



Original: English

No.: ICC-01/09-02/11
Date: 11 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. FRANCIS KIRIMI MUTHAURA AND UHURU
MUIGAI KENYATTA***

Public, with confidential Annex A

**Prosecution's communication of materials to the Defence pursuant to Decision
ICC-01/09-02/11-580**

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**

Paolina Massidda

**The Office of Public Counsel for the
Defence**

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. On 5 November 2012, the Prosecution offered to provide “a written summary of the redacted material” related to the five witnesses for whom it sought delayed disclosure, “in a manner that does not reveal the Insiders’ identities”.¹
2. On 21 December 2012, the Chamber ordered the prosecution to provide “written summaries to the Defence of the redacted material in the witness statements or transcripts of Witnesses 118, 219, 428, 429 and 430 by 11 January 2013”.²
3. Pursuant to this decision, the Prosecution, in confidential Annex A, provides these summaries to the Defence.



Fatou Bensouda,
Prosecutor

Dated this 11th day of January
At The Hague, The Netherlands

¹ ICC-01/09-02/11-519-Red, para 29.

² ICC-01/09-02/11-580-Conf-Red, page 23.