

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No.: ICC-01/09-02/11

Date: 24 May 2013

**TRIAL CHAMBER V(b)**

**Before:** Judge Kuniko Ozaki, Presiding Judge  
Judge Robert Fremr  
Judge Chile Eboe-Osuji

**SITUATION IN THE REPUBLIC OF KENYA**

**IN THE CASE OF  
*THE PROSECUTOR v. UHURU MUIGAI KENYATTA***

**Public  
with one public annex**

**Registry Transmission of a document received from the Government of the  
Republic of Kenya, represented by the Attorney General of Kenya**

**Source:** The Registry

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

**The Office of the Prosecutor**

Ms. Fatou Bensouda

Ms. Adesola Adeboyeyo

**Counsel for Uhuru Muigai Kenyatta**

Mr. Steven Kay

Mr. Gillian Higgins

**Legal Representatives of the Victims**

Mr. Fergal Gaynor

**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**

Mr. Githu Muigai

Attorney General, Republic of Kenya

**Amicus Curiae**

**REGISTRY**

**Registrar**

M Herman von Hebel

**Counsel Support Section**

**Deputy Registrar**

Didier Preira

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

Ms. Fiona McKay

**Other**

**The Registry of the International Criminal Court (the “Court”);**

**NOTING** the “Government of Kenya’s Submissions on the Status of Cooperation with the International Criminal Court, or, in the alternative, Application for Leave to file Observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence” submitted by the Government of the Republic of Kenya on 8 April 2013<sup>1</sup>;

**NOTING** the “Prosecution response to the “Government of Kenya's Submissions on the Status of Cooperation with the International Criminal Court, or, in the alternative, Application for Leave to file Observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence” (ICC-01/09-02/11-713)” submitted by the Office of the Prosecutor on 10 May 2013<sup>2</sup>;

**NOTING** the “Decision constituting Trial Chamber V(a) and Trial Chamber V(b) and referring to them the cases of The Prosecutor v. William Samoei Ruto and Joshua Arap Sang and The Prosecutor v. Uhuru Muigai Kenyatta” rendered by the Presidency on 21 May 2013<sup>3</sup>;

**NOTING** the “Decision notifying the election of the Presiding Judge” rendered by Trial Chamber V(b) on 22 May 2013<sup>4</sup>

**CONSIDERING** that the Registry received, on 23 May 2013 at 10.17 hours, from a Representative of the Kenyan Embassy in the Netherlands, a document entitled “Application by the Government of Kenya for Leave to Reply to the “Prosecution response to the “Government of Kenya's Submissions on the Status of Cooperation

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<sup>1</sup> ICC-01/09-02/11-713

<sup>2</sup> ICC-01/09-02/11-733-Red

<sup>3</sup> ICC-01/09-02/11-739

<sup>4</sup> ICC-01/09-02/11-741

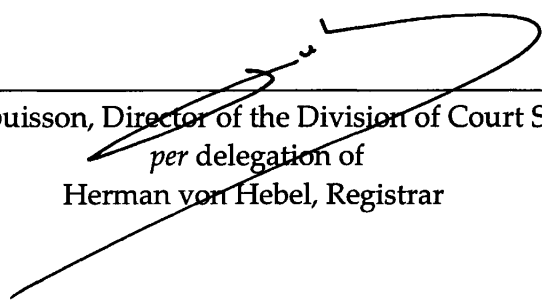
with the International Criminal Court, or, in the alternative, Application for Leave to file Observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence” (ICC-01/09-02/11-713)”.

**CONSIDERING** that the document received was classified as public by the author;

**CONSIDERING** that the document received does not fulfill the necessary requirements with regards to the composition of Trial chamber V(b) in accordance with documents ICC-01/09-02/11-739 and ICC-01/09-02/11-741;

**CONSIDERING** the role of the Registry as the Court's channel of communication under rule 13(1) of the RPE;

**SUBMITS**, respectfully, the present filing along with the document received, as a public annex to this present document;



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Marc Dubuisson, Director of the Division of Court Services  
*per delegation of*  
Herman von Hebel, Registrar

Dated this 24 May 2013

At The Hague in The Netherlands