

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 29 July 2013

TRIAL CHAMBER V(A)

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Robert Fremr

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
Mr. Anton Steynberg

Counsel for the Defence

For William Samoei Ruto:

Mr. Karim Khan
Mr. David Hooper
Ms. Shyamala Alagendra

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 to the Defence of potentially 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 25 July 2013, the Prosecution disclosed 33 items, as described in Confidential Annex A². The disclosed items include summaries of potentially exonerating material relating to a report and to a non-trial witness, statements and associated materials relating to two witnesses, an audio-recording relating to another witness. The Prosecution also disclosed a summary of Rule 77 materials relating to a non-trial witness and various media and other reports.



Fatou Bensouda, Prosecutor

Dated this 29th day of July 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.