

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/09-01/11**
Date: **4 September 2014**

TRIAL CHAMBER V(A)

Before: Judge Chile Eboe-Osuji, Presiding Judge
Judge Olga Herrera Carbuccion
Judge Robert Fremr

SITUATION IN THE REPUBLIC OF KENYA

*IN THE CASE OF
THE PROSECUTOR V. WILLIAM SAMOEI RUTO AND JOSHUA ARAP SANG*

**Confidential Document
With Confidential Annex 1**

Prosecution's submission of its further updated List of Evidence

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

Ms Fatou Bensouda

Mr James Stewart

Mr Anton Steynberg

Counsel for the Defence

For William Samoei Ruto:

Mr Karim Khan

Mr David Hooper

Ms Shyamala Alagendra

For Joshua Arap Sang:

Mr Joseph Kipchumba Kigen-Katwa

Ms Caroline Buisman

Legal Representatives of Victims

Mr Wilfred Nderitu

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Other

1. On 21 August 2014, the Prosecution submitted the "Prosecution's eighth application pursuant to Regulation 35(2) of the Regulations of the Court"¹ seeking leave to add 57 items to its List of Evidence ("LoE"). On 29 August 2014, it filed an Addendum² seeking to add a further 23 documents.
2. After receiving responses from the Defence,³ a reply from the Prosecution,⁴ and further oral argument on the matter,⁵ Trial Chamber V(A) permitted the inclusion of the 80 additional items on the Prosecution's LoE⁶ and ordered, *inter alia*, that the Prosecution file its updated LoE into the record of the case forthwith.
3. The Prosecution hereby files as Annex 1 a confidential version of its updated LoE. Redactions contained in the previous version of the Updated LoE⁷ pertaining to P-0604 and P-0613 have now been lifted.



Fatou Bensouda, Prosecutor

Dated this 4th day of September 2014

At The Hague, the Netherlands

¹ ICC-01/09-01/11-1463-Conf, with annexes. On 22 August 2014, a corrigendum was filed as "Corrected version of 'Prosecution's eighth application pursuant to Regulation 35(2) of the Regulations of the Court', 21 August 2014, ICC-01/09-01/11-1463-Conf", ICC-01/09-01/11-1463-Conf-Corr.

² ICC-01/09-01/11-1474-Conf.

³ ICC-01/09-01/11-1466-Conf and ICC-01/09-01/11-1467-Conf.

⁴ ICC-01/09-01/11-1471-Conf.

⁵ ICC-01/09-01/11-T-127-CONF-ENG ET, pp.9-48.

⁶ ICC-01/09-01/11-1485-Conf.

⁷ ICC-01/09-01/11-1065.