



Original: English

No.: ICC-01/09-01/11
Date: 29 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,
With Confidential Annex A**

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

Cynthia Tai

Counsel for the Defence

For William Samoei Ruto:

David Hooper

Kioko Kilukumi Musau

For Joshua Arap Sang:

Joseph Kipchumba Kigen-Katwa

Joel Kimutai Bosek

Legal Representatives of Victims

Wilfred Nderitu

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Paolina Massidda

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States Representatives

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Maria Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Section

Other

1. In keeping with prior practice to keep the Chamber informed of the execution of its disclosure obligations, the Prosecution herewith submits its communication of the disclosure to the Defence 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").
2. On 28 November 2012, the Prosecution disclosed 61 items, as spelled out in the list attached as Confidential Annex A.¹
3. Redactions to the content and metadata of the disclosed documents have been implemented in accordance with the Chamber's "Decision on the protocol establishing a redaction regime".² Authorisation for non-standard redactions was requested in the "Second Prosecution application for the authorisation of non-standard redactions pursuant to Decision ICC-01/09-01/11-458".³



Fatou Bensouda

Prosecutor

Dated this 29th day of November 2012

At The Hague, The Netherlands

¹ Annex 1 is classified as Confidential due to the confidential nature of the materials disclosed.

² ICC-01/09-01/11-458.

³ ICC-01/09-01/11-488.