October 2012, the Prosecution disclosed a total of 178 documents, as spelled out in the list attached as Confidential Annex 1. Of these, 87 items bear redactions. For those redactions falling outside the "standard justifications" set out by the Chamber, the Prosecution has already submitted redactions applications³ pursuant to paragraphs 7 to 9 of the Chamber's Decision.



Fatou Bensouda
Prosecutor

Dated this 25th day of October 2012

At The Hague, The Netherlands

¹ ICC-01/09-02/11-495-AnxA, section 1.5, paragraphs 12 and 13, stating that "the disclosing party will file with the Chamber a list of all the documents disclosed".

² Attached as Confidential Annex 2.

³ ICC-01/09-02/11-510-Conf-Exp or ICC-01/09-02/11-510-Conf-Red.