

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/09-02/11

Date: 15 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

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

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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**

Paolina Massidda
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**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel
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Defence Support Section

Victims and Witnesses Unit

Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Fiona McKay

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 Statute. The Prosecution also notifies the Chamber of the disclosure of 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.
2. On 10 May 2013, the Prosecution disclosed to the Defence a total of 30 items, listed in Confidential Annex A, in compliance with the Chamber's 4 April 2013 decision ordering the Prosecution to disclose confidentially to the Defence the material underlying its two 11 February 2013 applications with B.3 identifying information redactions lifted.¹
3. The Prosecution has maintained limited B.3 redactions applied to the contact information of third parties, including witnesses' family members, pursuant to the Redactions Protocol² and the Chamber's 4 April 2013 decision.³



Fatou Bensouda,
Prosecutor

Dated this 15th day of May 2013
At The Hague, The Netherlands

¹ ICC-01/09-02/11-712-Conf, para. 26, p.16. The Prosecution notes that the document contained in Annex 2 to ICC-01/09-02/11-636-Conf-Exp was disclosed previously in non-redacted form. The Prosecution has nevertheless re-disclosed the item in compliance with the Chamber's decision. The Prosecution further notes that the material contained in Annex 5 to ICC-01/09-02/11-638-Conf-Exp was excluded from the current disclosure as it has already been disclosed to the Defence, on 24 April 2013, with B.3 redactions lifted.

² ICC-01/09-02/11-495-AnxA-Corr, para. 58.

³ ICC-01/09-02/11-712-Conf, para. 33.