

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/09-02/11

Date: 10 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
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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 material falling within Rule 77 of the Rules of Procedure and Evidence.
2. On 7 June 2013, the Prosecution disclosed to the Defence a total of 13 items, listed in Confidential Annex A. The disclosed items included the interview records of the most recent interview with Witness 219, pursuant to the Prosecution's undertaking in its 5 June 2013 communication of the disclosure of evidence.¹
3. The Prosecution has also reissued metadata fields "Source identity" and "Chain of custody notes" for 12 documents lifting the redactions applied previously to the name of an OTP source.²



Fatou Bensouda,
Prosecutor

Dated this 10th day of June 2013
At The Hague, The Netherlands

¹ ICC-01/09-02/11-750, para. 2.

² The Prosecution notes that on 28 May 2013 the Defence was provided with the ERNs of the 12 items through the disclosure letter which also specified the name of the OTP source.