

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 22 January 2013

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Christine Van den Wyngaert
Judge Chile Eboe-Osuji

SITUATION IN THE REPUBLIC OF KENYA

**IN THE CASE OF
THE PROSECUTOR v. WILLIAM SAMOEI RUTO and JOSHUA ARAP
SANG**

Confidential

Prosecution's Notification of Disclosure of Witness P-376

Source: 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

Ms. Fatou Bensouda, Prosecutor

Ms. Cynthia Tai, Trial Lawyer

Counsel for the Defence

For William Samoei Ruto

Mr. David Hooper

Mr. Kioko Kilukumi Musau

For Joshua Arap Sang

Mr. Joseph Kipchumba Kigen-Katwa

Mr. Joel Kimutai Bosek

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

States' Representatives

Amicus Curiae

REGISTRY

Registrar & Deputy Registrar

Ms. Silvana Arbia, Registrar

Mr. Didier Preira, Deputy Registrar

Defence Support Section

Victims and Witnesses Unit

Ms. Maria Luisa Martinod-Jacome

Detention Section

**Victims Participation and Reparations
Section Others**

1. In its application of 5 November 2012,¹ the Prosecution sought delayed disclosure of the identities of nine witnesses beyond the imposed 9 January 2013 deadline for disclosure. One witness was P-376.
2. On 4 January 2013, the Chamber issued its decision on the Prosecution's application,² denying the Prosecution's request as to witness P-376.
3. On 9 January 2013, the Prosecution filed an urgent application requesting the Chamber to authorise a delay of an additional two weeks in order for it to communicate P-376's incriminatory material and his identity to the defence.³ On 10 January, the Chamber granted this request.⁴
4. The Prosecution hereby notifies the Chamber that the security measures for P-376 have been implemented and that it will therefore re-disclose his materials, with redactions to his identity lifted, to the Defence today.



Fatou Bensouda, Prosecutor

Dated this 22nd day of January 2013

At The Hague, The Netherlands

¹ ICC-01/09-01/11-468-Conf-Exp and ICC-01/09-01/11-468-Conf-Red.

² ICC-01/09-01/11-531-Conf-Exp and ICC-01/09-01/11-531-Conf-Red.

³ ICC-01/09-01/11-537-Conf-Exp and ICC-01/09-01/11-537-Conf-Red.

⁴ ICC-01/09-01/11-543-Conf.