

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

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

Date: 15 July 2011

**PRE-TRIAL CHAMBER II**

**Before:** Judge Ekaterina Trendafilova, Presiding Judge  
Judge Hans-Peter Kaul  
Judge Cuno Tarfusser

**SITUATION IN THE REPUBLIC OF KENYA**

**IN THE CASE OF THE PROSECUTOR V. WILLIAM SAMOEI RUTO, HENRY  
KIPRONO KOSGEY AND JOSHUA ARAP SANG**

**Confidential**

**Prosecution's response to the Single Judge's order  
to produce legible documents by 15 July 2011**

**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**

Luis Moreno-Ocampo, Prosecutor  
Fatou Bensouda, Deputy Prosecutor

**Counsel for the Defence**

Mr. Kioko Kilukumi Musau, Mr. Joseph Kipchumba Kigen-Katawa, Mr. David Hooper QC, Mr. Kithure Kindiki, Mr. George Odinga Oraro, Mr. Julius Kipkosgei Kemboy, Mr. Allan Kosgey, Mr. Joel Kimutai Bosek and Mr. Philemon K.B. Koech

**Legal Representatives of Victims**

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants for Participation/Reparation**

**The Office of Public Counsel for Victims**

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

**States Representatives**

**Amicus Curiae**

**REGISTRY**

Ms. Silvana Arbia

**Deputy Registrar**

Mr. Didier Preira

**Victims and Witnesses Unit**

Maria Luisa Martinod-Jacome

**Defence Support Section**

**Detention Section**

**Victims Participation and Reparations Section**

**Other**

1. On 28 June 2011, the Prosecution submitted the "Prosecutor's First Application Pursuant to Rule 81(2) and 81(4) for Redactions to Potentially Exculpatory Evidence".<sup>1</sup> This application included a request to redact document KEN-OTP-0039-1467. When the Prosecution received this evidence from the Government of Kenya, the last four pages (1529-1532) were largely illegible.
2. On 14 July 2011, the Single Judge ordered the Prosecution to re-submit a readable copy of these four pages.<sup>2</sup> The Prosecution regrets that it cannot produce a more readable copy of these four documents, as it does not possess them.



Dated this 15<sup>th</sup> day of July 2011

At The Hague, The Netherlands

---

<sup>1</sup> ICC-01/09-01/11-150-Conf-Exp and related annexes.

<sup>2</sup> ICC-01/09-01/11-195-Conf, para. 18 and p. 8. The Chamber's decision appears to refer to "the last four pages" being illegible, and "pp. 104-108" of Annex C2, which is also KEN-OTP-0039-1528 until KEN-OTP-0039-1532. Upon review, it appears that only pp. 105-108, or KEN-OTP-0039-1529 until KEN-OTP-0039-1532, which constitute the last four pages of this document, are illegible. The Prosecution is of the belief that the Single Judge's order concerns only these final four pages at 1529-1532.