



Original: English

No.: ICC-01/09-01/11
Date: 27 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. WILLIAM SAMOEI RUTO and JOSHUA ARAP SANG*

Public

**Public Redacted Version of the 23 November 2012 “Prosecution’s update regarding
Prosecution submission ICC-01/09-01-468-Conf-Exp” (ICC-01/09-01/11-480-Conf-
Exp)**

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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Introduction

1. Pursuant to the Prosecution's 5 November 2012 application for delayed disclosure of the identities of certain witnesses and authorization of redactions pursuant to Decision ICC-01/09-01/11-458 ("application"),¹ the Prosecution hereby informs the Chamber that it no longer intends to call [REDACTED]. Accordingly, the Prosecution withdraws its request for *delayed* disclosure of [REDACTED] identity since, given that [REDACTED] will not be a witness, there is no reason now to disclose [REDACTED] identity at all.

Confidentiality

2. This application is submitted on a confidential *ex parte* basis, available to the Prosecution and Victims and Witnesses Unit only, as it contains information of a confidential nature the disclosure of which could pose a risk to the Prosecution's ongoing investigations and to individuals at risk due to the activities of the Court.

Submission

3. In its application the Prosecution indicated nine witnesses² for whom it was seeking the delayed disclosure of their identities. Included in this list was witness [REDACTED]
4. Further to its preparations for trial, the Prosecution has elected to withdraw its request to call witness [REDACTED], due to witness management issues and concerns about [REDACTED] ongoing willingness to testify. As such, the Prosecution respectfully informs the Chamber that it need not consider any further the request to allow delay to disclosure of [REDACTED] identity.

¹ ICC-01/09-01/11-468-Conf-Exp

² Application, paragraph 2

5. However, the Prosecution's decision not to call [REDACTED] as a witness at trial should not impact upon the reliability of the information [REDACTED] provided nor on the Chamber's reliance on that information insofar as it bears on the protection concerns set out in the application.



Fatou Bensouda,
Prosecutor

Dated this 27th day of November 2012

At The Hague, The Netherlands