



Original: **English**

No.: ICC-01/09-02/11
Date: 12 February 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

**Prosecution's request for authorisation to disclose with lesser redactions
victims' applications related to Prosecution witnesses**

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

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The Office of Public Counsel for Victims

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States Representatives

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Victims Participation and Reparations Section

Other

1. In accordance with Article 64(6)(a) of the Rome Statute, Regulations 23*bis*, 33(1)(d) and 42 of the Regulations of the Court, and the Decision on the protocol establishing a redactions regime,¹ the Prosecution hereby requests authorisation from Trial Chamber V (“Chamber”) to disclose with lesser redactions seven victims’ applications related to Prosecution trial witnesses.
2. The victims’ applications in question were originally disclosed to the Defence with redactions consistent with those applied in the redacted versions of the annexes to the submissions of the Registry transmitting victims’ applications before Pre-Trial Chamber II (“Pre-Trial Chamber”), which were available to the Defence.² In accordance with the Protocol, the Prosecution now wishes to disclose these applications with limited redactions applied to contact information of witnesses and innocent third parties.³ In essence, the Prosecution now wishes to disclose information that is currently designated “*ex parte* VWU and OTP” in the Registry’s previous submissions. In an abundance of caution, due to the current classification of these applications as contained in the Registry’s annexes, the Prosecution is seeking the Chamber’s permission to do so.
3. The authorisation to disclose with lesser redactions, in order for the Prosecution to comply with the Protocol, is requested for the following victims’ applications, related to five Prosecution witnesses:
 - **Witness 390:** KEN-OTP-0084-0064⁴, KEN-OTP-0084-0081⁵ and KEN-OTP-0084-0093⁶
 - **Witness 363:** KEN-OTP-0086-0269⁷
 - **Witness 387:** KEN-OTP-0086-0281⁸

¹ ICC-01/09-02/11-495.

² ICC-01/09-02/11-97 and ICC-01/09-02/11-199.

³ See paragraphs 56 and 58 of the Protocol.

⁴ The application originally submitted in ICC-01/09-02/11-199, Annex 181.

⁵ The application originally submitted in ICC-01/09-02/11-97, Annex 4.

⁶ The application originally submitted in ICC-01/09-02/11-199, Annex 242.

⁷ The application originally submitted in ICC-01/09-02/11-199, Annex 223.

- **Witness 388:** KEN-OTP-0086-0291⁹
- **Witness 427:** KEN-OTP-0081-0321¹⁰

4. If the Chamber grants its authorisation, the Prosecution will disclose these victims' applications with lesser redactions as soon as possible.

Relief Requested

5. The Prosecution requests that the Chamber grant authorisation to disclose the above mentioned victims' applications with lesser redactions, applied in accordance with the Protocol.



Fatou Bensouda,
Prosecutor

Dated this 12th day of February, 2013
At The Hague, The Netherlands

⁸ The application originally submitted in ICC-01/09-02/11-199, Annex 170.

⁹ The application originally submitted in ICC-01/09-02/11-199, Annex 173.

¹⁰ The application originally submitted in ICC-01/09-02/11-199, Annex 24.