



Original: English

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

Date: 10 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

Mr. Patrick Craig

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, exculpatory evidence pursuant to Article 67(2) of the Rome Statute ("the Statute") as well as materials pursuant to Rules 76 and 77 of the Rules of Procedure and Evidence ("the Rules").
2. On 6 May 2013, the Prosecution disclosed 46 items, as spelled out in the list attached as Confidential Annex A². The disclosed items are audio recordings of interviews previously disclosed with redactions.³ The disclosure also included context and excerpts of screening notes of certain non-trial witnesses, as well as context and excerpts from screening notes previously disclosed to the Defence in summary form, and an email from the Victims and Witnesses Unit to the Gender and Children's Unit⁴.



Fatou Bensouda

Prosecutor

Dated this 10th 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 and ICC-01/09-01/11-518-Conf.

⁴ A courtesy copy of the email had been forwarded to the Defence via email the week before.