



Original: English

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

Date: 3 January 2013

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

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For William Samoei Ruto:

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Kioko Kilukumi Musau

For Joshua Arap Sang:

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Wilfred Nderitu

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Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

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States Representatives

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REGISTRY

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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, and in accordance with the Chamber's "Order regarding redactions"¹, 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 2 January 2013, the Prosecution disclosed 35 items, as spelled out in the list attached as Confidential Annex A.² The Prosecution notes that it did not disclose the specific witness-related items for which it sought complete non-disclosure until the witness' identity is disclosed.
3. The items contain standard redactions implemented in accordance with the Chamber's "Decision on the protocol establishing a redaction regime",³ as well as A.4 non-standard redactions, which the Chamber authorised in decision ICC-01/09-01/11-518-Conf.



Fatou Bensouda

Prosecutor

Dated this 3rd day of January 2013

At The Hague, The Netherlands

¹ ICC-01/09-01/11-482.

² Annex 1 is classified as Confidential due to the confidential nature of the materials disclosed. The disclosure included materials addressed in the "Third application for delayed disclosure of witness identities" (ICC-01/09-01/11-521-Conf-Exp) and the "Prosecution application for non-standard redactions in materials related to P-0015" (ICC-01/09-01/11-523).

³ ICC-01/09-01/11-458.