

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 21 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

Public Redacted Version of the 13 December 2012 "Prosecution's provision of supplemental material to the corrigendum of confidential *ex parte* Prosecution and Victims and Witnesses Unit Only Annex D to the 'Prosecution Application for delayed disclosure of witness identities' (ICC-01/09-02/11-519-Conf-Exp)"

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

Fatou Bensouda
Adesola Adeboyejo

Counsel for Francis Kirimi Muthaura

Karim A. Khan QC, Essa Faal, Kennedy
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

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Victims and Witnesses Unit

Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 5 November 2012, the Prosecution filed its “Prosecution Application for delayed disclosure of witness identities”, with confidential *ex parte* Prosecution and Victims and Witnesses Unit Only Annex C-G (“Delayed Disclosure Application”), containing the witness statements and transcripts containing the proposed redactions of, *inter alia*, P-0219.¹ On 30 November 2012, the Prosecution filed a corrigendum to Annex D (“Corrigendum”).²
2. The Prosecution hereby submits confidential *ex parte* Prosecution and VWU Only Annex A, a supplement to the Corrigendum, which includes the transcript of the re-interview of P-0219, and the proposed redactions thereto. The re-interview of P-0219 took place [REDACTED]. [REDACTED].³ It also includes material related to P-0219’s re-interview – [REDACTED] – which were provided to the Prosecution during the re-interview.
3. The cover filing and annex to this filing are designated confidential *ex parte* because it contains “see through” redactions to assist the Chamber. The Prosecution respectfully requests the Chamber to consider this material when ruling upon the Delayed Disclosure Application.

¹ ICC-01/09-02/11-519-Conf-Exp.

² ICC-01/09-02/11-519-Conf-Exp-AnxD-Corr.

³ [REDACTED].

4. In accordance with the Chamber's direction,⁴ a confidential redacted version of the supplemental annex will be disclosed to the Defence forthwith.



Fatou Bensouda,
Prosecutor

Dated this 21st day of December, 2012
At The Hague, The Netherlands

⁴ ICC-01/09-02/11-541, para 7.