

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 7 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. 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

Mr. Herman von Hebel

Counsel Support Section

Deputy Registrar

Mr. Didier Preira

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 exculpatory evidence pursuant to Article 67(2) of the Rome Statute ("the Statute").
2. On 29 April 2013, the Prosecution disclosed 5 items, as spelled out in the list attached as Confidential Annex A². The disclosed items are lesser redacted versions of witness statements and other documents related to trial witnesses, which have previously been disclosed to the Defence.³ The disclosure also included unredacted versions of documents which were previously disclosed to the Defence, redactions having been lifted in response to a Defence request.



Fatou Bensouda
Prosecutor

Dated this 7th day of May 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.

³ In compliance with the Chamber's order ICC-01/09-01/11-695-Conf-Red.