

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/09-02/11

Date: 29 April 2013

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr and
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

Registrar

Herman von Hebel

Deputy Registrar

Didier Daniel Preira

Defence Support Section

Victims and Witnesses Unit

Patrick Craig

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. The Prosecution also notifies the Chamber of the disclosure of material falling within Rule 77 of the Rules of Procedure and Evidence.
2. On 24 April 2013, the Prosecution disclosed to the Defence a total of 29 items listed in Confidential Annex A. The Prosecution disclosed to the Defence the identity of Witness 505 for whom delayed disclosure had been authorised by the Chamber¹ and re-disclosed the relevant witness material without the redactions previously applied to the identity of this witness under Category B.1. The Prosecution also lifted certain redactions which were, among others, subject of the relief sought in the Prosecution application to maintain B.3 redactions to certain disclosed materials,² ruled upon by the Chamber in its decision of 4 April 2013.³
3. Further, the Prosecution disclosed three additional items, including one transcript of the screening of Witness 505, the Agreement on Statement of Limited Use signed by Witness 505 during his interview, as well as the English translation of an article written by expert Witness 464, previously disclosed to the Defence.

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

² ICC-01/09-02/11-638-Conf-Red.

³ ICC-01/09-02/11-712-Conf.



Fatou Bensouda,
Prosecutor

Dated this 29th of April 2013
At The Hague, The Netherlands