

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No: ICC-01/09-02/11

Date: 11 July 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

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Legal Representatives of Victims

Fergal Gaynor

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

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REGISTRY

Registrar

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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 9 July 2013, the Prosecution disclosed 50 items, listed in Confidential Annex A. The disclosed items include investigators' reports and file notes, which provide additional context for previously disclosed recordings related to Witness 12.
3. Finally, the Prosecution has disclosed audio recordings of interviews with Witnesses 2, 5¹ and 118.²



Fatou Bensouda,
Prosecutor

Dated this 11th day of July 2013
At The Hague, The Netherlands

¹ On 11 June 2013, *via* e-mail correspondence, the Prosecution offered to disclose to the Defence audio recordings of interviews related to Witnesses 2 and 5 for the sake of completeness. The Prosecution had previously disclosed the signed Rule 111 statements that captured the information Witnesses 2 and 5 provided during those interviews.

² The Prosecution has disclosed the audio files related to Witness 118 interviews as a courtesy following the Defence request on 20 June 2013 *via* e-mail correspondence.