

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 23 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 Re-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

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For Joshua Arap Sang:

Joseph Kipchumba Kigen-Katwa

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Wilfred Nderitu

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

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States Representatives

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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 the “Decision on the schedule leading up to trial”,¹ Trial Chamber V (‘the Chamber’) ordered the Prosecution to disclose to the defence all incriminatory material in the form of witness statements and any other materials to be relied on at trial. On 9 January 2013, the Prosecution filed an urgent application requesting the Chamber to authorise a delay of an additional two weeks in order for it to communicate P-376’s incriminatory material and his identity to the defence.² On 10 January, the Chamber granted this request.³
2. On 22 January 2013, the Prosecution disclosed 4 items related to P-376, as spelled out in the list attached as Confidential Annex A.⁴
3. The items contain standard redactions implemented in accordance with the Chamber’s “Decision on the protocol establishing a redaction regime”, 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 23rd day of January 2013

At The Hague, The Netherlands

¹ ICC-01/09-01/11-440.

² ICC-01/09-01/11-537-Conf-Exp and ICC-01/09-01/11-537-Conf-Red.

³ ICC-01/09-01/11-543-Conf.

⁴ Annex 1 is classified as Confidential due to the confidential nature of the materials disclosed.