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No.: ICC-01/09-02/11
Date: 19 January 2015

TRIAL CHAMBER V(B)

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Robert Fremr
Judge Geoffrey Henderson

SITUATION IN THE REPUBLIC OF KENYA

***IN THE CASE OF
THE PROSECUTOR V. UHURU MUIGAI KENYATTA***

Public

**Prosecution submission of the public redacted version of the second updated
pre-trial brief**

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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1. On 26 August 2013, the Office of the Prosecutor (“Prosecution”) filed confidentially its second updated pre-trial brief (“PTB”).¹
2. On 5 December 2014, the Prosecution withdrew the charges against Mr Kenyatta.²
3. On 11 December 2014, at the request of the Legal Representative of Victims,³ the Trial Chamber V(B) (“Chamber”) ordered the Prosecution to file a public redacted version of the PTB. The Chamber noted that “the direct reasons for the current classification of the PTB no longer exist” and that it is “consistent with [the Chamber’s] obligation to ensure publicity of the case record to order the filing of a redacted version of the PTB”.⁴
4. In compliance with this order, the Prosecution files today its public redacted version of the PTB. The redactions made are consistent with the Prosecution’s ongoing obligation to protect the safety of witnesses, victims, and innocent third parties.⁵
5. Further, the Prosecution notes that the PTB contains allegations that are no longer sustainable. They are supported solely by witnesses upon whom the Prosecution would not have relied at trial. These allegations are at:
 - Paragraph 12, lines 6-7, footnote 56;
 - Paragraph 26, lines 4-15, footnotes 116-121;
 - Paragraph 33, lines 4-6, footnote 159;
 - Paragraph 36, lines 7-10, footnote 170;
 - Paragraph 40, lines 5-7, footnote 186;
 - Paragraph 49, lines 1-3, footnote 209;

¹ ICC-01/09-02/11-796; ICC-01/09-02/11-796-Conf-AnxA.

² ICC-01/09-02/11-983.

³ ICC-01/09-02/11-970-Red.

⁴ ICC-01/09-02/11-988, p. 9.

⁵ Article 68 of the Rome Statute.

- Paragraph 50, lines 1-3, footnote 211;
- Paragraph 53, lines 1-2, footnote 227;
- Paragraph 71, lines 1-7 and 11-15, footnotes 313, 314, 316, 323-325;
- Paragraph 72, lines 10-14, footnotes 332, 333;
- Paragraph 89;
- Paragraph 90, lines 1-4, 6-9, footnotes 428, 429, 431, 432;
- Paragraph 91, lines 1-4, footnotes 433-435;
- Paragraph 93, lines 1-11, footnotes 437-444;
- Paragraph 114, bullet points 3 and 12, line 2;
- Paragraph 116, bullet point 2;
- Paragraph 117, lines 7-8, footnote 541;
- Paragraph 118, bullet point 3;
- Paragraph 123, lines 9-10; and
- Paragraph 127, lines 6-7.



Fatou Bensouda, Prosecutor

Dated this 19th day of January 2015
At The Hague, The Netherlands