

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/09-02/11

Date: 3 June 2013

TRIAL CHAMBER V(b)

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

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**

Paolina Massidda
Caroline Walter

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel
Didier Daniel Preira

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 26 April 2013, the Chamber ordered the Prosecution to conduct a review of its case file and to certify by 21 May 2013 that it had reviewed all materials in its possession.¹ As explained in the Prosecution's 21 May 2013 certification, the Prosecution conducted its review using the broadest possible interpretation of the statutory provisions and ICC case law governing the scope of the Prosecution's disclosure obligations.² This inclusive approach resulted in the disclosure of previously undisclosed material. Disclosure took place on 28 May 2013. A total of 166 items were disclosed, which included items identified during the review ordered by the Chamber and other materials previously identified for disclosure, such as transcriptions/translations and/or lesser redacted versions of previously disclosed material. The items disclosed are listed in Confidential Annex A.



Fatou Bensouda,
Prosecutor

Dated this 3 June 2013

At The Hague, The Netherlands

¹ ICC-01/09-02/11-728, paragraph 97.

² ICC-01/09-02/11-740, paragraphs 2, 16-17 & 20.