



Original: English

No.: ICC-01/09-02/11

Date: 8 October 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
Benjamin Gumpert

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 material falling within Rule 77 of the Rules of Procedure and Evidence.
2. On 4 October 2013, the Prosecution disclosed 11 items, listed in Confidential Annex A. The disclosed items include four recordings of phone conversations between Witness 12 and OTP investigators, and corresponding transcripts.¹ The Prosecution also disclosed a recording of a phone conversation between Witness 12 and his family in Kikuyu language. The relevance of this recording became apparent to the Prosecution after it received the translation of the conversation.
3. Further, the Prosecution disclosed a newly collected video and a press article related to Witness 12.



Fatou Bensouda,
Prosecutor

Dated this 8th day of October, 2013
At The Hague, The Netherlands

¹ The content of two of these conversations was previously disclosed to the Defence in the form of an investigator's report. The other two are the witness' translation of his prior conversations in Kikuyu, the recordings of which the Defence already has in its possession.