

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No: ICC-01/09-02/11

Date: 16 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. 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  
James Stewart  
Adesola Adeboyejo

**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**

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Didier Preira

**Defence Support Section**

**Victims and Witnesses Unit**  
Maria Luisa Martinod-Jacome

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. The Prosecution herewith 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 (the “Statute”). The Prosecution also notifies the Chamber of the disclosure of the potentially exculpatory evidence pursuant to Article 67(2) of the Statute, and of material falling within Rule 77 of the Rules of Procedure and Evidence (the “Rules”). In total the Prosecution disclosed to the Defence 85 items, listed in Confidential Annex A.
2. On 10 April 2013, the Prosecution re-disclosed materials related to Witness 118, lifting the redactions previously applied to identifying information under Category B.1.<sup>1</sup>
3. In fulfilment of its on-going disclosure obligations the Prosecution has conducted an extensive review of the material in its possession and, as a result, disclosed additional items as material potentially falling within Rule 77 of the Rules.
4. The Prosecution also disclosed lesser redacted versions of the victim applications of five of its trial witnesses previously disclosed on 9 January 2013.
5. Finally, the Prosecution disclosed one newly registered transcript of previously disclosed video material and two translations of previously disclosed articles written by expert Witness 464.

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<sup>1</sup> The Prosecution notes that on 4 April 2013, the Prosecution informed the Defence via e-mail of the identity of Witness 118 in compliance with the Trial Chamber’s decision of 21 December 2012 (ICC-01/09-02/11-580-Conf-Red).



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Fatou Bensouda,  
Prosecutor

Dated this 16<sup>th</sup> of April 2013  
At The Hague, The Netherlands