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

Date: **10 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*

**Public Redacted Version
with Confidential Redacted Annex A**

**Prosecution's provision of supplemental material to confidential *ex parte*
Prosecution and Victims and Witnesses Unit Only Annex 3 to the "Third
application for delayed disclosure of witness identities" (ICC-01/09-01/11-521-
Conf-Exp)**

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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Other

1. On 27 December 2012, the Prosecution filed its “Third application for delayed disclosure of witness identities”, with confidential *ex parte* Prosecution and Victims and Witnesses Unit Only Annexes 1-5 (“Third Delayed Disclosure Application”), requesting delayed disclosure of, *inter alia*, P-0534.¹
2. The Prosecution hereby submits confidential *ex parte* Prosecution and VWU only Annex A, which includes the draft transcripts of the interview of P-0534 with the proposed redactions thereto, and an explanatory chart. The interview of P-0534 took place [REDACTED].² The transcripts were not available on 27 December when the Third Delayed Disclosure Application was filed.³ Annex A also includes material related to P-0534’s re-interview – 1 sketch – which was drawn by the witness during the interview.
3. Annex A is designated confidential *ex parte* because it contains “see through” redactions to assist the Chamber. The Prosecution respectfully requests the Chamber to consider this material when ruling upon the Third Delayed Disclosure Application.

¹ ICC-01/09-01/11-521-Conf-Exp. Information on P-0534’s security was provided in ICC-01/09-01/11-521-Conf-Exp-Anx3.

² [REDACTED].

³ The draft transcripts were prepared and registered on an expedited basis in order to provide the defence with the substance of the witness’ evidence as soon as possible. A final version of the transcripts will be finalised, filed and disclosed as soon as possible.

4. In accordance with the Chamber's direction,⁴ redacted versions of the materials and a confidential redacted version of the annex will be disclosed to the Defence forthwith.



Fatou Bensouda,
Prosecutor

Dated this 10th of January 2013
At The Hague, The Netherlands

⁴ ICC-01/09-01/11-482, para 8.