



Original: English

No.: ICC-01/09-02/11
Date: 5 September 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

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
Caroline Walter

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel
Didier Preira

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 Rome Statute ("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 4 September 2013, the Prosecution disclosed 39 items, listed in Confidential Annex A. The disclosed items include newly collected CIPEV materials containing, *inter alia*, prior statements of Witnesses 2, 360, 390 and 533.
3. Further, the Prosecution disclosed translations and transcriptions of incriminating audio/video files, which were previously disclosed to the Defence.
4. Finally, at the Defence's request, the Prosecution disclosed materials related to Witness 232.



Fatou Bensouda,
Prosecutor

Dated this 5th day of September, 2013
At The Hague, The Netherlands