



Original: **English**

No.: **ICC-01/09-01/11**
Date: **26 November 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**

**Public document
With Confidential Annex A**

**Prosecution's request for materials related to P-0800 to be admitted into evidence
and assigned evidence (EVD) numbers**

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
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
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Legal Representatives of the Victims

Mr Wilfred Nderitu

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(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

Counsel Support Section

Deputy Registrar

Victims and Witnesses Unit

Mr Nigel Verrill

Detention Section

**Victims Participation and Reparations
Section**

Others

1. P-0800 commenced his testimony on 17 November 2014.¹ At the conclusion of his examination in chief by the Office of the Prosecutor (“Prosecution”) on 20 November 2014, Trial Chamber V(A) directed the Prosecution to submit a filing in respect of the 10 items that the Prosecution used during its questioning of the witness that it wished to tender into evidence.²
2. The relevant materials are listed in confidential Annex A. Pursuant to Regulation 23*bis* of the Regulations of the Court, the Prosecution requests that the annex be classified as “Confidential” since it contains references to confidential evidentiary material.
3. The Defence did not object to the admission into evidence of any of these items.³
4. The Prosecution accordingly requests that the materials listed in Annex A be admitted into evidence as Prosecution exhibits, and assigned evidence numbers (EVDs).



Fatou Bensouda, Prosecutor

Dated this 26th day of November 2014

At The Hague, the Netherlands

¹ ICC-01/09-01/11-T-152-CONF-ENG.

² ICC-01/09-01/11-T-157-CONF-ENG, p.37, lns.3-5.

³ In respect of the audio recordings and corresponding transcripts (items 1-8 in the list appended in Annex A): ICC-01/09-01/11-T-156-CONF-ENG, p.69, l.22 to p.70, ln.14 and ICC-01/09-01/11-T-157-CONF-ENG, p.36, ln.6 to p.37, ln.2. For the photographs (item 9): ICC-01/09-01/11-T-156-CONF-ENG, p.78, lns.15-19. For the signed affidavit (item 10): ICC-01/09-01/11-T-157-CONF-ENG, p.36, ln.6 to p.37, ln.2.