



Original: English

No.: ICC-01/09-02/11
Date: 14 August 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: The 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
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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, and of material falling within Rule 77 of the Rules of Procedure and Evidence.
2. On 12 August 2013, the Prosecution disclosed 31 items, listed in Confidential Annex A. The disclosed items include statements taken from Witnesses 217, 428, 429, 430, 493, 494, 505, 506 and 510. Limited redactions were applied to interview locations and an interpreter's identifying information.
3. Further, the Prosecution disclosed a statement taken from Witness 4 on 5 August 2013, and a related investigator's report in accordance with the Chamber's order.¹
4. Finally, the Prosecution has re-disclosed certain witnesses' transcripts with corrections made to the ERNs of original audio files mentioned in the cover pages,² and disclosed four items recently collected.



Fatou Bensouda,
Prosecutor

Dated this 14th day of August, 2013
At The Hague, The Netherlands

¹ ICC-01/09-02/11-756.

² An extra page was attached to the transcripts, specifying the nature and location of the correction, in compliance with the procedure envisaged under the E-court Protocol, ICC-01/09-02/11-449, para. 2(b).