

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 12 April 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
Mr. James Stewart
Ms. Cynthia Tai

Counsel for the Defence

For William Samoei Ruto:

Mr. Karim Khan
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 as well as material pursuant to Rule 77 of the Rules of Procedure and Evidence ("the Rules").
2. On 8 April 2013, the Prosecution disclosed 237 items, as spelled out in the list attached as Confidential Annex A². The items disclosed are items listed on the Prosecution's List of Evidence, and which have previously been disclosed to the Defence as PEXO or Rule 77 material and audio recordings of interviews carried out pursuant to Rule 111 of the Rules of Procedure and Evidence, upon request of the Defence. The signed statements relating to these witnesses have already been previously disclosed to the Defence. Other items disclosed include transcripts or translations of audio or video recordings which appear on the Prosecution's List of Evidence, previously disclosed to the Defence as incriminating material and English translations of two documents previously disclosed to the Defence in French, relating to expert witness P-464.



Fatou Bensouda

Prosecutor

Dated this 12th day of April 2013

At The Hague, The Netherlands

¹ ICC-01/09-01/11-482.

² Annex A is classified as Confidential due to the confidential nature of the materials disclosed.