



Original: English

No.: ICC-01/09-02/11
Date: 27 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, *ex parte*, Prosecution, VWU, Legal Representative for
Victims and OPCV only Annex A**

**Prosecution's request for authorisation to disclose with lesser redactions
victim's application related to Witness 232**

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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Other

1. In accordance with Article 64(6)(a) of the Rome Statute, Regulations 23*bis*, 33(1)(d) and 42 of the Regulations of the Court, and the Chamber's "Decision on the protocol establishing a redactions regime" ("Protocol"),¹ the Prosecution hereby requests authorisation to disclose to the Defence with lesser redactions one victim's application related to Witness 232.
2. The authorisation to disclose with lesser redactions is requested for the victim application bearing the ERN KEN-OTP-0109-0377. This victim's application was originally attached as a "confidential, *ex parte*, Registry and OTP only" annex to the Registry's "Second transmission to the Pre-Trial Chamber of applications to participate in the proceedings".² The Defence contemporaneously received this application in redacted form. Out of an abundance of caution, due to the current classification of this application in the Registry's annex, the Prosecution is seeking the Chamber's permission to disclose this document to the Defence with lesser redactions.
3. In order to minimise delay, the Prosecution and the Legal Representative for Victims have reached a common position on the lesser redacted version of this victim's application. The proposed lesser redactions – applied to contact information of the witness and innocent third parties³ – can be inspected by the Chamber in Annex A to this submission.⁴
4. If the Chamber grants this request, the Prosecution will disclose this victim's application with lesser redactions to the Defence as soon as possible.

¹ ICC-01/09-02/11-495.

² ICC-01/09-02/11-199-Conf-Exp-Anx1. This initial application, submitted on behalf of a witness's deceased relative, was rejected by the Pre-Trial Chamber (see ICC-01/09-02/11-267, para. 73(ii)). The witness later submitted a second application form on his own behalf, which was annexed to his statement. The OPCV informed the Prosecution on 16 August 2013 that Witness 232 now qualifies as a registered victim.

³ See ICC-01/09-02/11-495-AnxA-Corr, paras 56, 58.

⁴ The proposed redactions are highlighted in green and purple.

Conclusion

5. The Prosecution respectfully requests that the Chamber authorise the Prosecution to disclose to the Defence the victim's application KEN-OTP-0109-0377, with lesser redactions applied in accordance with the Protocol.



Fatou Bensouda,
Prosecutor

Dated this 27th day of August, 2013
At The Hague, The Netherlands