

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No: ICC-01/09-02/11

Date: 21 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,
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

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Counsel for Uhuru Muigai Kenyatta

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Legal Representatives of Victims

Fergal Gaynor

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

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Defence Support Section

Victims and Witnesses Unit

Maria Luisa Martinod-Jacome

Detention Section

Victims Participation and Reparations Section

Other

1. The Prosecution submits its communication of the disclosure of incriminatory evidence pursuant to Articles 61(3)(b), 64(3)(c) and 67(1)(a) and (b) of the Rome Statute.
2. On 9 July 2012, the Chamber in its “Decision on the schedule leading up to trial” ordered the Prosecution to complete disclosure of the reports of any expert witness to be called during the Prosecution case by 14 February 2013.¹
3. Accordingly, on 14 February 2013, the Prosecution disclosed to the Defence the expert reports of Hervé Maupeu (Witness 464) and Lars Bromley (Witness 488), as well as certain related material. The Prosecution also informed the Defence that it expected to receive an addendum from Mr Bromley that would be sent to the Defence by e-mail later that day and disclosed formally as soon as possible. On 14 February 2013, the Prosecution indeed provided this material to the Defence via e-mail.² The 17 expert-related items disclosed to the Defence are listed in Confidential Annex A.³



Fatou Bensouda,
Prosecutor

Dated this 21st of February 2013
At The Hague, The Netherlands

¹ ICC-01/09-02/11-451, para. 22.

² The Prosecution formally disclosed this material comprising nine items on 15 February 2013.

³ On 18 February 2013, the Prosecution reissued all 17 items, some of which had been found to be partly illegible. In addition, the Prosecution corrected a number of errors in the “Source identity” and “People/Organizations” metadata fields in the reissued items.