



Original: English

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

Counsel for the Defence

For William Samoei Ruto:

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Kioko Kilukumi Musau

For Joshua Arap Sang:

Joseph Kipchumba Kigen-Katwa

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Legal Representatives of Victims

Wilfred Nderitu

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Paolina Massidda

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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. 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.
2. On 12 February 2013, the Prosecution disclosed 169 items, as spelled out in the list attached as Confidential Annex A.² The Prosecution notes that the items disclosed are in accordance with the Chamber's "Second decision on prosecution request for delayed disclosure of witnesses P-336, P-356, and P-397"³ and the "Decision on the second and third Prosecution requests for delayed disclosure of witness identities." The Prosecution also re-discloses items it has previously disclosed, with lesser redactions. All items relate to witnesses the Prosecution intends to rely on at trial.⁴



Fatou Bensouda

Prosecutor

Dated this 12th day of February 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.

³ ICC-01/09-01/11-589-Conf-Red

⁴ ICC-01/09-01/11-564-Conf-Exp.