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No.: ICC-01/09-02/11
Date: **19 November 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**

**Fourth Prosecution application for the authorisation of non-standard
redactions pursuant to Decision ICC-01/09-02/11-495**

Source: The 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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States Representatives

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Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Introduction

1. The Prosecution seeks authorization for “non-standard” redactions applied to material disclosed to the Defence on 16 November 2012. The application is made pursuant to Article 54(3)(f) and Article 68(1) of the Rome Statute (“Statute”) and Rule 81(2) and (4) of the Rules of Procedure and Evidence (“Rules”), and the “Protocol establishing a redaction regime in the case of *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*” (“Protocol”).¹

Submissions

2. The Prosecution seeks the Chamber’s authorisation to redact one category of information under the procedure established in paragraphs 7 to 9 of the Protocol, namely the identifying information of certain Prosecution investigators operating in the field.
3. The Prosecution submits these redactions to the Chamber in the chart attached as Annex A. In support, the Prosecution relies upon the arguments contained in paragraphs 20-27 of its 8 October 2012 “Prosecution application for the authorisation of redactions pursuant to Articles 54(3) (f), 64(2) and 68(1) of the Statute, Rule 81 and Decision ICC-01/09-02/11-495”.²

¹ ICC-01/09-02/11-495-AnxA-Corr.

² ICC-01/09-02/11-500-Conf-Exp; *see also* ICC-01/09-02/11-500-Conf-Red.

Relief Requested

4. For the foregoing reasons, the Prosecution respectfully requests that the Chamber authorise the redactions listed in the chart attached as Annex A to this filing.



Fatou Bensouda,
Prosecutor

Dated this 19th of November 2012
At The Hague, The Netherlands