



Original: English

No.: ICC-01/09-02/11
Date: 16 December 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

Prosecution communication of withdrawal of Witness 66

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 Applicants

Unrepresented Victims

**Unrepresented Applicants for
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Victims and Witnesses Unit

Patrick Craig

Detention Section

**Victims Participation and Reparations
Section**

Fiona McKay

Other

1. The Prosecution hereby notifies the Chamber that it no longer intends to rely on Witness 66 for trial. The witness continues to object to the disclosure of her identity, recently informing the Prosecution that she still has strong concerns for her personal safety and that of her family.
2. Under the circumstances, the Prosecution's obligations to its witnesses under Article 68(1) outweigh its other obligations. Given that the Prosecution has no further means of mitigating the witness's concerns, it has no other option but to withdraw Witness 66 from its list of witnesses.
3. In the circumstances the Prosecution requests that it be relieved of the duty to disclose this individual's identity in accordance with the Chamber's 6 December 2013 order.¹ The order is no longer applicable now that the individual concerned will not be giving evidence.
4. The Prosecution hereby gives notice that it may make applications pursuant to Regulation 35 of the Regulations of the Court in the future if a suitable replacement for this witness is found.



Fatou Bensouda,
Prosecutor

¹ ICC-01/09-02/11-869-Conf.

Dated this 16th day of December, 2013
At The Hague, The Netherlands