

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No: ICC-01/09-02/11

Date: 4 March 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

Fatou Bensouda
Adesola Adeboyejo

Counsel for Francis Kirimi Muthaura

Karim A. Khan QC, Essa Faal, Kennedy Ogetto and Shyamala Alagendra

Counsel for Uhuru Muigai Kenyatta

Steven Kay QC and Gillian Higgins

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

Amicus Curiae

REGISTRY

Registrar

Silvana Arbia
Didier Preira, Deputy-Registrar

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 and notifies the Chamber of the disclosure of material falling within Rule 77 of the Rules of Procedure and Evidence.
2. The Prosecution has disclosed a total of 26 items, listed in Confidential Annex A.
3. On 27 February 2013, the Prosecution disclosed 18 items to the Defence. The Prosecution disclosed to the Defence the identity of one witness for whom delayed disclosure had been authorized by the Chamber – namely Witness 429 –¹ and re-disclosed the relevant witness material without redactions previously applied to the identity of this witness under Category B.1.²
4. On 1 March 2013, the Prosecution disclosed eight items, including five transcripts and/or translations of previously disclosed video material, and the English translation of the report of expert witness Hervé Maupeu (Witness 464) that the Prosecution disclosed on 14 February 2013 in French (original language). The Prosecution also disclosed two audio recordings of conversations related to Witness 232, which had been disclosed on 25 February 2013 in transcribed form.



Fatou Bensouda,
Prosecutor

Dated this 4th of March 2013

At The Hague, The Netherlands

¹ ICC-01/09-02/11-619-Conf-Red, para 15 and pp. 8-9.

² The Prosecution also disclosed two unsigned copies of the witness's non-ICC, prior statement disclosed to the Defence on 30 November 2012 in redacted form.