

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/09-01/11
Date: 25 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

Ms. Fatou Bensouda

Ms. Cynthia Tai

Counsel for the Defence

For William Samoei Ruto:

Mr. David Hooper

Mr. Kioko Kilukumi Musau

For Joshua Arap Sang:

Mr. Joseph Kipchumba Kigen-Katwa

Mr. Silas Chekera

Legal Representatives of Victims

Mr. Wilfred Nderitu

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for Victims

Ms. Paolina Massidda

The Office of Public Counsel for the Defence

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms. Silvana Arbia

Deputy Registrar

Mr. Didier Preira

Counsel Support Section

Victims and Witnesses Unit

Ms. 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 material pursuant to Rule 77 of the Rules of Procedure and Evidence ("the Rules").
2. On 22 February 2013, the Prosecution disclosed 17 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 "Decision on Prosecution's application to disclose one additional document"³ as well as pursuant to the Defence's request to re-disclose one item. The Prosecution also disclosed items relating to one Expert Witness.



Fatou Bensouda

Prosecutor

Dated this 25th 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-01/09-01/11-614