

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 4 December 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 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

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Ogetto and Shyamala Alagendra

Counsel for Uhuru Muigai Kenyatta

Steven Kay QC and Gillian Higgins

Legal Representatives of Victims

Fergal Gaynor

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. On 26 November 2012, Trial Chamber V ("Chamber") issued an "Order regarding redactions" ("Order"),¹ in which the Prosecution was ordered to disclose redacted versions of the witness statements and transcripts that formed the basis of, and were included as annexes to, the Prosecution "Application for delayed disclosure of witness identities" of 5 November 2012 ("Delayed Disclosure Application").²
2. In accordance with the Chamber's Order, as well as its "Decision on the protocol establishing a redaction regime" of 27 September 2012,³ the Prosecution herewith submits to the Chamber its communication of the disclosure of incriminatory evidence pursuant to Articles 61(3)(b), 64(3)(c) and 67(1)(a) and (b) of the Rome Statute.
3. On 30 November 2012, the Prosecution disclosed a total of 78 items, listed in Confidential Annex A. All items bear redactions on the content and the metadata fields. For those redactions falling outside the "standard justifications", the Prosecution respectfully refers the Chamber to the Delayed Disclosure Application, as well as the "Fifth Prosecution application for the authorisation of non-standard redactions pursuant to Decision ICC-01/09-02/11-495" filed on 28 November 2012.⁴



Fatou Bensouda,
Prosecutor

Dated this 4th day of December 2012
At The Hague, The Netherlands

¹ ICC-01/09-02/11-541.

² ICC-01/09-02/11-519-Red.

³ See ICC-01/09-02/11-495-AnxA, section 1.5, paras 12-13.

⁴ ICC-01/09-02/11-544 .