



Original: English

No.: ICC-01/09-02/11

Date: 25 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. UHURU MUIGAI KENYATTA***

Public with Annex A

Prosecution submission on agreements as to evidence

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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Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
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Victims and Witnesses Unit

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**Victims Participation and Reparations
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Other

1. On 9 July 2012, the Chamber directed the Prosecution and Defence (together, the “Parties”) to submit their “[s]econd joint prosecution/defence filing on agreed facts pursuant to Rule 69 and evidence” (“Second Agreed Facts Submission”) by 8 March 2013.¹
2. On 8 March 2013, the Prosecution filed an “application pursuant to Regulation 35 for a variation of the time limit to submit agreed facts”.²
3. On 22 March 2013, the Chamber issued its “Decision on prosecution application for a variation of the time limit to submit agreed facts”, extending the deadline for the Second Agreed Facts Submission until 25 March 2013.³
4. Discussions between the Parties have resulted in agreements on certain facts and the authenticity of documents, listed in Annex A. Of the 112 facts proposed by the Prosecution, the Defence agreed to 24. Of the 291 documents proposed for agreement as to their authenticity, the Defence agreed to 57. Pursuant to the Chamber’s direction to keep the matter of agreed facts “under review”,⁴ the Parties will communicate any future agreements, should they be reached, to the Chamber at the earliest opportunity.



Fatou Bensouda,
Prosecutor

Dated this 25th of March 2013
At The Hague, The Netherlands

¹ ICC-01/09-02/11-451, para 23.

² ICC-01/09-02/11-685.

³ ICC-01/09-02/11-702, p 5.

⁴ ICC-01/09-02/11-702, para 5.