



Original: English

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

Date: 6 May 2013

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr
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 and confidential, *ex parte* Annex B

**Prosecution submission of the Second Updated Document Containing the
Charges and the Updated pre-trial brief**

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

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Other

1. Pursuant to the Chamber's 26 April 2013 order contained within its "Decision on defence application pursuant to Article 64(4) and related requests",¹ the Prosecution hereby submits an updated version of the document containing the charges ("Second Updated DCC") and the pre-trial brief ("Updated PTB"), reflecting the withdrawal of charges against Mr Muthaura.
2. The Prosecution has re-inserted the allegation that gunshots were the cause of some of the alleged killings in Naivasha into the Second Updated DCC, pursuant to the Pre-Trial Chamber's "Decision on the 'Prosecution's Request to Amend the Final Updated Document Containing the Charges Pursuant to Article 61(9) of the Statute'".²
3. Confidential Annex A contains an unredacted version of the Second Updated DCC. It is filed confidentially because it identifies individuals allegedly involved in the post-election violence, whose identities the Pre-Trial Chamber redacted from the public version of the confirmation decision. Confidential, *ex parte*, Annex B contains an unredacted version of the Updated PTB. It is designated *ex parte* because references therein may lead to the identification of the remaining delayed disclosure witnesses. Redacted versions of Annexes A and B will be filed.



Fatou Bensouda,
Prosecutor

Dated this 6th of May 2013
At The Hague, The Netherlands

¹ ICC-01/09-02/11-728, para. 116, p. 56.

² ICC-01/09-02/11-700-Corr.